

## CHAPTER 6

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### Myanmar's Post-Election Security Challenges

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#### **Elections in 2010: Redistribution of Power**

The 2010 multi-party general election was the fifth and crucial stage of the seven-step Road Map announced by the ruling State Peace and Development Council (SPDC) in August 2003. It was the manifestation of Myanmar military's managed transition towards a civilian government while at the same time ensuring continued military dominance of the political space and the Myanmar state. It was the culmination of the long drawn-out series of preparations carried out by the junta in the aftermath of the 1990 election, which had not produced a change in government.<sup>1</sup>

According to the 2008 Constitution, the elections were conducted concurrently for the Pyithu Hluttaw (People's Assembly or lower house), Amyotha Hluttaw (National Assembly or upper house) and Taingdaythagyí Hluttaw or Pyinnai Hluttaw (Region or State Assembly or provincial parliament; for each of the seven states and seven regions).<sup>2</sup> Altogether 37 parties and 3,071 contestants (82 independents) vied for 1,154 seats while 55 constituencies had only one contestant.<sup>3</sup> The National League for Democracy (NLD), led by Nobel laureate Aung San Suu Kyi, that won over 80 per cent of the seats in the 1990 election, refused to re-register and became automatically defunct according to the SPDC's law on political party registration.<sup>4</sup>

Among the contesting parties, the newly-formed Union Solidarity and Development

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<sup>1</sup> See, e.g., the clarification in the State Law and Order Restoration Council Declaration No. 1/90 (dated 27 July 1990) published in the *NLM*, 28 July 1990.

<sup>2</sup> Region (formerly called Division) is an area where the majority of the population are ethnic Bamar (Burman in the old nomenclature). A State is named after the major non-Bamar ethnic community, which forms a majority among the inhabitants.

<sup>3</sup> See "Election Monitor No. 47, op. cit. In the 1990 election, altogether 2296 candidates including 87 independent candidates and 2,209 from 93 parties contested. There were 20.8 million voters on the electoral rolls and 15, 194 polling booths.

<sup>4</sup> The NLD issued a statement on 30 March announcing its refusal to re-register as a political party on account of "absolutely unjust" electoral laws, citing a unanimous decision by the Central Committee on the 29<sup>th</sup>.

Party (USDP), which applied to register on 29 April after conversion from the SPSC-sponsored Union Solidarity and Development Association (USDA)<sup>5</sup>, was the largest and richest with a reported membership of 18 million. It was regarded as a proxy for the military. Its leader was the incumbent prime minister and it fielded the entire cabinet and recently retired generals, together with prominent persons from business, media, academia, public service, and professionals numbering 1,112 candidates. With overwhelming resources at its disposal, the USDP was expected to win a majority of the contested seats.<sup>6</sup> However, the so-called pro-democracy parties such as the National Democratic Front (NDF, a breakaway faction of the NLD which produced some 160 candidates) and the DP-M or Democratic Party (Myanmar) led by a veteran politician from the parliamentary era (in the 1950s) fielding three daughters of former leaders of Myanmar's first ruling party (among 45 candidates) were anticipating a good showing in the contest at the national level. Even the National Unity Party (NUP, the reincarnation of the former Burma Socialist Programme Party which was soundly drubbed by NLD in the 1990 election in which they won only 10 seats), claiming to be the second largest party with some 700,000 members, was expecting to do much better this time around and put up 995 candidates.<sup>7</sup> On the other hand, ethnic-based provincial parties contesting for seats in the region and state legislature were also anticipating substantial representation on the strength of their ethnic identity.<sup>8</sup> Most parties regarded the USDP as the main adversary and were banking on the perceived notion of the widespread unpopularity of the USDA to which it had been inextricably linked.<sup>9</sup>

Amidst complaints of harassment of opposition parties and candidates as well as

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<sup>5</sup> USDA was an extensive social organization patronized by the SPDC with ministers as executives, and almost all civil servants and students were obliged to join the GONGO (government-organized non-governmental organization) whose membership reputedly exceeded 24 million. It had branches in all the provinces, districts and virtually all townships of Myanmar. When it transformed into the USDP all the civil servants and students became ineligible, but the bulk of its strength simply converted into party members.

<sup>6</sup> See, e.g., "A Foregone Conclusion", cover story, *Irrawaddy* (October 2010), pp. 10-13.

<sup>7</sup> See, Soe Than Lynn and Kyaw Hsu Mon, "NUP expects to improve on 1990 election performance", *Myanmar Times*, 25 October 2010, in BurmaNet News, 26 October 2010.

<sup>8</sup> See, e.g., Ashley South, "Making the Best of a Bad Election", *Irrawaddy* (July 2010), pp. 30-31. However, the Kachin State Progressive Party formed by ethnic Kachin leaders who resigned from the Kachin CFG and the United Democracy Party (Kachin State) were denied registration apparently due to their links with their former CFG which had refused to accept the BGF proposal. This left the pro-junta Kachin Unity and Democracy Party of Kachin State as the only native ethnic party contesting the Kachin State legislature. Similarly the Shan State (North) Progressive Party, believed to have associated with a Shan CFG, failed to get approval for registration.

