Why Do Military Regimes Institutionalize? Constitution-making and Elections as Political Survival Strategy in Myanmar

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In recent years Myanmar underwent drastic political changes. While many see these changes as first tentative steps towards democratization, we argue that the current political transformation is not a deliberate process of liberalization, but a survival strategy of the military regime. Using arguments of the ‘new institutionalism’ as a theoretical foundation, this article explores the hypothesis that the high degree of professionalization of the Burmese military creates the incentive to institutionalize power-sharing among the ruling elite. Our empirical analysis finds evidence for both a highly professionalized military and institutions that by securing the military’s continuing dominance serve the purpose of institutionalizing military power-sharing. These results imply that further democratization is unlikely as it must be initiated from within the still dominating military itself.

Keywords: Myanmar; Military Regime; Survival Strategy; Professionalism; New Institutionalism; Power Sharing

Introduction

Unlike any other country, the Union of Myanmar exemplifies long-term military rule. While in the 1980s and 1990s the military drew back from government in most countries in Asia, Latin America, the Middle East, and Africa, the Burmese armed forces’ (tatmadaw) grip on Myanmar remains unbroken. Yet, in 2011, the junta handed over political power to a ‘quasi-civilian government’ (Finer, 1962). While the military still holds significant influence over the political process, it no longer rules directly.
Military rule was first established in 1958. After the ruling party, the Anti-Fascist People’s Freedom League (AFPFL), split in early 1958 the military feared a civil war to be imminent and forced Prime Minister U Nu to hand over governmental control to a caretaker government (Callahan, 2005: 185–190). Headed by General Ne Win the military ruled for 18 months, successfully averting civil war and strengthening the frail economy (Steinberg, 2010: 55, 58). This success, however, came at a high cost: the interregnum strengthened the military’s economic and political influence and thus paved the way for further interventions (Badgley, 1962: 26; Callahan, 2005: 191; Steinberg, 2010: 55–56). With the elections of 1960 the military returned to the barracks and U Nu was re-elected as Prime Minister (Callahan, 2005: 197). The following years of his governance stirred concerns among military leaders, who feared the disintegration of the union (Steinberg, 2010: 60). In 1962, the military staged a second coup, this time to prevent the break-up of the state and install military rule once and for all (Steinberg, 2010: 60). Under the banner of socialism the military junta, the Revolutionary Council headed by General Ne Win, established direct military dominance (Steinberg, 2010: 62f.). In 1974, Myanmar evolved into what Barbara Geddes (2003: 230) has labelled a ‘military/personalist/single-party’ authoritarian regime: As president and chairman of the newly-founded Burmese Socialist Programme Party (BSPP) Ne Win remained head of state but military rule was now indirect (Steinberg, 2010: 74).

In the late 1980s, the BSPP’s ‘Burmese Way to Socialism’ ended in a dire economic crisis. Protests erupted in March 1988 and after a bloody crackdown on demonstrators on 8 August 1988, segments of the tatmadaw seized political power in an ‘awkward “self-coup”’ (Farrelly, 2013: 2). Under heavy restrictions elections took place in 1990 but the results were nullified when the National League for Democracy (NLD), headed by Aung San Suu Kyi, achieved a landslide victory. Instead, the State Law and Order Restoration Council (SLORC, since 1997: State Peace and Development Council, SPDC) reinforced direct military rule. Yet, with the declaration of a seven-point road map for political transition to a ‘disciplined democracy’ on 30 August 2003, the military council resurrected plans for a new constitution (ALTSEAN-Burma, 2004: 2). A referendum was held in 2008 and elections followed in 2010. A new government headed by former General Thein Sein convened for the first time in 2011 (Turnell, 2012: 158). At the same time the military council was officially dissolved (Shwe, 2011). The current government under President Thein Sein consists primarily of former members of the military. In addition, the constitution reserves 25 per cent of the seats in bicameral parliament for active members of the armed forces, justices can only be appointed with the consent of the tatmadaw’s commander-in-chief, and only former military officers are eligible for the presidency (SPDC, 2008).

Despite the new constitution and the move from direct ‘military rule’ government to quasi-civilian government, the tatmadaw’s influence on Myanmar was and still is persistent. This persistence raises the question of how the Burmese military succeeded in securing its continuing dominance, when so many other military autocracies
failed. In answer, this article argues that what can be witnessed in Myanmar since 2008 is not a deliberate process of political liberalization intended to lead to democratization, but rather a survival strategy of the Burmese military and thus another stage in the evolution of military rule in Myanmar. Hence, we are implying that both phenomena, the military's long persistence and the recent transition from direct to indirect military rule, are closely related. This assumption is founded on the studies of Geddes (2009), Boix and Svolik (2011) and Svolik (2012), who argue that political institutionalization is one of several possible strategies that military regimes can employ in order to secure their political survival. Depending on the corporate military's degree of professionalization, dictators face different strategic options to ensure their survival in office. A lowly professionalized military provides incentives for military regime leaders to create political support outside the military, while a highly professionalized military encourages the institutionalization of power-sharing among military elites.

Based on these insights this article investigates whether the new political institutions which were created in the course of the constitution-making of 2008, are in fact a survival strategy, reflecting the military's high degree of professionalization. Myanmar offers the best opportunities to test the theoretical argument. During the 50 years of military dominance, the country suffered only two coups d'état (1962/1988). The political elite after 1988 established a direct military rule that lasted until early 2011. The long military dominance combined with the lack of coups predestines Myanmar to be an excellent testing object for this theory, since the stability of the Burmese regime must speak of an effective way of coup-proofing or, in other words, choosing the right survival strategy. As such Myanmar fulfils the criteria to be a 'typical case' (Gerring, 2008: 649f.).

In the remainder of this article we will first develop our theoretical framework. Section two of the article will test the hypothesis derived from the theory for the research period 1988 until 2011, that is, from the implementation of direct military rule until the transition to indirect military rule in 2011. Section three presents tentative conclusions that can be drawn from the empirical analysis and discusses possible implications for the future trajectories of military rule in Myanmar.

