

ISSN 0219-3213

2015 #02

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Southeast Asia

THE ARMED FORCES IN MYANMAR POLITICS:  
A TERMINATING ROLE?

ROBERT H. TAYLOR



ISEAS Publishing

INSTITUTE OF SOUTHEAST ASIAN STUDIES

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Published by: ISEAS Publishing  
Institute of Southeast Asian Studies  
30 Heng Mui Keng Terrace  
Pasir Panjang, Singapore 119614  
publish@iseas.edu.sg <http://bookshop.iseas.edu.sg>

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### **ISEAS Library Cataloguing-in-Publication Data**

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Taylor, Robert H., 1943–

The Armed Forces in Myanmar Politics : a Terminating Role?

(Trends in Southeast Asia, 0219-3213 ; TRS2/15)

1. Military government—Myanmar.
2. Myanmar—Armed Forces—Political activity.
3. Myanmar—Politics and government—1988-

I. Title.

II. Series: Trends in Southeast Asia ; TRS2/15.

DS501 I59T no. 2(2015)

2015

ISBN 978-981-4620-63-5 (soft cover)

ISBN 978-981-4620-64-2 (e-book, PDF)

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Typeset by Superskill Graphics Pte Ltd

Printed in Singapore by Mainland Press Pte Ltd

# FOREWORD

The economic, political, strategic and cultural dynamism in Southeast Asia has gained added relevance in recent years with the spectacular rise of giant economies in East and South Asia. This has drawn greater attention to the region and to the enhanced role it now plays in international relations and global economics.

The sustained effort made by Southeast Asian nations since 1967 towards a peaceful and gradual integration of their economies has had indubitable success, and perhaps as a consequence of this, most of these countries are undergoing deep political and social changes domestically and are constructing innovative solutions to meet new international challenges. Big Power tensions continue to be played out in the neighbourhood despite the tradition of neutrality exercised by the Association of Southeast Asian Nations (ASEAN).

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# The Armed Forces in Myanmar Politics: A Terminating Role?

By Robert H. Taylor

## EXECUTIVE SUMMARY

- While the constitution under which the current government of President Thein Sein was created in 2011 has all the characteristics expected of a modern republic, the continued autonomy and political role of the armed forces are perceived by opponents of the regime as an anomaly.
- Despite this apparent anomaly, the speed and thoroughness with which the transition from military authoritarian rule to most, if not all, of the features expected of a system of “democratic” rule has surprised most observers and analysts of the current Myanmar situation. The root of their surprise comes from their seeing the transformation as being driven by either endogenous or exogenous forces outside the historical experience and understandings of the leadership of the Myanmar armed forces.
- However, it is in the history of the armed forces and its role in protecting the state from threats to its internal security, territorial integrity, and external security that the basis of the transformation can be found. Also, ensuring the continued viability of the armed forces and the security of its leadership and integrity is also a continuous concern.
- The twenty years between the annulled 1990 general election won by the National League for Democracy (NLD), and the 2010 general election, boycotted by the NLD and won by the army-generated Union Solidarity and Development Party (USDP), were spent by the armed forces creating the conditions which allowed the later transition from military to constitutional rule to take place.
- The army, perceiving that it has had to intervene in politics at five crucial points in Myanmar’s post-independence history in order to



recreate political order, argues that it has now a duty to serve as a “balance” to ensure the continued stability and effectiveness of the government.

- Until the army is assured that the new republican order can function in such a manner as not to threaten the territorial integrity, internal security, and stability of the country, it will insist on maintaining its autonomous role while developing its capacity to function as a modern professional armed force.
- Therefore, given how the Myanmar armed forces leadership understands its role in history, the formation of an acceptable government after the 2015 elections, and the ongoing efforts to reach a political settlement with the country’s numerous armed ethnically designated insurgent groups, will determine the speed and degree to which the army will be willing to allow its autonomous role to be undermined or terminated.

# The Armed Forces in Myanmar Politics: A Terminating Role?

By Robert H. Taylor<sup>1</sup>

## THE ARMY AND THE CONSTITUTION

Since the March 2011 transformation of Myanmar from a military dictatorship into a constitutional republic with a president chosen by the two houses of a largely elected national legislature, there has been near universal agreement that the army should reduce, if not end entirely, its autonomous role in the continued management of the state. The constitution under which the current government was formed contains the features expected of a modern republic: a division of powers between the legislature, the executive, and the judiciary; an elected legislature; an indirectly elected president; and, in principle, a system of checks and balances among the three arms of government. Moreover, there is a multi-party political system, a relatively free press, the right of association under the law, and limited devolution of some governmental functions to fourteen state and regional governments and six autonomous zones, as well as periodic elections and fixed terms of office. While critics insist that these institutions do not as yet produce “genuine democracy” (undefined), they concede that the situation is now vastly more to their liking than was the case for the previous five decades.

However, there are fundamental provisions of the constitution, mainly with regard to the armed forces, which prompt criticism and controversy. In addition to Article 59 that pre-empts individuals with an immediate familial relationship with a person who is a citizen of another state from

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being elected President or Vice-President,<sup>2</sup> the several clauses which authorize the continued autonomy and lack of political accountability of the armed forces (known as the *Tatmadaw*)<sup>3</sup> to any of the three branches of the republic, as well as the ability of the army to deny any constitutional change which can undermine its position, evoke the most fervent calls for amendment. These clauses allow an independent role for the armed forces in contradiction with the expectation under a republican regime of a professional and apolitical military.<sup>4</sup>

These arrangements, of course, are not by accident or oversight. The constitution, the principles of which were formally agreed to by a largely government appointed constitutional assembly, meeting on and off for a decade and a half, and approved in a controversial referendum in 2008, was drafted under the auspices, and guidance, of the previous army-dominated government. Even before the constitutional assembly met, it was made clear in an edict, Order 13/92 (2 October 1992) of then ruling army State Law and Order Restoration Council (SLORC), that one, the last but far from least, of the six principles to be observed in the drafting of the constitution was the “participation of the Tatmadaw in the leading role of national politics in the future.”<sup>5</sup>

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<sup>2</sup> The Chief Minister of Yangon Region and former general U Myint Swe was excluded from consideration for the vice-presidency because one of his sons is believed to be an Australian citizen. *Irrawaddy*, 17 July 2012.

<sup>3</sup> The armed forces of Myanmar, normally referred to as the army in this paper, is composed of the army (*tatmadaw-kyi*), the navy (*tatmadaw-yei*) and the air force (*tatmadaw-lei*). The much smaller navy and air force are integral parts of the defense services under the Commander-in-Chief and do not constitute separate military organizations.

<sup>4</sup> The normally cited authority on this topic is Samuel P. Huntington, *The Soldier and the State* (Cambridge, Mass.: Harvard University Press, 1957), especially pp. 83–85. A succinct statement of this issue in the Myanmar context is found in Melissa Crouch, “Will Myanmar’s Soldiers Return to the Barracks?”. *Asianseninel.com*, 21 June 2013.

<sup>5</sup> The ‘firm constitution’ for which the National Convention was to lay down guiding principles was to be in accord with these requirements:

- a. Non-disintegration of the Union
- b. Non-disintegration of national solidarity

Unsurprisingly, ever since this principle was pronounced, it has provoked controversy and dissent. After the constitution was inaugurated, despite eventual praise that the new republican order evoked from domestic political opponents and previously critical foreign governments, the independent role of the army continued to provoke calls for the amendment of the constitution to end this apparent anomaly.<sup>6</sup> In particular, there are six aspects of the constitution which reformers wish to alter or abolish.<sup>7</sup> Though the 2008 constitution was denounced

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- c. Consolidation and perpetuation of sovereignty
  - d. Emergence of a genuine multi-party democratic system
  - e. Development of eternal principles of justice, liberty and equality of the State
  - f. Participation of the Tatmadaw in the leading role of national politics in the future.

