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# Legacies of Military Rule in Myanmar

Uta Gärtner

## Abstract

For more than half a century, Myanmar was ruled by the military. Even now, with a civilian government in power, the military exerts considerable political influence and sees its involvement in national politics as a fundamental task alongside defending the sovereignty and integrity of the country. This factual situation logically derives from the origins and development of the armed forces. A key factor seems to have been the period from 1958 to 1962: not only did the military elite experience governing success during the “Caretaker Government”, but also, following the return of authority to civilian political forces, these proved incapable of ensuring the stability and development of the country. The reluctance of the military leadership to fully hand over power to the NLD after the latter won the elections in 2015 seems to reflect the lessons they learned from this experience. This article examines, against the background of history, how the present diarchy evolved and may be seen as a logical feature of transition in the Myanmar Way.

**Keywords:** Myanmar, military, history, politics, civil-military relations

“Put simply, Burma is an enigma, and the scholars who study this country and its traditions face great challenges,” noted Ronald Morse and Helen Loerke in the introduction to their overview *Burma Studies Worldwide* in 1988. This statement is still true, as is the expression “The Burmese Way”, denoting the country’s uniqueness. Morse and Loerke defined this as “a blend of Burman ethno-centrism, Buddhist metaphysics, an independent (non-aligned) political path, and a socialist model” (ibid.). This latter characteristic no longer applies and could be replaced with “a Myanma style parliamentary democracy”, which is a unique feature indeed: there is currently no other country in the world where the constitution defines a leading role for the military in the country’s politics as substantiated by a fixed quota of seats in the legislative assemblies at all levels and a number of strategic portfolios. This constellation is widely considered an anomaly, and many comments on current developments in Myanmar attribute to it the setbacks faced by the transition.

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It is not unusual in the world that armed forces seize power with the justification of rescuing the country from ruin and with the promise “to return to the barracks” as soon as law and order are restored (Finer 1988). This was the promise of the Myanmar military elites, as well. What is special about them, however, is their prolonged rule and the fact that even after eventually stepping back they are not content with watching developments from the rear but insist on continuing their active participation in political leadership alongside the elected bodies.

In order to take a closer look at the background of this situation, this text will outline a general survey on how political commitment emerged among the armed forces and how they developed into a political, economic and social force, with special attention being given to the late 1950s. It is an attempt to view current events in Myanmar through the lens of the past, relying on established facts from publications and news media, rather than on own field research or archival sources. It will thus not comment on ongoing armed clashes. In talking about *the* military the author is aware that it is not a homogeneous body but consists of groups with different or even diverging interests and ideas. There is something, however, that holds them together: patriotism or, perhaps more precisely, a “praetorian ethos”.

## An independence army

The national army was first born as the Burma Independence Army (BIA) at the end of December 1941 in Bangkok. Its founders and core were the famous Thirty Comrades, a group of young nationalists led by Aung San, whom the Japanese had trained for their own purposes. The BIA grew quickly in numbers while they took part in the Burma Campaign of the Japanese Army. Given the circumstances at the time, the masses of volunteers who rushed into the army could be neither scrutinised nor properly trained. Therefore, in the very beginning it was rather an “unwieldy, disorganized, decentralized collection of thousands of thugs, patriots, peasants, and politicians” (Callahan 2003: 58). At the fringes even criminal elements could enter the army for their own obscure purposes.

Two phenomena from the period are noteworthy because of their long-term effects to this day. One is the army’s consisting of mostly Bama<sup>1</sup> fighters. This situation arose from the fact that the anti-colonial movement was dis-

1 The Bamas, also called Burmans, are the most populous of the 135 official ethnic groups in the country; the concrete proportions are controversial, and the ethnicity-related results of the 2014 census have not yet been published. The Bamas make up almost 90 per cent of the population of the lowlands, which was under the direct rule of the British, and was referred to as Ministerial Burma or Burma Proper. The territories of most of the other ethnic groups, often hill tribes, were the surrounding mountainous regions, which were administered indirectly under the continuation of traditional ruling structures.

tinctly concentrated in so-called Ministerial Burma or Burma Proper, i.e. the low-land areas where the vast majority of the population were ethnic Bamas. Their direct exposure to foreign rule gave impetus to the independence movement. By contrast, the traditional elites in the indirectly ruled mountainous areas hardly had reason to turn against the British. On the contrary, most of them were on the British side during the war and the Japanese occupation. Moreover, the Burma Campaign took place chiefly in Lower Myanmar and barely touched areas of other ethnic groups except the Karen, who for historical reasons did not enrol or were not recruited. Thus about three quarters of the new fighters were ethnic Bamas (ibid.: 53). This composition has been fundamental to the exclusive nationalism among the Bamas in general and within the *tatmadaw*<sup>2</sup> in particular – which prevails even today.

The second phenomenon is that already in the first half-year following the Japanese conquest of Burma, the BIA assumed political and administrative responsibilities in addition to its own military tasks. For restoring and maintaining law and order in the countryside the army established local administrative committees and staffed them with pre-war *thakins*<sup>3</sup> and other young nationalists (Callahan 2003: 51). Retrospectively, the military considers this the very beginning of their political leadership in national affairs (Min Maung Maung 1993: 16). When the Japanese replaced the nationalists with former bureaucrats the BIA often became the nationalists' last refuge, and its political clout increased further. Although the Japanese tried to avert the threat by disbanding this army of between 10,000 and 50,000<sup>4</sup> men and re-creating it as the Burma Defence Army of only 3,000 men<sup>5</sup> in July 1942, the nationalist fervour grew. A feeling of brotherhood developed in the Burma National Army (BNA), or Burma Army as it renamed itself after nominal independence in August 1943 (Callahan 2003: 57).