**Institution-building as Survival Strategy**

Traditional studies of authoritarian regimes dismiss nominally democratic institutions in dictatorships as 'parchment institutions' (Carey, 2000) or 'insignificant window dressing' (Gandhi, 2008: xxx; Schedler, 2009: 323). However, the 'new institutionalism' in the study of authoritarianism (Schedler, 2009) emphasizes the stabilizing functions of political institutions such as elections, legislatures, and parties in autocracies and the importance of these institutions to the reproduction of authoritarian rule (Art, 2012; Brownlee, 2007; Gandhi, 2008; Gandhi and Przeworski, 2007; Koellner and Kailitz, 2013; Magaloni, 2008; Magaloni and Kricheli, 2010; Schedler, 2006).
As Barbara Geddes (2003) and others (Brooker, 2009; Finer, 1985; Welch, 1992) demonstrate, military governments often progress through different stages as their tenure lengthens. Myanmar is a primary example. Even though ‘generally regarded as the most durable military regime worldwide’ (Buente, 2011: 7), it began as a prototype military regime ruled by a Revolutionary Council (until 1974), to then evolve into a hybrid authoritarian regime (Geddes, 2003: 230), transitioned into collegial military rule in 1988, and, as we argue in this article, recently transformed into indirect military rule with civilian window dressing (Buente, 2011).

In contrast to Myanmar, most military regimes have a short lifespan (Cheibub et al., 2010; Geddes, 2003). Furthermore, leaders of military dictatorships are less likely to survive in office than leaders of non-military ones and tend to be deposed by coups (Svolik, 2012). This is partly due to the fact that previous coups lower the costs of sequent interventions (Svolik, 2012: 136). Additionally, regime internal cooperation, a problem inherent to authoritarian regimes, is further implicated in military regimes by the fact that the dictator’s alleged allies are also his instrument in repressing civilian insurgencies (Svolik, 2012). Such ‘horizontal threats’, which emerge from within the military (Schedler, 2009: 326), pose an especially grave danger to the survival of military regimes.

This problem of power sharing is addressed by Geddes (2009), Boix and Svolik (2011) and Svolik (2012) who understand institution-building and political institutionalization in military regimes as a strategy to dilute regime internal conflicts and ensure the regime’s survival. After a successful military intervention, coup leaders need to establish governance to ensure their political dominance. In most cases this is achieved by creating a military council, which is headed by a single officer (Geddes, 2009: 2).\(^2\) In order to enable effective governance the members of the military council delegate executive powers to the junta leader (Boix and Svolik, 2011: 211; Svolik, 2009: 480). However, if political leaders in military regimes wish to stay in office, they need to avert threats to their position. Though the military council and the junta leader engage in a power-sharing agreement, there is no ultimate guarantee for compliance. Thus, to minimize horizontal threats, the leader has an incentive to renege on this agreement (Boix and Svolik, 2011: 6). The prior delegation of authority and a common lack of transparency in authoritarian regimes inhibit the military council from monitoring the dictator and hence a violation of the agreement might first go undetected (Boix and Svolik, 2011: 5f.). The ruling coalition is aware of this and thus caught in a dilemma: misreading the signals might lead to the ouster of a leader who complies with the agreement or the support of a dictator who secretly tries to eliminate all horizontal threats and thus ultimately the ruling coalition itself.

Both the leader and the ruling coalition’s strategic options are heavily dependent on the military’s level of professionalization (Geddes, 2009). Geddes’ concept of professionalization focuses on military coherence and differs from the classical Huntingtonian understanding of the term (Huntington, 1957). A highly professionalized military is defined by discipline, unity and autonomy from the leader (Geddes, 2009: 16). Professionalization further determines the military council’s
collective action capacities—its *credibility* to stage a coup and fulfil the terms of the commitment (Geddes, 2009: 3f.).

In an ‘unprofessionalized’ (Geddes, 2009) military, the command structures are incoherent and disunited, military promotion is not meritocratic and the military is dependent on the dictator. Thus the ruling coalition does not have sufficient control over its troops and can neither credibly threaten a coup nor guarantee the compliance of its subordinates. As a consequence, the leader can violate the agreement without the fear of ensuing intervention. Further, the agreement alone cannot guarantee the survival of the regime and hence the incentive for the leader to comply is very low (Boix and Svolik, 2011: 2). If he chooses to violate the contract, the consequences are presumed to be minor. If, on the other hand, he behaves accordingly, his position cannot be entirely secured by this commitment—the ruling coalition can neither avert vertical threats, originating from the citizenry, nor horizontal coups by military factions.

Therefore, the best strategy for the dictator to secure his survival is to lessen his dependence on the military by some form of counterbalancing. This can either take the form of coercive or persuasive mechanisms (Geddes, 2009: 10):

Coercive mechanisms may include the use of paramilitary forces, presidential guards, or mercenaries to act as armed counterweights to the military (‘counterbalancing’; see Belkin and Schofer, 2003; Feaver, 1999: 225).

Persuasive mechanisms focus on civilian support, such as the creation of a mass party. Since most officers are aware that they cannot expect compliance from enlisted soldiers in killing civilians, mass parties decrease the incentive to stage a coup. (Geddes, 2009: 13)

Both types of mechanisms bear high costs: While coercive mechanisms require institutional and financial resources (Croissant *et al.*, 2013; Pilster and Boehmelt, 2012), civilian support, especially the creation of a mass party, is potentially costly as well: The leader needs to reward party activists for their support, but by granting them political offices he loses some control over the political process. This loss of political influence is greater than through power-sharing agreements with the military council (Geddes, 2009: 5). In addition, the cooptation of civilian elites nurtures competition between military and non-military elites for political power. This can weaken military loyalty and may create new threats to regime security. Therefore, a leader who can depend on the ruling coalition for support will be less likely to create a support base outside the military (Geddes, 2009: 14).