<sup>6</sup> See, for example, “Myanmar’s Parliament to Study Petition for Charter Change by Suu Kyi’s Party”, Radio Free Asia, 11 August 2014.

<sup>7</sup> They are:

- a. The appointment of twenty-five per cent of all members of the central or union level legislatures as well as the fourteen state and regional legislatures by the Commander-in-Chief of the Defense Services, articles 109(b), 141(b), and 161(d) of the constitution dealing with the legislature.
- b. The mandatory appointment of the Ministers of Defense, Home Affairs, and Border Affairs from serving officers nominated by the Commander-in-Chief of Defense Services, article 232(b)(ii) of the constitution dealing with the executive.
- c. The apparent requirement that six of the eleven members of the National Defense and Security Council are serving military officers, article 201 of the constitution dealing with the executive.
- d. The powers derived from article 40(b) of the constitution which deals with basic principles which states: “If there arises or there is sufficient reason to arise a state of emergency endangering life and property of the people in a Region, State or Self-Administered Area, the Defense Services has the right, in accord with the provisions of the Constitution, to prevent that danger and provide protection.” This is coupled with article 40(c) of the same chapter of the constitution, *viz*, “If there arises a state of emergency that could cause disintegration of the Union, disintegration of national solidarity and loss of sovereign power or attempts thereof by wrongful forcible means such as insurgency or violence, the Commander-in-Chief of Defense Services has the right to take over and exercise State sovereign power in accord

at the time of its promulgation as a sham and a fraud, as was the 2010 election which established the first bi-cameral *hluttaw* (parliament) under it, following the inauguration of the first government, that of President (former general) Thein Sein, and the manner in which the constitution, despite its flaws, was implemented, opinion, particularly amongst previously hostile Western governments, quickly began to change. After by-elections in April 2012 allowed for the election of Daw Aung San Suu Kyi and forty-two other members of the political party she heads, the National League for Democracy (NLD), to legislative bodies under

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with the provisions of this Constitution”. This is connected with Chapter 11, Provisions on State of Emergency, which provides the President with wide powers, which he can, in coordination with the National Defense and Security Council, pass to the Commander-in-Chief of the Defense Services full executive, legislative and judicial powers in any part of or the entirety of the Union of Myanmar should he deem a state of emergency exists, and, in *extremis*, the National Defense and Security Council can assume all governmental authority, dissolve the government, and rule until conditions allow for elections and the formation of a new government (articles 410 to 432).

- e. The internal autonomy of the army is established by article 20b of the Basic Principles of the constitution: “The Defense Services has the right to independently (sic) administer and adjudicate all affairs of the armed forces.”
- f. The requirement that at least 75 per cent of the legislature must approve any proposal to amend the fundamental clauses of the constitution which protect the autonomy of the armed forces, etc., as found in article 436(a).

Advocates of constitutional reform in Myanmar, in addition to these powers pertaining to the armed forces, also identify article 59 of the constitution which precludes Daw Aung San Suu Kyi, the leader of the National League for Democracy, from being eligible to serve as president or vice-president of the republic, article 60 which establishes the choice of the president by the two houses of the central legislatures, the *Pyithu Hluttaw* (People’s Assembly) and the *Amyotha Hluttaw* (Nationalities Assembly) meeting collectively as the *Pyidaungsu Hluttaw* (Union Assembly) to elect the president and vice-presidents from nominations advanced separately by the two elected assemblies and the appointed defense service members of the two assemblies collectively, and Chapter VIII, which allows conditions which would allow the abatement of fundamental rights. See, for example, Larry Diamond, “The Opening in Burma: The Need for a Political Pact”, *Journal of Democracy*, Volume 23, Number 4 (October 2012), p. 142.

the constitution, the new regime was embraced as a transformation in progress from a pariah dictatorship to a model of democratization.<sup>8</sup>

## WHY THE SURPRISE?

The speed of change from authoritarian military rule to a functioning constitutional republic between 2011 and now has come as a major surprise to the vast majority of observers. Various reasons, both internal to an apparent logic of Myanmar's previous regime and/or derived from global pressures and examples, have been advanced to explain the ending of military oligarchy and the implementation of what most call "democracy".<sup>9</sup> For dispassionate students of the Myanmar military and its role in history,<sup>10</sup> the transformation was neither a surprise nor a mystery. The transformation was in fact promised long before, as early as in August 1988.<sup>11</sup> The announcement of the coup that replaced the former socialist regime stated that one of the goals of the new military government was "to stage democratic multiparty general elections" after peace, order and the economy had been restored.<sup>12</sup> Two months after the

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<sup>8</sup> The United States government commenced a review of its policies toward Myanmar in 2009 and slowly moved to open a dialogue, which turned into full engagement after 2012. See David I. Steinberg, "Anticipations and Anticipated Responses: The United States and the 2010 Burmese Elections", in Susan L. Levenstein, ed., *Making Dollars, Sense and Legitimacy in Burma* (Washington, D.C.: Woodrow Wilson International Centre for Scholars, 2010), pp. 129–48.

<sup>9</sup> These are summarized in Dan Slater, "The Elements of Surprise: Assessing Burma's Double-Edged Détente", *South East Asia Research*, Vol. 22, No. 2 (June 2014), pp. 173–74.

<sup>10</sup> Contemporary social science tends to denigrate the utility of history to its peril. See, for example, Jacqueline Menager, "Law Fuckers, Cultural Forgers and the Business of Youth Entitlement in Yangon, Myanmar", *South East Asia Research*, Vol. 22, No. 2 (June 2014), p. 202.

<sup>11</sup> Chairman Ne Win proposed a referendum on switching from a single party to a multi-party political system in his resignation speech to the then ruling Myanma Hsoshelit Lanzin Pati in July 2008; his successor but two as president, Dr Maung Maung, held out the prospects of multi-party elections in August 1988.

<sup>12</sup> Announcement No. 1/88 of the State Law and Order Restoration Council, 18 September 1988.

eventually annulled first election in May 1990 which was organized to begin the transformation to a multi-party political system, government spokespersons were still holding out the prospect of a new order until the party which won an overwhelming majority of the seats, the NLD, refused to cooperate with the military government and insisted on an immediate transfer of power.<sup>13</sup> Only after leading civilian political figures refused to cooperate with the army's plans for the creation of a new constitutional order did the thorough suppression of anti-military political activity commence.<sup>14</sup> Since then, army spokespersons<sup>15</sup> and analysts such as Dr Aung Myoe have explained the eventual realization of such a transformation<sup>16</sup> in terms of either the previous political experience of the army or its more recent activities. As early as August 1991, the basic nature of a future constitution was spelled out by a senior army officer in two lengthy articles.<sup>17</sup> However, opponents of the military

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<sup>13</sup> See comments of U Khin Maung Win, Myanmar Ministry of Foreign Affairs, at a conference in Kuala Lumpur on 13 July 1990, "The Way Forward: A Myanmar View", in Rahana Mahmood and Hans-Joachim Esderts, *Myanmar and the Wider Southeast Asia* (Kuala Lumpur: Institute of Strategic and International Studies (ISIS) Malaysia and Friedrich Ebert Stiftung, 1991), pp. 42–48, especially pp. 44–45.

<sup>14</sup> Robert H. Taylor, "Myanmar 1990: New Era or Old?", in *Southeast Asian Affairs 1991* (Singapore: Institute of Southeast Asian Studies, 1991), pp. 199–219, or Derek Tonkin, "The 1990 Elections in Myanmar: Broken Promises or a Failure of Communications?", *Contemporary Southeast Asia*, Vol. 29, No. 1 (April 2007), pp. 33–54.