<sup>9</sup> Personal communications, Yangon, June 2010.

allegations over USDP's misuse of state authority and resources<sup>10</sup>, the elections were peacefully concluded in Myanmar on 7 November 2010.<sup>11</sup>

Only 22 out of the 37 parties won seats in the polls, and 16 of them are ethnic-based regional parties.<sup>12</sup> The USDP won a large majority in the two national parliaments as well as in seven out of the 14 provincial parliaments where the Bamar ethnic group formed the majority of the population. Nevertheless, it should be pointed out that the USDP's 79.4 winning margin in the People's Assembly was slightly less than the much-lauded 80.8% share of seats won by the NLD in 1990. The NUP and other national parties fared poorly, while the ethnic-based parties contesting in their respective regions made some inroads although not as much as they had anticipated. A summary of these results is shown in Table 1 below.

**Table 1: Poll Results by Party Affiliation (% share)**

Party	People's Assembly	National Assembly	Region/State Assembly (all 14 combined)
USDP	79.4 (60.7)	76.8 (57.6)	75.0 (56.3)
NUP	3.7	3.0	6.8
NDF	2.5	2.4	0.6
3 other national parties combined	0	0	0.9
16 ethnic-based regional parties combined	14.4	17.8	16.7

Note: Figures in parentheses are the estimated share for the full complement in the respective parliament with 25 per cent military representation included.

Source: Transnational Institute, "Burma Policy Briefing", No. 4 (December 2010).

<sup>10</sup> See, e.g., Euro-Burma Office, Brussels, "Election Monitor" No. 23, 8-14 May 2010; and Htet Aung, "The Snake Sheds its Skin", *Irrawaddy* (June 2010), pp. 10-14.

<sup>11</sup> There was no election violence as such but on the evening of the elections, elements from a unit (that refused to comply to the government's scheme to reorganize them into a border guard force under MDS command), the ceasefire group Democratic Karen Buddhist Army (DKBA), occupied parts of the town of Myawaddy near the Myanmar-Thai border, and fighting broke out in the early hours of the next day between them and government security forces (see, e.g., Saw Yan Naing, "Fighting Breaks Out in Myawaddy", online, 8 November 2010, available at [www.irrawaddy.org/print\\_article.php?art\\_id=19993](http://www.irrawaddy.org/print_article.php?art_id=19993)).

<sup>12</sup> There were altogether 82 independent candidates with 40 contesting the People's Assembly, 7 the National Assembly and 35 the Region/State Assembly, but only 6 were successful (1 each in the two national parliaments and 4 in the provincial parliaments). In the 1990 election, only 27 out of 93 parties won seats.

As stipulated in the Constitution, the military is automatically entitled to 25 per cent of the total number of seats in all the three legislatures (110 in People's Assembly, 56 in the National Assembly and 222 in the 14 Region/State Assemblies)<sup>13</sup>, and if the military representatives team up with the USDP parliamentarians they would form a super majority that could effectively block any attempt by other political parties to change the Constitution or even to push their bills for legislation or table motions. The dominance of the USDP and the allied military faction in securing all significant positions in the national and region/state (provincial) executives and in the respective parliaments was much evident during the many sessions of the upper and lower houses, as well as in the combined Union Assembly that continued throughout February and March after the official opening of the Union Assembly on 31 January 2011.<sup>14</sup> In fact, the USDP chair and incumbent prime minister (retired general) Thein Sein was elected to be the executive president, while the two vice presidential posts went to SPDC Secretary (retired general and former quartermaster general) U Tin Aung Myint Oo and USDP member of parliament U Sai Mouk Kham (an apolitical ethnic Shan medical doctor). The important positions of speakers of the parliaments also went to two senior retired generals: U Khin Aung Myint (minister of culture) for the upper house, and U Shwe Mann (SPDC member and former third ranking general in the military hierarchy).

Detractors of the Myanmar elections see it as nothing more than a means for the military to strengthen its grip on power.<sup>15</sup> But there are signs that a new dynamic may emerge within the armed forces as well as in its relationship with the central and provincial governments of the 14 different regions and states in the country. All these have significant implications for the management of national security in Myanmar, henceforth rechristened "Republic of the Union of Myanmar".

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<sup>13</sup> It was reported that they were mainly from the supporting arms other than combat units (Min Lwin, "Army reps named for parliament", DVB, 21 January 2011 at <http://www.dvb.no/news/army-reps-named-for-parliament/13816>).

<sup>14</sup> See, e.g., Htet Aung, "Burmese MPs Questions Get Stonewalled by Ministers *Irrawaddy* online 11 March 2011, at [http://irrwaddy.org/print\\_article.php?art\\_id=20023](http://irrwaddy.org/print_article.php?art_id=20023).

<sup>15</sup> See, e.g., "Post election, Burma's future still looks bleak" (editorial), *The Nation* (Bangkok), 16 February 2011.

## The Role of Defence Services in Post-Election Myanmar

### *The historical legacy and forces modernisation*

The *Tatmadaw* (literally meaning Royal Force) or Myanmar Defence Services (MDS) was the offspring of the national struggle for independence. Its founding members were first and foremost nationalists of socialist persuasion rather than typical professional soldiers. As the most powerful and enduring institution in independent Myanmar, it has played a dominant role in shaping the political contours of the Myanmar State and has developed a Praetorian ethos. The first generation military leadership who made their mark during the anti-fascist revolution against the Japanese fashioned a military tradition extending beyond national defence requirements and bordering on the political, thereby becoming the guarantor as well as the embodiment of state authority. This led the MDS to take over the reins of power three times since independence, and in over six decades of sovereign statehood it ruled Myanmar directly for almost half the period.

