The Opening in Burma

THE GENERALS LOOSEN THEIR GRIP

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Burma is in the midst of a political transition whose contours suggest that the country’s political future is “up for grabs” to a greater degree than has been so for at least the last half-century. Direct rule by the military as an institution is over, at least for now. Although there has been no major shift in the characteristics of those who hold top government posts (they remain male, ethnically Burman, retired or active-duty military officers), there exists a new political fluidity that has changed how they rule. Quite unexpectedly, the last eighteen months have seen the retrenchment of the military’s prerogatives under decades-old draconian “national-security” mandates as well as the emergence of a realm of open political life that is no longer considered ipso facto nation-threatening.

Leaders of the Tatmadaw (Defense Services) have defined and controlled the process. Their hands have not been forced by popular protests, a defeat in war, or crippling intramilitary factionalism. On the contrary, they have been acting from a position of strength. Although major policy making may no longer center in the Tatmadaw high command, the 2008 Constitution and the sway that retired generals still exert continue to shield both the institutional interests of the military and the personal interests of senior officers and their families. In Burma as in other Southeast Asian countries, the demilitarization of politics and the democratic control of the military by civilians will likely remain elusive.

The Tatmadaw has always been involved in politics, even during the civilian-led parliamentary era (1948–58 and 1960–62). Its self-described “leading role” in national affairs dates back to the army’s birth in twen-
tieth-century anticolonial struggles against the British and Japanese. That the country has been riven by internal strife since independence has only reinforced the military’s sense of being the nation’s guardian. Through more than six decades of postcolonial history, civil wars throughout the country—although for the last thirty years, mainly in the border regions where ethnic nationalities predominate—have become defining features of Burma’s politics. For the millions living in combat zones, everyday violence has inflicted a coarsening and brutalization not merely of their daily existence, but also of what it has meant to be part of “the Union of Burma.”

Until 1988, ill-equipped Tatmadaw troops typically found themselves fighting far from Rangoon, battling insurgents on a shoestring. A few tactical gains may have come now and then during dry seasons, but the expense of the relentless warfare drained the nation’s finances and forced sacrifices even from Burmese living far from the battle fronts. Ethnic relations across the territorial divide between the Burman-dominated central and southern areas and the border regions where a great diversity of ethnic nationalities live have remained riddled with ignorance and distrust. Under all Burma’s postcolonial regimes, moreover, the central role of violence and coercion has been the one political constant, whether the contest has been within the elite or between the ethnic-Burman majority and the various minorities.

From 1988 to 2011, Burmese citizens lived under de facto martial law. The military junta called itself the State Law and Order Reform Council (or SLORC) from 1988 to 1997, after which it renamed itself the State Peace and Development Council (SPDC). After a nationwide uprising brought about the collapse of the ruling Socialist government in 1988, military leaders undertook an unprecedented modernization of what had become the region’s most undermanned and poorly equipped army. Its ranks grew from 180,000 in 1988 to around 350,000 in 1995. To rebuild the collapsed state, SLORC mapped the Tatmadaw’s chain of command onto administrative and policy-making structures. The Tatmadaw, its notorious intelligence agencies, the police, and local authorities viewed any criticism, opposition, or even advocacy as outbreaks of “politics” posing threats to “national security.” The frequently used method for countering such “threats” was a harsh crackdown whose justification lay in the military’s image of itself as savior and guardian of the nation.

In August 2003, the junta laid out its “seven-step road map” to a “modern, developed, and democratic nation.” The map included the already-underway National Convention, which eventually produced the 2008 Constitution. As Min Zin and Brian Joseph note, the constitution as implemented since early 2011 by President Thein Sein’s government has defied widespread predictions by dividing formal legal and political powers between the post-junta constitutional government and the post-junta Tatmadaw.
This division appears to matter. It has injected much more fluidity into Burmese politics than the outgoing head of the junta, Senior General Than Shwe, likely believed it would. Than Shwe is thought to have handpicked his successors in both the government and the military with a view to ensuring that they would not be able to threaten his personal, familial, or commercial interests. No one knows why the 78-year-old Than Shwe removed himself and his deputy, Vice Senior General Maung Aye, from consideration for the presidency. What we do know is that once Than Shwe did this, he lost the ability to control the process from behind the scenes.