The counterfactual alternative to the above example is a regime with a professionalized military. Here, the ruling coalition has complete control over its troops as the military enjoys both intact command structures and autonomy from the leader. The council can credibly threaten to replace a leader, who reneges on the power-sharing agreement. The leader, on the other hand, is in a favourable position to secure his office against vertical threats through power-sharing agreements with the military council, since its members can credibly commit themselves and their subordinates to the agreement. The horizontal threat, however, remains. It does not
only stem from ambitious members of the ruling coalition, but more so from the
moral hazard problem inherent to military regimes (Boix and Svolik, 2011: 6).
Because of the prior delegation of powers and a common lack of transparency in
authoritarian regimes, the military council is inhibited from monitoring the dictator
(Boix and Svolik, 2011: 5f.). This gives the leader the opportunity to exploit this
situation and thus the incentive to renege on the agreement remains (Boix and Svolik,
2011: 6; Svolik, 2009: 480). Therefore, the leader is under constant suspicion to violate
the agreement and the council might even stage a coup against a leader who abides by
the agreement (Boix and Svolik, 2011: 1). This situation is neither profitable for the
leader nor the military council. Instead, both sides would profit from a strategy which
guaranteed power-sharing between the two actors. In other words, power-sharing
needs to be institutionalized. By inducing power-sharing or rotation among military
rivals, institutions such as legislatures and political parties enhance transparency and
therefore increase the regime’s stability (Boix and Svolik, 2011: 14f.; Svolik, 2012: 90).

In summary, the theory assumes a causal relation between the military’s degree of
professionalization and the regime leader’s options to secure his survival. These
options include either the creation of institutions outside the military, or the
establishment of institutions securing power-sharing between the leader and the
military council. This implies that:

Hypothesis 1: In military regimes the creation of political institutions is a survival
strategy.

Since the choice of the specific survival strategy depends on the professionalization of
the armed forces, it follows from this that:

Hypothesis 1a: In a regime with an unprofessionalized military the leader will be
more likely to choose a survival strategy that lessens his dependence on the military
and employs coercive or persuasive mechanisms to create counterbalancing institu-
tions outside the armed forces.

Hypothesis 1b: In a regime with a highly professionalized military the leader faces
incentives to choose a survival strategy that entails the institutionalization of power-
sharing between him and the military council.

As this article investigates the current establishment of political institutions in
Myanmar, the specified hypothesis is as follows:

Hypothesis 2: The political institutions created in Myanmar in the constitution of 2008
are a survival strategy which reflects the military’s high degree of professionalization.

Figure 1 depicts the causal mechanisms of the argument. Professionalization
determines the junta’s credibility. Whether or not the ruling coalition has credibility
decides for the best survival strategy, namely the suitable type of institutionalization.
Professionalization cannot be measured directly. Its relevant aspects are those which enable credibility of the ruling coalition: discipline, unity and autonomy (Geddes, 2009: 16). In a quantitative test of the argument Geddes deploys two proxy measures for professionalization: the rank of the officer who leads the regime and the age of the military organization (Geddes, 2009). In her regression model, both lack statistical significance. Nevertheless, her argument for using the rank of the officer who leads the regime is highly plausible. It answers to the general assumption that military discipline is compromised by corruption and the disregard of its hierarchical structures. Hence, as a measure for discipline within the military we, too, consider the commitment and appliance to the military’s hierarchy. We further advance our measure by considering the military’s command structures. According to our assumption, centralized command structures lessen the probability of factionalization among the military and are thus a sign of discipline and cohesion within the armed forces.

Corruption also serves as a proxy measure for the military’s autonomy. We presume that if members of the armed forces are receptive to corruption, the chance is high that the leader can also corrupt them for his purpose. Another sign for compromised autonomy is nepotism. Since the actual question behind the criterion of autonomy is whether the ruling coalition and the military are autonomous of the leader, corruption and nepotism weigh heavier, if they stem from the leader himself. Both measures will only provide tentative results, but given the opaque institution that is the Burmese military the data on which to draw from is very limited.

Other indicators which may serve as proxies include the extent to which the regime leader can control and manipulate military appointments, centralize authority over the corporate military, and abolish alternative counterweights and centres of political

![Figure 1. Causal Mechanisms](image)
power inside the military and its officer corps—at the expense of military professionalism and cohesion.

**Institution-building in Myanmar as a Strategy of Political Survival**

In our model a high degree of professionalization is a necessary and sufficient condition for the ruling coalition’s credibility. Credibility, too, is not directly measurable. What needs to be shown is whether the ruling coalition has the capabilities to oust a leader and is in full control of its subordinates. This means further, we need to produce evidence that the recently built institutions were created with the intention to enhance transparency within the political process and serve to institutionalize power-sharing.

In order to test this argument, this section proceeds in three steps. We will first identify the regime’s key actors during the period under review (the leader and the military council). Second, we discuss the tatmadaw’s level of professionalization and the ruling coalition’s credibility. In the third and last step, we investigate whether the 2008 constitution and the political institutions established in the course of constitution-making serve the purpose of institutionalization of a power-sharing agreement between the military council and the regime leader and hence, can be regarded as a political survival strategy of the Burmese regime.

*Leaders and Military Councils as Key Actors of Military Rule in Myanmar*

In order to identify both key actors, the leader and the military council, it is necessary to take a closer look at the events after the military coup of 1988, which both formed and reshaped the new political elite. In the late 1980s, Myanmar experienced nationwide demonstrations. Under the growing internal pressure the BSPP’s government broke down (Callahan, 2005: 210). The events triggered a military intervention on 8 August 1988 that led to a bloody crackdown on the demonstrators (Steinberg, 2010: 78f.). A new military elite seized power and took over political control. With the establishment of the SLORC in September 1988, direct military rule was reinforced (Callahan, 2005: 210; Steinberg, 2010: 79). The council was chaired by General Saw Maung and consisted of 19 to 21 members, ten drawn from the Defence Headquarters in Rangoon and nine regional commanders (Min, 2008: 1024; Steinberg, 2010: 82). At this time Saw Maung, Than Shwe, Khin Nyunt, Maung Aye, and Tin Oo were considered to be the most influential members of the tatmadaw (Myoe, 2009: 215; Steinberg, 2010: 82).

