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Burma/Myanmar: Military Coup and State of Emergency

The Role of the Military in Driving Down Democratic Breakdown and Autocratization

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Abstract

On February 1, 2021, General Min Aung Hlaing staged a military coup against democratically elected Aung San Suu Kyi's government in Burma by declaring a state of emergency. The military coup has intensified the country's political crisis, prompting widespread protests on both internal and international levels. This thesis seeks to examine how the Burma military contributed to autocratization and democratic breakdown following the military's seizure of state power on February 1, 2021. Furthermore, the thesis investigates why the military coup in 2021 occurred, and how the military attempted to consolidate its political role in Burma's politics.

Case study has been used as the method, and the thesis takes Dahl's seven conditions for polyarchy, or "minimal procedural democracy" as the notion of electoral democracy. For the theoretical framework, the thesis used three key terms, such as democratic backsliding, democratic breakdown, and autocratization. Two university professors including a Bamar expert and a non-Bamar expert, have been interviewed for the data collection.

The thesis found that the military coup prompted a sudden, brutal democratic breakdown in Burma and transformed Burma into a closed autocracy and military dictatorship. The coup brought a crashing halt to a decade-long democratic experiment by deconstructing democratic institutions. Not only did the coup overthrow democratically elected governments, but it also effectively shut down the bicameral Union Parliament as well as all 14 provincial legislatures. Since the coup, thousands of elected legislators, politicians, civil society leaders, journalists, and celebrities have been arrested, murdered, and forced to flee the country.

The research has discovered that the military chief has strengthened his grip on power after the coup. The 2020 elections have been declared null and void, and the retirement age of the military chief has been scrapped, effectively extending his power indefinitely. Furthermore, the military chief has prolonged the State of Emergency, and declared himself as Prime Minister of the Provincial Government of Burma. Burma needs to address political differences through political dialogue and establish a Federal Democratic Union based on the principles and spirits of the Panglong Agreement on February 12, 1947.

Keyword: Myanmar, Burma, Military Coup, Democratic Backsliding, Autocratization, Democratic Breakdown, Transition, State of Emergency, Election, Democratization, De-democratization

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LIST OF ACRONYMS

AAPP – Assistance Association of Political Prisoners

BSPP – Burma Socialist Program Party

CDM – Civil Disobedience Movement

CRPH – Committee Representing People Parliament

PDF – People's Defense Force

EAOs – Ethnic Armed Organizations

NCA – Nationwide Ceasefire Agreement

NDSC – National Defense and Security Council

NLD – National League for Democracy

NUP – National Unity Party

NUG – National Unity Government

PPST – Peace Process Steering Team

SAC – State Administration Council

SLORC – State Law and Order Restoration Council

SPDC – State Peace and Development Council

USDA – Union Solidarity and Development Association

USDP – Union Solidarity and Development Party

YMBA – Young Myanmar Buddhists Association

CHAPTER ONE

Introduction

> "Military explanations do not explain military interventions. The reason for this is simply that military interventions are only one specific manifestation of a broader phenomenon in underdeveloped societies: the general politicization of social forces and institutions. In such societies, politics lacks autonomy, complexity, coherence, and adaptability. All sorts of social forces and groups become directly engaged in general politics."
>
> - Samuel P. Huntington (1996:194)

1.1 Background and Context

On February 1, 2021, Burma's Armed Forces, known as the *Tatmada*w, led by Commander-in-Chief General Min Aung Hlaing stunned the world by declaring a State of Emergency, seizing power from the elected government, and detaining civil society and government leaders, including President Win Myint and State Counsellor Aung San Suu Kyi (ICG 2021). The move came hours before the National League for Democracy (NLD) was set to convene the new parliament for the first time following its landslide victory in the November 2020 elections, in which the pro-military party suffered a humiliating defeat (ICG 2021). General Min Aung Hlaing immediately established a military-run State Administration Council (SAC) and declared himself Prime Minister of the Provisional Government on August 2, 2021, six months after the coup (Associated Press 2021b).

