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Regional Outlook Paper

BURMA'S SECURITY FORCES:
PERFORMING, REFORMING OR TRANSFORMING?

Andrew Selth

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Executive Summary

For more than half a century, whenever reference has been made to Burma's security forces, its army has usually sprung to mind. This is hardly surprising. The country has boasted the modern world's most durable military dictatorship and, since the abortive 1988 pro-democracy uprising, one of Southeast Asia's largest armed forces. However, there are two other arms of government that, in different ways and to different degrees, have helped the regime enforce its will over the Burmese people and underpinned continued military rule. Since General Ne Win's coup d'état in 1962, the national police force has been overshadowed by the armed forces (*Tatmadaw*) but in recent years it has begun to play a greater role in the maintenance of internal security. From time to time, attention has also been focused on Burma's intelligence agencies, which have helped to protect the regime and promote its 'national causes'.

Since President Thein Sein's reformist government was inaugurated in March 2011, the *Tatmadaw*, the Myanmar Police Force (MPF) and the country's intelligence community have adapted to the changing political landscape. Indeed, many observers have been surprised at the way in which these feared institutions, long considered the last bastions of conservatism in Burma, seem to have accepted the transition from direct military rule to what the 2008 constitution describes as a 'genuine, disciplined multi-party democratic system'. Even so, questions continue to arise over the extent to which they have genuinely embraced change and sought to reinvent themselves. While much has changed in Burma's security sector, much has remained the same. This has helped activists and human rights campaigners justify their continuing campaigns against Naypyidaw and to claim that President Thein Sein's ambitious reforms are only skin deep.

The 2008 constitution was written specifically to guarantee the armed forces a central place in Burma's national affairs, a position that has been reaffirmed by the president and armed forces Commander-in-Chief (CinC). The *Tatmadaw* remains a powerful institution free from any civilian control or oversight. Yet, for the time being, the government and armed forces seem to be in broad agreement about the way ahead. Also, while the *Tatmadaw*'s internal workings are still poorly understood, it is clear that the CinC too has initiated a range of reforms. In what seems to be an effort to create a smaller, better equipped, more professional and more respected *Tatmadaw*, he has taken steps to strengthen its institutional cohesion and capabilities. This program is in its early stages, and will encounter obstacles. Even so, the *Tatmadaw* still commands substantial military power which it can exercise in the event of any perceived threats to the Union, or itself.

Even before President Thein Sein came to office, an effort had been made to expand the police force, improve its performance and reform its culture. The details are unclear, but it appears that a major recruitment program has been launched to increase the MPF's size and boost the number of women in the force. Also, large scale transfers are being made to the MPF from the *Tatmadaw*, including to the paramilitary arm. The MPF is also grappling with other challenges, with a view to creating a more capable and professional force that commands greater public respect. This will not be easy but, as a result of these changes, the MPF is increasingly being seen as a large, powerful and influential institution that, in a more modern and civilianized form, has the potential to become a key instrument of state control under Thein Sein and his successors.

As decades-old restrictions on political activity, freedom of speech and freedom of association have been relaxed, so the level of overt oppression in Burma has diminished. Despite the freer atmosphere prevailing throughout most of the country, however, old habits die hard and abuses are still occurring, including by the intelligence agencies. In the absence of any official announcements or new laws, it is assumed that the basic

structure and roles of the intelligence community have remained the same, but there have been rumours suggesting that some attention is being given to questions of intelligence oversight and coordination. Special Branch has formal responsibility for political intelligence but, given the Tatmadaw's self-appointed guardianship role and the power wielded by military intelligence agencies in the past, it is unlikely that the armed forces will give up its ability independently to monitor domestic developments. Attention may also be given to Burma's growing external intelligence collection requirements.

Citing a raft of proposed reforms, particularly in the Myanmar Police Force (MPF), some Burma-watchers are cautiously optimistic that the country's coercive apparatus is becoming more professional and that the abuses of the past are being addressed. The Western democracies have responded to the positive signs by renewing bilateral links and offering assistance, in particular to the armed forces and the MPF. Some international organisations and NGOs are also cooperating with the police force. The risks associated with closer ties to these Burmese institutions have doubtless been considered by donor governments and organisations. Yet, the prevailing view seems to be that 'positive reinforcement for meaningful reforms' is the best policy, and that such an approach is more likely to change the mindset and behaviour of the security forces than a return to the discredited policies of isolation, economic sanctions and other punitive measures.

All these developments are encouraging, but a number of events since 2011 have shown that there are still serious problems in Burma. A fundamental transformation of the state, and its coercive apparatus, remains a distant prospect. The proposed reforms are a good start, but there will need to be a tectonic shift at the psychological and societal levels for them to make a real difference. The scope for foreign governments and international organisations to influence this process is limited. They can provide specialist advice, technical assistance and modern equipment. They can also help lift the professionalism of various institutions and encourage the adoption of internationally accepted standards. Such measures may facilitate changes in the character and effectiveness of the country's security forces, but they cannot determine them. Ultimately, the reform of Burma's security sector will depend on the Burmese people themselves.

Author's Note

After the Burmese armed forces finally crushed a nation-wide pro-democracy uprising in September 1988, Burma's official name (in English) was changed from its post-1974 form, the 'Socialist Republic of the Union of Burma', back to the 'Union of Burma', which had been adopted when Burma regained its independence from the United Kingdom (UK) in January 1948. In July 1989 the new military government changed the country's name once again, this time to the 'Union of Myanmar'. At the same time, a number of other place names were changed to conform more closely to their original pronunciation in the Burmese language. In 2008, after promulgation of a new national constitution, the country's official name was changed yet again, this time to the 'Republic of the Union of Myanmar'.

The new names have now been accepted by most countries, the United Nations and other major international organisations. A few governments and some opposition groups, however, still cling to the old forms, largely as a protest against the former military regime's human rights abuses and its refusal to introduce a genuinely democratic system of government. In this paper the better-known names, for example 'Burma' instead of 'Myanmar', 'Rangoon' instead of 'Yangon', and 'Irrawaddy' instead of 'Ayeyarwady', have been retained for ease of recognition. Quotations and references, however, have been given as they originally appeared. Also, formal titles introduced after 1989 have been cited in their current form, such as 'Myanmar Police Force'. Such usage does not carry any political connotations.

The armed forces have effectively ruled Burma since 1962 but, from 1974 to 1988, they exercised power through an ostensibly elected 'civilian' parliament. On taking back direct control of the country in September 1988, the armed forces abolished the old government structure and created the State Law and Order Restoration Council, which ruled by decree. In November 1997, apparently on the advice of a United States-based public relations firm, the regime changed its name to the State Peace and Development Council. In 2008, it held a constitutional referendum, which was followed by elections in 2010. The resulting national parliament, consisting of both elected officials and non-elected military officers, first met in January 2011. A new government was installed under President Thein Sein in March that year.

After the United Kingdom dispatched troops to the royal capital of Mandalay and completed its three-stage conquest of Burma in 1885, Rangoon was confirmed as the administrative capital of the country. It remains the commercial capital, but in October 2005 the regime formally designated the newly built city of Naypyidaw (or Nay Pyi Taw), 320 kilometres north of Rangoon, as the seat of Burma's government. When they appear in this paper, the terms 'Rangoon regime', or in some cases simply 'Rangoon', are used as shorthand for the central government, including the military government that was created in 1962 and re-invented in 1988. After 2005, the government is referred to as the 'Naypyidaw regime', or simply 'Naypyidaw', to reflect the administrative change that took place that year.

Another term used in this paper is *Tatmadaw* (literally 'royal force'), the vernacular name for Burma's tri-service armed forces. In recent years, this term has gained wide currency in English-language publications on Burma. While the term 'Defence Services' usually refers only to the armed forces, it is sometimes used in a wider context to refer to the armed forces, the national police force, the 'people's militia' and sundry other paramilitary forces. On occasion, the Fire Services Department and Myanmar Red Cross have also been included in this category.

This Regional Outlook is a longer and revised version of a paper first presented at a conference on 'Myanmar: Dynamics and Continuities' held at Johns Hopkins University's School of Advanced International Studies (SAIS) in Washington DC from 23–24 September 2013. It is anticipated that full versions of the papers given at that meeting will be edited by David Steinberg of the Johns Hopkins SAIS Southeast Asia Studies Program and published as a book by Lynne Rienner in 2014. The author wishes to thank Professor Steinberg and the other participants at the Washington conference for their comments on the earlier paper.