The new regime held elections in 1990. Yet, when the NLD won 392 of 425 seats contested, the SLORC nullified the results and continued direct rule by reinforcing the military’s dominance (Callahan, 2005: 211). In 1992 Saw Maung was replaced by Than Shwe as head of the SLORC and commander-in-chief of the tatmadaw. The exchange was coordinated by members of the SLORC (Min, 2008: 1024). As a consequence the positions in the SLORC shifted and Maung Aye was promoted to

In the 1990s, growing tensions between field and staff officers led to further changes. Staff officers in Rangoon felt threatened by the growing influence of their regional counterparts (Min, 2008: 1025f.). As a consequence most regional officers (taing hmus) were appointed to the cabinet (a purely administrative, exclusively military body) in 1995. While they still remained members of the SLORC, their ministerial office demanded them to give up the command of their troops. However, with the reorganization of the SLORC into the SPDC in 1997 the former regional commanders also lost their positions on the military council and were succeeded by a new generation of taing hmus (Min, 2008: 1026f.). After 1997, the most influential members of the military council were considered to be Than Shwe, Maung Aye, Khin Nyunt and Tin Oo (Steinberg, 2010: 83). Further internal reshuffling resulted in the dismissal of the second generation of taing hmus in 2001 (Min, 2008: 1026f.). This led to the growing influence of new officers within the SPDC, including Thein Sein, Shwe Mann, and Tin Aung Myint. In 2004, a conflict between the security apparatus and the military resulted in the dismantling of the Directorate of Defence Service Intelligence (DDSI) and also had an implication for the SPDC’s composition. The conflict culminated in the dismissal of Khin Nyunt and a majority of the DDSI. He was succeeded by Soe Win as Prime Minister (Min, 2008: 1030). By this time, the composition of the military junta had changed dramatically. Of the original members only Than Shwe and Maung Aye remained, while new members gained significant influence within the military, especially Shwe Mann, Myint Swe, Thein Sein, Tin Aung Myint Oo, and Min Aung Hlaing, who managed to secure their positions despite continuous reshuffles.

The various reorganizations and reappointments within the SLORC and SPDC indicate that not all its members are part of the ruling elite, whose support is necessary for the regime leader’s survival in office. For example, frequent appointments and removals of regional commanders show that at least this group of military officers did not fulfil the requirement of necessity. In addition, observers clearly differentiated between the members of the military junta based on their level of influence (Myoe, 2009: 215f.). Hence, for the better half of the research period, the military council consisted only of the three highest ranking members of the SLORC/SPDC: the vice chairman and the first and second secretary (Myoe, 2009: 216). With the gaining of influence by more recent members of the SPDC the lines between mere junta members and military council become blurred. According to our model, the chairman of the SLORC/SPDC, Senior General Than Shwe, is identified as the second key actor, that is the regime’s leader.

Tatmadaw: A Professionalized Military Organization

Determining the tatmadaw’s level of professionalization is complicated by the lack of hard data and the fact that professionalization cannot be measured directly. In order
to approximate professionalization we use instead the three indirect measures discussed before, namely discipline, unity and autonomy. Given the lack of robust evidence in the scholarly literature, our analysis considers four prominent events in Myanmar’s recent history to evaluate our measures for professionalization: (1) the staff–field conflict; (2) the conflict between the DDSI and the military; (3) the expansion of the tatmadaw and (4) the military’s suppression of the 2007 protests.

1) The staff–field conflict

The cleavage between staff and field commanders has deep roots in Myanmar’s history (Callahan, 2005: 152). In the early 1990s, tensions between staff officers and regional commanders increased. Since most members of the 1988 coup group held lower ranks than their regional counterparts, the taing hmus were granted a considerable degree of autonomy vis-à-vis the Defence Headquarters to equal their higher status (Than, 1993: 60f.). Additionally, most other junta members were promoted to adjust their ranks to their new position (Callahan, 2005: 258f.). The taing hmus autonomy contributed to a de facto erosion and decentralization of the chain of command which was perceived as a threat by senior officers of the centre; in fact, observers compared the position of regional commanders during that time to that of ‘semi-independent warlords’ (Selth, 2001a: 262). To contain their influence, most regional commanders were appointed to the cabinet in 1995 (Min, 2008: 1026); as ministers they still remained members of the SLORC, but were forced to give up command over their troops (Min, 2008: 1026). This significantly reduced their political power and influence. In the course of reorganization of the SLORC in 1997, they also lost their position in the military council and were succeeded by second and third generations of regional commanders, who took over their offices in the SPDC (Min, 2008: 1026). With a new reorganization in 2001, the second generation was dismissed while the third generation received positions in the centre (Min, 2008: 1027). The incoming fourth generation did not become members of the SPDC. Instead they were appointed to the Bureau of Special Operations (Min, 2008: 1027). As a result of the 2001 reshuffle regional commanders still held significant influence (Callahan, 2008: 39), but power was concentrated among Than Shwe, Maung Aye, and Khin Nyunt, the three leading officers of the SPDC (Min, 2008: 1028). As of 2001, the majority of the now 13 members of the SPDC tipped their loyalties to either Than Shwe or Maung Aye, who successfully used the reshuffles to place loyal followers in key positions (Min, 2008: 1026ff.).

The delegation of autonomy to the taing hmus and their growing influence after the establishment of the SLORC led to a decentralization of the military’s command structures. Consequently, the chain of command became rather fractured in the initial years after the coup. Recentralization was achieved with the transfer of the first generation of taing hmus in 1995. After the second and third generation succeeded them as members of the SPDC in 1997, a new decentralization was avoided in 2001 with the dismissal of the second and the ministerial appointments of the third generation. Hence, we consider the initial deterioration of the chain of command
after 1988 as corrected. The purges were combined acts of senior officers of the centre (mostly Than Shwe, Khin Nyunt and Maung Aye) and in this way prove the significant role of the council members. Than Shwe and Maung Aye further managed to secure their positions by promoting protégés to the SPDC.