After assuming power in September 1988, the ruling junta (currently, the State Peace and Development Council or SPDC) embarked upon a rapid expansion of the MDS in terms of both manpower and equipment to transform it from a largely counter-insurgency force to one capable of fighting conventional wars. This effort led to the creation of new command and staff positions as well as additional combat and support formations, thereby increasing the number of active-duty generals (one star and above) to over 100 from less than 20 in 1988. Meanwhile, the army's manpower doubled<sup>16</sup>, and a slew of modern weapon systems were acquired despite an arms embargo by the Western democracies.<sup>17</sup>

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<sup>16</sup> The actual strength of the MDS remains a mystery even to knowledgeable observers. There were many unconfirmed reports of substantially undermanned units (only one-third of the nominal strength) and high rates of desertions. Estimates ranged from 300,000 to over 500,000 with a conservative estimate of around 350,000 for all three services (army, navy and air force) combined (see, e.g., Andrew Selth, "Burma's armed forces: Does size matter?" East Asia Forum, online, 17 September 2010, available at [www.eastasiaforum.org/2010/09/17/burmas-armed-forces-does-size-matter/print/](http://www.eastasiaforum.org/2010/09/17/burmas-armed-forces-does-size-matter/print/); on the other hand, unconfirmed reports claimed that two more regional military commands were formed towards the end of 2010 (Wai Moe, "Junta Expands Military", *Irrawaddy*, online, 29 December 2010, at [http://irrawaddy.org/print\\_article.php?art\\_id=20435](http://irrawaddy.org/print_article.php?art_id=20435)).

<sup>17</sup> For details, see Tin Maung Maung Than, "Tatmadaw and Myanmar's Security Challenges", in *Asia Pacific Security Outlook and Its Implications for the Defence Sector*, pp. 124-142, NIDS Joint Research Series No.5, Tokyo: National Institute for Defence Studies, Japan.

The forces modernisation effort continued in 2010 with reports of acquisitions of armoured personal carriers and mobile rocket launchers from China and 50 Mi-24 Hind heavy attack helicopters as well as a dozen Mi-2 military transport helicopters, while defence spending remained high with a budget allocation of some 37 per cent of the central government expenditure in the current account and slightly over 40 per cent in the capital account.<sup>18</sup> Military ties with China also remain strong while the North Korean connection appears to have been continuing despite international attention.<sup>19</sup>

Speculations on the existence of a secret uranium enrichment programme and operation of dual-use precision machinery by military technologists trained in Russia resurfaced when news broke in June 2010 that a military engineer (a major) defected with secret documents on nuclear-related experiments and photographs of equipment in factories purportedly developing missiles and fissile materials. The Myanmar government had categorically denied that it had neither the intention nor capability for a nuclear weapons programme. Yet the controversy continues, fuelled by related U.S. embassy cables revealed in Wikileaks, amidst calls for transparency and investigation by the International Atomic Energy Agency (IAEA).<sup>20</sup>

### ***The constitutional mandate***

Within ninety days of the confirmation of the election results by the Union Election Commission, a new constitutional government has to be formed, and it is evident that the MDS has a major role to play in the new political system and the management of

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<sup>18</sup> See “The State Budget Law 2009”, in *Myanmar Laws (2009)* (Naypyitaw: Office of the Attorney General, 2010).

<sup>19</sup> E, e.g., Min Lwin, “Burma buys bulk Chinese weaponry, Democratic Voice of Burma, 10 December 2010, in BurmaNet News, 10 December 2010; “Chinese warships pay visit to Myanmar”, Deutsche Presse-Agentur, 30 August 2010, in BurmaNet News, 30 August 2010; Min Lwin and Wai Moe, “More North Korean Rockets Reported in Burma”, *Irrawaddy* online, 24 June 2010, at [http://irrawaddy.org/print\\_article.php?art\\_id=18799](http://irrawaddy.org/print_article.php?art_id=18799); and Wai Moe, “Burma-North Korea Ties: Escalating Over Two Decades”, *Irrawaddy* online, 7 July 2010, at [http://irrawaddy.org/print\\_article.php?art\\_id=18895](http://irrawaddy.org/print_article.php?art_id=18895).

<sup>20</sup> For a skeptical view, see, e.g., Stephen Engelberg, “Experts, intelligence agencies question a defector’s claims about Burma’s nuclear ambitions”, *knoxnews.com*, 14 November 2010, available at [www.knoxnews.com/news/2010/nov/14/experts-intelligence-agencies-question-...](http://www.knoxnews.com/news/2010/nov/14/experts-intelligence-agencies-question-...); for a sympathetic view of the allegations, see, e.g., Simon Roughneen, “Nuclear Confusion”, *Irrawaddy*, 27 October 2010, online at [www.irrawaddy.org/print\\_article.php?art\\_id=19836](http://www.irrawaddy.org/print_article.php?art_id=19836); Ashish Kumar Sen, “IAEA seeks permission from Myanmar for nuke inspectors to visit”, *Washington Times*, 14 January 2011, in BurmaNet News, 14 January 2011.

security in the “Union” (Myanmar state) in accordance with the following provisions of the 2008 Constitution:

- “Enabling the Defence Services to be able to participate in the National political leadership role of the State” (Chapter I, “Basic Principles, article 6-f).
- The military’s complete autonomy to manage its own affairs (Chapter I, “Basic Principles”, article 20); specifically, the MDS “has the right to independently administer and adjudicate all affairs of the armed forces (article 20-b).
- Designation of the military Commander-in-Chief (C-in-C) as supreme commander of all armed forces (Chapter I, article 20-c);
- MDS reserves the “right to administer for participation of the entire people in Union security and defence” (Chapter I, article 20-d);
- Requirement for the President to be “well acquainted with the affairs of the Union such as political, administrative, economic and military” (Chapter III, “Head of State”, article 59);
- Reserved seats for the military in the form of C-in-C’s nominees amounting to 25 per cent of the seats in both houses of the national parliament (Chapter IV, “The Legislature”, articles 109 and 141);
- Reserved seats for the military in the form of C-in-C’s nominees amounting to one-third of the elected representatives in the parliaments of the (14) States and Regions comprising the Union (Chapter IV, article 161);
- Military representatives slated for six out of eleven members of the national Defence and Security Council (Chapter V, “Executive”, article 201);
- Reserved positions for the nominees of the C-in-C as ministers and deputy ministers for defence, home affairs and border areas (Chapter V, articles 232 and 234);
- Exemption for military personal to remain in military service while serving as ministers and deputy ministers, whereas civilians have to resign from their positions as parliamentarians or civil servants or suspend their party affiliations (Chapter V, The Executive, articles 232 and 234);
- “All the armed forces in the Union shall be under the command of the Defence Services” (Chapter VII. “Defence Services”, article 338);
- All citizens of Myanmar have “the duty to undergo military training” in accordance with the relevant law, “and to serve in the Armed Forces to

defend the Union” (Chapter VIII, “Citizen ...”, article 386);

- The President, after coordinating with the National Defence and Security Council, may declare a national emergency and then hand over executive, legislative and judicial powers to the C-in-C in situations “if there is sufficient reason for a state of emergency to arise that may disintegrate the Union or that may cause the loss of sovereignty, due to acts or attempts to take over the sovereignty of the Union by insurgency, violence and wrongful forcible means” (Chapter XI, “Provisions on State of Emergency”, articles 417 and 418);

The role of the National Defence and Security Council (NDSC) is crucial in matters of national security, and this 11-member body is chaired by the President and also includes: the two vice-presidents, the speakers of the People’s Assembly and National Assembly, and the C-in-C of MDS and his deputy, as well as ministers of defence, foreign affairs, home affairs and border affairs.<sup>21</sup>

### *National service legislation*

In line with the aforementioned Constitutional provisions (articles 20-d and 386), a national service law appears to have been enacted by SPDC edict just before the elections although it has yet to be publicly announced. Media reports, labeling it as a conscription law to draft citizens into military service, mentioned that males from the 18-45-age cohort and females from the 18-35-age cohort would be subject to a two-years service obligation extendable to five years during crises. Those who failed to register (from age 18 onwards) would be fined or imprisoned for up to three years or both, while penalties for avoiding a call-up would be a fine or up to five years imprisonment or both. Temporary exemption applies to civil servants, students, convicted prisoners and those engaged in elderly care. However, members of the religious order, married females and single mothers as well as disabled persons would be excused.<sup>22</sup> The actual implementation schedule is not known, thus far, but

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<sup>21</sup> It is likely that in the first electoral cycle (2010-2015), an overwhelming proportion of the NDSC members and the President would be retired or serving generals.

<sup>22</sup> See “Myanmar enacts military draft laws for men, women”, Associated Press, 9 January 2011, in BurmaNet News, 8 January 2011.

the opposition camp is questioning its timing and intent.<sup>23</sup>

***MDS national security paradigm***

Meanwhile the MDS's national security paradigm has yet to undergo substantial change and seems to continue its primary focus on the long-standing (six decades old) domestic issue of armed insurrection, although potential threats to its territorial integrity and national sovereignty have been taken into consideration since the coup of 1988.<sup>24</sup> A modern, strong and patriotic armed force is seen as imperative for fulfilling these objectives. These concerns were reflected in the speech of the MDS leader Senior General Than Shwe to the graduation class of the 13<sup>th</sup> intake to the Defence Services Technological Academy on 17 December 2009:

History teaches us that our Tatmadaw needs not only to be capable of maintaining peace and stability within the country, but also to be able to repel threats such as unforeseen foreign invasion ....

In today's world, efforts are being made to utilise new and powerful weapons of mass destruction to achieve land, sea and air supremacy as well as dominance in space and to exploit it in warfare.<sup>25</sup>

Myanmar under the military junta had been an exemplar of a typical 'national security state' in which the military leaders seem to have conflated national interest with the armed forces' corporate interests as represented and defined by the junta. Nation and state are also interchangeable, and regime and state are conflated. This outlook will probably continue for one election cycle (5yrs) at least, given the overwhelming presence of retired and serving senior military leaders in the new "civilian" government, and the institutionalisation of the military's leading role in politics as per the Constitution (see above). This is despite the changing of the guard at the top

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<sup>23</sup> See, e.g., Phanida and Myo Thant, "Military draft seen as threat to ethnic groups", Mizzima News, 11 January 2011, in BurmaNet News, 11 January 2011; and Phanida, "Proposed military conscription law abuses rights: NLD", Mizzima News, 20 January 2011, in BurmaNet News, 20 January 2011.

<sup>24</sup> See, e.g., Hseng Khio Hah, "Burma Army on alert after UAV invaded its air force", Shan Herald Agency for News, 6 January 2011, in BurmaNet News, 6 January 2011.