<sup>15</sup> See, for example, Mya Win, *Tatmadaw's Traditional Role in National Politics* (Yangon: News and Periodical Enterprise, Ministry of Information, 1992) and Nawrahta, *Destiny of the Nation* (Yangon: News and Periodical Enterprise, 1995).

<sup>16</sup> Writing in 1999, for example, he noted, "In the past eleven years, ... the Tatmadaw has taken a number of measures toward effecting a political transition ...", *The Tatmadaw in Myanmar since 1988: An Interim Assessment* (Canberra: Strategic and Defense Studies Centre, Australian National University, November, 1999), Working Paper 342, p. 1.

<sup>17</sup> *Lou'tha: Pyithu Neizin*, 6 and 7 August 1991. The two articles were translated into English and printed in *The Working People's Daily* on 7, 8, 9 and 10 August

believed neither the certainty nor the sincerity of the repeated promises by the army leadership that such a transformation would eventually take place, when the army determined conditions to be appropriate.<sup>18</sup>

Failing to appreciate that the army had developed its own internal rationale for its periodic involvement in politics going back to its origins in the Myanmar nationalist movement in the 1930s and 1940s, critics and opponents of the governing regime failed to understand the logic of its intentions. Founded before the first post-independence constitution and political party government, its interventions in politics during the 1948–52 civil war, the 1958 Caretaker Government, the 1962 Revolutionary Council coup, and the 1988 protests, over the years

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1991 under the title of “What Should be the Form of State of the Future?” by ‘A High Ranking Tatmadaw Officer.’ Other than providing for a directly elected president, the constitution outlined is basically the same in structure, including autonomous zones for ethnic minorities in the ethnically designated states, as the 2008 constitution. See Robert H. Taylor, “The Constitutional Future of Myanmar in Comparative Perspective”, in Peter Carey, ed., *Burma: The Challenge of Change in a Divided Society* (London: Macmillan, 1997), pp. 55–70. The paper was originally presented at a conference in December 1991. A detailed volume on the plans for a new order were set forth in Sithu Aung hnin. Maung Hma’, *Shwe Pyitaw hmjo mawei: pyimo*’ [Sithu Aung and Maung Hma, The Golden Country Soon to Be Expected] (Yangon: Ministry of Information, October 1993).

<sup>18</sup> The origins of the army’s attitude toward its political role are briefly explained in Aung Myoe, “The Soldier and the State: The Tatmadaw and Political Liberalization in Myanmar Since 2011”, *South East Asia Research*, Vol. 22, No. 2 (June 2014), pp. 241–44. Fuller accounts are found in many other publications, such as Maung Maung, *Burma and General Ne Win* (London: Asia Publishing House, 1969), where the history of the state and nation are conflated with the history of the army. A recent army version is Min Maung Maung, *Tatmatow hnin. Amyo:tha:naingnganyei: u:hsaunghmu ahkan: kata* (Yangon: Ministry of Information, 1993), translated as Min Maung Maung, *The Tatmadaw and Its Leadership Role in National Politics* (Yangon: Ministry of Information, 1993). Commander-in-Chief Senior General Min Aung Hlaing confirmed that ‘the armed forces and the country have been inseparable throughout history, calling for the continuous preservation of the course of history and prestige of the armed forces,’ when speaking at a military base near Myeik on 28 December 2014, *Global New Light of Myanmar*, 29 December 2014.



created a self-justifying belief in the army's right and duty<sup>19</sup> to supersede other state institutions. This became the doctrine of "national politics", as distinguished from "party politics." The army, which claimed it had been practising "national politics" since the 1940s, reverted to that role in 1988 in the perception of its leaders, to create the conditions for "reunifying the nation on the basis of a new constitution."<sup>20</sup> However, the 1990 election failed to bridge the gap between the army's perceptions of what was required for the security and stability of the state and the demands not only of the NLD, but also of ethnically designated insurgent armed groups and foreign interests.

The army then set out on its own to reunify or, as later termed, "reconsolidate", the country in order to create the conditions for passing authority to a constitutional government. Critics denied the army's promises. When it claimed, for example, that "a war of attrition is being waged on all sides against the Tatmadaw, the bulwark of the nation," that logic was discounted as the ravings of a paranoid or deranged government.<sup>21</sup> Not seeing the difficulties from the perspective of the army officer corps, who were pledged to defend the sovereignty and territorial integrity of the state they believed their organization had made possible, critics of the SLORC, and its successor, the State Peace and

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<sup>19</sup> As stated by the Commander-in-Chief of the Armed Forces, Senior General Min Aung Hlaing, when meeting the Supreme Commander of the Royal Thai Armed Forces six weeks after the latter had led a military coup in Bangkok. *Bangkok Post*, 4 July 2014.

<sup>20</sup> Mya Win, *Tawmadaw's Traditional Role in National Politics*, pp. 5–6.

<sup>21</sup> Nawratha, *Destiny of the Nation*, p. 7. Claims that even aliens were claiming the right to form states, an obvious reference to developments in northern Rakhine State along the Bangladesh border in the early 1990s were dismissed or misunderstood by most observers. *Ibid.* For an account of how critics misunderstood the position and strength of the army during this period and subsequently, see Mary P. Callahan, "The Endurance of Military Rule in Burma: Not Why, But Why Not?", in Susan L. Levenstein, ed., *Finding Dollars, Sense and Legitimacy in Myanmar* (Washington, D. C.: Woodrow Wilson Centre for Scholars, 2010), pp. 54–76. See also Andrew Selth, "Even Paranoids Have Enemies: Cyclone Nargis and Myanmar's Fears of Invasion", *Contemporary Southeast Asia*, Vol. 30, No. 3 (2008), pp. 379–402.

Development Council (SPDC), were unable to see the logic of the army's position.

## **CREATING THE CONDITIONS FOR CONSTITUTIONAL GOVERNMENT**

As explained above, from 1991 onward, the army set out to create the conditions to effect a transition to a constitutional government under its terms. There were both political and military aspects to its plans. Thinking and behaving like an army, and not like a political organization, it often offended those it meant to persuade. The long-term strategy of the armed forces was often confused with the short-term tactics employed. However, over time, the regime became more sophisticated in its management of its opponents, and despite economic sanctions and innumerable resolutions of condemnation, the government's position became stronger and stronger. The military aspects of the strategy included strengthening the army's financial capacity and maintaining army morale. Also, the army rapidly developed a political arm, something that it had allowed to atrophy during the twenty-five years when General Ne Win led the army through the Burma Socialist Programme Party. Until 2004, and the removal of General Khin Nyunt in an intra-SPDC conflict, the Directorate of Defence Services (Intelligence) (DDS[I]), and its creation, the Office of Strategic Services, served as a "fifth wing" of the army.<sup>22</sup> Following the removal of Khin Nyunt and the abolition of DDS(I), these activities were moved to Military Affairs (Security), the army's expanded educational and internal think tank organizations, and the office of the leader of the SPDC, Senior General Than Shwe. Army educational facilities and institutions were substantially upgraded. Also, the army more than doubled in size, and substantially re-equipped from 1990 onwards.<sup>23</sup>

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<sup>22</sup> Aung Myoe, *The Tatmadaw in Myanmar Since 1988*, p. 7.

<sup>23</sup> See Aung Myoe, *Building the Tatmadaw; Myanmar Armed Forces Since 1948* (Singapore: Institute of Southeast Asian Studies, 2009) and Andrew Selth, *Burma's Armed Forces: Power Without Glory* (Norwalk, Conn.: East Bridge, 2002).