(2) **Conflict between the DDSI and the military**

Since the establishment of the SLORC, relations between the DDSI and the rest of the military were strained. This conflict escalated in 2004 and resulted in the reorganization and reintegration of military intelligence into the military's chain of command.

The military intelligence service has always been a political instrument against dissidents and to ensure the domination of the military: ‘While (the) primary responsibility (of the Military Intelligence Service units) continued to be the collection of military intelligence . . . they increasingly focused their resources on other internal security issues such as the loyalty of the armed forces and the political mood of the civilian population’ (Selth, 2001a: 105–106). The National Intelligence Bureau (NIB) was the supreme intelligence organ which coordinated the civilian and the military intelligence services, as well as their numerous subdivisions. De facto, however, the DDSI dominated and controlled the NIB since 1988. As Prager Nyein (2009: 640) concludes: ‘Khin Nyunt had created a supra-entity within the military over the years that caused structural tensions with the army’.

As protégé of General Ne Win, Khin Nyunt played a major role in extending the DDSI prior to the coup of 1988. The control of the DDSI and his allegiance to Ne Win granted Khin Nyunt his position in the new regime as first secretary of the SLORC/SPDC and third highest ranking officer. His influential position was perceived as a threat among other members of the ruling elite, such as Than Shwe and Maung Aye (Min, 2008: 1029), who both sought to contain Khin Nyunt’s growing power (Prager Nyein, 2009: 640).

The activities of the DDSI in the periphery and especially monitoring the regional commanders increasingly resulted in tensions between high ranking officers in the regions and employees of military intelligence. The conflict intensified as the DDSI units were suspended from giving their reports directly to the head office and presented them only to the regional commanders. Internal tensions increased in 2004. Remaining de facto outside of the official military hierarchy, the DDSI acted almost as an autonomous organ (Seekins, 2002: 202f.; Selth, 2001a: 106).

Within the tatmadaw, the officers of the DDSI had an infamous reputation concerning their disrespect for army officers and violations of the military code of conduct; their alleged corruption took an outrageous dimension, even in Burmese terms (Hlaing, 2005: 234). Many DDSI officers were directly involved in illegal trade along the nation’s borders and competed with regular military units over economic benefits from illicit businesses (Hlaing, 2005: 234; Myoe, 2009: 67). In September 2004, regular troops clashed with officers of the DDSI, when they investigated a DDSI checkpoint and found ‘widespread corruption’ (Myoe, 2009: 102f.).
commanded Khin Nyunt to dismiss those responsible for corruption, which he refused (Myoe, 2009: 103). Instead, he ordered his officers in a secret meeting to gather information on other military units and to produce evidence for allegations that corruption was not exceptional to the DDSI (Myoe, 2009: 103). This only exacerbated Khin Nyunt’s situation, as his behaviour was considered to threaten the tatmadaw’s unity (Hlaing, 2005: 236). As a consequence, Khin Nyunt together with a large number of DDSI officers was dismissed (Myoe, 2009: 67).

The purge was a combined effort of Than Shwe and Maung Aye: Maung Aye’s own security network provided information on corruption within the DDSI, while Than Shwe’s protégés Shwe Mann and Myint Swe arrested Khin Nyunt. The remaining units were dismantled and placed under the control of Than Shwe’s and Maung Aye’s followers (Min, 2008: 1029ff.). The semi-autonomous security/intelligence apparatus was firmly reintegrated into the military hierarchy (Hlaing, 2005: 237). Soe Win took on Khin Nyunt’s role as Prime Minister, leaving the post of first secretary of the SPDC open to Thein Sein, considered a loyal follower to Than Shwe (Min, 2008: 1030).

The fact that between 1988 and 2004 the DDSI’s position was that of a de facto separate organ was in complete disregard of the official military hierarchy. This and the prevalent corruption within the DDSI indicate a defective chain of command during this period. With the purge of the DDSI and the reintegration of its remaining units, the military hierarchy was re-established and its command structures recentralized.

By our previous definition, Khin Nyunt needs to be considered a council member. His dismissal thus points to the diminished autonomy of the armed forces. However, the leading officers behind the scenes were Than Shwe and Maung Aye, including their designated followers (due to their level of influence now also considered as council members). In the aftermath both of them managed to secure key positions in the newly established intelligence network for their followers (Callahan, 2008: 38). According to Win Min (2008) this behaviour is common within the Burmese military, which consists of internal groupings defined by patron-client relations: ‘The relative power of the top generals is partly related to the number of loyal followers they have and the positions these followers occupy’ (Min, 2008: 1020).

(3) Expansion of the tatmadaw

From 1988 until 1996, the tatmadaw grew from an initial 186,000 to 370,000 soldiers, indicating the biggest transformation of the Myanmar Armed Forces since the 1950s (Callahan, 2005: 210). The increase in new recruits was achieved by propaganda, economic incentives, conscription and other coercive mechanisms (Selth, 2001b: 16).

At the same time the regime modernized and expanded its training facilities (Myoe, 2009: 139ff.). In 1997, over 60 per cent of all officers were university graduates (Selth, 2001a: 97). This number is expected to rise, as new regulations demand commanding officers to hold a Master’s degree in defence studies (Myoe, 2009: 140). After 1988, the tatmadaw further relied on foreign training of their personnel (i.e.
China and Pakistan; Selth, 2001a: 86). In contrast, common rank and file soldiers often lack sufficient education (Selth, 1996: 63). The coercive expansion of the armed forces 'failed to keep pace with the demands of sustaining its vastly larger rank and file' (Callahan, 2008: 42). Furthermore, the wages of common soldiers in some parts of Myanmar are neither sufficient to support them nor their families (Callahan, 2008: 47). As a consequence, corruption among the rank and file is widespread. Considering the mainly coercive methods of conscription as well as their low payment their morale needs to be questioned. Hence, it is plausible to assume that many of those who joined the tatmadaw did so mainly (or only) for economic reasons; another significant number was forced to join the tatmadaw's ranks and had therefore probably little morale and discipline.