<sup>25</sup> See *New Light of Myanmar*, 18 December 2010.

of the MDS hierarchy (see below).<sup>26</sup>

### ***Leadership transition in the MDS***

The much-anticipated changes introducing third generation leaders to command the MDS beyond the elections were carried out in several stages during the second and third quarters of 2010. It brought to the fore a fresh cohort of generals who are some two decades behind those who had commanded the MDS in the era of the 1990 elections. As most of the senior commanders (except the two top men and the chiefs of the navy and air force) relinquished their duties to run for the elections, the infusion of fresh blood into the MDS command hierarchy was accomplished just before the November elections. The new lineup is shown in Table 2 below. Below the top brass at headquarters, another group of general officers was appointed to head the 13 regional military commands that comprised the military demarcation of Myanmar's territory. These new faces were a few cohorts (in terms of graduation from the respective military training institutions; viz., the Defence Services Academy and Officer Training School) behind the top commanders depicted in Table 2. It is believed that a new C-in-C and Deputy C-in-C would also be appointed after the new government is formed at the end of the parliamentary sitting.

### ***Civil military relations***

On the other hand, there are indications that it would not be "business as usual" in the MDS under the new power configuration. A new *modus operandi* has appeared between the retired generals in the union government at Naypyitaw and the military command hierarchy comprising much more junior generals. Furthermore, the powerful regional military commanders would no longer be entitled to exercise executive power in their respective territories, but only be vested with authority over military matters. The Chief Ministers, who are Presidential appointees, would hold sway over the administration of the fourteen States and Regions whose territorial boundaries overlap with corresponding regional military commands. As such, a new *modus vivendi* has to be worked out between the Regional Commander and the Chief Minister (many may turn out to be retired generals senior to the former) as well with the line ministries under ministers

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<sup>26</sup> This is because of the nature of military socialization throughout the careers of all senior officers, its culture of extreme suspicion of "outsiders" bordering on paranoia, and expected continuing influence of the SPDC chairman whose *modus operandi* of command has been seen as highly personal.

(again likely to be retired senior generals) appointed by the executive President. Moreover, region and state parliaments are also expected to play a role in political governance of their respective areas. Hence, this new structure of regional authority is completely different from the familiar top-down command structure exercised by the regional commanders in the SPDC era. All in all, the introduction of a form of pluralism in the body politic and a relatively flatter power distribution poses new challenges as well as opportunities for the MDS in post-election Myanmar. One step removed from direct political governance, the new *Tatmadaw* leadership could devote more attention, time and energy towards enhancing professionalism in the MDS, as well as to initiate steps toward developing a new paradigm for civil-military relations conducive to nation-building and human security.

**Table 2: Generational Change in Army Leadership**

Position	September 1988	November 1997	December 2010
C-in-C	Gen. Saw Maung (OTS 6)	Sen. Gen. Than Shwe (OTS 6)	Sen. Gen. Than Shwe (OTS 6)
Dy C-in-C	Lt.G. Than Shwe (OTS 9)	Gen. Maung Aye (DSA 1)	V. Sen.Gen. Maung Aye (DSA 1)
JCS	n.a.	n.a.	Lt.G. Min Aung Hlaing (DSA 19)
AG	B.G. Aung Ye Kyaw (OTS 6)	Lt.G. Win Myint (OTS 28)	M.G. Khin Zaw Oo (OTS 56)
QMG	M.G. Phone Myint (OTS 9)	Lt.G. Tin Hla (DSA 3)	M.G. Wai Lwin (DSA 18)
BSO 1	M.G. Sein Aung (OTS 10)	Lt.G. Tin Oo* (OTS 22)	M.G. Myint Soe (OTS 61)
BSO 2	M.G. Chit Swe (OTS 8)'	--	M.G. Aung Than Htut (DSA 20)
BSO 3	n.a.	n.a.	M.G. Hla Min (DSA 22)
BSO 4	n.a.	n.a.	M.G. Thet Naing Win (OTS 56)
BSO 5	n.a.	n.a.	M.G. Tin Ngwe (DSA22)
BSO 6	n.a.	n.a.	M.G. Soe Win (DSA 23?)
CMAS	B.G. Khin Nyunt (OTS 25)	Lt.G. Khin Nyunt (OTS 25)	M.G. Kyaw Swe (DSA 22)

Notes: n.a. = not applicable; C-in-C = Commander in Chief; Dy = Deputy; JCS = Joint Chief of Staff; AG = Adjutant General; QMG = Quartermaster General; BSO = Bureau of Special Operations (Chief); CMAS = Chief of Military Affairs Security (intelligence); OTS = Officer Training School (for graduates); DSA = Defence Services Academy (for high school leavers); \*Lt. G. Tin Oo was killed in a helicopter crash in 2001.

Sources: Maung Aung Myo. *Building the Tatmadaw: Myanmar Armed Forces Since 1948* (Singapore: Institute of Southeast Asian Studies, 2009); and personal communications.

## Security Challenges

Although the advent of the November elections and emergence of the new civilised government produce a different political environment within which the national security would be defined and safeguarded, there is likely to be continuity in the leading or even domineering role of the military in political governance and in managing state security. However, the absolute power of the military through the SPDC's authority could no longer be exercised as in the past 22 years, and the MDS has to abide by the Constitution and the resulting legal framework as well as the rules of the game instituted by the government and legislative bodies at both the national and provincial level. This could have some procedural and other implications regarding measures taken by the MDS to safeguard and enhance national security. Yet at the same time, the fundamental calculus of security challenges are expected to remain unchanged with regard to both non-traditional security (NTS) and traditional armed security challenges that had confronted Myanmar in recent years.

