

CHAPTER 7

Myanmar's Security Outlook and the Myanmar Defence Services

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Introduction: Elected civilian government and the military in politics

There were expressions of disappointment and even outright condemnation by the West and opposition groups that viewed the 7 November 2010 elections, held under the auspices of the ruling State Peace and Development Council (SPDC), as neither free nor fair as well as lacking inclusiveness. Allegations of votes being manipulated in favour of the Union Solidarity and Development Party (USDP that was transformed from the military-sponsored Union Solidarity and Development Organization, led by former prime minister and retired general U Thein Sein), the boycott of National League for Democracy (NLD, which convincingly won the 1990 election and whose leader Nobel laureate Daw Aung San Suu Kyi was still under house arrest had refused to re-register for competing in the polls) and complaints of unfair election laws tarnished the victory of the USDP which won overwhelmingly. By winning over 79 percent of the contested seats in the Pyithu Hluttaw (People's Assembly or lower house of parliament) and nearly 77 percent in the Amyotha Hluttaw (National Assembly or upper house of parliament) at the national level and substantially (majority party in all seven states and seven regions) at the provincial level, the USDP was in a position to form the Union Government as well as the respective Region/State Governments. Though the Chairman of the SPDC Senior General Than Shwe and the Vice Chairman Vice Senior General Maung Aye did not contest the elections there were persistent rumours of their continued leadership roles in the USDP or that the new government that would be formed after the convening of the first Pyidaungsu Hluttaw (Union Assembly or combined houses of parliament) comprising the Pyithu Hluttaw and the Amyotha Hluttaw.¹

¹ This was because the President and Vice Presidents (there are two) need not be elected representatives according to the 2008 Constitution (Chapter III, Constitution of the Republic of the Union of Myanmar).

When the first session of the national and regional parliaments was convened at Naypyitaw² under the SPDC's auspices on 31 January 2011³ most of the military's former⁴ top leaders with the exception of Senior General Than Shwe and Vice Senior General Maung Aye were present as USDP members of parliament (MPs). The combined sitting of the two houses on 4 February elected U Thein Sein (USDP MP) as President and (USDP MP, former SPDC secretary and retired general) Thiha Thura U Tin Aung Myint Oo and (USDP MP and ethnic Shan medical doctor) Sai Mauk Kham as two vice presidents. The new government that was formed by President U Thein Sein on 30 March that took over power from the SPDC also exhibited a heavy military legacy: some 85 percent of the ministers (USDP MPs) identified as retired senior military officers, three serving general officers, nominated by the new Commander-in-Chief (C-in-C), and one non-MP retired military officer.⁵ The President also appointed retired senior military officers as chief ministers heading the provincial (State and Region) governments.⁶ As such, former senior military officers and serving officers dominated Myanmar's executive branch at both the national and provincial levels. Furthermore, a former SPDC member and retired Lt. general was appointed as the new head of the powerful Union Election Commission⁷ and retired general officers were designated as the chairperson of the Union Civil Service Board and the Auditor-General⁸, while the positions of chairperson of the Constitutional Tribunal as well as the Chief Justice were filled by former senior officers from the (military) Judge Advocate General office.⁹ Contrary to speculations the two top SPDC leaders officially retired from the military and all executive positions with the dissolution of the SPDC and its subordinate executive bodies on 30 March 2010.¹⁰ Thereafter, the military no longer plays an active role in the political governance

² The name of Myanmar's capital since 2005 literally means "royal abode."

³ The Constitution of the Republic of the Union of Myanmar, approved by a referendum in 2008, also came into force on the same day.

⁴ They retired from the military to contest the elections as civilians.

⁵ See Order No. 4/2011, *New Light of Myanmar* (hereafter *NLM*), 31 March 2011, p. 9. The three military representatives were for defence (Maj. General in charge of one of the six Bureaux of Special Operations, home affairs (Lt. general and former chief of Bureau of Special Operations) and border affairs (Maj. General, chief of military ordnance and production). The only non-MP in the cabinet, a retired colonel and an ambassador, was appointed to the foreign affairs portfolio.

⁶ See President Office Order No. 9/2011, *NLM*, 31 March 2011, p. 10.