Most important, Than Shwe seemingly also failed to realize how far well-situated proreform individuals and organizations could and would go to “push the envelope” and exploit the new system’s ambiguities. Few observers had any sense of the pent-up pressure for change that existed among Than Shwe’s former deputies. In 2011, a handful of key individuals and organizations made use of Than Shwe’s retirement, the end of direct military rule, and the rise of new institutions not only to pave the way for the high-profile reconciliation between general-turned-president Thein Sein and the military’s long-running nemesis Aung San Suu Kyi, but also to lay a basis for curbing the Tatmadaw’s once-boundless policy-making powers.

“Politics” and “National Security” After the Junta

Since their inauguration behind closed doors on 30 March 2011, Thein Sein and his administration have acted like a government, not a high command. In the “previous government,” as many Burmese now call the junta, there was no such distinction. With this shift, the military-as-institution has seen its prerogatives shrink. In 2011 and 2012, the post-junta, constitutional government has fenced off for itself a non-military ground on which nonthreatening, business-as-usual “politics” is taking place in ways both formal and informal. This leads me to conclude, contrary to Min Zin and Brian Joseph, that Burma is no longer a military dictatorship.

One result of national-level reforms is that citizens, the media, the opposition, and NGOs now enjoy access—via multiple channels both inside and outside the government—to issue areas that used to be cordoned off as “matters of national security.” These include not only education, press freedom, labor organizing, and Internet access, but also macroeconomic policies regarding banking, exchange rates, capital, and landholding. For the first time since 1988 (and arguably since 1962), a succession of executive decisions, new laws, official speeches, media interviews, and formal and informal negotiations has created a realm of public life and “the political” that is not entirely subsumed by the category of “national security.” In other words, over the last year and a half, “politics” has stopped being seen as an automatic threat to the
Union. If this lasts, it will turn out to be the most significant structural change of the last few decades in Burma.⁴

Although constitutionally grounded, this scaling-back of the military’s institutional prerogatives has turned on the personal and political risks taken by a small number of retired military officers, most notably the president, the speaker of Parliament’s lower house, and some cabinet ministers. Their moves appear to be ad hoc. It is unlikely that they were planned prior to March 2011. They have been made easier by the bold way in which the Burmese-language media, civil society, political parties (including those associated with ethnic groups), private-sector leaders, and others have marched into this new public realm and pushed various reforms farther than seemed possible just eighteen short months ago. For reasons that are still unknown, reformists in the government have gauged the costs of political concessions as being lower than those that would have resulted from a course of continued rigidity and isolation.

We must avoid overstating either the nature or the likely durability of this shift. Neither Thein Sein’s compromise with Aung San Suu Kyi nor the emergence of a multicentered and more open political realm has sent the military back to the barracks. The Tatmadaw remains central to politics. The government remains in the hands of active-duty and retired officers who will protect the interests of their former colleagues and soldiers, as well as the institution’s integrity, reputation, status, and economic interests. The army retains significant influence if not autonomy regarding many issues. These include the resurgence of conflicts in northern Shan State and Kachin State, the bloody communal strife between Arakans and Rohingyas in the western portion of the country, and perhaps the ongoing deliberations over the release of remaining political prisoners.

On paper, the legal separation of military and government in the 2008 Constitution matters. Yet its impact would not have been as great had there not landed in the right jobs at the right time a handful of personalities with particular histories, quietly held agendas, and established hierarchical allegiances upon which they could rely. In their infancy, the new political institutions of Burma reflect not so much the formal constitution as underlying power dynamics that are rooted in personal networks of loyalty and service binding together certain reform-minded retired and active-duty military officers, soldiers, and others who long benefited from direct military rule.

Considering the outbreaks of strife that have been erupting in once-pacified parts of the country, the lengths to which some ex-military figures have gone to widen the new realm of nonthreatening “politics” have been startling. Some of them must have been disappointed with the roles that they received in the new government. Yet they have undertaken reforms to imbue the new governing apparatus with the symbols, rhetoric, and even the substance of a “democratic” state. Given that the 2008 Constitution could have easily become little more than window-dressing
tacked up as a thin disguise for continued military authoritarianism, why has the post-junta constitutional government taken this route?