### *NTS issues*

As Myanmar's economy expands and resource exploitation intensified, especially in the form of FDI (foreign direct investment) or foreign joint ventures (either with the central government or local private business concerns), mining concession and hydroelectric power tensions could arise between local communities and the operators of such projects over socio-cultural, environmental, labour and financial issues. Protests, demonstrations, and even violence (such as bombings) could escalate leading to insecurity and instability warranting intervention by security forces, and even the MDS may have to be prepared for such an unprecedented eventuality.<sup>27</sup>

The problem of production and trafficking of narcotics (opium, heroin and amphetamine type substances or ATP) remains despite successful opium eradication campaigns in the traditional poppy growing areas under control of Wa and other ceasefire groups (CFGs). In fact there have been reports that the poppy acreage had increased in recent years although the production volume had fallen somewhat due to bad weather. There have been allegations that a number of military-sponsored

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<sup>27</sup> See, e.g., Aye Nai, "Rangoon workers stage mass strike", Democratic Voice of Burma, 11 March 2011, online at [www.dvb.no/news/rangoon-workers-stage-mass-strike/14693](http://www.dvb.no/news/rangoon-workers-stage-mass-strike/14693).

local ethnic militias and some CFGs were involved in fuelling graft and corruption among the anti-narcotics agencies and even within the MDS hierarchy.<sup>28</sup>

Pandemics such as bird flu and H1N1 virus had not come back in recent years, but the overall deficiencies and resource constraints in public health and the porosity of borders meant that a large outbreak could be disastrous in both economic and health dimensions, and may even become a cause of concern for neighbouring countries.<sup>29</sup> The MDS might be called upon to help maintain a *cordon sanitaire*, or take part in large culling exercises in such outbreaks.

The persistence of internally displaced persons (IDP) and refugees is intertwined with military operations against recalcitrant insurgent groups (see below), with the latter affecting neighbouring states like China, Thailand and Bangladesh.<sup>30</sup> In a similar manner, illegal migration (for mainly economic reasons) and human trafficking across borders are at times enmeshed, posing a security problem for both Myanmar and the neighbouring states.<sup>31</sup>

The scourge of HIV/AIDS although somewhat contained in Myanmar still remains a potent threat in the realm of NTS. An estimated 250,000 infected persons were still suffering despite the drop in HIV prevalence rate from 0.94 per cent to 0.61 per cent between 2000 and 2009. Of the 74,000 patients, only 27 percent had access to anti-retroviral (ARV) drugs despite the collaboration between Myanmar government and UN agencies, 11 local NGOs (non-governmental organisations), and 21 international

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<sup>28</sup> See, e.g., “Drug economics in Burma’s new political order, Mizzima News, 6 August 2010 in BurmaNet News, 6 August 2010; Hseng Khio Fah, “Burmese regime way behind drug-free target: Drug report”, 29 September 2010, available at <http://www.shanland.org/index.php?view=article&catid=89%3Adrugs&id=3224%Ab...>; and “Myanmar: Addicted to poppy farming”, UN Office for the Coordination of Humanitarian Affairs – Integrated Regional Information Network (IRIN), 13 January 2011.

<sup>29</sup> See, e.g., Joseph Allchin, “Burma’s health woes traversing borders”, Democratic Voice of Burma, 28 January 2011, in BurmaNet News, 28 January 2011.

<sup>30</sup> See, e.g., Sai Zom Hseng, “Thais tighten border security amid clashes”, *Irrawaddy*, 10 January 2011 in BurmaNet News 8-10 January 2011.

<sup>31</sup> Illegal migrants in Thailand could number up to a million, while the number of Chinese migrants into Myanmar from Yunnan had been estimated to run to hundred of thousands over the last 2 decades. For details see Tin Maung Maung Than, “*Tatmadaw* in Transition: Dealing with Internal Conflict”, paper delivered at the Conference on “Internal Conflict in Myanmar and Trans-border Consequences”, Centre for Security Analysis and Institute of Southeast Asian Studies, Singapore, 26-27 May 2010.

NGOs.<sup>32</sup>

### *The insurgency threat*

Despite the apparent success of the junta's strategy in securing ceasefire arrangements with major armed ethnic groups, remnants of the decades old ethnic insurgency linger on mainly at the eastern border regions adjacent to Thailand. Apart from several minor armed groups (Chin National Front or CNF and the Arakan Liberation Front or ALF on the Indian border<sup>33</sup>, and the armed wing of the Karenni National Progressive Party or KNPP near the Thai border), there are two significant insurgent groups to contend with. One is the breakaway faction of the MTA (Mong Tai Army led by narco-warlord Khun Sa that surrendered in 1996), led by Yawd Serk (Ywet Sit) and known as the Shan State Army-South (SSA-South), which remains ensconced in Eastern Shan States with a force reportedly numbering several thousand fighters. Another is the Karen National Liberation Army (KNLA, the military arm of the Karen national Union or KNU; fighting since 1949) with some 2-4,000 troops.<sup>34</sup> These two armed groups have been under constant pressure from the MDS and are basically on the defensive.<sup>35</sup> The KNU/KNLA is at nadir in six decades of fighting, plagued by attrition, factionalism, depleted resources and weak leadership.<sup>36</sup> However, some troops or even whole units from the Shan and Kayin ceasefire groups who do not accept the junta's demobilisation plan could break away and defect to the SSA (South) and KNU camps respectively.<sup>37</sup>

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<sup>32</sup> See UNAIDS to extend aid for Myanmar HIV victims, Xinhua News, 8 January 2011, in BurmaNet News, 8 January 2011.