⁷ See Order No. 3/2011, *NLM*, 31 March 2011, p. 9.

⁸ See Order No. 6/2011 and Order No. 7/2011 respectively, *NLM*, 31 March 2011, p. 9.

⁹ See Order No. 2/2011 and Order No. 1/2011 respectively, *NLM*, 31 March 2011, p. 8.

¹⁰ See SPDC Notification No. 5/2011 to 8/2011, *NLM*, 31 March 2011, p. 8.

and administration of Myanmar. At the central or Union level the military top brass have apparently deferred to the President's authority while at the provincial level (officially designated as State or Region), whose territorial boundaries overlap with corresponding regional military commands, the powerful regional military commanders, thus far, have exercised their authority only on military matters and leave the civilian local governments alone in all other matters.¹¹ In fact, the regional commanders seem to defer to the relevant chief ministers who (with the exception of the Kachin State) were appointed by the President and were either former ministers or ranking military officers senior to them.

President's reform initiatives

Soon after assuming office, President U Thein Sein initiated economic and political reforms to the surprise of many observers of the Myanmar political scene, many of whom expected a continuation of the SPDC's policies by a conservative executive presidency and 'rubber stamp' parliaments. Initially dismissed by sceptics in the opposition movement and the West as merely 'cosmetic' and designed to gain legitimacy at home and abroad as well as to secure Myanmar's bid for the ASEAN (Association of Southeast Asian Nations) chairmanship in 2014 and to support the calls for the lifting of Western sanctions, these initiatives yielded tangible results. Beginning with the President's promise to run a "clean government" and practise "good governance" in his address to members of the Union government and heads of Union level organisations at the oath-taking ceremony (on 31 March 2011)¹² and gaining momentum in the second half of the year, they included, *inter alia*, trade and tax liberalisation measures as well as the release of thousands of prisoners¹³,

¹¹ This observation is based on information collated from various Myanmar-focused web sites, state-owned newspapers and Myanmar language publications as well as meetings with a variety of individuals in Naypyitaw and Yangon during June, August and October 2011. According to an unofficial source in the 34-level protocol order of the organs of state power, the Commander-in-Chief of the armed forces is ranked seventh and that of the regional commander is 27th, just above that of the Union Government deputy minister. See <http://moemaka.blogspot.com/2011/10/moemaka-order-of-thein-sein-aka-order.html>.

¹² See *NLM*, 1 April 2011.

¹³ The President's two amnesties were the release of 14,578 persons in May 2011 that reportedly included 55 who were classified as "political prisoners" by the opposition and another in October whereby 6,359 prisoners were released with 220 of them falling in the "political prisoners" category. The government, though, does not accept the term "political prisoner" and regards all prisoners as those convicted for criminal offences.

formation of a national commission for human rights¹⁴, suspension of the controversial Chinese mega-hydroelectric dam project (at Myitsone in the Kachin State), relaxing the draconian election laws to enable the NLD to re-register for the forthcoming by-elections and overtures to seek dialogue with NLD leader Aung San Suu Kyi.¹⁵ They became increasingly seen as the harbinger of a more open and democratic political climate in Myanmar by much of the polity and the international community.¹⁶ Consequently there was a surprising thaw in Myanmar's relations with the United States and improved engagements with the European Union as well as Britain and Japan all of who had imposed punitive sanctions against the military regime in their quest to improve human rights and institute liberal democracy in Myanmar.¹⁷

Leadership transition in the military

The introduction of a new generation of leaders to command the Myanmar Defence services (MDS) in the new constitutional era was carried out in several stages during the second and third quarters of 2010 and culminated in the appointment of General Min Aung Hlaing (former Chief of Joint Staff; third ranking army leader) and Lt. General Soe Win (former Chief of Bureau of Special Operations or BSO 6) as C-in-C and Deputy C-in-C respectively in line with the formation of the new government. The leadership changes at the top of the army brought in a fresh cohort of generals who are some two decades behind those who had commanded the MDS in the era of the coup that took place in September 1988. The new command hierarchy in the army (the premier service) is shown in Table 1 in comparison to that at the time of the coup and the subsequent formation of the SPDC. Below the senior staff at the office of the C-in-C and under operational command of the BSOs another group of

¹⁴ Myanmar National Human Rights Commission (MNHRC) comprising retired diplomats, senior civil servants and academics was established on 5 September 2011 to “promote” and “protect” the fundamental rights of citizens provided in the Constitution.

