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Patterns of Military Behavior in Myanmar's New Legislature

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“Praetorian transition” is the term used to describe the transfer of direct military rule to a quasi-civilian government. Over a period of time, the military ratchets up or down the scale of praetorianism according to their ability and interests in seeking more—or less—control over policymaking. In modern politics, praetorianism refers to the unhealthy political influence of the military upon an emerging democratic civil society.

Renaud Egreteau, Research Assistant Professor at the University of Hong Kong, explains that “All indications are that there is a long way to go before the Myanmar military fully returns to the barracks.”

In the case of Myanmar, the disbanding of the State Peace and Development Council (SPDC) in March 2011 has resulted in the armed forces (*Tatmadaw*) slowly moving down the spectrum of praetorian intervention. This started with an initial partial withdrawal from day-to-day politics in 2011. To date though the military has not fully disengaged from the highest structures of the post-SPDC state. The 2008 constitution, drafted by the military, has a number of legal instruments and institutions through which the *Tatmadaw* can still exert its influence and sway on Myanmar's political life and society.

Among the new state structures in Myanmar are a national parliament located in Naypyitaw and fourteen local assemblies around the country. In post-junta transitory regimes, the military commonly seeks to maintain some influence on the new evolving legislative process, which they once used to bypass by solely ruling by decrees. According to Myanmar's constitution, army officers are to be commissioned to all new national and local lawmaking bodies. Today, military appointees represent a quarter of each chamber of the bicameral national parliament: 110 seats in the Lower House (*Pyithu Hluttaw*), and 56 seats in the Upper House (*Amyotha Hluttaw*). In the fourteen local assemblies the number of army delegates is equal to one-third of the number of elected representatives. All military appointees are nominated by the Commander-in-Chief of the army and can be removed at will, without any oversight from the civilian government.

To many observers, the sole reason that military officers have a seat in parliament is to ensure that the *Tatmadaw* has a non-negotiable “veto” on any potential constitutional amendment. Safeguarding the new constitution is one of the major tasks assigned to the army as enshrined in Article 20f, and military delegates are there to ensure that all reform proposals put forward by civilians are formulated according to the basic principles already specified in the text. A vote by 75 percent of all legislators is required to pass any constitutional amendment, and with its 25 per cent seat reservation, the *Tatmadaw* can effectively reject any proposed legislation.

The role of military appointees in Myanmar's re-emerging parliamentary politics may grow more complex in coming years. Official army publications reveal that the *Tatmadaw* has long distrusted the civilian sphere. Discourse often centers on accusing politicians and parliamentarians of repeatedly dragging the country since independence in 1948 from one crisis to another. The *Tatmadaw* views itself as the sole cohesive and disciplined institution able to safeguard Myanmar's national unity and bring about social stability,

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including now in legislative assemblies where factional rivalries and political infighting are persistent.

In a recent interview this author conducted with Khin Aung Myint, who also happens to be a former two-star general and is now Speaker of the Upper House, he highlighted the role of “arbitrator” that the armed forces intend to play in parliament. The very presence of army officers in legislative bodies, he stressed, ensures that no single political party dominates the new parliamentary scene—whichever party this may be. In line with the image the *Tatmadaw* has always attempted to project of itself, the military now seeks to “moderate” Myanmar’s political and legislative debates, balance potential feuds between the executive and legislative branches, as well as between the two houses of the parliament, and remain politically “neutral” among centrifugal civilian forces.

The political significance of army representatives in parliament has already evolved with increased numbers of higher ranking officers joining legislative assemblies after 2012. The new army chief General Min Aung Hlaing, unlike his predecessor Than Shwe, wants his senior army officers to project an image of responsibility and dedication to the public good by standing firm in civilian bodies, especially at this highly sensitive time of political transition.

Interviews with civilian MPs reveal that most of their military colleagues have kept a relatively low profile ever since the first parliamentary session was convened in January 2011. However, even though no military appointee to date has drafted any legislative bill, many have asked questions and expressed their preferences in legislation under review. They have also strengthened their presence in all parliamentary committees where some military MPs have voting powers, while others just act as observers. Discussions between civilian and military MPs within the assemblies in Naypyitaw have appeared far more forthcoming than expected.

As far as voting behavior is concerned, initial observations highlight intriguing patterns. Unless national security or the army’s vested interests were involved, military MPs have not always voted as a single bloc—including in local parliaments. They have approved proposals drafted by the traditional opposition, the National League for Democracy (NLD) of Aung San Suu Kyi or ethnic parties, and showed that they were even willing to vote against bills formulated by President Thein Sein’s cabinet. Interestingly, the latter is dominated by ex-army officers. It is worth noting that tensions between active duty officers and their erstwhile superiors-turned-politicians are commonly observed in transitions from military to civilian rule.

Odds are therefore that the *Tatmadaw* will continue to serve in all of Myanmar’s legislative assemblies in the coming years as “moderator,” a position that has been much criticized for going against the grain of a full transition to civilian democratic governance. Yet recent interviews have illustrated that an increasing number of civilian MPs seem reluctant to openly confront the army on this topic; indeed, unlike the NLD, many ethnic representatives do not consider a prompt disengagement of army delegates as a top priority.

A fully functioning representative democracy cannot be consolidated without full-fledged civilian control over the military as outlined in the civil-military relations scholarship. In the case of Myanmar, civilian MPs are increasingly exposing during parliamentary debates the military’s misdeeds and abuse of power, especially at the local level. In doing so, they gradually craft a cautious oversight of the *Tatmadaw*’s activities. Yet, while President Thein Sein does not seem averse to the idea of a military withdrawal from the legislative institutions, he—and the army—have yet to give any hint of when this can be expected. All indications are that there is a long way to go before the Myanmar military fully returns to the barracks. Foreign diplomats and potential investors should take notice.

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