<sup>33</sup> There are also anti-Indian insurgent groups belonging to the United Liberation Front of Assam and the National Socialist Council of Nagaland that create problems in Myanmar-India relations. Lately the MDS had stepped up pressure on them as well as the Rakhine and Chin insurgents. See, e.g., Nyein Chan, "Army expands outposts near Indian border", Mizzima News, 7 May 2010, in BurmaNet News, 7 May 2010; and K. Yhome, "India-Myanmar Relations (1998-2008): A Decade of Redefining Bilateral Ties", ORF Occasional Paper No. 10, New Delhi, Observer Research Foundation (January 2009), pp. 14-15.

<sup>34</sup> See International Institute for Strategic Studies (IISS), *The Military Balance 2009* (Abingdon, Oxon.: Routledge, 2009), Table 47, p. 474. It is likely to be at the low end of that estimate, due to further factionalism and attrition.

<sup>35</sup> See, e.g., Lt. Gen. Yawd Serk, "The weak points of Burma's ethnic resistance groups", *The Nation*, 29 June 2010, in BurmaNet News, 29 June 2010.

<sup>36</sup> See, e.g., Smith, "Ethnic Politics", pp. 221-22.

<sup>37</sup> See, e.g., Hseng Khio Fah, "Ceasefire Shan Army to split into two factions? S.H.A.N.", 26 April 2010, at [www.shanland.org/index](http://www.shanland.org/index); and Joseph Allchin, "DKBA commander's defiance nudges Karen state towards war", DVB, 26 July 2010, in BurmaNet News, 24-26 July 2010.

***The ethnic ceasefire group (CFGs): resisting demobilisation***

The instituting of a constitutional arrangement that allows pluralistic electoral participation could be interpreted as a means to ensure continuity and sustainability in realising the military's vision of national security. However, the very constitutional provision (article 338) that was meant to anoint the MDS as the sole armed organisation with a monopoly on the use of force has created a security dilemma for the SPDC with respect to the armed wings of the ceasefire groups (CFGs). When they entered into ceasefires with the government, all CFGs except the Kachin Independent Organisation (KIO) had only verbal agreements that allowed them to keep their arms and engage in business activities with some localised autonomy and authority. The larger CFGs like the KIO (Kachin Independence Army or KIA, its armed wing, about 5-6000 troops) and those on the Chinese border (Wa, Kokang and Mongla groups comprising a majority of ethnic Chinese inhabitants) were allowed greater autonomy to administer and control their designated areas officially known as "special regions". Among them, the Wa CFG led by the leaders of the United Wa State Army (UWSA, 15,000 to 25,000 strong and reputedly armed with heavy mortars, artillery and modern anti-air weapons) was given wide latitude to run its area with almost no intervention by the central government. Even the MDS had reportedly refrained from entering Wa territory without prior arrangement. The three CFGs whose territories are adjacent to the Yunnan province of China have had extensive socio-economic and quasi-political links with China, set their own judicial and administrative rules, and are believed to have engaged in illegal border trade, including drug production and trafficking.<sup>38</sup>

In accordance with the Constitutional rule forbidding armed forces independent of the MDS, the SPDC, in early 2009, had demanded that the CFGs either turn their armed forces into a border guard force (BGF) with reduced strength and truncated command structure or local militia (lower status and smaller units than the BGF) before the new constitution comes into force. The BGF structure reportedly consists of smaller lightly-armed infantry battalions under tight MDS control as opposed to

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<sup>38</sup> See International Crisis Group (ICG), "China's Myanmar Dilemma", Asia Report No. 177, Brussels, 14 September 2009, pp. 0-13; and Mary Callahan, *Political Authority in Burma's Ethnic Minority States: Devolution, Occupation, and Coexistence*, East-West Center Policy Studies 31 (Washington D.C.: East-West Center, 2007). For an in-depth report on developments along the Sino-Myanmar border, see Hélène Le Bail and Abel Tournier, "From Kunming to Mandalay: The New 'Burma Road,'" *Asie Visions* 25, Paris, Centre Asie Ifri (March 2010).

previous formation of larger CFGs (Wa, Shan, and Kachin) whose autonomous units comprised even brigades with heavy weapons

18 officers & 308 other ranks

- Commanding officer and deputy from CFG
- 30 are from MDS (3 out of 18 officers, and 27 out of 110 non-commissioned officers or NCOs)
- 1 major (out of 3) administration from MDS
- Adjutant and Quartermaster (2 out of 5 captains) from MDS
- WOII (warrant officer grade II) as Headquarters superintendent (out of 5) from MDS
- Company Quartermaster Sergeant (Sgt) from MDS
- 8 Sgt Clerks (all) from MDS
- 6 Sgts (out of 16) from MDS
- 9 Corporals (out of 44) from MDS
- Medic (lance corporal?) from MDS