One interest common to Thein Sein, cabinet members, MPs, and other officials who are at least presenting themselves as reformists is to enhance their personal reputations and the prestige of the posts that they occupy by establishing the “new government” as a legitimate political enterprise. Most of these leaders served in the “previous government” (meaning the SLORC or SPDC), and all have felt the sting of the pariah treatment that it drew, whether this came in the form of negative coverage in the world media or the shunning that Burmese officials had to endure at international gatherings. They may also calculate that distancing themselves from the junta could make it less likely that they personally will ever have to face criminal charges of having violated human rights. They find themselves in offices that offer them significantly less concentrated power than when they held command posts. But at the same time, the rules for success in the new game are still uncertain enough that the most decisive players may be able to shape these nascent institutions to their own advantage and reap the rewards of power, status, and reputation that normally accrue to political winners.

As events unfolded in 2011 and 2012, some of the more insightful leaders appear to have seen the chance that lay before them to raise the nation’s standing in the world—and to end deadlocks both at home and abroad—by accommodating rather than crushing democratic forces. Among officials, Thein Sein and lower-house speaker Shwe Mann (each a former four-star general) have emerged as unexpected and thus far formidable advocates for relatively liberal political, economic, and social reforms. Early in 2011, as Thein Sein prepared to take the presidential oath after having retired from the army and presided over the military-backed political party’s dubious 2010 election victory, little about him suggested that he would take up a reformist cause. Known more as a uniformed bureaucrat than as a fighting soldier, he was more or less free of corruption and seemed to enjoy little following within the military.

Yet as Joseph and Min Zin make clear, Thein Sein’s inaugural address at the end of March 2011 was pathbreaking. In it, he charted an ambitious course of change, and he has scored significant successes so far. His time as prime minister, beginning in 2007, amounted to four years during which he was exposed firsthand to both his country’s international-pariah status and its staggering economic backwardness (especially relative to its dynamic Asian neighbors). Thein Sein himself attributes his reformism to the devastation that he witnessed during his first visit to the Irrawaddy Delta after Cyclone Nargis hit in May 2008. The son of poor farmers, the president recently told the Financial Times that at that moment, “there was an understanding that things could not go on the way they were, there was a need for this change.” His relatively radical breakthroughs—from his rapprochements with Aung San
Suu Kyi and the United States to his suspension of the Chinese-backed Myitsone Dam project on the Irrawaddy River—have surely alarmed more conservative colleagues from the active-duty and retired ranks of the military. Yet he has savvily built on his achievements by crediting the “legacy of General Than Shwe” for making them possible.6

During the first year of his presidency, Thein Sein could probably count on the full support of perhaps four to six ministers and advisors who had any clout with the Tatmadaw. His chief allies were Railways Minister Aung Min (an ex-general, with experience in both the infantry and military intelligence) and Industry Minister Soe Thane (a former commander of the navy). In late August 2012, both were elevated to positions in the president’s office. Gradually, more cabinet ministers have reworked their agendas (or at least the public faces of their ministries) to align with the president’s reforms. Moreover, with former vice-admiral and onetime navy commander Nyan Tun (who once attended the U.S. Naval War College) replacing the reactionary Tin Aung Myint Oo as vice-president in August 2012, it appears that Thein Sein now faces fewer challenges from former military officers in important government posts. The president’s bold 27 August 2012 cabinet reshuffle—he changed the holders of nine of 29 posts—probably represents his marshaling of proreform forces as he prepares for his “second wave of reforms.”

Cabinet posts, less influential under the junta than senior army command assignments, have emerged as power centers under the new government. Although ministers are increasingly finding themselves subject to legislative oversight, they have greater influence than in the past. Most of the more reformist ministers of the new cabinet are ex-military officers who had been “demoted” from command positions to the cabinet.7 They know how to run ministries and have regular access to the president. Their years in cabinet or administrative positions taught them how to navigate a political landscape in which they were only one of many centers of less-than-absolute power, unlike their colleagues who held senior army or regional command positions in the days of SLORC or the SPDC.