Beyond these obviously military activities, the SPDC took a number of measures from the repertoire of previous army governments to strengthen its support within the civil service and the larger society. This included so-called refresher courses for the public service, including for teachers, and the founding or reinvigorating of what would have been known as “mass and class organizations” under the old regime, such as the Union Solidarity and Development Association (USDA), the War Veterans Organization, Myanmar Maternal and Child Welfare Organization, and Myanmar Women’s Affair Federation. Beyond the central core of support for the state, a final key aspect of the process of reconsolidation was the reaching of ceasefire and tentative political understandings with ethnically-designated insurgents groups, and establishing a ministry of border and ethnic affairs to coordinate security and development in previously neglected areas.<sup>24</sup>

During the twenty-one years between the failed 1990 transition to a new regime and the accomplishment of that goal, despite problems within and opposition without, the army ventured to create the conditions that the officer corps, with remarkable unanimity, believed would provide the basis of a successful transition to constitutional government without the risk of unmanageable threats to state, regime or personal security. In this pursuit, the regime received little, if any cooperation from the political and economic interests which had the most to gain from such a transition, internal political parties and their leaders, or Western governments and the international financial institutions which they lead. Even the weather was against the regime’s plans, as when Cyclone Nargis struck with the loss of more than a hundred thousand lives, just as conditions were perceived as conducive to the beginning of the final stages of the transition process.<sup>25</sup> At that time, the referendum on the new constitution

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<sup>24</sup> For a recent restatement of the army’s position, see Thamarr Taman (Dr Kyaw Win), “Milestones in Efforts at Reconciliation in the Union of Myanmar”, in Kyaw Yin Hlaing, ed., *Prisms on the Golden Pagoda: Perspectives on National Reconciliation in Myanmar* (Singapore: NUS Press, 2014), pp. 68–83.

<sup>25</sup> See Robert H. Taylor, “Responding to Nargis: Political Storm or Humanitarian Rage?”, unpublished paper presented at an ISEAS workshop on the response to cyclone Nargis, 2010.

was held, and despite its being described as a sham, elections were held two years later in order to bring about its implementation. The process was not, perhaps, pretty, or considered by many to be “democratic”, and it delivered results which were predictable. There was no surprise in any of this, because, though long and sometimes difficult, the final steps in the process were outlined by the former Prime Minister and Secretary One of the SPDC in August 2003. After more than ten years of preparation, the final steps were in place. Even so, the army did not rush for fear of losing control of the process.<sup>26</sup> Nevertheless, before the 2010 elections, a few analysts were willing to venture to predict that the results would lead to a new attitude toward the government of Myanmar by its most vociferous critics.<sup>27</sup> Such analysts were branded as regime stooges at best, complete fools at worst.

## **EFFECTING A TRANSITION**

What was the strategy of the army to create suitable conditions for a transition to a constitutional republic? Many aspects were involved, including attempting to resolve, or at least reduce, risks to the country and its security apparatus. This in turn included building up the armed forces, strengthening the state’s finances and sources of revenue, and creating political support for the projected transitional process and related phenomenon. While specific aspects of this were obvious at the time, they went together with the more general development of the economy and the society needed to strengthen their resilience and provide the resources necessary to support the army and subsequently the constitutional government in implementing the strategy and tactics of the transition. None of this was a surprise, but as the strategy was laid down

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<sup>26</sup> See Robert H. Taylor, “‘One Day, One Fathom, Bagan Won’t Move’: On the Myanmar Road to a Constitution”, in Trevor Wilson, ed., *Myanmar’s Long Road to National Reconciliation* (Singapore: Institute of Southeast Asia Studies, 2006), pp. 3–28.

<sup>27</sup> See, for example, Robert H. Taylor, “Myanmar: Reconciliation or Reconsolidation? Isolation or Resolution?”, *Asian Affairs*, Vol. XL, No. II (2009), pp. 210–23.

and perceived as similar to a military campaign, few outside the army understood what was being implemented.<sup>28</sup> The startling suddenness of the internal political changes that followed from President Thein Sein's inaugural address could be seen as part of the psychological effect of keeping one's opponents off guard and taking the high ground by surprise.

Three years after President Thein Sein took office, he spoke in terms which explained what had been the outcome of the long campaign by the army to effectuate the transition. On 26 March 2014, he said:

Three years ago, right here, I opened the door and extended a warm welcome to those individuals and organizations at home and abroad, *who were not only willing to accept the new constitution, but to cooperate* in common matters for the sake of the interest of the country. When we look at the achievement with regard to this approach after three years, it can be found that we have achieved *national consolidation* to a satisfactory extent.<sup>29</sup>

In other words, the conditions that were laid down for a transition which were refused by most opponents of the army's definition of a constitutional transition in 1990 and subsequently, had been accepted by 2011 and the national consolidation which was sought then had become stronger as a consequence.

It is within the confines of the strategy developed by the army after the annulled 1990 election that one can better appreciate the meaning of

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<sup>28</sup> The move of the capital from Naypyitaw on 6 November 2005, planned in secret and implemented as an order within hours, was part of the strategy to remove the government from the prospect of the kind of urban unrest that brought down the socialist regime in 1988. The management of the so-called "Saffron Revolution" in 2007 allowed for the removal of the most vociferous domestic opponents to the army's plans. On the latter, see Robert H. Taylor, "Myanmar in 2007: Growing Pressure But the Regime Remains Obdurate", Daljit Singh and Tin Maung Maung Than, eds., *Southeast Asian Affairs 2008* (Singapore: Institute of Southeast Asian Studies, 2008), pp. 247–73, esp. pp. 253–60.

<sup>29</sup> Speech of President Thein Sein, 26 March 2014, italics added.

further remarks made by the President one day after the annual *Tatmadaw* Day celebrations:

Past history and current world affairs have shown us that it is of the utmost importance for small countries like ours to *safeguard our sovereignty and to rely on our own resources. In this regard, it is vital that our Armed Forces are modern and strong in order to defend and secure our country. Our Armed Forces will continue to play a role in our democratic transition. There is also need for our Armed Forces to continue to be included in the political negotiation tables in finding solutions to our political issues. We will be able to reduce steadily the role of our Armed Forces as we mature in democracy and should we progress in our peace efforts.*<sup>30</sup>

These remarks need to be read in conjunction with reported words of the Commander in Chief of the armed forces, Senior General Min Aung Hlaing, the day before, which were to the effect that:

... according to the constitution, the Tatmadaw – the Armed Forces – is mainly responsible for safeguarding the constitution, which can only be amended in accordance with chapter 12.<sup>31</sup>

Between the two most powerful men in the government of Myanmar, on the most significant days in the history of their respective roles, fundamental principles of policy were reiterated completely consistent with government and army statements made the previous quarter of a century, *viz.*,

1. That to participate in the governance of Myanmar, it is essential to accept conditions and requirements acceptable to the army.
2. That national consolidation is a prerequisite to those conditions and requirements.

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<sup>30</sup> Ibid., italics added.

<sup>31</sup> *New Light of Myanmar*, 28 March 2014.

3. That the defence forces of the republic must be adequate both to maintain national consolidation and national security internally and externally.
4. That the army exists to defend the constitution.
5. As the constitution is the basis of the state, and the army is the protector of the state, it follows that the army must determine if the constitution is to change.

These principles are axiomatic in the military's perception of its political role. Any alteration in these axioms would have to follow from changes in army perceptions and understanding of the threats that face the country.

## **THE ARMY'S PERCEPTIONS OF THREATS TO NATIONAL CONSOLIDATION**

To grossly oversimplify, historically, the army has perceived three fundamental threats to its perceived interests and state security. While for the sake of discussion, these are differentiated, in reality they are intimately related to each other.<sup>32</sup>

1. Partisan civilian political leaders conducting themselves in such a manner as to threaten the future stability and security of the state, as in the months leading up to civil war in 1948; the establishment of the Caretaker Government in 1958; and the Revolutionary Council Government in 1962.
2. Ethnically designated insurgent and autonomy movements which threaten the territorial integrity of the state, perhaps in cooperation with foreign interests, leading to a break-up of the union as threatened during the Cold War and occurred in post-Cold War circumstances to the former Yugoslavia.