Most likely, this had a negative impact on the integrity of the chain of command and other aspects of military professionalism in the 1990s. Yet, by modernizing and expanding its educational facility, the regime ensured that commanding officers were sufficiently educated. Though this does not entirely compensate for the lack of qualification among common soldiers, we assume that it helped preserve the integrity of the corporate military, thus minimizing the expansion of negative effects on the tatmadaw’s command structures.

(4) The military’s suppression of the 2007 protests:

Unlike the demonstrations of 1988, the 2007 protests were not initiated by students and urban citizens but by Buddhist monks. Because of a sudden increase in energy prices, sangha (members of the Buddhist monkshood) in the town of Pakokku rallied against deteriorating living conditions on 5 September 2007 (Steinberg, 2010: 138). During these demonstrations security forces used violence against the protesting monks which triggered nationwide demonstrations. At the same time, the demands articulated by the protestors transformed from purely economic to political concerns, namely anger over the mistreatment of the sangha (Selth, 2008: 283). When the protests did not stop despite an official warning by the government, soldiers opened fire on protesters on 26 September. Many monasteries were raided, about 3,000 demonstrators were taken into custody and at least 31 people were killed (Selth, 2008).

Episodes of state violence and repression are legion throughout Myanmar's history. Yet the events of 2007 stand out against this background for the extent of violence used against the sangha who are of the highest social status in Myanmar. Since Buddhists have better chances of promotion within the ranks of the tatmadaw, most soldiers are presumably Buddhists and Buddhist ceremonies had also played a significant role in the regime’s attempts at legitimization (Steinberg, 2010: 136). However, the actions against the sangha undid all the regime’s attempts to legitimize its rule by appealing to religious sentiments and self-stylization as protector of the nation’s Buddhist traditions (Kingston, 2008: 4; Steinberg, 2010: 137). Even though there are unconfirmed reports of soldiers who refused their order to shoot at the sangha (Selth, 2008: 289), the military’s intervention against Buddhist monks can like
no other event offer proof for the strong discipline and intact chain of command within the military.

Evaluation of the Tatmadaw’s Degree of Professionalization

Overall, the outcome of the staff–field conflict as well as the DDSI-military conflict had a positive impact on the chain of command. The negative impact of the expansion of the tatmadaw after the 1988 coup was presumably minimized by the modernization and expansion of the military’s training facilities. While corruption among rank file and soldiers is widespread and morale is presumably low, commanding officers are highly educated to ensure the tatmadaw’s integrity. This belief is further supported by the events of 2007: The handling of the demonstrations can, unlike any other event, offer proof for a disciplined and united military. Otherwise, the military’s cohesive action against the sangha’s demonstrations cannot be explained. Based on our evaluation we assume that two of the criteria for a highly professionalized military, discipline and cohesion, are met. Our empirical findings show that the third criterion, the military’s autonomy, is limited. Corruption and nepotism are both extensive within the tatmadaw. The frequent appointment of protégés to key positions proved to be a common habit by senior generals, especially Than Shwe and Maung Aye. While the ubiquitous nepotism surely is detrimental to the military’s autonomy, the patron-client relations within the tatmadaw show that council members as well as the leader use these mechanisms to successfully secure their positions. For our purpose (i.e. determining whether the military council has credibility), this means that junta members can rely on a tight network of loyal supporters. Hence, the military council’s collective action capacities—its credibility to stage a coup and fulfil the terms of the commitment—are presumed to be given. This belief is further supported by empirical evidence that points to Myanmar as ‘an example of a country which, while coups have proven momentous in its political history, does not tend to be classified as “coup prone”’ (Farrelly, 2013).

With all their accumulated power the aging leaders12 of the tatmadaw, like their contemporaries in other military regimes, still face a succession dilemma: While in power, their position at the top of the regime seemed secure. However, the lack of institutional arrangements for succession means that after a possible withdrawal from power, they probably would have to face considerable personal risks (Min, 2008: 1035ff.). To secure a peaceful withdrawal for both Than Shwe as the regime leader and the aging members of the military council, future advances to the top need to be regulated and the influence of retired members limited.

The 2008 Constitution as a Power-Sharing Agreement

Thus, if our causal chain works as expected, the highly professionalized Burmese military, which as we discussed ensures the credibility of the council members, creates incentives for the ruling elite to institutionalize power-sharing. In fact, our analysis of the institutions implemented in the constitution of 2008 and the 2010 elections
confirms that they serve this purpose and, hence, fulfil the requirements of a survival strategy in a regime with a highly professionalized military.

The 2008 constitution is the result of a 20-year-long process. After its takeover in 1988, the SLORC had promised free and fair elections (Steinberg, 2010: 90). It did not hold on to this promise for long and nullified the results of the 1990 elections, in which the NLD had won a landslide victory. Still, in 1993 the SLORC established a National Convention (NC) to draft a new constitution (Callahan, 2005: 225). The process was marred by the military’s interference leading the NLD to abandon the NC, which was suspended in 1996. With Khin Nyunt’s announcement of the regime’s plans for a ‘road map’ to democracy on 30 August 2003 (ALTSEAN-Burma, 2004: 2), the constitution drafting process was revived, this time with little input from opposition parties (Prager Nyein, 2009: 639). The resulting constitution grants the military continuing dominance over the political process. In the midst of the chaos after Cyclone Nargis in May 2008, the SPDC held a referendum for the new constitution (Prager Nyein, 2009: 639). It was officially accepted with 93.8 per cent in favour and a voter turnout of 98 per cent, though these results are widely assumed to be rigged (Pedersen, 2011: 54).