Glossary



Acronyms

AFP	Australian Federal Police
ASEAN	Association of South East Asian Nations
ASEANPOL	National Chiefs of Police Organisation of the Association of South East Asian Nations
BP	Burma Police
BMP	Burma Military Police
BSI	Bureau of Special Investigation
BSP	Burma Socialist Programme Party
CID	Criminal Investigation Department
CinC	Commander in Chief
CRPPFMS	Committee for Reform of the People's Police Force Management System
DATC	Department Against Transnational Crime
DDSI	Directorate of Defence Services Intelligence
EU	European Union
GIZ	(German) Agency for International Corporation
HQ	Headquarters
ICRC	International Committee of the Red Cross
ILEA	International Law Enforcement Academy
INTERPOL	International Criminal Police Organisation
KIA	Kachin Independence Army
KMT	(Nationalist Chinese) <i>Kuomintang</i>
MIS	Military Intelligence Service
MPF	Myanmar Police Force
NDSC	National Defence and Security Council
NGO	Non-Government Organisation
NIB	National Intelligence Bureau
OCSI	Office of the Chief of Military Intelligence
OCSA	Office of the Chief of Military Security Affairs
OSS	Office of Strategic Studies
P4	People's Property Protection Police
PPF	People's Police Force
SB	Special Branch
SLORC	State Law and Order Restoration Council
SPDC	State Peace and Development Council
SSA-S	Shan State Army – South
MIS	Military Intelligence Service
NIB	National Intelligence Bureau
UMP	Union Military Police
UN	United Nations
UNDP	United Nations Development Program
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
UK	United Kingdom
US	United States
VIP	Very Important Person

Foreign Language Terms

<i>Kuomintang</i>	(Chinese) National People's Party
<i>Lon Htein</i>	Security Preservation Battalions
<i>Maha Mangala Sutta</i>	(Buddhist) Discourse on Blessings
<i>NaSaKa</i>	Border Control Force (abbrev.)
<i>Pyitthu Hluttaw</i>	People's Assembly
<i>Tatmadaw</i>	Armed Forces

1. Introduction

To put it in simple terms: a state can use violence against another state and organised groups (warfare), it can use violence against its citizens (state violence), or it can wield its monopoly of the legitimate use of force to reduce the use of violence within society (public order).

Keith Krause, *War Violence and the State* (2009)

For more than half a century, whenever reference has been made to Burma's coercive apparatus, its army has usually sprung to mind. This is hardly surprising. The country has boasted the modern world's most durable military dictatorship and, since the abortive 1988 pro-democracy uprising, one of Southeast Asia's largest armed forces. However, there are two other arms of government that, in different ways and to different degrees, have helped the regime to enforce its will over the Burmese people and underpinned continued military rule. Since General Ne Win's coup d'état in 1962, the national police force has been overshadowed by the armed forces (*Tatmadaw*) but in recent years it has begun to play a greater role in the maintenance of internal security. From time to time, attention has also been focused on Burma's intelligence agencies which, despite fluctuating fortunes, have helped to protect the regime and promote its national causes.¹

Since President Thein Sein's reformist government was inaugurated in March 2011, the *Tatmadaw*, the Myanmar Police Force (MPF) and the country's intelligence community have adapted to the changing political landscape. Indeed, many observers have been surprised at the way in which these feared institutions, long considered the last bastions of conservatism in Burma, seem to have accepted the transition from direct military rule to what the 2008 constitution describes as a 'genuine, disciplined multi-party democratic system'.² Even so, questions have arisen over the extent to which they have genuinely embraced change and sought to reinvent themselves. Citing a raft of proposed reforms, particularly in the police force, some Burma-watchers are cautiously optimistic. The Western democracies have responded to the positive signs by renewing bilateral links and offering assistance. A number of international organisations and NGOs have strengthened their relationships with the police force.

All these developments are encouraging, but a number of events since 2011 have shown that there are still serious problems in Burma. A fundamental transformation of the state, and its coercive apparatus, remains a distant prospect.

2. Burma's Security Forces before 2011

There are many ways in which a government can exercise power over its citizens and, at one time or another, successive military regimes in Burma have probably employed most of them. In terms of the state's formal coercive apparatus, however, there are three institutions of note, namely the armed forces, the national police (currently organised as the Myanmar Police Force) and the intelligence community. Broadly speaking, the Tatmadaw has dominated the rural and border areas, while the police have been most active in the population centres.³ The intelligence presence has varied from one part of the country to another, but is widely believed to be ubiquitous. The character, roles and influence of these institutions, however, have differed in a number of important ways and changed over time.

The Armed Forces

For over 50 years, the Tatmadaw has been the primary coercive arm of Burma's central government. While the navy and air force have also played a part, the lead has been taken by the army. Troops have been deployed not only to protect the country's frontiers, combat insurgents and oppose dacoits and narcotics warlords in the countryside, but also to enforce the regime's edicts, maintain order and, when it has been deemed necessary, crush civil unrest in the urban centres.

Even before Burma regained its independence from the United Kingdom (UK) in 1948, the armed forces were a major factor in the country's internal affairs. During and after the Second World War, military figures played an important role in the anti-colonial struggle. Later, and despite a number of debilitating mutinies, the small, poorly armed and inexperienced Tatmadaw helped protect the fragile new state against repeated challenges from ethnic and ideological insurgent groups. During the 1950s, the Tatmadaw fought a difficult campaign against remnants of Nationalist China's *Kuomintang* (KMT) army which, with foreign help, had established strongholds in northern Burma.⁴ These efforts helped justify the armed forces' claim that they 'saved' the Union from disintegration. While not without their critics, they were also considered to have done a good job of governing Burma during the 'caretaker period', between 1958 and 1960.⁵ The Tatmadaw's prestige was enhanced by the fact that, for many years, it constituted an important channel for social mobility.⁶

After the 1962 coup, and 12 years of rule by a small Revolutionary Council, Ne Win launched a highly bureaucratic socialist state that was controlled by Burma's only legal political grouping, the Burma Socialist Programme Party (BSPP). From 1974, it governed through an ostensibly 'elected' People's Assembly (*Pyitthu Hluttaw*) and a hierarchy of party organs that reached down to village level. In theory at least, the armed forces played a subordinate role to the BSPP and civil authorities. After it took back direct control in 1988, the exclusively military State Law and Order Restoration Council (SLORC) diluted the socialist economic model, abolished the parliament and restored the Tatmadaw to the peak of the political structure. The SLORC, and after 1997 its nominal successor the State Peace and Development Council (SPDC), governed largely by executive fiat. In addition to the nine (later increased to 14) regional military commands there was a cascade of administrative councils to enforce the regime's dictates. Many army officers concurrently exercised both military and civilian responsibilities.

At the same time, the Tatmadaw was expanded and modernised. Its reach was extended across almost the entire country and its coercive power greatly increased.⁷ Estimates of its size have varied widely, from over 500,000 to less than 300,000.⁸ Yet,

even at the lower figure, the Tatmadaw in 2011 was still about twice the size it was under Ne Win. The army has always been the dominant service but the navy and air force are also much larger than they were 25 years ago. Since 1988, all three services have acquired a wide range of arms and equipment, mostly from China but also from other suppliers, such as Russia, the Ukraine, Belarus and North Korea. While most were intended for territorial defence, some had wider applications. As the International Crisis Group noted in 2001, 'the large scale expansion, modernization and diversification in the capabilities of the armed forces since 1988 have provided the coercive underpinnings for its monopoly of the state apparatus and its intended dominance into the future'.⁹

Between 1988 and 2011, the armed forces came to dominate almost every aspect of Burma's polity, economy and society.¹⁰ Through a combination of psychological means, pseudo-legal measures and brute force, it capitalized on the opposition's internal divisions and established an unassailable position. Indeed, the armed forces became a virtual state within the state of Burma.¹¹ They were supported by a comprehensive, well-funded system that drew heavily on the country's labour and resources, but operated largely independently of it. As Adam Macdonald has written:

The regime ruled by fiat with little direct contact with society, ensuring a monopolization of the political process by employing a variety of measures along a coercion continuum to compel compliance. Politics became the exclusive domain of the military.¹²

Members of the Tatmadaw and their closest civilian supporters (often described as 'cronies') considered themselves a privileged caste with special responsibilities, and thus special entitlements. The bulk of the population was left to fend for itself, dependent on under-funded and over-stretched institutions which struggled to meet the growing need for jobs, education, health care and social support.¹³

The regime's brutal response to the nationwide protests of 1988, in which more than 3,000 people may have been killed, added impetus to a process of public disillusionment with the Tatmadaw that began in 1962 and has continued to the present day.¹⁴ Widespread abuses of human rights, including the harsh treatment accorded to political prisoners and the extended house arrest of respected opposition leader Aung San Suu Kyi, further eroded popular support. The regime's violence against Buddhist monks and other protesters during the so-called 'saffron revolution' in 2007, and its slowness to assist the victims of Cyclone Nargis in 2008, hardened opinion not only against the government in Naypyidaw but the armed forces as a whole. The referendum on a blatantly pro-military constitution in 2008, and the rigged 2010 parliamentary elections, seemed to confirm the Tatmadaw's continuing determination to dominate Burma's political scene, if necessary by force.