¹⁵ This included the President meeting with the opposition icon Daw Aung San Suu Kyi on 19 August 2011 and a series of substantive dialogues between Daw Aung San Suu Kyi and liaison minister U Aung Kyi in the second half of 2011.

¹⁶ Myanmar also secured the mandate of the ASEAN leaders at the Bali Summit in November 2011 to assume the ASEAN Chair in 2014 in a swap with Laos contravening the usual alphabetical sequence of taking turns for the chairmanship. This has been seen as significant achievement in enhancing the international standing of the new government.

¹⁷ This resulted in the visit of high officials from the EU and ministerial visits from Britain and Japan as well as a high profile visit by U.S. Secretary of State Mrs Clinton in the closing months of 2011.

general officers were appointed to head the regional military commands who were a few cohorts (in terms of graduation from the military training institutions) behind the top officers depicted in Table 1.

Table 1: Generational Change in Army Leadership

Position	September 1988	November 1997	December 2011
C-in-C	Gen. Saw Maung (OTS 6)	Sen. Gen. Than Shwe (OTS 6)	Gen. Min Aung Hlaing (DSA 19)
Dy C-in-C	Lt.G. Than Shwe (OTS 9)	Gen. Maung Aye (DSA 1)	Lt.G. Soe Win (DSA 22)
JCS	n.a.	n.a.	Lt.G. Hla Htay Win (DSA 20)
AG	B.G. Aung Ye Kyaw (OTS 6)	Lt.G. Win Myint (OTS 28)	Lt.G. Khin Zaw Oo (OTS 56)
QMG	M.G. Phone Myint (OTS 9)	Lt.G. Tin Hla (DSA 3)	Lt.G. Wai Lwin (DSA 18)
BSO 1	M.G. Sein Aung (OTS 10)	Lt.G. Tin Oo* (OTS 22)	Lt.G. Myint Soe (OTS 61)
BSO 2	M.G. Chit Swe (OTS 8)	–	Lt.G. Aung Than Htut (DSA 20)
BSO 3	n.a.	n.a.	Lt.G. Hla Min (DSA 22)
BSO 4	n.a.	n.a.	Lt.G. Thet Naing Win (OTS 56)
BSO 5	n.a.	n.a.	–
BSO 6	n.a.	n.a.	–
CMAS	B.G. Khin Nyunt (OTS 25)	Lt.G. Khin Nyunt (OTS 25)	Lt.G. Kyaw Swe (DSA 22)

Notes: n.a. = not applicable; – = vacant; Sen. = Senior; Gen. = General; Lt.G. = Lieutenant General; M.G. = Major General; B.G. = Brigadier General; 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.

Myanmar Defence Services and national security

Under the elected civilian government of President Thein Sein the Myanmar Defence Services (MDS) going by the vernacular name *Tatmadaw* (literally meaning Royal Force) enjoyed considerable latitude in its own administrative, judicial, financial and operational matters. The Commander-in-Chief (C-in-C) of the MDS, though appointed by the President has virtually complete control of the MDS as its designated Supreme commander. The political role of the MDS is ensured not only by a constitutionally mandated set of ministerial appointments (defence, home affairs and border affairs) but also by the 25 percent quota of parliamentary seats for military representatives (nominated by the C-in-C) in the national and provincial parliaments.¹⁸

The President in his inaugural speech to the combined houses of parliament acknowledged the role of the MDS in the national struggle for independence and its subsequent roles in safeguarding the Union and its territorial integrity.¹⁹ In the same address he stressed the need for Myanmar to have “three types of might,” which included “military might” elaborated as:

Regarding military might, we have to relay the duty to strengthen the nation from one generation to another for perpetuation of independence and sovereignty. If the nation does not have strong armed forces, our country will face hegemony of others. Our country stood tall with own monarchs and sovereignty for thousands of years. But, in late Konbaung Period, our country fell under the subjugation of the colonialists without any strong resistance. That was due to lack of a strong Tatmadaw. If we do not take national defence seriously, we will fall under the rule of neo-colonialists again. I am sure you understand well that neo-colonialists are anxious to interfere in the internal affairs of our country because our country occupies strategic position geographically and economically.