When the Japanese broke their promise to grant immediate independence and instead installed a new colonial regime, the leaders of the Burma National Army became deeply disappointed and started preparations for anti-Japanese resistance. For this purpose they utilised institutions and organisations established by the Japanese administration, such as the Officers' Training School in Mingaladon and the War Office. Their political clout increased when in August 1944 they joined with the Communist Party of Burma (CPB) and the People's Revolutionary Party (PRP) in order to form the Antifascist People's Free-

2 The term *tatmadaw* ("Royal Army") and a number of articles about its glory in precolonial times, published in the newspapers during the last period of military rule, may suggest borrowing from the royal past, but these references mainly served propaganda purposes. In actuality, the military leadership takes pride in having emerged from liberation struggles.

3 *Thakins* are members of the nationalist organisation Do-Bama Asi-Ayone, which took charge of the anti-colonial movement in the 1930s.

4 The estimates of the size differ considerably, see Callahan 2003: 235.

5 See Min Maung Maung 1993: 17.

dom League (AFPFL) (Min Maung Maung 1993: 25). When at the end of March 1945 the BNA spearheaded the anti-Japanese uprising they again changed their name, to People's Army, but willingly accepted the new name, Patriotic Burmese Forces (PBF), given by the British in July 1945 (*ibid.*: 30). During the subsequent struggle for independence from Britain, General Aung San virtually embodied the combination of military and political leadership: in October 1945 he decided to be a politician and left the army but has been revered until now in both capacities – both were integrated components of his personality and reflect the self-concept of the military.

## The first decade of independence

Whilst in the pre-war Burma army the Bama were underrepresented, at about 12 per cent, the Kandy Agreement between General Aung San and Admiral Lord Mountbatten of 6 September 1945 stipulated that one wing of the re-established (British) Burma Army of 12,000 men should consist mainly of members of the PBF (3rd, 4th, 5th Burma Rifles plus one Burmese battalion with non-PBF recruits) and the other one mainly of non-Bama units (Kachin, Karen and Chin, two battalions each) (Callahan 2003: 97–98). In effect, two armies came into existence: one resulting from the British-trained professional army without political commitment under the command of British-trained officers, often Karen, and the other one resulting from liberation struggles under the command of Japanese trained ex-PBF officers imbued with patriotism and a missionary zeal – members of the Thirty Comrades.

Each wing was suspicious of the other. In particular the ex-PBF officers regarded those who had served in the British Burma Army as mercenaries, but thought of themselves as fighters who served their own people out of patriotism (Maung Aung Myoe 2009: 48). Moreover they were impaired by internal fissures along party lines, which became evident during the civil war, which commenced in April 1948.

Both government troops and rebels were affected by heavy losses, when most Bama and Kayin units and one Kachin unit joined the insurrection. When the army was reinforced after it had reached its deepest point in February 1949 the majority of new units under the Supreme Commander General Ne Win, who replaced Lt. Gen. Smith Dun on 1 February 1949, were made up of hill people – Kachin, Chin, Shan, even Kayah units (Taylor 2015a: 122). It might have been the origin of a federal army, as is currently being demanded by ethnic armed groups<sup>6</sup> in the ongoing peace talks which were initiated by the Thein Sein government in 2011. But when by January 1949 nearly all Karen units of

6 See e.g. Saw Yan Naing 2014.

the army and police revolted against the government, the top-ranking Karen officers, including Supreme Commander Smith Dun, were replaced by ex-PBF or other officers whose loyalty was beyond doubt. The fear that foreign powers might exert a dominating influence on Myanmar had lingered since British and Japanese colonial times and influenced decisions – the non-Bama groups remained under the cloud of plotting with those foreign powers. With the members of the War Office and all commanders being mostly Bama ex-officers of the liberation armies, their dominance became near to absolute. Moreover, irregular home guards like the *sitwundan* (mostly Bama) were incorporated, increasing the share of the latter, but also raising the risk of harassment of the local population, as with the *sitwundan* certain “undesirable elements” also crept into the regular armed forces (Callahan 2003: 127).

The success with which the armed forces mastered the challenges during the first years of independence – the insurrections and the invasion of the Guomindang troops in the Shan state – assured the officer corps of their guardian role. In fact, it was the loyalty of the army’s leadership to the civilian government and to the norms of the constitution that helped the government to remain in office (Taylor 2009: 239). Even, when they were busy with military tasks they remained involved in politics, more or less directly. More directly when, for example, on 1 April 1949 U Nu assigned Lt. Gen. Ne Win to three offices in his government – deputy prime minister, minister of home and minister of defence affairs – which he held until September 1950 (Taylor 2015a: 126, 144). Less directly when they watched governmental activities with growing disgust and developed their own plans.

## Emerging as a political force

The more the civilian government apparently lost sight of the original aim of the liberation movement – to create an independent nation of socialist character – the more it became preoccupied by internal power struggles. Because of this, it was thus less able to exert its authority over the numerous and influential local power centres, often linked with politicians of the Socialist Party, with the result that leading circles of the *tatmadaw* increasingly turned to issues beyond their actual purview.