The Police Force

Robert Taylor has argued that, before 1900, 'the security of the colonial state rested primarily on the army'.¹⁵ While there were still some 40,000 British and Indian soldiers in Burma that may have been the case.¹⁶ From the turn of the century, however, the principal component of the British administration's coercive apparatus was the police force, divided after 1891 into the civil Burma Police (BP) and the paramilitary Burma Military Police (BMP).¹⁷ After Mandalay fell in 1885 and Burma was eventually 'pacified' – formally, at least – few regular army units remained in-country. Law and order was maintained by the police. Indeed, so weak was the local military presence that 3,500 soldiers had to be deployed from India proper to help crush the so-called Saya San rebellion in 1930–32. By 1939, the number of regular soldiers in Burma had declined to about 5,000.¹⁸ This was less than half the strength of the BMP, which essentially functioned as an occupying army.

After the Second World War, it was the reconstituted BP and the new Armed Police which took the lead in restoring law and order, and dealing with threats to internal

security from dacoit gangs, communist insurgents and armed ethnic groups.¹⁹ As Mary Callahan has described, however, after Burma regained its independence in 1948 the fledgling armed forces steadily became stronger, better organized and more influential in the management of the country's domestic affairs.²⁰ The 1962 coup saw the police completely eclipsed as an independent institution. In fact, General Ne Win initially planned to abolish the BP and create a People's Security Force, which he felt was more befitting the new socialist era.²¹ This plan was soon abandoned as unworkable, but the Union Military Police (UMP) was absorbed into the army and in 1964 the BP was reformed as the People's Police Force (PPF). By then, responsibility for law and order in Burma had effectively passed to the Tatmadaw.

During the caretaker period the police force had been lightly seeded with servicemen, but after 1962 the numbers increased. Between 1972 and 1987, for example, the regime transferred 155 army officers to the Ministry of Home Affairs, most destined for the police force.²² This was to permit greater control over its personnel and activities, to increase its operational capabilities and to bring it more into line with the armed forces. Police rank structures and pay scales were adjusted to conform more closely to those of the Tatmadaw. As a rule, however, the military leadership looked down on the PPF, which was still associated with the hated 'British imperialists' and 'foreign capitalists' of the colonial period.²³ Despite formulaic expressions of solidarity and support, the police force was probably the least prestigious and most under-resourced branch of the country's 'Defence Services', which came to include border control units, the Fire Brigade and Red Cross. Nor were the police highly regarded by the civil population.

Before 1942, the BP was 'viewed with disdain as a lackey of the colonial power'.²⁴ The BMP in particular was seen as the merciless enforcer of a complex and alien system of laws and regulations that was heavily weighted in favour of foreigners.²⁵ The widespread perception before and during the Second World War of the police as inefficient, corrupt and politically partisan was reinforced during the chaotic post-Independence period.²⁶ Prime Minister U Nu's government was often accused of using the force against its political opponents. In 1958, the Home Affairs Minister even mobilized UMP units after falling out with the Defence Minister, who commanded the army.²⁷ Following the 1962 coup, the PPF became the willing, albeit junior, partner in an inept and repressive military regime. At that time, the force was widely viewed as 'particularly corrupt, officious, and exploitative'.²⁸ This reputation was confirmed in the popular mind by the brutality of the *Lon Htein* riot police before and during the 1988 uprising.²⁹

The Intelligence Community

Under the British, the collection of political and criminal intelligence in Burma was largely the preserve of the Burma Police, notably the Criminal Investigation Department (CID) and its Intelligence Branch. Even the Burma Defence Bureau, formed under military command in 1937 to monitor subversion in the new colony, was dominated by police officers.³⁰ After Independence, a Special Investigation Department (later Special Branch, or SB) was formed in the police force, but the collection and assessment of political intelligence was also conducted by the Tatmadaw. Following the 1962 coup, SB continued to investigate so-called political crimes – defined as almost any challenge to the military regime – but under the watchful eye of the powerful Military Intelligence Service (MIS), which had been formed in 1958. The CID investigated civil crimes but also strayed into 'political' areas. So too did the Bureau of Special Investigation (BSI), which had been created by U Nu in 1951 to tackle corruption and economic crimes.³¹

After 1983, when Colonel Khin Nyunt took over the then Directorate of Defence Services Intelligence (DDSI), its capabilities grew rapidly. DDSI had military intelligence functions but its main purpose was to monitor the civil population and armed forces, to eliminate threats to the regime and compel the loyalty of its servants. After the 1988 uprising, DDSI dramatically increased in size, sophistication and territorial presence. At its

peak, it employed tens of thousands of informers and operated several detention centres.³² Its electronic intercept capabilities contributed to its 'coercive muscle'.³³ From 1992, its field officers reported directly to DDSI headquarters (HQ), bypassing the usual military chain of command. In 1994, an Office of Strategic Studies (OSS) was created under Khin Nyunt, by then a Lieutenant General. This widened DDSI's interests to include policy issues such as narcotics trafficking, ethnic minority affairs and international relations. The Tatmadaw's intelligence machinery changed again in 2001, when the SPDC created the Office of the Chief of Military Intelligence (OCMI).³⁴

The power and relative autonomy of military intelligence officers, and their privileged access to off-budget revenues, led to widespread resentment within the Tatmadaw. In 2004, these factors contributed to Khin Nyunt's arrest by the SPDC and a wholesale purge of DDSI.³⁵ Under the Home Affairs Minister, Special Branch was expanded and given increased responsibilities for the maintenance of internal security.³⁶ The BSI's jurisdiction was reportedly expanded to include a range of political crimes. These were only temporary measures, as the Defence Ministry soon replaced OCMI with an Office of the Chief of Military Security Affairs (OCMSA), and created new MSA units under the regional military commanders.³⁷ Lacking experienced personnel, the OCMSA endured a shaky start. Despite diminished capabilities and reduced powers, however, it helped maintain the intelligence community's support for the regime 'through surveillance, harassment of political activists, intimidation, arrest, detention, physical abuse, and restrictions on citizens' contacts with foreigners'.³⁸

For much of this period, the intelligence community was overseen by a National Intelligence Bureau (NIB). Created by Ne Win in 1964, it was made subject to its own law in 1974 after power was formally transferred to the BSPP government. The Bureau coordinated the activities of the DDSI, CID, SB, BSI and, where relevant, those of other ministries, such as Foreign Affairs.³⁹ The NIB was revamped in 1983, after an international terrorist attack against a visiting head of state in Rangoon prompted a comprehensive review of Burma's intelligence apparatus. The NIB chairman's position was filled by different agency heads on rotation, but it was still dominated by the chief of military intelligence. From 1988, the NIB reported directly to the SLORC and, after 1997, to the SPDC. After Khin Nyunt's arrest in 2004 the NIB was dissolved, on the grounds that it was 'no longer suitable for the welfare of the public to be in conformity with the changing situations and with a view to ensuring security and peace' [sic].⁴⁰

3. To 2011 and Beyond

Since the inauguration of the Thein Sein government in 2011, Burma has undergone a remarkable transformation, in appearance if not always in substance.⁴¹ The former military regime did not intend to introduce a genuine democracy when it promulgated its new constitution in 2008, but since then there has been a dramatic increase in the number of political actors and a gradual diffusion of power within a multilayered political system.⁴² State institutions are developing in ways probably unforeseen by the SPDC. There has even been scope for some independent decision making. Restrictions have been eased on political and economic activity, and on civil society. Hundreds of political prisoners have been released, among them Aung San Suu Kyi. In 2012, the National League for Democracy competed in free and fair by-elections that gave it 43 of the 46 vacant seats in the national parliament. Opinion is divided on the government's motives and ultimate goals, but most informed observers accept that significant changes are taking place.⁴³

One reason for lingering scepticism is that much has also remained the same. Thein Sein's ambitious reform program is still in its early stages and faces formidable obstacles. Those legal and policy revisions which have already been made have yet to be fully or consistently implemented at the local level, particularly in those areas around the country's periphery which are dominated by the ethnic minorities. More to the point, according to an official US report on human rights in Burma during 2012:

Significant human rights problems in the country persisted ... Government security forces were allegedly responsible for cases of extrajudicial killings, rape and torture. The government abused some prisoners and detainees, held some persons in harsh and life-threatening conditions, and failed to protect civilians in conflict zones ... The government generally did not take action to prosecute or punish those responsible for human rights abuses, with a few isolated exceptions. Abuses continued with impunity.⁴⁴

Taken out of context, this statement gives the impression that, despite the momentous changes taking place in other spheres of government activity, Burma's coercive apparatus has remained unreconstructed, stubbornly clinging to the policies and practices of the past. Yet, in different ways and to different degrees, it too has been evolving.