This goes against the grain of most CFGs, which had repeatedly expressed their preference to keep their forces intact, and negotiate the terms and conditions of the demobilisation with the new elected government after 2010. The SPDC, for its part, had also refused to change the terms of its demands for transforming the CFG's armed wings into units under its direct command. Consequently, the larger CFGs, the KIA, USWA, MNDAA (Myanmar National Democratic Alliance; popularly known as the Kokang group estimated at 2000 strong) and NDAA (National Democratic Alliance Army; popularly known as the Mong La group with several thousand troops) all refused to comply. In fact, the BGF format requires the CFGs to downsize their combat formations (brigades and divisions in the case of Wa) into 326-men battalions embedded with MDS personnel who would control supplies and logistics, and apparently devoid of heavy weapons. Tensions had been rising between those four major CFGs and the military on account of this BGF issue, and were exacerbated when the MDS subdued the defiant Kokang group in August 2009 by supporting an internal revolt by pro-junta leaders following violent clashes as the army enforced the indictment against the group leader Pheung Kya-Shin for illegal weapon production. Although these four CFGs had formed an alliance called Myanmar Peace and Democratic Front (MPDF) in March 2009, the alliance failed to act in support of the Kokang group. Nevertheless, the remaining three CFGs pose a formidable

challenge to the MDS if it had to use force to make them comply with the SPDC's plan for transforming them into a fragmented BGF under direct MDS control. The New Mon State Party (NMSP) with a few thousand men-at-arms also declined the military's offer to demobilise its troops into a smaller BGF.<sup>39</sup> Even the DKBA (Democratic Kayin Buddhist Army; a breakaway Buddhist faction of the Christian-dominated KNLA), seen as the military's staunch ally against the KNU, was sending mixed signals, at times indicating that it would maintain the *status quo* instead of conforming to the military's BGF scheme.<sup>40</sup>

Up to five deadlines beginning with October 2009 have passed, and the impasse continues to date.<sup>41</sup> There were some indications that the junta had stopped pressing for immediate transformation and might defer the issue until after the elections.<sup>42</sup> All in all, the problem of CFG intransigence in refusing to play by the SPDC's rules to demobilise their armies has become the most acute security challenge for the SPDC and the successor regime that would be sworn in after the elections.<sup>43</sup>

Both NTS issues and traditional security problems brought about by insurgency and recalcitrant CFGs have serious implications through insecurity and instability of border regions, and occasional spillover effects of fighting along the border. The problem of refugees and illegal migrants has not been resolved with Bangladesh (the ethnic Rohingya issue) and Thailand (ethnic minorities and majority Bamars from Myanmar), and these are compounded by long-standing border disputes with both countries that had led to past confrontation between the armed forces of the neighbouring states. In the case of China, it is even more complicated with the

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<sup>39</sup> See, e.g., "The Kachin's Dilemma-Become a Border Guard Force or Return to Warfare", EBO Analysis Paper No. 2/2010, Brussels, Euro-Burma Office, 2010; Lawi Weng, "Mon reject militia plan", *Irrawaddy*, 23 April 2010, in BurmaNet News, 23 April 2010; and Brian McCartan, "Myanmar ceasefires on a tripwire", *Asia Times*, 30 April 2010, in BurmaNet News, 30 April 2010.

<sup>40</sup> See, e.g., Lawi Weng, "DKBA, KNU held secret peace talks", *Irrawaddy*, 2 July 2010, in BurmaNet News, 2 July 2010; and Saw Thein Myint, "DKBA Brigade 5 refuses to toe junta's BGF line", Kachin Information Center, 23 July 2010, in BurmaNet News, 23 July 2010.

<sup>41</sup> McCartan, *op. cit.*

<sup>42</sup> See, e.g., Hseng Khio Fah, "Junta sets no new deadline for BGF programme at latest meeting", S.H.A.N., 24 June 2010, at [www.shanland.org/index](http://www.shanland.org/index).

<sup>43</sup> See, e.g., "The Kokang Clashes-What Next?", EBO Analysis Paper No. 1/2009, Brussels, Euro-Burma Office, September 2009; Maximilian Wechsler, "No united army for us, rebels vow", *Bangkok Post*, 13 December 2009; and "No kowtowing by dissident ceasefire armies", S.H.A.N./, 28 December 2009, at [www.shanland.org](http://www.shanland.org). For a summary, see Smith, "Ethnic Politics", pp. 217-20.

Yunnan provincial government's politico-economic relationship with the CFGs along its border (Wa and Mongla group), as well as concerns over the security of large infrastructure, mining and energy projects located in ethnic minority areas of Myanmar. In fact, China's restraining hand is probably the most significant factor preventing the MDS from using force to subdue the Wa CFG and perhaps also the KIO/KIA.<sup>44</sup>

## **Conclusion**

The nature of Myanmar's security challenges, mainly internal, remains virtually unchanged in recent years. Even as a new constitutional government comes to power after the November elections, the role and security outlook of the MDS, the ultimate guarantor of Myanmar's security (both for the regime and the state), also has not undergone significant changes. However, the advent of constitutional rule by a civilianised government has ironically accentuated the problem of incorporating the CFGs into the new administrative regime and demobilising their armed wings. This perhaps is the biggest security challenge to Myanmar for which the MDS may not be the best tool to neutralise it, not only because of serious domestic and regional implications associated with resuming fighting, but also because the MDS' freedom of action could also be constrained by the new political environment.

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<sup>44</sup> See, e.g., International Crisis Group, "China's Myanmar Strategy: Elections, Ethnic Politics and Economics", Update Briefing, Asia Briefing No. 112, 21 September 2010.