This can be illustrated by the Annual Commanding Officers’ (CO) conferences, which were platforms for the field officers and also venues where major tensions surfaced. Most of the field officers considered themselves as the sustainers of the revolutionary legacy, while regarding the civilians or civilians-turned-politicians, as well as some staff members in the cities, as opportunists and careerists (Callahan 2003: 151).

While the first three CO conferences were mainly “complaint sessions”, with the field commanders airing their grievances, the 1952 conference broke this mould. Along with the question of improving the *tatmadaw*’s efficiency, a wide array of society-related issues was brought into discussion: land ownership, economic development, education, local administration and health (Callahan 2003: 153). This was not spurred by any crisis, as prospects seemed fine at that time: stability had been re-established in most of Burma proper, so that general elections could be held in 1951 (which provided the AFPFL with a safe majority to continue its rule), and the Pyidawtha Plan<sup>7</sup> was in preparation for the overall development of the country. Rather it indicated a new approach of the military to counter-insurgency: not only did the decentralised, guerrilla-style state of the army need to be overcome (Callahan 2003: 154), but the appeal of communist propaganda to the rural poor had to be countered (Maung Aung Myoe 2009: 59).

The CO conferences of 1953 and 1954 were marked by a closer cooperation with civilian leaders, in that the prime minister and other members of the cabinet gave informative speeches to the approximately 200 gathered officers in order to rally support for their causes (Callahan 2003: 180). From 1955 onwards, however, this relationship grew increasingly hostile. For example, according to Mary Callahan the vice chief of staff Aung Gyi attacked the Minister for Industry U Kyaw Nyein, saying that “unless the AFPFL could make a better showing of running Burma’s affairs, the army would have to intervene” (ibid.). These tensions coincided with the increasing inefficiency of the ruling party due to infighting, even as the *tatmadaw* leaders strengthened their corporate identity. For instance, at their national and regional level conferences they shared the knowledge and experiences they had obtained while on study tours to various countries and when combatting diverse insurgencies. Seeing themselves as fighters for a just cause, they increasingly despised their former comrades-in-arms who had transformed from fighters into party politicians (ibid.: 181).

During the CO Conference in 1954 General Ne Win stressed the need for a distinct ideology for the armed forces. This demand was largely inspired by fear of the communists: “The soldiers [...] know that once the Communists come into power, they will be the first victims, and the Army will go to pieces” (Sein Win 1959: 67). Because this fear “was more of physical necessity than of ideology”, as Guardian Sein Win concluded, the distinct anti-communist stance did not prevent the leading *tatmadaw* officers from continuing to embrace socialist ideas. Rather, they considered them as a crucial factor in winning over the people and creating a mass basis for their political ends. Thus,

7 Literally “comfortable land”; a programme of economic and social welfare designed by the Knappen Tippetts Abbett McCarthy Company, New York, and launched in 1953. Based on false assumptions it had to be revised several times and could not be fully implemented.



the first ideological statement that was submitted to the 1956 CO conference synthesised socialist principles and nationalist ideas within the context of a Buddhist society (Callahan 2003: 184).

Three more papers document the evolution of the armed forces as an independent institution with hegemonic ambitions. All of them were produced under the newly created Directorate of Psychological Warfare (Psywar Directorate) against the background of the worsening crises of the AFPFL government.

The CO conference in Meiktila on 20–21 October 1958 discussed not only the report on a new military doctrine and strategy for counter-insurgency but also the statement “State Policy and Our Determination”. In this statement the *tatmadaw* pledged to uphold the belief that administrative and economic systems founded on the universal laws of justice, freedom and equality<sup>8</sup> were essential to build up an affluent human society free from all woes (Min Maung Maung 1993: 118). It was also called “the first phase of ideological development”. The second phase followed at the CO conference in February 1960, namely the statement “The National Ideology and the Role of the Defence Services”, which was on the agenda together with military topics such as the advantages and disadvantages of counter-insurgency operations. Formulating major socio-economic objectives, this document highlighted the *tatmadaw* as an important political institution. Thus, for the first time the *tatmadaw* had an ideological orientation to legitimise its political role (Maung Aung Myoe 2009: 60) and reached a level of ideological coherence not previously achieved (Taylor 2015a: 219). The document stated that democracy would only flourish when the people “respect the law and submit to the rule of law” (*ibid.*). Its concluding mottos were: 1) peace and rule of law, 2) democracy, 3) socialist economy.

Moreover, it made a clear distinction between the “national politics” pursued by the *tatmadaw* and the “party politics” of scheming politicians who “would sell the country to serve their purposes”, as Guardian Sein Win put it (Taylor 2015a: 219). In essence, the principles formulated in this document are still upheld by the military leadership today.