The Armed Forces

Burma's 'disciplined democracy' represents the final stage of a seven-step 'road map' launched by the former military regime in 2003. So it should not come as a surprise to anyone that the legal instruments, political structures and personnel governing its existence and activities still heavily favour the armed forces.⁴⁵

Indeed, the 2008 constitution was written specifically to guarantee the Tatmadaw a central place in national affairs, a position reaffirmed in 2013 by both the president and the armed forces Commander-in-Chief (CinC).⁴⁶ According to law, the Tatmadaw is an autonomous institution not subject to civilian control or oversight. It has the right independently to administer and adjudicate its own affairs, including the management of its personnel.⁴⁷ It also has an exclusive right to set its own agenda, particularly with regard to military strategy and operations. In addition, the key portfolios of defence, home affairs and border affairs are filled by serving officers recommended to the president by the CinC. If the Vice CinC is included, this gives the Commander-in-Chief effective control over at least five of the 11 members of the powerful National Defence and Security Council (NDSC). Also, as supreme commander of all 'Defence Services' in

Burma, the CinC has ultimate control over not only the Tatmadaw but also the MPF, Border Guard Forces, other paramilitary organisations and civil defence forces.⁴⁸

That said, there is still some debate over the power of the CinC, and by extension that of the armed forces. It has been argued equally strongly that 'the Commander-in-Chief is subordinate to the president', and the CinC is 'perhaps the single most important power holder in Myanmar politics'.⁴⁹ Most of the time, such differing interpretations of the constitution are unlikely to affect outcomes, but complications can arise when military and political factors coincide. This seems to have occurred in early 2013, for example, over the issue of negotiations with the Kachin Independence Army (KIA). The president twice issued an order for the armed forces to observe a ceasefire, which they appear to have ignored.⁵⁰ There is also an apparent disjunction between the positions of the government and Tatmadaw over defence links with North Korea. The president and other senior officials have repeatedly claimed that such ties have been severed. However, the armed forces signed a new arms agreement with Pyongyang in November 2012 and continue to purchase North Korean military goods.⁵¹ Both cases suggest that, in military affairs at least, the Tatmadaw retains considerable freedom of action.

This is quite apart from the fact that almost all members of the government are former or serving military officers – including the president.⁵² As Maung Aung Myoe has noted, out of 46 ministers at the Union level, 37 are from the armed forces, including five still on active service. Of the 14 Chief Ministers of Burma's designated states and regions, all but one are retired military officers.⁵³ At the parliamentary level, a quarter of all national, state and regional assemblies are filled by serving military personnel. The majority Union Solidarity and Development Party consists largely of veterans and their supporters, and some 80 per cent of senior civil service positions are filled by ex-servicemen.⁵⁴ This is not to deny the importance of Thein Sein's reform program and its impact on Burmese society. Nor can it be taken for granted that all ex-servicemen would do the CinC's bidding. However, as Aung San Suu Kyi has acknowledged, in the current circumstances the Tatmadaw remains the ultimate arbiter of power in Burma and a democratic system of government cannot be introduced without its agreement and cooperation.⁵⁵

In many respects, the internal workings of the Tatmadaw remain a closed book. Even the most basic information is beyond the reach of foreign researchers. It is still not known, for example, how large the armed forces are, although 350,000 is now a popular number.⁵⁶ It has become apparent, however, that since 2011 Commander-in-Chief Senior General Min Aung Hlaing has made a number of important changes.⁵⁷

In what seems to be an effort to create smaller, but better equipped, more professional and respected armed forces – what the president has called a 'world class Tatmadaw' – the CinC has taken steps to strengthen its cohesion and unity.⁵⁸ He has removed a number of senior officers and rotated others to new positions. He has trimmed the top-heavy command structure and replaced most Regional Military Commanders, in what has been a major generational change.⁵⁹ There have been large scale transfers of personnel to the MPF and officer cadet intakes have been reduced. The CinC has introduced new training programs and revised others, while seeking to diversify the sources of the Tatmadaw's expertise. A major combined arms exercise was held in 2012, the first since 1995. A program is under way to demobilise child soldiers.⁶⁰ There have been pay increases and attempts have been made to exert greater central control over the Tatmadaw's finances.⁶¹ The CinC has also spoken out against corruption and personal aggrandizement.⁶² There continue to be reports of major arms upgrades and new weapons production programs.⁶³

This reform program is still in its early stages, and is encountering obstacles, both in structural and personnel terms. There are reportedly deep divisions within the Tatmadaw over the loss of certain powers and privileges.⁶⁴ The armed forces also face problems of poor recruitment levels, low morale and a high rate of desertions.⁶⁵ There are concerns about an inflated junior officer corps, which threatens a promotions logjam in the future. In addition, the campaigns against the KIA, Shan

State Army – South (SSA-S) and other armed ethnic groups have exposed deficiencies in leadership, tactics, training and equipment.⁶⁶ Confidence in the ability of the Tatmadaw concurrently to pursue multiple counter-insurgency campaigns is low. Reports of human rights abuses against both combatants and non-combatants in Kachin, Shan, Karen (Kayin) and Chin States have again raised questions over discipline, an issue that also arose in Arakan (Rakhine) State in 2012, when the army was called in to help quell widespread sectarian violence.⁶⁷

A revision of military doctrine to 'suit the new political context' is reportedly under consideration.⁶⁸ Yet, doubts have been expressed over the Tatmadaw's ability to reach the levels of professionalism to which Min Aung Hlaing seems to aspire. For example, it has been suggested that, in some military circles, 'professional' is equated with 'mercenary'.⁶⁹ Such an approach to soldiering is anathema to those officers, who see themselves as patriots charged with an historical responsibility to protect the country and 'safeguard' the new constitution. This mindset envisages a continuing role in national politics.⁷⁰ At the same time, one activist group has claimed that:

A serious internal problem for the Bama nationalists is that the Tatmadaw's idealism, professionalism and patriotism have over the years been eroded by nepotism and corruption. The rapid expansion of the army and the officer corps has also diluted the Tatmadaw's patriotic fervour. Today opportunism rather than professionalism motivate many young men to become officers ... Therefore, returning to a more disciplined system is not really practical.⁷¹

The CinC will also need to take into account that, with the expansion of Burma's polity, economy and civil society, a military career is no longer seen by young men as the only way to obtain an education, technical skills and social status.

Notwithstanding all these problems, the Tatmadaw still commands substantial military power which it can exercise in the event of any perceived threats to the Union. These are usually seen in terms of the government's three national causes, which emphasize unity, stability and national sovereignty.⁷² Since 2011, the perceived external threat to Burma has greatly diminished, but Naypyidaw still faces a range of internal security problems.⁷³ As already seen, there is the potential for civil unrest to erupt over political, economic or social issues. Also, there are 23 Border Guard Force battalions and about a dozen People's Militia Force units, the reliability of which are suspect. The Democratic Karen Buddhist Army, for example, seems to be beyond Naypyidaw's control. There are also powerful armed groups which have resisted all efforts to place them under government command. These include the estimated 30,000-strong United Wa State Army and the 20,000-strong KIA. There are several smaller insurgent groups waging guerrilla wars against the central government.⁷⁴ As long as these security problems remain, there is little chance that the armed forces will feel they can return to the barracks.

For the time being, however, the government and armed forces seem to be in broad agreement about the way ahead. The Tatmadaw as an institution no longer runs day-to-day politics. While retaining certain privileges, it has been prepared to let the government proceed with its reform program.⁷⁵ In Adam Macdonald's words, the Tatmadaw has gone from being a hegemonic player to a veto player.⁷⁶ The Regional Commanders have tended to exercise their authority only on military matters and deferred to the local civil authorities.⁷⁷ For its part, the government seems content to let the armed forces manage their own affairs. To date, any differences that have arisen between the two seem to have been manageable. It remains to be seen whether this level of accommodation will continue as more radical reforms are proposed, particularly if they impinge on the Tatmadaw's role and privileges. The 2015 national elections will pose an early test. The armed forces leadership will need to decide whether or not to permit changes to the constitution, so that Aung San Suu Kyi can stand as a candidate for the presidency. A positive decision cannot be taken for granted.⁷⁸ For many in the armed forces, another former general may seem a safer bet.