Thein Sein’s key but unlikely ally has been Shwe Mann. Close to Than Shwe and once widely expected to succeed him as president, Shwe Mann has embraced a liberal agenda and given a legislature that on paper looks toothless strong dashes of independence and effectiveness. In so doing, he has further limited the military’s policy reach, although (as some have noted) he also has created legislative obstacles to presidential-led reforms.

Why Is the Military Stepping Back?

Why have former high-ranking military officers such as Thein Sein and Shwe Mann taken such unexpected risks for the sake of reform? Theories abound, but given the constant flow of changes, it is hard to
line up reliable evidence behind any particular explanation. Many leaders, including the president, have openly told the foreign and domestic press that they feel an urgent need to do something about their country’s economic backwardness and lack of ability to compete in the dynamic Asia of the twenty-first century. They are keenly aware that time is short: The country is to host the Southeast Asian Games in 2013 and chair ASEAN (read: host hundreds of meetings) in 2014, but lacks adequate facilities for either. Even more importantly, however, the president, his advisors, allied MPs, and many cabinet ministers are all too mindful of 2015, when the ASEAN Economic Community (AEC) comes into existence. Without significant and successful macroeconomic policy reforms, Burma will be a big loser in the single market that the AEC is set to create.

Although some post-junta government leaders may be seeking to use the transition for personal gain, it is also possible that some have motives that include leaving a legacy of which they can be proud. Whatever the “sincerity” of their intentions, some MPs, ministers, other officials, and soldiers are self-consciously trying to remake their own images and craft the new institutions in ways that at least look more democratic. It is now not uncommon to hear even officials who once held powerful posts in the “old government” criticizing it as undemocratic. Within the country, moreover, political discussions often focus squarely on the 2015 and 2020 elections. These looming contests give soldiers-turned-politicians aged between 50 and 60 a reason to seem as democracy-friendly as they possibly can. If reforms fail to bring voters concrete benefits by then, these figures and their Union Solidarity Development Party (USDP) will lose at the polls unless they resort to force or fraud. All signs from Thein Sein suggest that he will not accept machinations of that sort.

Given decades of economic mismanagement and political repression, reformers of any stripe—whether they come from the military or the democratic opposition parties—face personal and organizational challenges. At 67, President Thein Sein has a history of heart problems. He must cope with limited and often unreliable information, pressures from an expanding array of foreign and domestic interests, and military rivals positioning themselves with an eye to future power struggles. The potential for Than Shwe to return to power appears to have abated, but there are said to be roughly half a dozen “hard-liners” in prominent USDP, cabinet, or state and regional posts from whom the president and his allies have received scant cooperation if not outright obstruction. The most formidable was Vice-President Tin Aung Myint Oo, but he resigned on 1

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July 2012, ostensibly for health reasons. He was considered to have had the greatest personal and economic stake in seeing liberalization fail and military rule return. Others who have seemed out of step with Thein Sein include former information minister Kyaw Hsan (demoted to a minor ministerial position on 27 August 2012), Rangoon regional chief minister (and former military-intelligence chief) Myint Swe, Thein Zaw, Aung Thaung, and USDP secretary-general Htay Oo.

The Tatmadaw has always been highly opaque, even compared to other Southeast Asian militaries. Hence it is hard to say how it is dealing internally with the transition to post-junta constitutional rule. For years, it was widely thought that Than Shwe and the junta were designing the constitution to “entrench” the Tatmadaw’s position by securing its freedom from civilian oversight. However that may be, in practice the military’s prerogatives have been shrinking in both functional and territorial scope. Although Article 20 of the 2008 Constitution gives the uniformed commander-in-chief (C-in-C) of the Tatmadaw extensive autonomy over intramilitary affairs, the high command no longer has the authority (and possibly not even veto power) over many realms of policy that it did before 2011, unless “emergency” clauses are invoked. With the 2011 government having created a legal space for politics, the C-in-C no longer claims an unchallengeable monopoly of all public authority. In fact, 2011 and 2012 have seen the armed forces as an institution step back from day-to-day governance.