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<sup>32</sup> As noted by Aung Naing Oo drawing attention to the relationship between efforts to reach a nationwide ceasefire agreement before the holding of general elections in 2015. See "How Election Politics Could Harm Chances of Peace Deal", *Myanmar Times*, 22 December 2014.

Each of these perceived threats, and others, all with their origins in a civilian political partisanship,<sup>33</sup> has its historical precedence and to explain them fully would require a major exposition far larger than the space allowed here.

The addressing of any of these perceived threats is further related to the corporate and personal interests of the armed forces as an institution. While the army does not necessarily want to seize political power, and in the current period would almost certainly wish to avoid doing so unless fundamental security concerns were raised, the creation of a professional and domestically and internationally respected armed force amounts to a third major concern of the military leadership.<sup>34</sup> While each of these concerns can be analytically distinguished, all are in reality interlinked with the others.

However, each must be addressed if the army is to reduce its political power and autonomy. At present, as during the past decades, no institution has the capacity to force the army to give up its existing powers.

## **A FUNCTIONING LEGISLATURE AND EXECUTIVE**

As explained above, the army, with its understanding of Myanmar political history, has been forced to intervene in politics at crucial points in the country's post-independence history when the consequences of partisan politics threatened to undermine the security of the state. At that point, the army felt forced to pursue "national", non-partisan, politics in order to recreate political order before returning state power to a civilian regime. While this interpretation of the political history of Myanmar is

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<sup>33</sup> Such as the 1988 protests over the economic failure of the socialist regime which led to the divergence of military resources from national security to regime security, or an external security threat by one the country's largest neighbours as a consequence of the civilian government pursuing a foreign policy which would be perceived by one of the neighbours as being threatening to its vital interests.

<sup>34</sup> Conversation with a senior armed forces officer, Naypyitaw, November 2014; comments of Commander-in-Chief Senior General Min Aung Hlaing, 28 December 2014, *Global New Light of Myanmar*, 29 December 2014.



obviously self-serving, it is not necessarily incorrect. The justification for the political role of the army under the current constitution is to ensure that partisan politics do not lead to another set of circumstances requiring the army to intervene again. The army is to provide a “check and balance” until such time as constitutional practices “mature” and, as in a successfully functioning republic, the ability of the government to avoid crises of state is achieved.<sup>35</sup> In June 2012, the first Minister of Defence under the new regime reiterated a promise often made by the army prior to 2011 about the possibility of eventually reducing its power within the political system. He stated that when the political system is more fully developed, the army could reduce its role, but, of course, not before.<sup>36</sup>

In November 2014, there were clear indications that as far as the army officer corps were concerned, Myanmar’s political system had not yet reached the stage where the army could abandon its role as a check on destructive partisan behaviour. According to a report on 17 November, a colonel who sits in one of the chambers of the *hluttaw*, “indicated that the entirety of the document was off limits” when it was proposed by NLD member U Win Myint to amend article 436 of the constitution to end the army’s block on constitutional amendments. Colonel Tin Soe was quoted as saying, “In order to realize benefits for citizens, for political parties, we should leave our constitution [as it is] originally, and should not amendment [sic] it.”<sup>37</sup>

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<sup>35</sup> Sithu Aung, “To Service (sic) as Balancing Weight”, *New Light of Myanmar*, 21 March 2008; translated from Myanmar Alin, 20 March 2008. The metaphor of a balancing weight comes from the Myanmar toy, the *pyit taing htaung*, a round doll with a weight within it which always rights itself when pushed over.

<sup>36</sup> “Myanmar Abandons Nuclear Research – Defence Minister”, by John O’Callaghan, Reuters, 2 June 2014.

<sup>37</sup> However, it was suggested that the army might introduce amendments to increase the political role of the military, including giving the National Defense and Security Council the power to advise the President to dissolve the legislation if one-third or more of seats were vacant in either house. This could be a pre-emptive step should an anti-military party boycott the legislature after the

As recently as December 2014, the chairman of the Union of Myanmar Election Commission, former Lieutenant General U Tin Aye, drew the ire of politicians in Yangon for stating the obvious. He merely noted that if there was unrest in the country, the army would, most reluctantly, be forced to resume power.<sup>38</sup> However, echoing the sentiments expressed more than two years earlier by the Minister for Defence, he indicated that when the constitutional order was functioning effectively, the army could remove its members from the legislative bodies.<sup>39</sup> He could have elaborated further, and explained that if the army did feel impelled to resume control of the state, it would be an event more like the coup

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next elections. “Military MPs Object to Constitutional Change”, *Irrawaddy*, 17 November 2014. Daw Aung San Suu Kyi’s coyness as to whether she would lead the NLD into the 2015 election (and perhaps attempt to make the election seem illegitimate by boycotting it), appears as part of a strategy by all sides to stake positions for further bargaining over constitutional change before the polls open. “Myanmar’s Suu Kyi Says ‘Too Early’ to Commit to 2015 Election”, Reuters, 30 December 2014; “Myanmar Opposition Undecided on Contesting Polls”, Associated Press, 30 December 2014.

<sup>38</sup> Earlier in the year, the Election Commission cautioned Daw Aung San Suu Kyi not to “challenge”, as she said, the military “representatives in parliament to prove that they are in politics not because they crave power”. Four days after a rally as part of a campaign to amend the constitution, the Commission wrote to her on 22 May reminding her of the obligation under the Political Parties Registration Act to “safeguard the constitution.” “Suu Kyi Rebuked for ‘Challenge’ to Military,” *Democratic Voice of Burma*, 27 May 2014. This series of events led some to speculate that the government was trying to create a sense of a state of emergency in analogy with parallel developments in Thailand leading to renewed military rule. Melissa Crouch, “Emergency Powers in Times of Political Transition: Between the Constitution and the Criminal Code in Myanmar”, in A. Harding, ed., *Constitutional Change and Law Reform in Myanmar* (Oxford: Hart, forthcoming). Political opponents of the NLD used the event to criticize the campaign for constitutional change. “NLD, 88 Generation Provoking ‘Public Disorder: USDP Lawmaker”, *The Irrawaddy*, 27 May 2014.

<sup>39</sup> “If Country Is Not Stable and Tranquil, Army Will Seize Power Back: UEC’s Chairman, Eleven Media online, 16 December 2014; “Election Chief Under Fire for Raising Prospect of Coup”, by Nan Lwin Hnin Pwint and Zu Zu, *The Irrawaddy*, 18 December 2014.

of 1958, rather than that of 1962.<sup>40</sup> This is because the constitution provides for a period of army rule, under the National Defence and Security Council, leading up to new elections under the constitution, thus obviating the necessity of drafting a new supreme law.<sup>41</sup>

Currently, while there are a number of issues being debated in and around the parliament and in the now largely unconstrained media that cause the army concern, there is nothing sufficiently threatening to require a temporary seizure of state power. Nor have the levels of public unrest which have occurred since 2011 been sufficiently large to require military intervention other than as aid to the civil power, in a phrase used in colonial days. When the Thai military declared martial law prior to taking state power in 2014, the Minister of Defence, Lieutenant General Wai Lwin, assured the public that that was unlikely in Myanmar.<sup>42</sup> The clashes between Buddhists and Muslims that occurred in Rakhine State and the central city of Meiktila merely necessitated a brief intervention to assist the police in controlling the disorder.<sup>43</sup> Recent demonstrations over land rights issues, and protests against a copper mine near Monywa, were managed by the police alone. The controversy that the latter issue has created is something the army would be happy to avoid.<sup>44</sup>

That politicians will use events to attack the government and the army is taken for granted, but as long as they do not lead to potential acts which would threaten core interests, the army is unlikely to intervene. For example, the death in army custody of a man said to have been a newspaper reporter and former body guard of NLD leader Daw Aung San Suu Kyi, but said by the army to have been killed while trying to

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<sup>40</sup> In 1958, the army established a so-called Caretaker Government under the constitution and handed back power to an elected government in 1960. In 1962, the army dissolved all existing institutions and governed in its own name until 1974.