## Caretakers (1958–1960)

The political developments in Myanmar seemed to prove the authors of the documents right. In 1958 the long-lasting power struggle and personal rivalries within the ruling AFPFL culminated in a split into two factions: the “Clean AFPFL” led by U Nu and Thakin Tin and the “Stable AFPFL” led by U Ba Swe

<sup>8</sup> Interestingly, Commander-in-Chief Senior General Min Aung Hlaing used nearly the same phrase at a meeting of the Peace Process Steering Team in June 2016 (Global New Light 2016b).



and U Kyaw Nyein. The continued infighting badly affected the administrative machine, with lack of security, rampant crime, economic disorder and spiralling prices becoming the order of the day. When the central authority was on the brink of collapsing, the army was called in to stabilise the situation. There are various accounts of the events which brought this about, among them the risk of an imminent coup by discontented field commanders (Callahan 2003: 184–186). What can be regarded as fact is that on 26 September 1958 Prime Minister U Nu sent the Commander-in-Chief General Ne Win an invitation to form a caretaker government, that the latter accepted it promising to hold fair elections, and that on 28 October the parliament confirmed him as prime minister. This event is often called a “constitutional coup”. Indeed during this first spell in power Ne Win meticulously observed the provisions of the constitution and insisted that the army remain politically neutral (Taylor 2015a: 211). In his first speech as Prime Minister on 31 October 1958 he said:

I have accepted this responsibility in large measure to prevent any assault on the constitution, which all of us revere and respect. I have taken this responsibility solely in my capacity as an individual, a citizen, and as a soldier. [...] I wish to state here, most emphatically, that my Government will not work in the interest of any particular political party (Maung Maung 1969: 250).

He himself had terminated any involvement in the affairs of the Socialist Party in 1955 and repeatedly emphasised the impartiality of the *tatmadaw*. Having reduced the number of ministers from 30 to 13 he formed a functional cabinet that was civilian in appearance and technocratic in character. Ten positions were filled with civilians who were respected for their probity and competence and not affiliated to any party. Only three ministers, including himself, were senior military officers (Taylor 2015a: 217). The parliament and other civilian bodies continued to function (Maung Maung 1969: 260). The initiative, however, was with the military: the civilian ministers were assisted by officers from the armed forces, and the civil service was buttressed by military men, increasing its efficiency considerably (Taylor 2015a: 217). In order to keep peace and run administration in the field, Security Councils were established – joint army-civilian teams, which were coordinated and directed by the Central Security Council chaired by Home Minister U Khin Maung Pyu (Maung Maung 1969: 253).

The performance of the Caretaker Government achieved notable results. Before long it restored security and rule of law, reduced insurgency, curbed the power of the local centres and their pocket armies, brought down commodity prices, combatted criminality and violence, made the Shan and Kayah *sawbwas* (hereditary rulers) relinquish their administrative and judicial powers, and, last but not least, held general elections in February 1960 (Min Maung Maung 1993: 123). Although the public was pleased with the improvements, there was much dislike of the harsh methods which brought them about, such

as the insistence on enforcing rules and regulations, drastic measures against all types of lawbreakers, the persecution of leftists and other critics, and unpopular actions like resettling squatters from the city into the outskirts of Yangon. Therefore, in the elections in February 1960 the majority of voters preferred the Clean AFPFL, chaired by U Nu, whom the masses revered as a pious Buddhist and even a future Buddha, and whose governance promised the return to more liberal conditions and the elevation of Buddhism as state religion.

The question arises as to why Ne Win held the elections although the result was foreseeable, and why he handed over the government to U Nu in spite of his prejudice against politicians in general and U Nu's performance in particular, as well as against the will of a number of commanders (Taylor 2015a: 235). Some scholars attribute it to his respect for the constitution, as Ne Win put it in an address at a CO conference in 1958:

We ourselves shall serve the people and uphold the constitution. We would work under any constitutionally established government. We would also, on our part, request the leaders of the Government to respect the constitution and call on us to render only those services which are in keeping with this (Maung Maung 1969: 242–243).

From this point of view returning governmental power to the victorious party was an affair of honour. Moreover, Ne Win was internationally lauded for the “giant step to democracy” and awarded the Magsaysay Award for “his conscientious custodianship of constitutional government and democratic principles in Burma through a period of national peril”, as a statement by the Magsaysay Awards Foundation board reads (Callahan 2003: 197).<sup>9</sup>

Another paper, circulated by the Psywar Directorate at the Commanding Officers' conference in October 1958 suggests other attitudes, however. Entitled “Some Reflections on Our Constitution” the paper ascribes the political crisis of 1958 mainly to inappropriate provisions in the constitution such as freedom of speech and freedom of association, because the Burmese people were not yet mature enough to make proper use of them and easily fell prey to false propaganda. It suggests “that unscrupulous politicians [...] and their allies may take advantage of the flaws, [...] contradictions and inadequacies of the constitution and bring about in the country gangster political movements, syndicalism, anarchism and a totalitarian regime” (Callahan 2003: 189). This criticism of the Myanmar people tallies with the description Ba Maw gives in his analysis of the 1960 elections, and as this picture might still prevail a part of it is quoted:

The Burmese have believed for a thousand years or more that a government exists only to promote their religion especially by building pagodas and other rich and costly edi-

<sup>9</sup> Ramon Magsaysay was president of the Philippines from 1953–57. The foundation annually honours individuals who “perpetuate his example of integrity in government and pragmatic idealism within a democratic society” (see also <http://www.rmaf.org.ph>). Ne Win refused to accept the award, officially, because he was merely carrying out his duty, but more probably the close connection of Magsaysay with the CIA prevented him from doing so (Taylor 2015a: 235).

fices, to collect taxes which it may use as it likes, and to punish the law-breaker and for nothing else; everything else is quickly suspected to be tyranny. They just want to be left alone by the government. Progress means change and all sorts of rules and regulations they cannot understand, and so it is an interference with their lives, or fascism as it is called in Burma nowadays. The people have heard a lot about their democratic rights, but hardly ever of their democratic obligations (Maung Maung 1969: 81).