It is also worth noting that, under the provisions of the 2008 constitution, the Tatmadaw has the legal means to return the country to full military control, if deemed necessary. Given certain triggers, it could simply mount another coup. Some observers have put the likelihood of that happening over the next five years as high as 20 per cent.⁷⁹ The Tatmadaw is no longer the institution it once was, however, and there are significant constraints on action of that kind. There would inevitably be a very strong reaction, both within the country and outside it. Even Burma's traditional friends are unlikely to welcome such a step back into the past. That could lead to precisely the kind of 'chaos' that the military leadership has tried hard to prevent. The generals would also need carefully to weigh the benefits of such a step against the possibility that it might spark a serious breakdown in military discipline. That has always been one of their greatest fears, and a reason for some of the measures taken by Burma's coercive apparatus over the past 50 years.⁸⁰

The Police Force

Even before President Thein Sein came to office, an effort had been made to expand the police force's capabilities, improve its performance and reform its culture. This initiative appears to have been driven mainly by Khin Nyunt when he was SPDC Secretary One, and later Prime Minister. In 1994, he became chairman of the Committee for Reform of the People's Police Force Management System (CRPPFMS), the stated aim of which was to conduct an assessment of the force, 'promulgate laws, rules and regulations on PPF management and administration and make certain reforms in conformity with the changing situation'.⁸¹ In 1995, the PPF was renamed the Myanmar Police Force and a MPF Disciplinary Law was promulgated.⁸² In 1999, the force issued a new Code of Conduct which spelt out the high expectations placed on all members of the force.⁸³ Colonial-era manuals detailing the duties, powers and entitlements of all ranks were amended and reissued (in the Burmese language) in 2000 and 2001.

At the same time, an attempt was made to introduce aspects of the 'community-based policing' model. Signs and booklets listing the Buddha's 38 blessings, taken from the *Maha Mangala Sutta*, were distributed to all police stations as guides to good behaviour. In 2001, signs in Burmese and English were erected at police stations around the country, asking 'May I help you?'. A number of magazines were launched, aimed at boosting police morale and increasing public awareness of police functions.⁸⁴ After Khin Nyunt fell out of favour with the SPDC in 2004 the reform program continued, for a period under the stewardship of SPDC Secretary Two and later Prime Minister (now President) Lieutenant General Thein Sein. He was assisted by Brigadier General Khin Yi, who served as Chief of Police from 2002 to 2011. Around 2008, a comprehensive 30-year plan for the expansion and modernisation of the MPF was endorsed by the military government. It was probably prompted by the 'saffron revolution' of 2007, which exposed several weaknesses in the country's security apparatus.⁸⁵

Exact numbers are difficult to determine, but in 2011 the strength of the MPF was around 80,000.⁸⁶ This represented an increase of some 8,000 men and women over the previous decade, and made the force larger and more powerful than it had been since the colonial era.⁸⁷ This number included 18 battalions of paramilitary 'combat' police, able to mount rural counter-narcotics campaigns, quell serious outbreaks of civil unrest, and protect the country's porous borders. The details are unclear, but it appears that since 2011 a major recruitment program has been launched to increase the MPF's size even further. A special effort is being made to boost the number of women in the force, which currently stands at less than 2 per cent of the total.⁸⁸ Also, large scale transfers are being made from the Tatmadaw to both the civil and paramilitary arms of the MPF.⁸⁹ According to MPF HQ in Naypyidaw, the goal is a police force of over 100,000, with 34 paramilitary battalions.⁹⁰

Naypyidaw is also grappling with other challenges, with a view to creating a modern and professional force that commands greater public respect. The MPF's headquarters is being upgraded, functional departments are being expanded and new ones created,

internal coordination is being improved and more modern technology is being introduced. In some ways, the MPF's organizational structure now mirrors those of police forces in most developed countries. For example, a Department Against Transnational Crime (DATC) was created in 2004, soon after Burma became a state member of the UN Convention Against Transnational Organized Crime. There is a new Financial Investigation Unit, and new Maritime and Civil Aviation Police departments.⁹¹ A Tourist Police unit of around 140 officers has been formed in response to the dramatic increase in foreign visitors since 2011.⁹² There have been reports of a new Cyber Crime Division.⁹³ Efforts have also been made to upgrade communications links between MPF HQ in Naypyidaw, and State and Region level MPF units. More policemen now carry personal radios or mobile phones.

In addition, officer selection standards have been raised and specialized instruction at all levels has increased. Loyalty to the central government is still valued highly and is reinforced by periodic 'refresher' courses designed to 'keep patriotism alive'.⁹⁴ At the same time, however, doctrine and training programs have been changed to emphasise 'democratic policing', which emphasises accountability, transparency, respect for human rights and professional conduct.⁹⁵ Greater attention is being given to 'people-centred policing', which accords a high priority to cooperation with the civil population. MPF officers have been required to attend lectures on issues like human rights and juvenile crime.⁹⁶ Restrictions on overseas training, reportedly imposed in 1988, were lifted in 2012. There is also an increased focus on personal discipline, in an effort to reduce the level of corruption, identified by a senior official as one of the greatest problems currently facing Burma.⁹⁷ In 2011, for example, several senior police officers were arrested for corruption at the instigation of the Chief of Police and BSI.⁹⁸ Steps have been taken to deal with other kinds of abuse, and more reforms have been promised.

One characteristic of the MPF that has not changed over the past 25 years is the police force's role as a strategic reserve. The CRPPFMS made it clear from its inception that Burma's police force was 'a trained armed organization in addition to the country's regular armed forces to be able to safeguard the nation in emergency cases'.⁹⁹ In this regard, the force's paramilitary arm has been singled out for special attention. In addition to pursuing its four stated objectives of 'community peace and tranquility, the rule of law, prevention of drug menace and serving the interests of the people', the MPF is required to 'discharge the duty of national security'.¹⁰⁰ In official statements the MPF has been repeatedly referred to as the 'younger brother' of the Tatmadaw. This formula seems to have been invoked less often since 2011 but, as seen at annual Armed Forces Day parades in Naypyidaw, the MPF is still publicly embraced by the military leadership as an integral part of Burma's Defence Services.¹⁰¹

The MPF still has a long way to go to achieve the 'transformational changes' it envisages for the force.¹⁰² However, as a result of the measures already undertaken, it is increasingly being seen as a large, powerful and influential institution that, in a more modern and civilianized form, has the potential to become a key instrument of state control under Thein Sein and his successors.¹⁰³

The Intelligence Community

Little definite is known about developments in Burma's intelligence community since 2011. As always, observers are dependent on unconfirmed news reports, anecdotal evidence, rumours and unverifiable claims. At one level, there are unmistakable signs of change but, once again, much appears to have remained the same.

As decades-old restrictions on political activity, freedom of speech and freedom of association have been relaxed, so the level of overt oppression in Burma has declined. Even organisations like Human Rights Watch have acknowledged that there has been a marked drop in the number of reported arrests, detentions and cases of torture.¹⁰⁴ As far as anyone can tell, the CID seems to be spending most of its time on civil crimes and the BSI appears to be focussing mainly on corruption and economic crimes.¹⁰⁵ Despite

the freer atmosphere prevailing throughout most of the country, however, old habits die hard. As noted by the US government, there are still serious abuses. Also, from various reports, it seems that surveillance of community leaders, opposition political party members and journalists continues.¹⁰⁶ Electronic eavesdropping and computer hacking by the authorities is believed to be widespread.¹⁰⁷ By law, warrants to conduct searches and make arrests are required, but the OCMSA and SB still do both at will.¹⁰⁸ Violence still seems a routine aspect of police interrogations, at least in criminal cases.¹⁰⁹

In the absence of any official announcements, or new laws passed by the national parliament, it is assumed that the basic structure and roles of the intelligence community have remained the same. In the new Burma, however, it might be expected that responsibility for the investigation of political crimes – those which relate primarily to domestic, and certain aspects of external, security – would fall exclusively to the MPF, or to a dedicated civilian agency, as occurs in most democratic countries. That may yet occur, but these responsibilities still seem to be shared between the police and the armed forces. The SB tends to concentrate its efforts on the opposition political parties, dissent in the urban areas and contacts between locals and foreigners. For its part, the OCMSA appears to deal with the most serious cases and issues related to the ethnic communities.¹¹⁰ While most Burmese fear their power and reach, the ability of these two agencies to perform their functions appears to be highly variable.

Also, as Thein Sein's reform program unfolds, relations between them could become more problematical. Formally, Special Branch has responsibility for the collection and assessment of political intelligence. OCMSA is supposed to concern itself only with defence related matters.¹¹¹ However, given the Tatmadaw's self-appointed guardianship role and the power wielded by military intelligence agencies in the past, it is unlikely that the armed forces would be prepared to give up its ability independently to monitor domestic developments. Not only do the generals distrust the civilian agencies but the Tatmadaw has always preferred to rely on its own resources when it comes to national security, a term with a very wide meaning in Burma. This will doubtless remain the case while the military leadership perceives continuing threats to the country – and itself – from a wide range of exile organisations, political activists, armed ethnic groups and narcotics warlords.¹¹² There is thus the potential for continued duplication of functions, with the attendant jurisdictional disputes, professional jealousies and competition for scarce resources.