<sup>41</sup> Articles 429 to 432 of the Constitution.

<sup>42</sup> "Martial Law Unlikely in Myanmar, Says Defense Minister", Mizzima, 21 May 2014.

<sup>43</sup> International Crisis Group, *The Dark Side of Transition: Violence Against Muslims in Myanmar*, Asia Report No. 251, 1 October 2013.

<sup>44</sup> "Police Fire on Myanmar Protesters, One Dead, 20 Hurt: Reports", Reuters, 22 December 2014.

escape arrest as an officer in an insurgent organization, has been widely discussed in the media.<sup>45</sup> Had a letter from NLD leader Daw Aung San Suu Kyi to the victim's wife been more provocative and demanding, the case might have received even more international and internal attention, creating political instability.<sup>46</sup> Similarly, if a dispute over whether a fourteen-year-old girl was killed by the army or as the result of stepping on an insurgent land mine had become a politicized *cause celebre* in the *hluttaw*, it would have caused the army concern.<sup>47</sup> However, the army has faced such allegations for many years, and has become more open and efficient in dealing with them. For example, in November 2014, a military court turned over to a civilian court a soldier accused of raping a civilian.<sup>48</sup>

Nevertheless, if such allegations were to continue to be faced, or if up until now mainly foreign calls for some process of so-called restorative, retributive or transitional justice were to be instituted,<sup>49</sup> the army would clearly be concerned about threats to not only current but previously high-placed officers. The second sentence of article 445 of the constitution was added at a very late stage in its drafting to preclude such a possibility.<sup>50</sup> Publication of reports such as “Legal Memorandum:

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<sup>45</sup> “Par Gyi Killing: Lawyers Demand Official Investigation” by Shwe Aung, *Democratic Voice of Burma*, 18 December 2014; “Rights Groups Call on President to Drop Charges Against Slain Schoolgirl’s Father” by Sean Gleason, *The Irrawaddy*, 18 December 2014.

<sup>46</sup> “Suu Kyi Writes to Par Gyi’s Widow”, *Democratic Voice of Burma*, 3 November 2014.

<sup>47</sup> *The Irrawaddy*, 18 December 2014; “Government Should Investigate Girl’s Killing by Army, Say Rights Groups”, Reuters, 8 December 2014.

<sup>48</sup> “Civilian Justice Trumps Military Impunity in Myanmar”, *The Irrawaddy*, 13 December 2014. He had been found guilty by an earlier court martial of being absent without leave and was sentenced to a thirteen-year prison term by a civilian court for rape.

<sup>49</sup> See, for example, Ian Holliday, “Thinking about Transitional Justice in Myanmar”, *South East Asia Research*, Vol. 22, No. 2 (June 2014), pp. 183–200.

<sup>50</sup> “No proceedings shall be instituted against the said Councils [i.e., SLORC and SPDC] or any member of the Government, in respect of any act done in the execution of their respective duties.”

War Crimes and Crimes Against Humanity in Eastern Myanmar,” by the Harvard Law School Human Rights Clinic (November 2014), which names the current Home Minister and two other serving officers as liable to prosecution under the terms of the Rome Treaty establishing the International Criminal Court, is the kind of provocative act which encourages the army to preserve its authority.<sup>51</sup> The prompt endorsement of the Harvard report by thirty-six Kayin ethnic organizations, most of them outside Myanmar, including the Vice-Chairperson of the Kayin National Union in her personal capacity,<sup>52</sup> would raise major concerns about the security of members, past and present, of the armed forces should a government come to power favourable to such organizations. Ensuring that that eventually does not occur remains an army concern. Similarly, the sanctioning of Lieutenant General Thein Htay, the head of the Directorate of Defence Industries, by the United States Treasury Department in July 2013 because of his alleged involvement in weapons-related purchases under the previous regime creates uncertainty as to when, if ever, the pursuit to punish Myanmar’s officer corps for previous behaviour might cease.<sup>53</sup>

While most of the international activity has little consequence for the constitutionally established position of the army, it provides a backdrop to the army’s concerns as to how matters can get out of control. Signs of dissent over the current role of the army led to the arrest and court martial of an army major for signing, in July 2014, an NLD petition appealing to the two *hluttaw* to amend the constitution so as to limit the army’s authority. Major Kyaw Swar Win was found guilty of “not following orders and discipline”, according to an NLD member of one of the *hluttaw*,

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<sup>51</sup> Myanmar, like most countries in Southeast Asia, is not a signatory to the Rome Treaty.

<sup>52</sup> “Karen Groups Call for Action Over War Crimes Report”, Mizzima News, 17 December 2014.

<sup>53</sup> “Myanmar’s Unrepentant Arms Czar: The General Sanctioned for Dealing with North Korea and the Village He Razed to Build a Weapons Factory”, *Foreign Policy*, 9 May 2014; U. S. Department of the Treasury Press Release, 2 July 2013.

stripped of his rank and sentenced to two years imprisonment.<sup>54</sup> The current government, chosen as it was by the majority party in the Union *Hluttaw*, the army-created USDP, has been careful not to denigrate the army by, for example, returning to pre-1955 nomenclature and renaming 27 March Resistance Day (*Towhlanyei Nei*) rather than Tatmadaw Day (*Tatmadaw Nei*).<sup>55</sup> Indeed, the role of the military in support of the state has been re-emphasized with the re-establishment of a “Grand Military Review” on 4 January 2015.

Up until now, the behaviour of the legislature, despite the efforts of the speaker of the *pyidaungsu* and *pyithu hluttaw*, former General Thura Shwe Mann, to make the legislature a genuine check on the executive, as well as the creator of policy and laws,<sup>56</sup> has given rise to little concern on the part of the armed forces’ leadership. This is unsurprising since the legislature is overwhelmingly dominated by members of the USDP. As many observers predict, should the NLD under the leadership of Daw Aung San Suu Kyi win a large plurality, if not majority, of the seats in the 2015 elections, that situation might change. However, she has been careful not to criticize the army directly, though pushing within the bounds of the constitution for constitutional reform. When encouraged by the Speaker of the British House of Commons in an interview broadcast on 26 December 2014, she refused an invitation to once more call for Western economic sanctions if her demands were not met.<sup>57</sup> Such

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<sup>54</sup> “Major Jailed for Supporting Reduced Role of Myanmar Military”, Agence France Presse, 9 December 2014; “Myanmar Officer Jailed for Backing Smaller Army Role in Politics”, Reuters, 8 December 2014.

<sup>55</sup> The date is the anniversary of General Aung San’s 1945 call for the army to resist the enemy, then no longer the British but the Japanese. *Towhlanyei* (resistance or revolution) has greater appeal to civilian and left-wing political groups than army day. See “No Plan to Rename Armed Forces Day: Lower House”, *New Light of Myanmar*, 24 June 2014.

<sup>56</sup> Thomas Kean, “Myanmar’s Parliament: From Scorn to Significance”, in Nick Cheesman, Nicholas Farrelly and Trevor Wilson, eds., *Debating Democratization in Myanmar* (Singapore: Institute of Southeast Asian Studies, 2014), pp. 43–73.

<sup>57</sup> “Myanmar’s Suu Kyi Wants West to Spur Reform Not Reimpose Sanctions”, Reuters, 26 December 2014. Her call for pressure to be put on the government

a carefully calibrated response should have been appreciated by those who remain suspicious of her position on the reintroduction of sanctions. However, how she might behave with a large parliamentary bloc behind her should her party not be able to elect her to the presidency remains in doubt. While it is unlikely that she will call for a programme of non-violent civil disobedience as she did more than a quarter of a century ago, one cannot be sure.