It seems that the architects of the 2008 constitution took advice from those statements. As Commander-in-Chief Senior General Min Aung Hlaing said on the occasion of the Armed Forces Day in 2016:

The two main obstructions in our country's progress toward democracy are weakness in obeying rules, regulations and laws, and having armed insurgents. This could lead to disorderly, chaotic democracy. Only if we can fix these two [things], the country's path to democracy will be smooth (San Yamin Aung 2016).

Behind the withdrawal of the armed forces from active politics in 1960 were probably internal problems. On the one hand, the leadership was aware of the armed forces' growing unpopularity, and on the other hand they knew of fissures within the *tatmadaw*, which weakened its coherence and clout. A radical restructuring followed, transforming it into a standing, centralised institution that was efficient throughout the entire country (Callahan 2003: 204). Moreover, at that time the situation was stable, meaning that there was no apparent need for a praetorian guard.

The Caretaker period was instrumental in the transition of the *tatmadaw* from state custodians to state builders for three main reasons: 1) They could test the feasibility of the ideas the officer corps had developed during the 1950s. 2) They could test their own ability and detect weaknesses that had to be overcome before seizing power on their own. 3) The period was favourable for promoting the economic power of the *tatmadaw*. Freed from civilian control, the Defence Services Institute, founded in 1951 under Aung Gyi, could expand even more quickly than before and become "the largest and most powerful business concern in the country" (Steinberg 2005: 56). Securing their own income was essential for the armed forces to maintain their independence, and allowed them to acquire management skills as well. The high degree of self-confidence they derived from their success might have fuelled their firm conviction that they could run complex enterprises and even the whole economy of the country most efficiently (*ibid.*). The DSI can thus be considered a forerunner of the economic conglomerates which came into existence after 1988.<sup>10</sup>

10 For example the Union of Myanmar Economic Holdings Ltd. (UMEHL), and the Myanmar Economic Corporation (MEC). See also Maung Aung Myoe 2009: 176–191, Steinberg 2005: 68.

## Backslide (1960–1962)

During the next two years the country fell back on chaotic conditions. As these resulted from the divisions in the Pyidaungsu, or Union Party – as the Clean AFPFL had been renamed – and from the erratic politics of Prime Minister U Nu, the military elite saw their view of political parties confirmed. Moreover their praetorian mindset was overstrained by the campaigning of some Shan *sawbwas* for secession, which then led to other Shan *sawbwas* and ethnic leaders calling for a “genuine federation” – which the military construed as breaking up the Union. In February 1961 the Shan State Steering Committee had agreed upon the decision that the Union Constitution should be revised in accordance with the principles of true federalism.<sup>11</sup> This demand was unanimously adopted by the leaders of the Union States at their convention in Taunggyi in June 1961 and forwarded to the Union Government, which in several discussions showed a willingness to consider the demands and agreed to discuss them at a federal seminar at the end of February 1962 (Taylor 2015a: 245). If implemented they would have entailed a high degree of local autonomy and a substantial reduction of central power. These prospects added to the critique widely shared within the army of parliamentary democracy as practised in Myanmar (Taylor 2015b: 294), reason enough to end it and to seize power on 2 March 1962 in order to put the military leadership’s own projects into effect – encouraged by the praise they had earned for their performance as caretakers.

## Running the country: Direct Military Rule (1962–1988)

While during the Caretaker Government period the military leadership acted within the frame established by the system of parliamentary democracy, they now upset this system, dissolved the parliament, dismantled all institutions of the 1947 constitution, established themselves as a Revolutionary Council of 17 members and formed an administrative cabinet of seven senior officers – members of the Revolutionary Council – plus one civilian<sup>12</sup> (Mya Han 1991: 4, 197). Both bodies were chaired by General Ne Win, who assumed all legislative, executive and judicial authority.

11 Basic requirements stated in the document: 1) Establishment of a Burmese State; 2) Assignment of equal power to both chambers of the Union Parliament; 3) Each State to be represented by an equal number of representatives in the Chamber of Nationalities; 4) All powers, rights and entitlements except the following departments shall be transferred to the States: a) Foreign Affairs, b) Union Defence, c) Union Finance, d) Coinage and Currency, e) Posts and Telegraphs, f) Railways, Airways and Waterways, g) Union Judiciary, h) Sea Customs Duty; 5) Union revenue to be distributed equitably (Shan Federal Proposal 1961).

12 U Thi Han; as director of procurement in the War Office and member of the Caretaker Government from February 1959 onwards, he was close to the military leadership.

The new rulers immediately started to implement the ideas that had been developed in the CO conferences of the 1950s. On this basis, within one month the programmatic declaration “The Burmese Way to Socialism” was finalised at the 1962 CO conference, endorsed after some discussion and published on 30 April 1962. Like the earlier documents it was an amalgam combining socialist ideas, in particular borrowed from political economy and historical materialism, with Buddhist concepts. As its aim it projected a society where “exploitation of man by man is brought to an end and a socialist economy based on justice is established” (Revolutionary Council 1962: 1) to be built by the country’s own efforts, excluding external influences.