Since March 2011, when Than Shwe made him C-in-C, Vice Senior General Min Aung Hlaing has kept a low profile, limiting his public appearances mostly to military functions. His interactions with domestic political figures have taken place off camera, and his visits to other countries and hostings of foreign delegations have been strictly security-related. What little evidence exists regarding his views and those of other senior generals suggests that he is proceeding with caution. The C-in-C’s main concern seems to be holding the military together in a time of unprecedented change. An unanticipated choice by Than Shwe, Min Aung Hlaing was jumped over potential candidates from four or five more senior academy classes, and is surrounded by a high command full of generals with roughly the same level of experience that he has. He is widely considered too junior to dare radical action against the president or Parliament.

Thus far, Min Aung Hlaing appears to be subject to pressure from both the president and the military establishment. The president has sent him two loosely worded letters asking Tatmadaw units to stop fighting in Kachin State unless attacked. No cessation of hostilities has occurred, probably because combat units deep in insurgent territory perceive that they are under attack most of the time and conclude that the order thus does not apply. Whatever is happening between the government and the Tatmadaw, Min Aung Hlaing as Than Shwe’s handpicked choice
is unlikely to face any major challenges from within the military. The Tatmadaw is neither in nor near a state of crisis, but like many in Burma it is in the midst of trying to discern and define its place in the new political order.

Like his former comrades who are now holding down jobs in the first post-junta government, Min Aung Hlaing is trying to overhaul the image of his position and his institution. He has an interest in presenting himself as having a focused vision for guiding the armed forces through the post-junta transition. He is reported to have sought educational opportunities for Tatmadaw officers in the United States and Europe. In May 2012, he allowed an unprecedented visit by a joint State and Defense Department delegation from the Washington, D.C.—based U.S. National War College.9

Min Aung Hlaing has told the few diplomats he has met that he wants to guide the military from its former roles in administration and governance to a narrower set of “professional” duties defending the national constitution and territory. Some speculate that he is setting himself up for a 2015 presidential run, as Thein Sein has indicated that he will not seek a second term. Whatever Min Aung Hlaing’s motives, he seems to have in mind a distinction between his duties as a soldier and “policy,” which he views as the realm of the elected government. As Parliament has grown in power, he has shuffled appointments to the guaranteed military seats in order to place higher-ranking officers in the legislature, but he has not micromanaged how they vote. For example, many military MPs recently surprised observers by backing a motion for extending a general amnesty to political prisoners. Regarding internal military reforms, the C-in-C has undertaken no large-scale reorganization, but he has purged and reshuffled command positions to make the once-powerful regional commanders far more junior in rank and farther from governing roles. Moreover, a rewrite of armed-forces doctrine to suit the new political context is said to be in the works.

One potential constitutional mechanism for making the military accountable is the requirement for lower-house approval of the national budget. Before 2012, there had never even been any reliable information about—let alone vetting of—the Tatmadaw’s budget.10 Burma’s military has long relied on numerous off-budget revenue sources both formal (industries and holding companies) and informal (black-market trading). On 3 February 2012, the defense minister (a former three-star general) submitted a proposed budget for both the ministry and the Defense Services to Parliament. The request totaled about 15 percent of the entire Union budget. No transcripts are as yet available, but word leaked out that some MPs challenged this amount as excessive.11

One question raised during the budget session had to do with the military’s commercial enterprises, which seem to be somewhat in flux at this moment. Soon after the SLORC took power in 1988 and promised
to open the country to foreign investment, the military created two large holding companies. Though they are owned by the Defense Ministry and serve as the capital fund for the military pension system, their accounts have never come under public scrutiny. These companies’ powerful political backing squashed would-be commercial rivals and allowed a large-scale presence in most sectors besides telecommunications. For years, Burma had perhaps the world’s most distorted car market because the military companies had a monopoly on auto imports. In October 2011, the railways minister announced the end of that monopoly and began issuing import licenses broadly. As of late 2012, the holding companies faced additional challenges that included legal actions, the shutdown of a passenger-bus system, and the actual or imminent ending of monopolies on edible oils and beer licenses.