The army has always in the past acted on the precautionary principle. While none of the military leadership are old enough to remember how the parliament functioned in the 1950s, they were all raised to understand that the opposition to the previous military order was an alliance of internal groups such as the NLD, which were willing to enter into alliances with armed ethnically designated opponents of the regime, and backed by powerful Western economic and political interests. The continued adulation that Daw Aung San Suu Kyi receives in the West, despite some diminution of her iconic status because of her unwillingness to court disapproval from the Buddhist majority of Myanmar over the so-called “Rohingya” issue in Rakhine State, is a reminder to them of the possibility of renewed opposition to the order the army created.

## **CONTROL AND ELIMINATION OF ETHNIC INSURGENT GROUPS**

While the 1948 and 1958 interventions by the army into state management — nominal coups — were the result of political infighting amongst civilian political groups to the detriment of national security, the 1962 coup was the result of the perception by the then Commander in Chief of the Armed Forces, General Ne Win, that the unity of the country was under threat from internal insurgents linking with Cold War alliances

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of Myanmar by Western powers will doubtless encourage a flow of articles such as “Myanmar Enters Election Year with Powerful Military Largely Unchanged” (Voice of America, 30 December 2014) in the months ahead. The chairman of the Election Commission confirmed on 30 December 2014 that the election will be held in late October or November 2015, *Global New Light of Myanmar*, 31 December 2014.

within mainland Southeast Asia, particularly Shan and Kayin groups in league with Thailand, the right-wing government of Laos, and the United States. Insurgency as such is unlikely to prompt the army to wish to retake control of the government, particularly as now the level of conflict is much reduced from the situation in the 1970s, 1980s, and 1990s. Armed conflict at the present is largely confined to the northernmost reaches of the country, primarily to areas controlled by the Kachin Independence Army (KIA).

In keeping with SLORC Order No. 1/88, establishing peace was a precondition of a transition to a constitutional government. In pursuit of that goal, the army negotiated a number of ceasefire agreements with the leaders of ethnically designated armed groups in the periphery of the country between 1989 and 1997.<sup>58</sup> There appeared to be a tacit understanding that in exchange for variable mixes of commercial opportunities, political rights including autonomous zones and devolved powers to elected state governments, and the designation of ethnic affairs ministers,<sup>59</sup> the former insurgent forces would, as the new constitution came into effect, become Border Security Guards under the command of the army. As a consequence of the multi-party political system inaugurated under the constitution, sixteen ethnically designated political parties gained seats in the central and state or regional *hluttaw*.<sup>60</sup>

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<sup>58</sup> A useful, but admittedly incomplete, list is provided as “Table 10.1 List of groups that have agreed ceasefires, Myanmar (Burma)”, p. 162, in Desmond Ball and Nicholas Farrelly, “Eastern Burma: Long Wars Without Exhaustion”, in Edward Aspinall, Robin Jeffrey and Anthony J. Regan, eds., *Diminishing Conflicts in Asia and the Pacific: Why Some Subside and Others Don't* (London: Routledge, 2013), pp. 153–65.

<sup>59</sup> For the constitutional implications of this understanding, see Melissa Crouch, “Ethnic Rights and Constitutional Change: The Constitutional Recognition of Ethnic Nationalities in Myanmar/Burma”, in A. Harding and M. Sidel, eds., *Central Local Relations in Asian Constitutional Systems* (Oxford: Hart, forthcoming).

<sup>60</sup> See “Table 1. Ethnic Political Parties Represented in National and State Legislatures, 2013”, in Nicholas Farrelly, “Cooperation, Contestation, Conflict: Ethnic Political Interests in Myanmar Today”, p. 261, in *South East Asia Research*, Vol. 22, No. 2 (June, 2014), pp. 251–66.



However, a number of ethnically designated insurgent groups refused to turn their forces into Border Security Guards. The loss of autonomy which would result from them coming under the command of army officers under military law, with uniforms and rations provided by the army, was unacceptable to them. Since then, there have been ongoing negotiations, both individually and collectively, between leaders of these groups and the government, particularly under the auspices of the Minister in the President's Office U Aung Min. A number of negotiation sessions have taken place between the Union Peace-Keeping Work Committee (UPWC) and the National Ceasefire Coordination Team (NCCT) to reach a nationwide ceasefire agreement before commencing a political dialogue between the government and the former insurgent groups.<sup>61</sup>

However, the Kachin Independence Organization (KIO), representing the KIA, has withdrawn from participation in the NCCT following a rocket attack on a training base near its headquarters at Laiza on the Chinese border.<sup>62</sup> Small-scale skirmishes have occurred elsewhere in the Kachin and Shan state areas in recent months, also, indicating that there remains a lack of trust between the army and several armed groups.<sup>63</sup>

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<sup>61</sup> The most recent negotiations ended on 23 December 2014, with the hopes of a final agreement in mid-January 2015. *Global New Light of Myanmar*, 24 December 2014.

<sup>62</sup> Twenty-two were killed by the single shell that hit the base. None was from the KIA but from other insurgent groups. According to unconfirmed reports, eleven were from the Tai (Shan) National Liberation Army, eight from a Rakhine group, two from a Chin group, and two from the All Burma Students Defence Force (ABDSF). The attempt of the KIA to develop relations with other insurgent groups would be considered provocative (as discussed below), hence leading to the speculation that the shell fired at the training base was not an accident, as alleged by the army.

<sup>63</sup> "Major Myanmar Insurgent Group Boycotts Peace Talks", *Nikkei Asia Review*, 23 December 2014. Seven government troops were killed and twenty wounded in an ambush during the second week of December near the Chinese border in the Shan State. "Guerrillas Killed Seven Soldiers in Ambush, Myanmar Military Says", *Reuters*, 15 December 2014; "Myanmar Rebels Kill Seven Soldiers, Wound Twenty Near China Border", *Voice of America*, 15 December 2014.

Not only did the KIO withdraw from the NCCT subsequent to the 19 November attack on Laiza, it also ceased participating in monthly meetings with army commanders in the Kachin State.<sup>64</sup> There had been sporadic conflict between the KIA and government forces throughout 2013 and 2014, despite efforts to renew the ceasefire previously agreed upon.

The continuing uncertainty about whether the insurgent groups will accept the terms laid down by the army to establish peace in the country was further thrown in doubt in early December when it was reported that twelve armed groups, known as the United Nationalities Federal Council (UNFC), were planning to form their own separate army called the Federal Union Army (FUA). The demand by various ethnic organizations that the Myanmar army be re-organized as something known as a “federal army” has been repeatedly rejected by army spokespersons from the Commander-in-Chief on down.<sup>65</sup> Such claims make reaching any lasting ceasefire agreement between the government and the insurgent groups almost impossible to realize.

Moreover, a nationwide ceasefire agreement is merely a precursor to political negotiations to resolve the conflicts of policy which remain. Central to this is the question of what is meant by federalism beyond what kind of army should emerge from any eventual reconciliation between the government and the insurgent forces. As long as all of these extremely difficult and contentious issues remain unresolved, and there is no reason to believe they will be resolved soon, the army will want to ensure that its autonomy is preserved should a future government begin to give way on demands which would lead to a threat to the territorial

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<sup>64</sup> “Kachin Rebels Suspend Monthly Meetings with Burma Army”, *The Irrawaddy*, 10 December 2014.