For the effective implementation of the programme, the *tatmadaw* secured absolute leadership in all areas of society including the economy. Because of their basic distrust of civilians, in all essential offices they preferred the employment of military personnel disciplined by the chain of command. Thus, more than expert knowledge, the military virtues of loyalty and obedience became crucial in filling positions. Moreover, arbitrary policies and isolationism caused a catastrophic deterioration of the economy.<sup>13</sup> The introduction of a parliamentary system based on the 1974 constitution and the increased application of economic criteria in the 1970s could not prevent economic failure. At the core the system remained the same: primacy of politics over economics and decision-making by central authorities, the majority of which were former or even active military officers.

Utilising the advantages of having access to all resources, the *tatmadaw*, including family members, evolved into a privileged social entity or class with all the prerequisites – better schooling, better health system, etc. – to produce further generations of elites in all sectors of society. The military came to control all avenues of social mobility (Steinberg 2015: 51).

This added to the growing contempt of the population for the once so highly-esteemed *tatmadaw*, whose leaders were now blamed for the dramatic deterioration in living conditions caused by the economic disaster. The latter entailed the humiliation of having to apply for the status of a Least Developed Country and getting it, being grouped together with the poorest states.<sup>14</sup> This failure did not make the military elites lose confidence in their historic mission. Rather they attributed the public disapproval, which became evident in the protest movement of 1988 and the elections of 1990, to having bet on the wrong

13 It made the warning of Sir J. S. Furnival seem prophetic: “Yet Burmans cannot lead a healthy national life in isolation from the outside world. It is a law of political as of natural evolution that organisms which keep themselves to themselves survive if at all only as freaks, museum pieces, until, on exposure to the stress and pressure of the outside world, they break down and disintegrate” (Furnivall 1957: g).

14 Asia: Cambodia, Laos, East-Timor, Afghanistan, Bangladesh, Bhutan, Nepal, Yemen; in Africa 34 states, nearly all in the sub-Saharan region.

horse, namely socialism, and to similar factors as cited in the above-mentioned paper of 1958: the deficient character of the masses.

## New strategies (1988–2017)

In order to remedy the flaws in the Burmese way of socialism, the military government, after openly seizing power again on 18 September 1988, made the market economy and an open-door policy crucial to their politics. Moreover, it responded to the democratic aspirations of the masses by holding multiparty elections in May 1990 and allowing a great number of political parties. The masses, however, delivered a landslide victory to their great hope, the National League for Democracy (NLD) led by Aung San Suu Kyi, and a devastating defeat to the military, thus – in the eyes of the latter – once again demonstrating their inclination to follow a false prophet. As a logical consequence of its opinion about civilian political parties and perhaps also having learned a lesson from the instability which followed the transfer of power in 1960, the military did not follow the usual procedures of parliamentary democracy. Instead of handing over power to the victorious party, the military declared a new constitution to be necessary and gave the elected parliament the task of drafting one. After the NLD, which took 80 per cent of the parliamentary seats, refused to do so, the military had the principles of a constitution drafted by the National Convention between January 1993 and September 2007, with a break of eight years (1996–2004). Eventually the State Constitution Drafting Commission transformed these principles into a constitution, which was confirmed in a nationwide referendum in May 2008 and entered into force in January 2011. Thus, in adaptation to the changed international conditions following the collapse of the socialist world, the military rulers created a political framework that complies with the norms of a parliamentary democracy – which in reality they are suspicious of – while at the same time institutionalising the military's guardian role.

The main move was the involvement of military personnel in the legislatures and central government, to be appointed solely by the commander-in-chief of the armed forces, over which civilian institutions had no control. This was designed to maintain stability in the event of disagreements among civilian political forces. Thereby the military made a virtue out of necessity and utilised the status of the constitution to protect its core interests, including clauses that prevent any change of the provisions guaranteeing the military's autonomy and leading role in national politics. This has been the critical precondition for their willingness to accommodate the transition to a civilian-governed society.



Moreover, the transfer of state power to elected civilians was designed as a gradual process.

As the first step of transition, in November 2010, they organised general elections on the basis of the 2008 constitution in such a way that their proxy party – the Union Solidarity and Development Party (USDP) – could win the vast majority of votes in the parliaments.<sup>15</sup> It might not have worked that way if the popular opposition party National League for Democracy (NLD) had not responded to the restrictive laws and regulations by boycotting the elections. In possession of the absolute majority in the Union Parliament the USDP could form a government consisting mainly of people with a military background: out of the 46 ministers at the national level 32 were former senior officers and 5 even on active duty, and of the 14 chief ministers of the regions and states all but one were retired military officers (Selth 2015: 15). The position of President was taken by former general U Thein Sein, who had been a member of the State Peace and Development Council and the last Prime Minister under the military regime. This government and parliament initiated a number of political and economic reforms that astounded the world. The world was even more surprised when they held free elections at the end of their reign, on 8 November 2015, and handed over state power systematically and smoothly after their rival party NLD had won a landslide victory. The defeat was bitter because the electorate had not rewarded their claimed commitment to the national good. But they had achieved what they wanted: an orderly and respected retreat from the front line, without giving up supervision.