¹⁸ For details, see, Tin Maung Maung Than, “Tatmadaw in Transition: Dealing with Internal Conflict,” in V.R. Raghavan ed., *Internal Conflict in Myanmar: Transnational Consequences* (New Delhi: Vij Books, 2011), pp. 13-37. It turned out that virtually all the military nominees in the parliaments were middle-ranking officers of captain and major rank.

¹⁹ See the speech in *NLM*, 31 March 2011.

Therefore, our country needs a world-class Tatmadaw. The entire people have to build collectively [the] present Tatmadaw into a strong, efficient, modern and patriotic Tatmadaw. Every citizen is responsible for defending the country. So, the people have to do their bit in national defence duties.²⁰

In line with this the modernisation of the MDS relentlessly pursued by the SPDC regime continued under the present government though there were no indications of new orders for major weapon platforms and systems under the present government.²¹

There was also no evidence of any substantial change in the 'realist' national security paradigm embraced by Myanmar's security establishment (dominated by the military) since independence in 1948 and premised upon 'hard' security challenges like armed insurgency and foreign aggression and perhaps terrorism.²² 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 represented and defined by the junta. Nation and state was also interchangeable and regime and state were conflated. This outlook seems to remain current in the MDS but the government as a whole and the parliaments with their new emphasis on openness, transparency, good governance and responsiveness to the people's wishes appear to acknowledge the need to also consider the 'human security' element in defining national security and the potential of 'soft' security challenges or non-traditional security issues (NTS) like public protest, migration, narcotics, pandemics and human trafficking.²³ Under the SPDC rule the government and the MDS were symbiotic and both 'hard' and 'soft' or 'traditional' and 'non-traditional' security issues could be considered as coming under the purview of the

²⁰ Ibid. The other two requirements mentioned were "political might" and "economic might."

²¹ See e.g., Hseng Khio Fah, "Chinese made military trucks arriving at border raises question," *Shan Herald Agency for News*, 30 June 2011, at <http://www.shanland.org/>; "Myanmar military will attend military course in Malaysia," *Radio Free Asia* (Burmese), 22 October 2011 at <http://www.rfa.org/burmese/>; and Francis Wade, "Russia closing deal over 20 fighter jets," *Democratic Voice of Burma*, 4 August 2011, in online newsgroup *BurmaNet News*, 4 August 2011.

²² Tin Maung Maung Than, *op. cit.*, pp. 14-16. For the new C-in-C's perspective in national defence and security see, e.g., the speech of General Min Aung Hlaing at passing out parade of the 54th intake of the Defence Service Academy on 9 December 2011, reported in *NLM*, 10 December 2011.

²³ This interpretation is based on the author's observation of parliamentary proceedings reported in the state-owned newspapers and conversation with officials, civil society activists and presidential advisors in Yangon and Naypyitaw.

MDS. However, under this new constitutional government the lines of authority and responsibility between the civilian and military institutions are quite distinct and thus far appear to remain separate so that even under a broadly defined national security paradigm that incorporates both 'hard' and soft' security issues the defence sector represented by the MDS is likely to be confined to tackling only 'hard' security issues. As such the rest of this study will highlight only major developments in 2011 relating to the problem of armed insurgency, relations with ceasefire groups (CFGs) and international security concerns.

The Constitution stipulated the formation of the National Defence and Security Council (NDSC) led by the President to safeguard national security and the NDSC appears to be the ultimate executive authority in national security issues of both the 'hard' and 'soft' kind. The NDSC has eleven members comprising the President; the two Vice Presidents, the two speakers of the Union level parliaments; the C-in-C of MDS; the Deputy C-in-C of MDS; and Ministers for Defence, Foreign Affairs, Home Affairs, and Border Affairs.²⁴

Internal security challenges: from war to peace?