<sup>65</sup> “Myanmar Ethnic Rebels Form Combined Federal Army”, Voice of America, 2 December 2014; “Reports of Minority Ethnic Groups to Form Their Own Federal Army”, Mizzima, 3 December 2014; “Ethnic Alliance Ponders Future Federalism, creates ‘Federal Union Army’—Saw Yan Naing”, *The Irrawaddy*, 9 December 2014; Interview with Kachin State Commander Lieutenant General Myint Soe, *The Irrawaddy*, 13 November 2014; “Government Rejects Ethnic Groups Bid for a Federal Force”, Mizzima, 10 December 2014.

integrity of the state; something that Prime Minister U Nu was accused of doing in 1961-62.<sup>66</sup>

## **ASSURANCE OF THE FINANCIAL CAPACITY FOR THE ARMY**

Finally, the army is unlikely to allow its autonomy and authority to be undermined unless it can be assured of the resources and respect required to establish a modern professional army. Abandoning the role of internal as well as external security which the army has played since independence will be difficult, if not impossible, until there is a functioning political system supported by a developed and self-sufficient economy.<sup>67</sup> However, perhaps recognising the validity of General Ne Win's view that being involved in politics was not good for the army, the army has undertaken a number of measures to withdraw from obvious political involvement. For example, by revitalizing and strengthening the police, the army has begun to turn many internal security issues over to the still nominally civilian force.<sup>68</sup> It has also sought to improve its image by working with United Nations agencies, particularly the International Labour Office, to remove underage soldiers from its ranks.<sup>69</sup> The army

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<sup>66</sup> At that time, the question of whether Buddhism should be the state religion, and what that meant, was also involved. Until now, this question has remained dormant, but it could always be reopened, given the fervent religious opinion recently provoked following Buddhist-Muslim clashes several times.

<sup>67</sup> For a discussion of some of these issues, see Tin Maung Maung Than, "Burma: The 'New Professionalism' of the Tatmadaw", in Mutiah Alagappa, ed., *Military Professionalism in Asia: Conceptual and Empirical Perspective* (Honolulu: East-West Center, 2001), pp. 163–78.

<sup>68</sup> Andrew Selth, "Myanmar Police Force Needs More Foreign Help to Reform", Lowy Interpreter, 3 December 2014; Selth, "Myanmar's Police Forces: Coercion, Continuity and Change", *Contemporary Southeast Asia*, Vol. 34, No. 1 (2012), pp. 53–79.

<sup>69</sup> "376 Children Released from Armed Forces in Myanmar in 2014", UNICEF press release, 26 November 2014; "Myanmar Military Speeds Up Release of Children," UNICEF Media Centre, 25 September 2014.

has also sought to make contacts with militaries both within and outside its region in order to share and develop appropriate standards.<sup>70</sup>

Professionalization of the armed forces also means improving their technological capacity and equipment. Since becoming heavily reliant on China for equipment after Myanmar's traditional United States and Western European suppliers were placed under embargo after 1988, the army has more recently sought to diversify its range of providers.<sup>71</sup> The eight rocket launchers on display at the Independence Day parade in January 2015 and some possibly Ukrainian or Russian-built armoured personal carriers are far from the development of a significant military force, given the range of conventional security issues the Myanmar armed forces face. Other than a few locally constructed naval vessels, little has occurred since 2011 to strengthen the armed forces.

The reason for this is not hard to find. The budget made available to the armed forces remains inadequate for both its current tasks and responsibilities and its desired modernization and professionalization. While in terms of percentage of the central government budget, Myanmar's military expenditure exceeds that of all comparable Southeast Asian states except Singapore, and in terms of percentage of Gross Domestic Product, it exceeds all in actual dollars appropriated, according to the most recently available figures, Myanmar's military expenditure is by far the smallest in the region, as demonstrated in Table 1.

The military expenditure budget for 2014 was set at US\$2.4 billion, up only marginally on the previous year but a decline as a percentage of total government expenditure to 14 per cent from 15 per cent.<sup>72</sup> Myanmar

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<sup>70</sup> See, for example, "Myanmar, Australia Agree to Strengthen Intergovernmental and Military Ties", *Global New Light of Myanmar*, 16 December 2014; Myanmar is now included in the United States military's humanitarian and disaster relief training programme, Oxford Analytical Daily Brief, 17 December 2014; Clint Richards, "Japan Pushes for Stronger Ties with Southeast Asia", *The Diplomat*, 28 May 2014.

<sup>71</sup> For example, allegedly purchasing a submarine sonar system from India. "Burma/Myanmar Seeks Indian Military Technology", *Future Directions International*, 30 October 2013.

<sup>72</sup> *IHS Jane's Defense Weekly*, 15 January 2014.

**Table 1: Comparative Defence Expenditure for Major Southeast Asian Governments, 2013**

Country	Defence Budget US\$ Billion	Central Budget Percentage	Defence Spending as a Percentage of GDP	Total GDP US\$ Billions
Indonesia	7.840	4.4	0.9	878.109
Malaysia	4.842	5.2	1.5	303.527
Myanmar	2.250	15.0	4.5	59.490
Philippines	3.472	6.8	1.3	250.436
Singapore	9.759	20.5	3.4	276.520
Thailand	5.874	6.3	1.5	365.564
Vietnam	3.387	8.1	2.3	138.071

Sources: Stockholm International Peace Research Institute Military Expenditure Database; International Monetary Fund; *Jane's Defence Weekly*, 15 January 2014; adapted from Network Myanmar website.

only outspends Brunei, Cambodia and Laos and its defence expenditure is dwarfed by that of neighbouring countries such as India at US\$47.4 billion or China at US\$188 billion. Myanmar's expenditure is comparable with that of Bangladesh, US\$2.1 billion during the current fiscal year.<sup>73</sup>

Of course, the official budget expenditure on the military does not include off-budget income and expenditure from the army-controlled economic enterprises and self-sufficiency agricultural activities carried out by individual military units. The army's role in the economy, as in politics, is oft criticized by foreign and domestic commentators,<sup>74</sup> but

<sup>73</sup> "7 Day Daily and Mizzima Newspapers Misreport Defense Budget for Military Operations in 2012-2014 Fiscal Years", *Eleven*, 28 October 2014.

<sup>74</sup> See, for example, "Army Enter Election Year with Powerful Army Largely Unchanged", *Voice of America*, 30 December 2014.

these are long-standing income streams which contribute to maintaining morale and lowering running costs, but contribute little or nothing to the professionalization or modernization of the armed forces. Until the Myanmar economy begins to grow sufficiently for the government to maintain and enhance military expenditure while decreasing it as a percentage of either overall government expenditure or as a percentage of GDP, the army will comparatively speaking, remain strapped for funds.

## CONCLUSION

Despite the apparent anomalous position of the armed forces under the current constitution of the Republic of the Union of Myanmar, this situation is unlikely to change in the near and perhaps intermediate future. Until the political system demonstrates that it can produce consistently responsible and stable governments, governments which avoid excessive partisanship that is detrimental to national security and public order, the army will wish to remain the balancing agent in the constitutional system.

Similarly, until the fissiparous tendencies induced by the unwillingness of longstanding armed groups representing claims to ethnic rights remain uncontrolled within the structures of the state the army will want to have the ability to ensure that the government of the day does not exasperate an already fraught situation. Maintaining the ability to check such actions is, in their view, the responsibility of the armed forces leadership, as are protecting the constitution and the territorial integrity of the state.

As long as Myanmar is one of the least developed countries in Southeast Asia, and lacks the financial capacity to fund a modern professional army to compete with its peers and rivals, the army will want to ensure it gets at least the minimum resources it feels it requires.

The future of the army in Myanmar's politics will be determined by how the army understands and trusts the intentions of the current and any future government. If and when it will be willing to lessen or end its anomalous position in the constitutional structures of Myanmar, and assume a purely professional posture, remains unknown. What is known is that as of now it is in the hands of the army to terminate either its role in politics or any government which threatens its perceptions of fundamental state security concerns.

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ISBN 978-981-4620-63-5



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