Since it is the constitution that guarantees this withdrawal, prioritising changes to the constitution – which was a major pledge of Aung San Suu Kyi and other oppositional forces prior to the election of 2015 – would have proved counterproductive. Soon after her takeover, Suu Kyi explicitly made the peace process and national reconciliation the first priority of her government, relativising the demand for amending the constitution by stating that in “our effort to amend the constitution, we will choose ways and means that would not adversely affect the people. We won’t resort to means which will affect national peace” (Global New Light 2016a).

At a press conference in June 2016 the Speaker of the Pyithu Hluttaw (Lower House of Parliament), U Win Myint, a close compatriot of Suu Kyi’s, explained: “Amending the constitution will not be successful if we attempt to implement changes without first securing national reconciliation” (Ei Ei Toe Lwin / Swan Ye Htut 2016). This could open a door with the *tatmadaw*’s Commander-in-Chief Senior General Min Aung Hlaing, who repeatedly men-

15 These are: Pyidaungsu Hluttaw (Union Parliament) consisting of the chambers Pyithu Hluttaw (lit. People’s Chamber; House of Representatives, also called Lower House) and Amyotha Hluttaw (Nationalities’ Chamber, also called Upper House); 7 Region Hluttaws and 7 State Hluttaws. One quarter of the representatives are non-elected military personnel; three ministries of strategic importance – Defence, Border Affairs, Interior – are run independently by senior military officers.



tioned lasting peace as a paramount task. But political activists – both Bama and other ethnic groups – raised vehement protests against this statement. Their main argument has been that the Ethnic Armed Organisations (EAO) will never agree to a peace deal without constitutional change. Still, as an outgoing MP from the Shan National Development Party remarked, without first building trust with the military any attempts are doomed to fail (*ibid.*). The fate of the attempt of the constitutional amendment committee set up by the then-Speaker of the Pyithu Hluttaw, Thura U Shwe Mann, in June 2015 to amend some controversial articles was proof of this: the military representatives blocked the bills. But unnoticed by the media and public, a constitution amendment law was passed by the parliament in July 2015, complementing the legislative and tax competences of the regional parliaments as listed in Schedule 2 and 5 of the constitution.<sup>16</sup> This suggests that constitutional amendments may be achieved if they do not impinge upon what the military regards as their fundamental interests (Steinberg 2015: 53). Moreover, the case of the State Counsellor Law shows that it is possible to implement articles of the constitution beyond the limits set by its creators.<sup>17</sup>

The *tatmadaw*'s White Paper of 2015, which was released to a limited audience in February 2016, may be a sign of the *tatmadaw*'s growing openness: for the first time this type of strategic document was released to outsiders. The 99-page document provides a basic outline of the defence policy and the objectives and structures of the armed forces. These aim to emerge as a strong, competent and modern patriotic force that safeguards the Union against all internal and external dangers. One of the four defence missions defined in the paper pledges to abide by the provisions of the constitution. Another one refers to the army's political commitment, in that – in addition to military aspects – also political, economic and administrative aspects are included in training in order to achieve the “three capabilities” – military, administrative and organisational – which are essential for participation in national political leadership in the state (Maung Aung Myoe 2016).

In his address at the passing out parade of the 59th Intake of the Defence Service Academy in Pyin Oo Lwin in 2017, Senior General Min Aung Hlaing defined the role of the armed forces as follows:

[The] *tatmadaw* is responsible for safeguarding the independence and sovereignty of the Republic of the Union of Myanmar, composed of over 100 national races. [...] [The] *tatmadaw* is taking part as a national institution in a multiparty democracy platform which is chosen by [the] people. Our *tatmadaw* must be free from the shadow of politics. [The] *tatmadaw* must safeguard national interests and identities. [The] *tat-*

16 See Law 45/2015 of the Union Parliament from 22 July 2015 ([www.pyithuhluttaw.gov.mm](http://www.pyithuhluttaw.gov.mm); in Burmese).

17 Making use of Article 217 of the Constitution, which allows the Pyidaungsu Hluttaw to confer “functions and powers upon any authoritative body or person” it was possible to create for Aung San Suu Kyi, who was prevented from becoming president in accordance with Article 59f, a position – State Counsellor – which makes her the *de facto* head of state and thus puts her over the president, as announced prior to the elections.

madaw venerates Our Three Main National Causes and is trying to achieve a Union based on the federal system and democracy in accordance with a policy based on the pathway of the multiparty democracy system (Weekly Eleven 2017).

Therefore, stepping into the background and being content with the role of a veto power instead of ruling directly does not mean that the armed forces are consenting to civilian control or are resigning from politics. Rather they maintain their institutional independence and implement their participation in national politics by acting in parallel with the elected government, at best in tune with it – sort of a diarchy. In so doing they might find it comforting that they need to deal with one authority only – Daw Aung San Suu Kyi – instead of with a plethora of political parties, each with its own ambitious leader(s) and agenda.

In the aftermath of the 2015 elections there are toe-holds for rapprochement. The loser was the USDP, not the *tatmadaw*, which was, instead, a winner. The new situation offers the armed forces an opportunity to distance themselves from the NLD's rival party, which they had been identified with – “the military-backed party” – and which they perhaps suspect of assuming evil traits like the power struggles typical of political parties (see the purge of Thura U Shwe Mann in August 2015).<sup>18</sup> Thus they can present themselves as a national institution free from party entanglements.