The fundamental calculus of internal security challenges appeared to have remained unchanged after the new government came to power as the Shan and Kayin insurgency continued unabated and major CFGs who refused to follow the MDS's plan to be subsumed into the army as the Border Guard Force (BGF)²⁵ or militia remained recalcitrant during the first few months of constitutional rule. The tension between the CFGs and the government during the last few months of SPDC rule turned worse

²⁴ The President is a retired general and former Adjutant General; one of the Vice Presidents is also a retired general and former Quartermaster General; the speaker of the lower house is a retired general and former Chief of Joint Staff; the speaker of the upper house is a retired major general; ministers of defence, home affairs and border affairs are lieutenant generals in service and the minister of foreign affairs is a retired colonel. Altogether there are five serving officers and five retired officers in the NDSC. Only Vice President Sai Mauk Kham is a civilian.

²⁵ 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 is reportedly smaller lightly-armed infantry battalions under MDS tight control as opposed to previous formation of larger CFGs (Wa, Shan, and Kachin) whose autonomous units comprised even brigades with heavy weapons.

when the new government acted on the premise that all the ceasefires had lapsed since the final deadline was passed in 2010. Fighting broke out in June 2011 in the Shan and Kachin States between MDS units and the Kachin Independence Army (KIA) which is the military wing of the Kachin Independence Organization (KIO). The Kachin CFG claimed that the MDS had encroached into its territory (agreed upon in the original ceasefire agreement of February 1994 while the government accused the KIA of hindering regional development by attacking MDS columns providing security for infrastructure development and hydropower projects. Continued fighting with the KIA as well as the Shan State Army South (SSA-S, a non-CFG) in the ensuing months resulted in tens of thousands of internally displaced persons (IDPs) and led to tensions with the Wa and Mongla CFGs (who also refused to join the BGF scheme). The situation was aggravated when one major unit of the DKBA (Democratic Karen Buddhist Army) Kayin CFG who had agreed to join the BGF scheme reverted back to fighting the government.

Meanwhile, on 18 August the Union Government announced an offer to all armed ethnic groups to enter into peace talks based on a two-step process:

2. As the first phase, those national race armed groups wishing to make peace through solutions to armed conflicts may contact the State or Region government concerned group-wise to launch preliminary programmes.
3. Upon completion of the preliminary programmes, the government will form a team for peace talks. It is hereby announced that the government invites national race armed groups to peace talks.²⁶

Initial reactions to the government's peace proposal from the CFGs and non-ceasefire groups were sceptical and instead they called for a unilateral nation-wide ceasefire by the government and accused the government of a divide-and-rule approach. Twelve groups that formed a political and military alliance called the United Nationalities Federal Council in early 2011 took a collective stand to negotiate as a group thereby

²⁶ Union Government Announcement No. 1/2011, *NLM*, 19 August 2011.

rejecting the group-wise modality of the government's proposal.²⁷ The proposal to negotiate with their respective State authorities was also seen as impractical because many armed ethnic groups were operating over more than one State and had isolated units out in the field.

On the other hand, the militarily powerful Wa ethnic armed group, (territorially known as Wa Special Region 2) who not only refused to join the BGF but was dissatisfied with the 2008 Constitution, as well as the Mongla group or National Democratic Alliance Army-Eastern Shan State (NDAA-ESS, territorially known as Shan State Special Region 4 (Wa's neighbour and close ally) were more amenable to the government's peace proposal and entered into negotiations with Shan State (provincial) authorities in September and October and subsequently each of them agreed to an interim ceasefire agreement in early October. Then the Wa and Mongla groups met with the Union level representatives of the government in December and signed agreements of similar nature that allowed for socio-economic development of their respective areas and active participation in the political process through parliamentary representation.²⁸

Meanwhile the government relaxed its stance on two-level negotiations and formed a Union level peace-making group led by parliamentarians and also allowed civil-society interlocutors led by a government minister to form a working group mandated to hold informal talks with the ethnic armed groups. As a result, DKBA units that went back to armed struggle came back to negotiate with the Union level authorities and returned to the *status quo ante* in mid-December.²⁹ Moreover, the non-CFG Shan armed group (Shan State Army-South) led by Yaws Serk which had been fighting

²⁷ See, e.g., Saw Yan Naing, "Ethnic armies reject piecemeal peace talks," *Irrawaddy online*, 19 August 2011, at http://www.irrawaddy.org/article.php?art_id=21930. The UNFC consisted of nine major ethnic parties that have armed wings and two minor groupings. The former are Kachin Independence Organization (KIO, a CFG); Karenni National Progressive Party (KNPP, broke off ceasefire after a year); New Mon State Party (NMSP, a CFG); Karen National Union (non CFG); Pa'O National Liberation Organization (PNLO, non CFG); Kachin National Organization (overseas Kachin political group); Arakan National Council (ANC, non CFG); Chin National Front (CNF, non CFG); Shan State Progressive Party (SSPP, non CFG).