Since 2011, there have been rumours suggesting that renewed attention is being given to questions of oversight and coordination. For example, there are unconfirmed reports that Senior General Min Aung Hlaing has formed a new intelligence agency to investigate domestic political and security affairs.¹¹³ It has been claimed that this body, reportedly known as the 'National Defence and Security Force', is about 200 strong, and consists of members of all three armed services, the MPF and BSI. The Ministry of Border Affairs was also said to be involved. According to *The Irrawaddy* magazine, the unit oversees all intelligence agencies and reports to both military and civilian authorities, at the provincial and national levels.¹¹⁴ These reports have yet to be confirmed, but they seem to be related to other claims that the government plans to reconstitute the NIB, to provide a mechanism for the oversight and coordination of a 'new security system' that will include an expanded surveillance network and a 'data thief' hacking project.¹¹⁵

There are doubtless some in Burma who view the more open political environment since 2011 with unease, if not concern, and thus deserving of close attention by official agencies. However, an entirely new security system seems unlikely. Whether or not there is a restructuring of the national intelligence apparatus, it will need a clearly defined mission that fully takes into account Thein Sein's reformist aims and the more liberal atmosphere which now prevails in the country.¹¹⁶ That guidance currently seems to be lacking, or is poorly enforced. Also, a strong argument could be mounted for a rationalisation and redistribution of intelligence duties. This would not only increase the level of cooperation between agencies and better exploit their limited resources, but it would also provide a clearer delineation of their responsibilities, in particular the

separation of military and civilian functions. This in turn could aid in the future oversight of intelligence operations in Burma by a genuinely elected and fully civilian government.

Another pertinent issue is that of external intelligence collection and analysis. As Burma becomes more engaged with the outside world, and the Thein Sein government deals closely with a wider range of foreign counterparts, Burmese officials will need detailed advice about other countries' positions and policies. In the past, such intelligence seems to have been provided mainly by Burma's diplomatic missions.¹¹⁷ Foreign Ministry officials provided open source intelligence and analyses of current affairs, in the manner of professional diplomats everywhere. Members of the Tatmadaw posted overseas, either as Defence Attaches or intelligence officers, supplemented this advice with their own reports, for example on the activities of Burmese expatriates.¹¹⁸ Burma's intelligence agencies also developed liaison relationships with a number of foreign services. Yet the demand for such product is likely to have increased significantly, raising the question whether the existing structures need to be strengthened, or new ways found, to provide the intelligence and assessments required to make informed policy decisions.

All these matters cannot be considered in isolation, but will have to form part of a much wider review of Burma's security environment and the state's coercive apparatus. As a Canadian parliamentary committee stated in June 2013, 'securing the rule of law in Burma will require the wholesale reform of the entire security apparatus in Burma'.¹¹⁹ The committee acknowledged that this would be a slow process and take considerable time, but it drew particular attention to 'the urgent need to begin reforming the Burmese police forces' on the grounds that 'a principled, effective, and accountable police force is a cornerstone of democracy'.¹²⁰ It is early days yet, but there are some signs that this is being done. If successful, the proposed reforms will not only see major changes in the role of the MPF itself, and its relationship with the armed forces and the intelligence community, but also with the civil population.

4. A New Police Role?

As Morris Janowitz once noted, 'It is a basic assumption of the democratic model of civilian-military relations that civilian supremacy depends upon a sharp organizational separation between internal and external violence forces'.¹²¹ If the detachment of Indonesia's national police from the country's armed forces in 1999 is any guide, however, this is easier said than done. In that case, personal and professional rivalries led to tense relations between the two institutions. There were even gunfights over the distribution of off-budget revenues.¹²² The power balance in Burma since Ne Win's military coup has been quite different, but the Indonesian example still points to areas where there is the potential for disagreements between the Tatmadaw and MPF over their respective roles and responsibilities, areas of jurisdiction and budgetary allocations. These issues arose before 1962 and conceivably could do so again.

In administrative terms, the police force (including SB and the CID) falls into the Home Affairs Minister's portfolio. Under current constitutional arrangements, this position is reserved for a senior military officer recommended to the president by the Commander-in-Chief of the Defence Services.¹²³ Quite apart from the Tatmadaw's wish to retain the minister's *ex officio* positions in the Cabinet and powerful NDSC, the difficulty of amending the constitution without the Tatmadaw's support means that the MPF will effectively remain under military control for the foreseeable future. The same goes for the BSI, which is part of the same ministry. In addition, the Chief of Police, who is also the Deputy Minister for Home Affairs, and at least 10 per cent of senior policemen are former military officers.¹²⁴ Should they be forced to pick sides, their primary loyalty would most likely be to the Tatmadaw. It is difficult to judge, but the same could probably be said of ex-servicemen at more junior levels of the force.

Tensions between the armed forces and the police are bound to surface from time to time. Given the continuing physical, legal and psychological dominance of the Tatmadaw, a direct and open confrontation between the two is most unlikely. If the MPF is to develop a distinctive civilian identity, however, then its relationship with the Tatmadaw will have to change. This will not be easy, as power and authority in Burma tend to be conceived as finite and limited. As David Steinberg has pointed out, alternative centres of influence are usually seen as threatening and likely to lead to instability.¹²⁵ There is the danger too that a more powerful and independent MPF will arouse jealousies in the armed forces, and be seen as a competitor for status and resources. As the MPF expands, some in the Tatmadaw could become concerned that the police force may once again be seen by civilian politicians as a possible counterweight to the army.

If the MPF's institutional autonomy is to mean anything, however, much will have to change. The Tatmadaw will need to accept that the police force is the national agency with primary responsibility for maintaining law and order. The military leadership will also need to recognise that the MPF is accountable to the public, through their elected representatives in Naypyidaw, and not to the armed forces.¹²⁶ There is a provision in the 2008 constitution which exempts members of the Tatmadaw from civil jurisdiction, but military personnel must be subject to the same laws and restrictions on their behaviour as other citizens.¹²⁷ Until now, they have acted almost with impunity. Military bases have effectively offered sanctuary from civil authority. Soldiers responsible for human rights abuses have rarely been charged or prosecuted.¹²⁸ If the MPF is fully to perform its role, and the 'rule of law' is to prevail in Burma, as advocated by both the government and opposition parties, then this situation cannot be permitted to continue.¹²⁹

Also, if Thein Sein wants to civilianise the MPF and make it more independent, as befits a police force in a democracy, he will need to support efforts by the MPF to develop a separate identity and encourage its own esprit de corps. The MPF will have to open its

senior ranks to career police officers. This should not only make the force less subject to military influence, but it would also improve morale by removing a persistent source of complaint from policemen resentful of servicemen being transferred into positions above them.¹³⁰ At the same time, the current power structure in Burma will demand that the police force acknowledges the Tatmadaw's continuing influence and authority. The MPF's senior leadership will have to be on good terms with its armed forces counterpart, while finding a workable division of labour, not just legally but also in terms of practical cooperation and responses to internal security challenges.

5. Internal Security Challenges

There is no question that the Tatmadaw will remain responsible for all aspects of Burma's external defence. It will also continue to conduct military campaigns against any armed ethnic groups which openly challenge Naypyidaw's rule, such as the KIA and SSA-S. This will require the collection and assessment of strategic, operational and tactical intelligence, mainly within but also at times outside the country. The MPF is sometimes directly involved in military campaigns, as occurs for example when insurgents attack rural police stations, or when local police units are required to support broad counter-insurgency strategies involving the civil population. On those occasions, police duties can include manning road blocks, protecting key infrastructure sites like bridges and communications nodes, and supporting village militias. Its function as a strategic reserve aside, however, the force usually has a non-combat role.

That said, it seems to be envisaged that the MPF will assume greater internal security responsibilities. The force already dominates the Central Committee for Drug Abuse Control and has taken the lead in efforts to combat narcotics trafficking. It has also played a major role in frontier protection, in some places as a member of the 'Border Control Force' (*NaSaKa*).¹³¹ With the abolition of the NaSaKa in 2013, the MPF's duties in this area are likely to expand, both geographically and in terms of its role.¹³² Also, there are now more blue uniforms than green uniforms managing rural checkpoints, patrolling city streets, protecting VIPs, providing security for government offices and guarding diplomatic premises.¹³³ Burma's specialist counter-terrorist unit is drawn from the police force. In addition, the MPF usually takes the lead in quelling outbreaks of civil unrest, with the army only being called in to assist the 'civil' power when the problem exceeds the police force's abilities to cope.¹³⁴ At such times, a 'state of emergency' is usually declared by the provincial or central government.