The ongoing peace-building process to which both government and *tatmadaw* have pledged their first priority offers common ground for cooperation as well as an opportunity to take the other side at their word. Launched by the quasi-civilian government of president U Thein Sein in 2011 it achieved its first results in the form of the Nationwide Ceasefire Agreement (NCA), which was, however, signed by only eight Ethnic Armed Groups (EAO) on 15 October 2015. The process was continued in the form of the 21st Century Panglong Conference, the third session of which is planned for May 2018. All stakeholders declare a “genuine democratic federal nation” the eventual goal, but the ideas for its design are mutually exclusive. The concept of the military is centripetal in that the peripheral units should integrate with the centre. It is embedded in the “Our Three Main National Causes”,<sup>19</sup> which have been the credo of the military since the 1990s, and which are invoked time and again. The concepts of the leaders of the nationalities, on the other hand, are rather centrifugal, i.e. as independent from the centre as possible, as envisaged in the federal proposal of 1961, for example. Thus far, no specific position of the NLD on this issue is known, and some EAOs have come to perceive the NLD

18 On 13 August 2015 the then Joint Chairperson of the USDP, Thura U Shwe Mann, together with some aids who were members of the Central Executive Committee, were demoted to ordinary party members. While the official explanation referred to his high workload due to his dual function as acting party chair and parliamentary speaker, it has been widely believed that his closeness to Daw Aung San Suu Kyi and the attempt to amend the constitution were the real reasons for the purge (see Sai Wansai 2015).

19 Non-disintegration of the union, non-disintegration of the national solidarity, consolidation of national sovereignty.

and the military as a single Bama-defined block. The main problem remains the mutual lack of trust that has emerged throughout history. In order to overcome this obstacle both the *tatmadaw* and the NLD need to prove that their mindsets are free of the Bama- or Buddhist-centred nationalism that the ethnic minorities accuse them of.

## Future perspectives

Asked by BBC reporters in March 2015 when the *tatmadaw* will withdraw from politics, President U Thein Sein answered: “In fact the military is the one who is assisting the flourishing of democracy in our country. As the political parties mature in their political norms and practice, the role of the military gradually changes” (Weekly Eleven 2015). Commander-in-Chief Senior General Min Aung Hlaing expressed it more bluntly when during his speech at the Armed Forces Day parade in 2016 he told the attendees that the armed forces would not allow the country to “totter backwards” into “a situation which could harm the stability, perpetuation of sovereignty and non-disintegration of the Union” (San Yamin Aung 2016).

That the military elites expand the basic function of the armed forces “to enhance the safety of the nation’s social, economic and political institutions” (Huntington 1957: 1) for a responsible role in Myanmar’s decision and policy-making structures “is the logical result of decades of nationalist, anticolonial and failed state and nation building struggles” (EgretEAU / Jagan 2013: 45). Therefore, under the prevailing conditions the attempt to curtail the military’s influence by maximising civilian power and subjecting them to civilian leadership – i.e. establishing subjective control<sup>20</sup> – as some observers continue to demand will most likely fail.

The conflict in North Rakhine, which has led to the flight of more than 600,000 Muslim residents since August 2017, has led to two opposing views on the *tatmadaw*. International media condemn them as the culprit, guilty of murder, rape, expulsion and even genocide. To the public in Myanmar, however, they appear in their basic function as protectors, thus improving their reputation, which has been badly damaged during decades of serving as rulers.

How will this state of affairs affect the future place of the *tatmadaw* in Myanmar society? Will it strengthen its political role or promote its evolution into a professional army which is politically neutral?<sup>21</sup> Perhaps there are chances for

20 See Huntington 1957: 80.

21 Compare Huntington 1957: 71: Politics is beyond the scope of military competence, and the participation of military officers in politics undermines their professionalism, curtailing their professional competence, dividing the profession against itself and substituting extraneous values for professional values. The military officer must remain neutral politically.

the latter: Commander-in-Chief Senior General Min Aung Hlaing has repeatedly emphasised that the *tatmadaw* must be free of political influences and has vowed to form a “standard” army in terms of equipment and skills (Nyein Nyein 2017), avoiding the term “professional” as this is equated with mercenaries. On the part of the government, Daw Aung San Suu Kyi already in her campaign speech on 21 September 2015 signalled support for such a development. She said that although there are disagreements between the military and the NLD over amending the constitution, both yearn for a “bright and stable democratic federal union”, and that the NLD wants the *tatmadaw* to be a highly qualified modern institution according democratic standards that will defend the freedom, security and peace of the country and is respected in the world because the people love it (Aung San Suu Kyi 2015). Such an approach may help to integrate the military into society, utilising their skills for the good of the country while ensuring that “the management of violence”, Huntington’s definition of the profession of soldiers, does not cross the line of oppression (Huntington 1957: 11). In other words, it could contribute to maximising the professionalism of the armed forces, which is the essential condition for objective civilian control, described by Huntington as its most effective manifestation (ibid.: 83).

A senior officer in Nay Pyi Taw, the capital city, had an apt comment regarding perspectives: “The antipathy to civilians and politicians, so long a dogma of the *tatmadaw*, would gradually be erased as they worked together in the legislature. Therefore, this civilian-military duality might be a good interim measure for future relations” (Steinberg 2015: 53).

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