²⁸ For the Wa agreement of 28 December 2011, see *NLM*, 29 December 2011; for the Mongla agreement of 29 December 2011, see *NLM*, 30 December 2011.

²⁹ See, e.g., Min Thet, "Burmese government and Kalo Htoo Baw sign peace agreement," *Mizzima News*, 13 December 2011 online at <http://bnionline.net/index.php/news/mizzima/12274-burmese-government-...>

since its breakaway form Khun Sa's Mong Tai Army on its surrender in January 1996 also started preliminary talks with the working group in November and reached a preliminary ceasefire agreement in the name of the Restoration Council of Shan States (RCSS, its political wing) on 2 December with the Shan State authorities.³⁰

This was followed by informal confidence-building talks between the working group and the Kachin, Chin, Mon, and Pa-O members of the UNFC as well as the Karen National Union (KNU, the longest-lasting insurgency).

Nevertheless, fighting continued between the KIA and the MDS albeit on a less intensive scale despite the President's order to the C-in-C of MDS on 10 December to cease military operations against KIA except for self defence.³¹ Furthermore, the UNFC's announcement in early December of its decision to form a Federal Union Army (FUA) in mid-December did a disservice to the on-going peace negotiations.³² The fighting in the Kachin and Shan areas continued sporadically in 2012 threatening to derail the burgeoning peace process.³³

All in all, the problem of peace with the armed ethnic groups is now at a crucial and delicate stage and the MDS is expected to abide by the Union Government's rules and help foster understanding and build confidence while at the same time defend the Constitution as well as the legitimate interest of the sovereign state and its territorial integrity. This is a difficult task and whether the new MDS commander could live up to the people's desire for peace and tranquillity remains to be seen.

Drug trafficking and narcotics issues

The problem of narcotics production and trafficking is the only NTS issue relevant to the new operational mandate of the MDS under the constitutional government. This problem largely persists due to the inability of the government to secure the

³⁰ See, e.g., "SSA: Technicalities of ceasefire still need to be worked out," S.H.A.N./Independent Mon News Agency, online at <http://bnionline.net/index.php/news/imna/12263-ssa-...>

³¹ See, e.g., Ba Kaung, "Stop Offensive President's Ceasefire Order Fails to Stop Offensive," *Irawaddy online*, 28 December 2011, at http://www.irawaddy.org/print_article.php?art_id+22741.

³² See, e.g., "UNFC to form Union Army at last," S.H.A.N., *online*, 3 December 2011 at <http://bnionline.net/index.php/news/shan/12207-unfc-...>

³³ See, e.g.,

full cooperation of those ethnic armed groups (CFG, non-CFG and local militias) which have been accused of allowing production and trafficking of narcotic and psychotropic substances within their respective territories. In fact, it was reported that the renewed fighting between the MDS and Shan armed groups had aggravated the situation.³⁴ The United Nations Office on Drugs and Crime (UNODC) in its annual opium survey also reported that the poppy cultivation area grew by 14 percent in the 2011 season while the area eradicated fell by 15 percent.³⁵ The MDS is expected to play a major role in physically destroying poppy plantations and interdicting drug trafficking though fighting with the Kachin and Shan armed ethnic groups are likely to hamper such operations.