On 7 November 2010, elections were held for both Houses of Parliament, the Pyithu Hluttaw (the Lower House) and the Amyotha Hluttaw (the Upper House), on national and regional levels (Turnell, 2011: 149). The elections were subject to an extensive amount of manipulation including ‘intimidation, fraud, and other irregularities’ (Turnell, 2011: 148). New rules for party and candidate registration required parties to evict all imprisoned members branded as criminals by the regime (Englehart, 2012: 669). As a result, the NLD boycotted the elections and was banned for its refusal. The Union Solidarity and Development Party (USDP) won 79 per cent of the contested seats in the Lower House (Englehart, 2012: 681) and 77 per cent in the Upper House (Buente, 2011: 7). On 4 February 2011, the Presidential Electoral College elected Thein Sein as President and with him Tin Aung Myint Oo and Mauk Kham as Vice-Presidents (New Light of Myanmar, 2011). The SPDC transferred its powers to the new government on 30 March 2011 (Shwe, 2011).

While the constitution formally demands separation of powers (SPDC, 2008: Article 11), the military continues to dominate all three dimensions of power. It has full institutional autonomy and can reassume political control at any point in time. In both houses of parliament on the national as well as the regional level, 25 per cent of the seats are reserved for active members of the military (SPDC, 2008: Article 74, 109, 141, 161). This grants the military a veto on any constitutional amendments, which need a majority of over 75 per cent (SPDC, 2008: Article 436). Together with the USDP, the military exceeds this majority at the moment and can effectively change the constitution at any time. The executive is formally headed by the president, who is required to be a former member of the military (SPDC, 2008: Article 16, 59). The President and his two deputies are elected by the Presidential Electoral College consisting of regional representatives and appointees of the commander-in-chief of the armed forces (SPDC, 2008: Article 60). In this way the
commander-in-chief retains strong influence over the leading governmental figures. An impeachment can be initiated by a quarter of the parliamentary representatives (SPDC, 2008: Article 71); this equals the number of reserved seats for the military.

The constitution grants the most executive power to the National Defence and Security Council (NDSC), which can declare the state of emergency at any time (SPDC, 2008: Article 410). In this case the commander-in-chief of the armed forces assumes control over all three political powers (SPDC, 2008: Article 418ff.). The NDSC further enables the election of a new commander-in-chief and thus institutionalizes succession to the higher levels (SPDC, 2008: Article 342). Most positions in the NDSC have been occupied by former members of the military junta (See Table 1).

The constitution not only ensures the military’s continuing dominance, but especially the influence of senior members of the military junta. While Than Shwe and Maung Aye seem to have retired, the younger members of the former military junta, most of them their protégés, dominate the new government. The constitution institutionalizes power sharing on the highest level of the military between military council and leader through the NDSC. It further reduces the succession dilemma by creating official channels for the election of the ruling elite, including the President and the new commander-in-chief. The parliamentary houses integrate lower ranking officers into the government, thus further institutionalizing power-sharing between the elite and the general corps.

**Conclusion**

In this article we focused on the question whether the new political institutions in Myanmar which were created in the course of the constitution-making of 2008 are in fact a survival strategy of the former military regime. The theoretical framework for our analysis is drawn from Geddes (2009), Boix and Svolik (2011) and Svolik (2012). Based on their arguments we derived the following hypothesis: *The political*

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**Table 1. Composition of the NDSC as of 2011**

<table>
<thead>
<tr>
<th>Position in the 2011 government</th>
<th>Name</th>
<th>Position in the SPDC</th>
</tr>
</thead>
<tbody>
<tr>
<td>President</td>
<td>Thein Sein</td>
<td>PM and Member of the SPDC</td>
</tr>
<tr>
<td>Vice-President</td>
<td>Tin Aung Myint Oo</td>
<td>1st Secretary of the SPDC</td>
</tr>
<tr>
<td>Vice-President</td>
<td>Mauk Kham</td>
<td>-</td>
</tr>
<tr>
<td>Lower House Speaker</td>
<td>Shwe Mann</td>
<td>SPDC Member</td>
</tr>
<tr>
<td>Upper House Speaker</td>
<td>Khin Aung Myint</td>
<td>-</td>
</tr>
<tr>
<td>Commander-in-Chief</td>
<td>Vice Sen. Gen. Min Aung Hlaing</td>
<td>SPDC Member</td>
</tr>
<tr>
<td>Deputy Commander-in-Chief</td>
<td>Lt. Gen. Soe Win</td>
<td>SPDC Member</td>
</tr>
<tr>
<td>Minister for Defence</td>
<td>Lt. Gen. Ko Ko</td>
<td>SPDC Member</td>
</tr>
<tr>
<td>Minister for Foreign Affairs</td>
<td>Wunna Maung Lwin</td>
<td>-</td>
</tr>
<tr>
<td>Minister for Home Affairs</td>
<td>Maj. Gen. Hla Min</td>
<td>SPDC Member</td>
</tr>
<tr>
<td>Minister for Border Affairs</td>
<td>Thein Htay</td>
<td>SPDC Member</td>
</tr>
</tbody>
</table>

*Sources: ALTSEAN-Burma (2011); ICG (2011); Min (2008); Myoe (2009).*
institutions created in Myanmar in the course of the 2008 constitution-making are a survival strategy which reflects the military’s high degree of professionalization.

We tested this hypothesis by first assessing the tatmadaw’s degree of professionalization and second by analyzing the constitution and the political bodies established in its course. Our findings support the hypothesis: The tatmadaw fulfil the requirements of a highly professionalized military and as such grant the military council collective action capacities—credibility to stage a coup and fulfil the terms of the commitment. We further found the 2008 constitution to institutionalize power-sharing among the ruling elite in the NDSC and the parliament. Thus, we could identify the military’s high level of professionalism as a key determinant for the reorganization of the Burmese political system in 2011.