Naypyidaw is clearly intent on building up the MPF's paramilitary capabilities, so that it can respond to major disturbances with modern anti-riot control measures, rather than having to resort to the blunt instrument of the army. As revealed during the 2007 'saffron revolution', there have been some advances in the training of the MPF's battalions since the 1988 uprising, when poorly trained, ill-equipped and ill-disciplined PPF paramilitary units were guilty of terrible abuses.¹³⁵ Some police battalions providing initial responses to outbreaks of civil unrest now wear special protective clothing and carry more appropriate weapons. These offer non-lethal options ranging from baton charges, the use of tear gas and water cannon, to the firing of rubber bullets and small calibre shotgun pellets. Modern equipment is still in short supply, but a new instruction manual is being compiled and a number of 'anti-riot' training programs – including some conducted by foreign governments and organisations – are in the pipeline.¹³⁶

Even if the battalions increase their capabilities, they will still face a conundrum. The MPF's responsibilities for crime prevention, the maintenance of law and order and protection of the community place a premium on good relations with the public. Indeed, these aspects of policing in Burma have recently been strengthened.¹³⁷ Yet such roles stand at odds with the military style training and ethos of the police battalions, which are authorised to exercise violence up to and including lethal force. As seen in 2012, when violent tactics and military munitions were used to break up a protest at a mine site near Letpadaung, the battalions are not yet imbued with the more restrained approach being held up as a desirable model.¹³⁸ In that case, more than 20 Buddhist monks were injured, prompting the government and MPF to make a rare public apology.¹³⁹ If the police are to step in before the army, then they cannot act – or be seen to act – like the army. To do so undermines their civilian status and their standing with the population.

In this regard, the closeness of the MPF battalions and the army poses real problems. Given their overlapping responsibilities for internal security, there is inevitably a crossover of roles and identity. In joint operations it will be the ethos and practices of the more powerful partner – usually the army – that sets the tone for the security forces' behaviour.¹⁴⁰ Not being trained or equipped for crowd control, and unused to dealing with protesting civilians, army units tend to resort more quickly to violence, using combat weapons.¹⁴¹ This leads to a blurring of public perceptions. It is possible that people in Burma differentiate between the police and the army during major security crackdowns, but this is difficult to confirm. Even if the police wear different uniforms and act in a more restrained manner, they are still likely to be associated in the popular mind with the more extreme measures taken by the armed forces – particularly if their actions are publicised by dissidents, as occurred in 2007.

It goes without saying that, in performing these duties, the MPF must act – and be seen to act – impartially in restoring order, and upholding the law. Yet, this has rarely been the case. Not only has it consistently acted as a strong arm of the government, but the force has often appeared to side with sectoral interests. During the civil unrest in Arakan State in mid-2012, for example, MPF officers were clearly sympathetic to local Buddhists and some reportedly joined in attacks against Rohingya Muslims.¹⁴² The action taken at Letpadaung in November 2012 was seen by many as another example of the police force backing wealthy government 'cronies' and their Chinese business partners.¹⁴³ After a series of riots in central Burma in 2013, the MPF was accused of standing back and allowing Buddhist mobs to attack Muslims and destroy their property.¹⁴⁴ Such behaviour not only damages the force's reputation but undermines the government's rhetoric about human rights and the rule of law.

This problem is complicated by the fact that Burma's police forces have never enjoyed the confidence of the civil population. Throughout modern history, officers have been seen as the servants of repressive and self-serving regimes that have cared little for the welfare and interests of the average citizen. As a result, the community's attitude has been one of fear and distrust. There have been exceptions of course, but the common image of the police has been of remote and poorly educated authority figures with low personal and professional standards, known for their brutality and corruption.¹⁴⁵ Broader concerns relate to the militaristic character of the force, its low level of institutional independence, its perceived ineffectiveness and its collusion with a corrupt and inefficient justice system.¹⁴⁶ In these circumstances, it is little wonder that the overwhelming public response to the MPF's attempts at reform over the past 20 years has been one of scepticism, if not disbelief.

Since 2011, popular suspicions about the force have been encouraged by the ambiguous nature of some government decisions. For example, the transfer of thousands of military personnel to the MPF, in part to form 16 new battalions of paramilitary police, is not seen as an attempt to reduce the size of the army and 'civilianise' the country's security forces, but instead is suspected of being a way to preserve the former regime's massive security apparatus by stealth. Some observers are already speaking of a 'green to blue' shift in coercive power.¹⁴⁷ Similarly, Naypyidaw's apparent reluctance to use army and police units to quell anti-Muslim unrest in central Burma in 2013 was not interpreted as incompetence, bureaucratic inertia or a fear of attracting international opprobrium, as occurred after the disturbances in Arakan State in 2012, but was seen instead as official support for – or at least complicity in – mob violence.¹⁴⁸ At times, the international community has appeared more sympathetic towards Thein Sein's attempts to tackle Burma's 'fiendishly complex' challenges than the Burmese themselves.¹⁴⁹

Indeed, Naypyidaw's tentative steps towards a more democratic system, and its efforts to restore Burma's international standing, have attracted considerable interest abroad. Some of this attention has been directed at the security forces.

6. International Assistance

One of the most striking aspects of Burma's re-emergence as an international actor since 2011 has been the readiness of the Western democracies to renew or strengthen ties with its armed forces and police.¹⁵⁰ Before the advent of Thein Sein's reformist government, any open relationship with the country's security forces was politically very difficult, but over the past two years several governments, international organisations and private foundations have approached Burma with offers of help in this sector. These approaches have been enthusiastically welcomed by Naypyidaw and, albeit more cautiously, by Aung San Suu Kyi and other opposition figures. They have been condemned as premature and ill-advised by activists and human rights organisations, but the rationale usually offered in reply has been that foreign assistance can ameliorate the very problems about which Burma's critics have been most concerned.¹⁵¹

Most of these initiatives have been expressed in principled terms, including by Thein Sein, but broadly speaking they make up two separate, if related, sets of proposals.¹⁵² One is aimed at increasing the professionalism of the armed forces, reducing its political role and encouraging it to observe internationally accepted norms of behaviour. The other relates to the modernisation and civilianisation of the MPF. While the latter set is usually couched in vague terms, talks about strengthening the 'rule of law' in Burma, and alludes to the reform of the country's judicial system, most proposals seem to envisage direct aid to the MPF. In the case of some countries, it is possible to see broad strategic factors prompting such assistance, at least in part, but the public line has invariably been that such approaches help develop bilateral relationships and exert a positive influence on the government in Naypyidaw, by encouraging the reform process.

The US has been interested in restoring ties with the Tatmadaw since Barak Obama came to office, something hinted at during his visit to Burma in November 2012.¹⁵³ In February 2013, Naypyidaw was invited to send two observers to Exercise Cobra Gold in Thailand.¹⁵⁴ In April, the State Department announced that the US was looking at ways to support 'nascent military engagement' with Burma as a way of encouraging further political reforms.¹⁵⁵ Pentagon officials have since referred to a 'carefully calibrated' plan that includes Burmese cooperation in the search for the remains of 730 US military personnel missing since the Second World War.¹⁵⁶ Tatmadaw officers have already participated in events sponsored by the Asia-Pacific Centre for Security Studies in Hawaii, and the US Defence Institute for International Legal Studies is also getting involved.¹⁵⁷ Political factors still restrict the level of engagement, but the provision of training places for Burmese personnel in the US and a military-military dialogue or 'partnership' have not been ruled out.¹⁵⁸

Other countries have followed the US lead. During Thein Sein's March 2013 visit to Canberra, for example, the Australian government announced that it was restoring the resident Defence Attache's position in Rangoon, which was closed in 1979.¹⁵⁹ Prime Minister Gillard said that this would permit engagement with the Tatmadaw in areas like peacekeeping, humanitarian assistance and disaster relief, as well as enhancing other forms of dialogue.¹⁶⁰ When Thein Sein visited the UK in July 2013 the British government announced that it too was posting a Defence Attache to Rangoon. Burma was also offered training in human rights, the laws of armed conflict and the accountability of democratic armed forces.¹⁶¹ Thirty high-ranking Tatmadaw officers will attend a specially tailored staff course in the UK in 2014.¹⁶² A European Union (EU) arms embargo remains in place but Germany and France are also thinking about posting resident Defence Attaches to Burma.¹⁶³

There has also been international interest in the reform of the police force.¹⁶⁴ Already, UNICEF has helped the MPF prepare a guide to the treatment of children caught up in

the criminal justice system.¹⁶⁵ The UN Office on Drugs and Crime (UNODC) has provided training, mainly to combat narcotics trafficking but also in connection with other transnational crimes.¹⁶⁶ In September 2013, the International Committee of the Red Cross (ICRC) held a seminar in Naypyidaw on international policing standards.¹⁶⁷ The UNDP has also provided workshops in this broad field. Burma's Chief of Police has told the International Bar Association that he would welcome advice on how best to implement civilian oversight procedures, and he has 'expressed a particular interest in learning about good international practice in the matter of state security laws'.¹⁶⁸ Probably with such initiatives in mind, Naypyidaw has asked the UNODC to conduct a comprehensive review of the MPF to identify issues requiring attention. This is not only to help formulate additional reform programs but also to assist in the coordination of foreign assistance. The UNODC's report was expected in mid-2013.¹⁶⁹