International security issues

There are currently no outstanding international security issues confronting Myanmar that warrants the MDS to respond. There are unresolved border issues with Thailand but the bilateral relations between these two neighbours have never been better with Thailand taking charge of the development of Myanmar's first SEZ (Special Economic Zone) in Southern Myanmar.³⁶ As for the maritime boundary dispute with Bangladesh that led to a naval confrontation in November 2008 and rising tensions in the following months, both countries had agreed to seek a ruling from the International Tribunal for the Law of the Sea (ITLOS) in Hamburg, Germany. Meanwhile, Myanmar exercised military diplomacy by sending the three service (army, navy and air force) chiefs to pay goodwill visits to Bangladesh on separate occasions during 2011 thereby easing tensions brought about by the maritime dispute, drug and human trafficking and refugee issues.³⁷ Apparently, the only significant security concern challenging the government and MDS are the

³⁴ See "Chemists displaced by war moving east," *S.H.A.N. News*, 17 February 2012, online at <http://www.bnionline.net/index.php/news/shan/12653-...>

³⁵ The total opium output rose only 5 percent due to falling yield while the average price increased by 48 percent at the farm gate. See UNODC, "South-East Opium Survey 2011: Lao PDR, Myanmar," Vienna, UNODC, n.d., p. 41.

³⁶ See, e.g., Thein Swe, "Myanmar," in *Regional Outlook, Southeast Asia 2012-2013* (Singapore: Institute of Southeast Asian Studies, 2012), p. 169.

³⁷ See Maung Aye, "High-level Myanmar military delegation arrives in Bangladesh for the third time in a year" (in Myanmar), *Narinjara News*, 13 December 2011, at <http://www.narinaja.com/detailsbur.asp?id=3659>; and "1,768 Rohingya repatriated to Burma from Bangladesh in 2011," *Kaladan News*, 3 January 2012, at <http://www.bnionline.net/index.php/newskaladan/12402-1768-rohingya-repatriated-to-burma=...>

lingering questions regarding the status of Myanmar's military relationship with the Democratic Republic of Korea (DPRK).

The DPRK connection

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 either intention or capability for a nuclear weapon programme. Yet the controversy continues, fuelled by related U.S. embassy cables revealed in Wikileaks, eliciting calls for transparency and investigation by the International Atomic Energy Agency (IAEA).³⁸ The speaker of the lower house (Pyithu Hluttaw) Thura U Shwe Mann, who as an army general went to DPRK in November 2008 in a military delegation inking military co-operation, came out and clarified the non-existence of any nuclear programme with DPRK assistance.³⁹ Finally, President U Thein Sein, during his visit to Singapore, reiterated the government's refutation of "allegations which are unfounded and based on suspicion by some Western countries" by emphatically stating that "[w]e are not acquiring nuclear weapons from North Korea."⁴⁰

Nevertheless, cooperation with North Korea in developing short range missiles and other military proliferation issues in contravention to the United Nations sanctions remains a contentious issue, especially with the United States, and the MDS has to tread carefully in its relations with the DPRK as it is a major supplier of weapons and

³⁸ For a sceptical 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 <http://www.knoxnews.com/news/2010/nov/14/experts-intelligence-agencies-question-...>; for a sympathetic view on the allegations, see, e.g., Simon Roughneen, "Nuclear Confusion," *Irrawaddy*, 27 October 2010, online at 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.

³⁹ See, e.g., Saw Yan Naing, "Shwe Mann denies nuclear program," *Irrawaddy*, 7 December 2011, in *BurmaNet News*, 7 December 2011.

⁴⁰ See "No nuclear trade with N Korea," *Agence France Presse*, 31 January 2012, in *BurmaNet News*, 31 January 2012.

military infrastructure.⁴¹ The President had reportedly given “strong assurances” to visiting U.S. Secretary of State Hilary Clinton in December 2011 that “Burma would abide by United Nations resolutions under which weapons exports from North Korea are banned.”⁴²

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 as 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.

The military through the NDSC is likely to be influential in managing state security. However, the absolute power and authority of the military exercised in the junta era between September 1988 and March 2011 is no longer tenable as the MDS is constrained by the Constitution and the resulting legal framework as well as the authority of the elected government and legislature represented by parliaments at both the national and provincial level. This may have significant implications regarding measures taken by the MDS to safeguard and enhance national security.

⁴¹ See, e.g., “North Korea: Clinton,” Global Security Network online newsgroup, 1 December 2011; and Joshua Kurlantzick, “North Korea and Kim Jong-il: The Myanmar Element,” Council on Foreign Relations (blog), 20 December 2011, in *BurmaNet News*, 20 December 2011.

⁴² *Ibid.*