Looking Ahead

The military-as-institution no longer runs day-to-day politics in Burma. The post-junta constitutional government has created a realm for potentially contentious politics outside the old “national security” limitations. This outcome was unexpected, but it is also likely not threatening to the corporate interest of the Tatmadaw, at least in the short term. With their immunity protections, effective veto over radical constitutional changes, and old comrades looking out for institutional interests, the Defense Services seem to find the current set-up tolerable.

In the longer term, the space for a noncoercive politics of contention, accommodation, and compromise will be limited by the vastly difficult set of challenges that the country faces. In addition to the limits imposed by the 2008 Constitution, no future government will be able to avoid the harsh legacies of complex and unresolvable ethnic conflicts, rising poverty and indebtedness, massively distorted macro- and microeconomic policies, the ill effects of two decades of crony capitalism, precipitous resource depletion, staggering natural disasters, a badly gutted educational system, and nearly nonexistent social services.

If democratic opposition forces gain control of the government in 2015 or 2020, will they seek conciliation or confrontation with the Tatmadaw over the privileges guaranteed to it under the 2008 Constitution? Too much conciliation, and a pro-democracy civilian-led government could end up like Pakistan’s late premier Benazir Bhutto (1953–2007), who threw away an electoral mandate for army reform by cutting deals with generals in order to fend off political rivals. Too much confrontation with the Tatmadaw, however, and a democratically elected government could find itself shoved aside, whether constitutionally or not, by a threatened military acting much as the Thai generals did in their 2006 coup.

Finally, the extent of any nonthreatening, somewhat liberalized po-
political realm will likely be limited to the physical territory under “government control.” In other words, “politics” of the reformist Thein Sein variety may be tolerated in the Burman-dominated regions of central Burma, but probably will not be allowed in some of the geographical regions associated with active insurgencies, even where the government has concluded ceasefires. In those regions, “national security” will likely trump any concerns of post-junta constitutional liberalization.

The ongoing wars in northern Burma and the conflict of Rakhines versus Rohingyas in the west could create conditions under which a so far unobtrusive C-in-C and other senior officers try to bring the Tatmadaw back into politics, at least in territory where violence continues. Given the depth and long history of ethnic grievances, it seems unlikely that true peace agreements will be struck anytime soon, which suggests that the military-as-institution will continue to play a significant political role in border regions. National-level reforms, no matter how progressive, will be limited in scope as long as the civil wars, the war economies associated with them, and the loss of Tatmadaw soldiers’ lives continue. The durability of political liberalization, as it has unfolded thus far, will depend upon how military leaders of both the government’s army and its armed challengers manage the detritus of decades of failed military truces and unimaginative—on all sides—peace building.

NOTES

1. Although the Journal of Democracy house style is to use the term “Burma” exclusively, my preference would be to use it interchangeably with “Myanmar” when referring to developments coming after the junta’s controversial name change in 1989. Today the new name, as well as a host of city names re-Romanized by the junta, are widely used inside the country. Currently, the United States and the United Kingdom adhere to Aung San Suu Kyi’s insistence on the use of “Burma,” while Australia, Russia, Japan, many European countries, and all the near neighbors—India, Bangladesh, China, Thailand, Vietnam, Cambodia, and Laos—use “Myanmar.”


8. Most observers expected Lieutenant-General Myint Aung, thought to be a Than Shwe disciple, to be named C-in-C. Yet he was sacked in early 2011 for reasons that remain the subject of much speculation.

9. As Richard Norland, the U.S. delegation’s leader, told me in a 16 July 2012 email, the goal was to display both “military professionalism and civilian control of the military.” The group met with Tatmadaw counterparts as well as government officials, political-party representatives, and Burmese from civil society and private business. There was limited coverage in the New Light of Myanmar on 9 and 16 May 2012.

10. Andrew Selth has written that “it is unlikely that anyone, either in Burma or outside it, knows exactly how much Naypyidaw spends on defence each year.” See his Burma’s Armed Forces: Looking Down the Barrel, Griffith Asia Institute Regional Outlook 21 (Brisbane: Griffith Asia Institute, 2009), 12.

11. One opposition MP told reporters, “We cannot agree on what they asked for,” but also noted that he could not discuss it in public “as it’s a sensitive matter.” Quoted in “Myanmar MPs Tackle First Budget in Decades,” Bangkok Post, 12 February 2012.