Some programs have already begun. For example, after considering the report of an exploratory mission in early 2013, the EU posted two officers to Burma. This was in response to a request from Naypyidaw for advice on crowd control and community policing.¹⁷⁰ Foreign training for the MPF in the management of public protests was one of the recommendations made by Aung San Suu Kyi's parliamentary commission in its report on the Letpadaung incident.¹⁷¹ As a bilateral initiative, the UK sent a police expert to Burma in June 2013 to investigate options and Naypyidaw later accepted an offer of training and other forms of policing assistance from London.¹⁷² While Burmese officials have always denigrated the old colonial administration, including its police forces, both countries acknowledge that the MPF owes much to its British heritage, and see this as the basis for cooperation in the future. Germany's Agency for International Corporation (GIZ) is reportedly interested in providing training in rights-based laws and practices.¹⁷³

The Australian Federal Police (AFP) has maintained a liaison office in Rangoon since 2000. Joint activities and courses have focused on combating transnational crime such as narcotics trafficking and people smuggling, including criminal intelligence training.¹⁷⁴ There are plans to maintain a high level of cooperation, taking advantage of Burma's current receptivity to closer ties.¹⁷⁵ For its part, the US has lifted its embargo on Burma's attendance at the Bangkok-based International Law Enforcement Academy (ILEA), and is actively considering assistance to the MPF. A US inter-agency 'rule of law' mission visited Burma in early 2013 and during Thein Sein's visit to Washington in June 2013 he discussed US assistance to the MPF with Barak Obama.¹⁷⁶ Forensic training for the CID is one possibility being considered, as is assistance to combat narcotics trafficking.¹⁷⁷ Non-government organisations like the US Institute of Peace are also looking at ways to help the MPF improve its performance.¹⁷⁸

Not surprisingly, these initiatives have aroused the ire of the activist community, which has been quick to point out that the Tatmadaw still dominates politics in Burma, is engaged in bitter campaigns against armed ethnic groups and has been guilty of human rights violations against Muslim Rohingyas, among others.¹⁷⁹ The MPF too has been accused by governments and NGOs of systemic corruption and sundry other abuses. Another criticism heard has been that assistance to Burma's security forces gives them a legitimacy they do not deserve and helps them maintain their grip on Burmese society. Some activists have even suggested that foreign aid directly helps the army and police wage war on the ethnic minorities and pro-democracy movement.¹⁸⁰ The US Congress is now broadly supportive of assistance to the armed forces and police, after many years opposing such contacts, but the US Senate has warned of the potential for 'well-intended engagement [to be] misdirected towards a negative result' and called for greater transparency from the Burmese security forces.¹⁸¹

Some observers sceptical of Thein Sein's reform agenda, and closer international engagement in general, are convinced that the real aim of enhanced Western ties to Burma's security forces is to help outflank or 'contain' China.¹⁸² No-one is denying that such links can have strategic implications, at least in the longer term, but these should not be overstated. The aid programs proposed to date are very modest and most seem prompted mainly by concerns about Burma's domestic situation. In any case, it would

take considerable time and effort for the US and its allies to match China's current relationships with the Tatmadaw and MPF – and probably Burma's intelligence community as well.¹⁸³ Also, Burma's government will always try to balance its foreign relations, including its requests for assistance, to protect the country's independence. For example, having in mind its chairmanship of ASEAN in 2014, and China's experience with the 2008 Olympic Games, Naypyidaw has asked Beijing for advice on a range of public security issues.¹⁸⁴

7. Where to From Here?

Opinion is divided on whether or not Thein Sein's political, economic and social reforms as 'irreversible'.¹⁸⁵ It is difficult to imagine Burma reverting to the dark days before 2011, but there is still considerable uncertainty about the future. Full democracies and full autocracies are usually the most stable forms of government, but states undertaking the transition from autocracy to democracy are most likely to suffer from instability. In those circumstances, there remains the possibility that the Tatmadaw could step back in, to a greater or lesser extent, and re-exert its control. Should Thein Sein's reform program falter, or unleash forces beyond its control, systemic weaknesses frustrate popular expectations, the security forces feel institutionally threatened, or be unable to accept the changes demanded of them, then the arguments for a return to the old system may become louder, as members of the armed forces and their supporters hark back to the imagined stability and predictability of military rule.¹⁸⁶

Some analysts have suggested that the 2008 constitution is simply a political device, like the 1974 charter, behind which the Tatmadaw can still run Burma.¹⁸⁷ Whether or not that is true, for the time being at least the military leadership seems prepared to let the new government and parliament exercise their formal roles.¹⁸⁸ While heavily constrained, both seem to be aiming for a more flexible and liberal system. Politics is no longer the exclusive domain of the armed forces.¹⁸⁹ A great deal depends, however, on the continued willingness of the Tatmadaw to loosen its grip, and allow the administration space to grow and introduce new policies. Its attitude towards the amendment of the constitution will be critical. If the generals permit the evolution of a fairer and more open society, then the MPF can be expected to play a greater role in maintaining law and order, and safeguarding internal security. Indeed, such a step will be essential if Burma is to make an orderly transition to genuine and sustained democratic rule.

Given the optimism that has followed Thein Sein's elevation to the presidency, and the subsequent relaxation of controls on Burmese society, it is worth noting that, in every country where major reform of the security sector has been attempted, it has taken a long time. Inevitably, there will be setbacks and some problems will be difficult to resolve. A few observers have suggested, for example, that the excessive use of force by the MPF at Letpadaung means that Thein Sein's reform process – and thus the reform of the MPF – is stalling.¹⁹⁰ Certainly, that incident demonstrated that old ways of thinking in Burma's security forces are deeply rooted. Yet, it can be argued that the public apology and parliamentary enquiry that followed indicates that the government is aware of the need for change and is trying to be more responsive to public concerns. As suggested recently by the Chief of Police, it was also trying to demonstrate that the MPF is now being held accountable for its actions.¹⁹¹

Also, within certain limits, the MPF seems prepared to acknowledge its weaknesses. Indeed, for all the criticisms levelled at the force over the years, it has long been in front of the Tatmadaw and intelligence agencies in its relative openness, its stated willingness to embrace change and its attempts to establish better relations with the community. For example, the MPF publishes English-language material for foreign distribution, manages a comprehensive Burmese language website and is on Facebook. It recently advertised for a foreign public relations expert to handle media enquiries.¹⁹² In September 2013, the Chief of Police stated that;

It is of great importance for the country to further professionalize its police force. A key element in that process is for all officers to understand and implement international standards, including in the management of public order situations.¹⁹³

The MPF has led the way in developing relations with international organisations such as UNODC, UNDP, ICRC, INTERPOL and ASEANPOL, as well as fostering partnerships with friendly countries. The armed forces and intelligence agencies have also developed international links, but they have been more secretive and, it appears, more cautious in embracing change.

It needs to be borne in mind too that the reform of Burma's coercive apparatus cannot occur in isolation from other institutions of state. As the president has repeatedly stated, echoed by Aung San Suu Kyi, the benchmark for all public institutions must be the rule of law, administered fairly and impartially.¹⁹⁴ There can be no further tolerance of a system which constantly alluded to such a regime, but enabled practices that contradicted it. For decades, the 'rule of law' was conflated with 'law and order', as defined by a ruthless and self-serving military government determined to control Burma's past, present and future.¹⁹⁵ A more modern and effective police force, for example, will soon be rendered impotent if Naypyidaw's proposed legal and judicial reforms are unsuccessful and prosecutors, judges and prison governors fail in their responsibilities. There needs to be a clear break with the past, at all levels of the system.

The risks associated with closer ties to Burma have doubtless been considered by the Western democracies. Yet, the prevailing view seems to be that 'positive reinforcement for meaningful reforms' is the best policy, and that such an approach is more likely to change the mindset and behaviour of the security forces than a return to sanctions and other punitive measures.¹⁹⁶ This is a persuasive argument, but it must be kept in perspective. The scope for foreign governments and international organisations to change the nature of Burma's coercive apparatus is limited. They can provide specialist advice, technical assistance and modern equipment. They can help lift its professionalism and encourage the adoption of internationally accepted standards. Such measures can facilitate changes in the character and effectiveness of the country's coercive apparatus, but they cannot determine them.¹⁹⁷ Ultimately, the reform of Burma's security forces will depend on the Burmese people themselves.

Notes and References

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