Alternative explanations for the recent changes focus either on the removal of international sanctions or the bilateral relations between Myanmar and China. While some liberalizing aspects of the 2008 constitution were probably created with the hope of better relations with Western democracies, this motivation alone cannot explain the political transformation we witnessed in recent years.

First of all, the new constitution ensures that the military’s influence remains unchallenged. The elections in 2010 were rigged and while the by-elections in 2012 seemed to be free and fair, they only accounted for 7 per cent of the parliamentary seats (Duell, 2012). Thus, even though the newly created parliament does take an active part in the political process (Thuzar, 2012: 213), it needs to be remembered that 25 per cent of the seats are reserved for active members of the military and 80 per cent of the contested seats are held by the pro-military USDP. As such it serves far more as a tool to facilitate debate between military internal groupings (which we would expect) than a democratic institution. Liberalization is clearly not a central aspect of the recent changes, even though President Thein Sein openly advocates further democratization (ICG, 2012a: 7; 2012b: 1).

Second, Myanmar has been subject to sanctions by Western democracies ever since the SLORC seized political control in 1988 (Ganesan, 2011: 101). The relations were further strained after the regime’s bloody crackdown on demonstrators in 2007 (Selth, 2008: 283). The SPDC, however, embarked on its ‘road map’ to democracy already in 2003. There is no reason to assume that sanctions alone triggered the establishment of the new constitution, especially since Myanmar has other international partners like China, the ASEAN states and Russia, which render the effect of Western sanctions ineffective (Farrelly, 2013: 11; Holliday, 2005).

This leads us to another widely repeated argument: The change of Myanmar’s political landscape was an attempt to break out of its bilateral relationship with China. While Myanmar and China do enjoy close relations, China is not Myanmar’s sole international partner. Other key trading partners include South Korea, Thailand, and Singapore (Bissinger, 2012: 23). Myanmar’s membership in the ASEAN has further secured international trading partners. Within the United Nations, the Burmese government received support from both Russia and China (Farrelly, 2013: 11). The unilateral termination of the Myitsone Dam Project in 2011 by President
Thein Sein gives further proof of Myanmar’s considerable independence of China. Therefore, this argument alone does not offer sufficient explanation for the implementation of the 2008 constitution and its ensuing changes.

Recent developments further strengthen our point: The government’s fruitless demands for a halt of military intervention in the Kachin State (TNI, 2013: 2) point to the fact, that the president might not be the person in charge (TNI, 2013: 7), but control ultimately lies with the commander-in-chief of the armed forces. This goes in line with the Objectives of the 68th Anniversary Armed Forces Day 2013: ‘To play the leading role in the national politics’.\(^{16}\) (The New Light of Myanmar, 2013).

The significance of our argument implies that far reaching changes on the road to democracy are rather unlikely. Due to the marginal role of international sanctions and the military’s continuing dominance, impulses for further democratization must come from within the military itself. In doing so, the military would lose its control over the political process, but as Englehart (2012: 685) puts it: ‘The SPDC would never have initiated reform if its members did not believe they could control the process.’ Control was and probably remains the intention of the military junta with or without civilian window dressing.

Notes

[1] Being aware of the controversy which surrounds the name ‘Myanmar’, we wish to confirm that our use of this name does not imply any political statement.

[2] Following Geddes (2009) as well as Boix and Svolik (2011) we use the terms military council and ruling coalition interchangeably. The same applies to the analytical terms regime leader, military ruler and dictator.


[4] There is some uncertainty about the correct number of SLORC members. Win Min (2008: 1024) and David Steinberg (2010: 82) identify 19 members, whereas Andrew Selth (2001a: 51, 59) mentions 21 members for SLORC and 19 for SPDC.

[5] Since Saw Maung was considered incapable to lead the SLORC, his dismissal should not be understood as an internal power struggle. Many sources assume that Saw Maung was in fact affected by a mental disease (Min, 2010: 111).


[8] There is considerable disagreement among scholars regarding discipline within the tamadaw during the research period. For example, Mary P. Callahan states that after 1988, discipline and morale were at an ‘all-time low’ (2005: 218; see also Kim 2008: 66), while Bruce Matthews (2001) recognized a ‘loyal acceptance of an unbending hierarchical chain of command’.

[9] The second generation included Win Myint and Tin Hla; the third generation Shwe Mann, Soe Win, Thein Sein, Tin Aung Myint Oo, Khin Maung Than, Ye Myint, Maung Bo, Kyaw Win, Aung Htwe, and Tin Aye (Min, 2008: 1026).
Including Myint Swe, Myint Hlaing, Ye Myint, Maung Oo, Htay Oo, Thar Aye, Ko Ko, Ohn Myint, Thura Myint Aung, and Min Aung Hlaing (Min, 2008: 1027). Eventually Myint Swe, Ye Myint, Thar Aye, Ko Ko, Ohn Myint, and Min Aung Hlaing did become members of the SPDC (ALTSEAN-Burma, 2011). By this time, they were, however, fully integrated in the centre.

The newly established Military Affairs Security (MAS) was first headed by Myint Swe and later by Ye Myint, follower of Maung Aye (Callahan, 2008: 38; Min, 2008: 1030).

Than Shwe and Maung Aye are both in their 80s. Than Shwe is known to suffer from diabetes and Maung Aye received treatment for prostate cancer. Thein Sein and Shwe Mann are both in their 70s and other influential members of the old regime, Min Aung Hlaing, Myint Swe, and Tin Aung Myint Oo are now in their 60s, too.

Some 25 per cent of both parliamentary chambers are reserved for members of the military and the executive branch is under control of a president, who is required to have a military background.

Its splinter group, the National Democratic Front (NDF), took part in the elections and won a third of the contested seats in the Upper House and 18 per cent of the Lower House. However, after the elections the government freed many political prisoners including Aung San Suu Kyi, allowing them to run in the by-elections in 2012 (Holliday, 2013).

To run in the elections, Thein Sein and other military officers laid down their military offices and participated as civilians.

Cited after TNI (2013: 8).

References