Burma[1] is the second largest state in Southeast Asia with 55 million people and 135 recognized races[2], living in one of the world's most strife-torn and the scene of some of the longest-running conflicts in the contemporary world (Smith 2007). More than 50 years, Burma was a long *pariah state* with successive military regimes that impoverished the country once known for its high literacy rate, excellent universities, and abundant natural resources (Falco 2003, p.1). The country is frequently referred to as "unfinished nation" (Myint-U 2017).

[1] I use "Burma" without political intent. Throughout generations, "Burma" was the official English name. In July 1989, the military regime changed its English name to "Myanmar" claiming that "Burma" refers only to the majority Bamar population, whereas "Myanmar" refers to all the peoples of Myanmar. This view is contested by opposition groups including Aung San Suu Kyi. Some argued that both have the same meaning. In fact, both "Burma and Myanmar" derived from the name of the ethnic Bamar group. I use "Bamar or Burman" to refer to the majority ethnic population, and "Burmese" refers to all the citizens of Burma.

[2] The list of 135 races had been compiled by former military regime. This racial categorization is contested by opposition groups especially the ethnic non-Bamars. In political terms, Burma has 8 constituent states: Arakan, Chin, Kachin, Shan, Kayah, Karen, Mon and "Burma Proper or Ministerial Burma" in the central plains.

On August 30, 2003, military rulers launched a seven-step roadmap to a *disciplined democracy* in which the last stage was to build "a modern, developed, and democratic nation*"* (Arnott 2004). Over decades, the regime's democratic transition plan has stirred debate across the spectrum of scholars and policymakers; one of the most contentious issues has been the 2008 constitution, drawn up by the military. It was passed through a controversial referendum while Burma was hit by Cyclone Nargis in May 2008. The drafting process was fundamentally flawed and provided a leading role for the military in national politics (Yhome 2019). The NLD led by Aung San Suu Kyi walked out from the military's constitutional-drafting convention and boycotted all the political processes since the beginning (Guardian 2004). Multiple times, a stand-off and an intense clash broke out between the NLD and the Tatmadaw over constitutional amendments.

In November 2010, General Than Shwe, chairman of the junta, held national elections, the first time in 20 years, in which the NLD boycotted the elections on the grounds of rejecting both the military-drafted 2008 constitution and unfair electoral laws (Irrawaddy 2010). Aung San Suu Kyi had been under house arrest. The military-backed Union Solidarity and Development Party (USDP) led by Thein Sein, a former general, won the 2010 elections. On 30 March 2011, the military junta, the State Peace and Development Council (SPDC), dissolved itself and transferred power to a new government headed by President Thein Sein after 23 years of direct military rule (Hlaing 2012, p.197). President Thein Sein initiated a reform process that surprised his critics by releasing hundreds of prisoners including Aung San Suu Kyi, relaxed media censorship, passed new legislation to broaden civil freedom and liberties, and signed peace accords with dozens of ethnic armed groups. Western sanctions were lifted, the international community rushed in with advice and practical help, several world leaders including President Obama raced to be a party in Yangon (Myint-U 2021; Selth 2020, p.262). In comparison with "Arab Spring" the democratic opening has been dubbed as "Burma Spring" (BBC 2011a). With a legacy of reform, President Thein Sein's government completed its five-year term in 2016 (BBC 2016). These liberalizing reforms have effectively removed the country's decades-long status of *Pariah State* (Chow and Easley 2016, p.521).

In a further step, the political transition culminated in the 2015 elections, the wide-ranging free and fair election, a thumping victory for the main opposition NLD party, and the peaceful transfer of power to a new government led by Aung San Suu Kyi on 30 March 2016 (ICG 2021). This transition has been an extraordinary paradigm shift in Burma's political landscape (Myint-U 2021). The 2008 constitution served as an instrument of power-sharing between the military and civilians (Bünte 2018, p.4). With a 25 percent military in parliament, the military held veto power over constitutional amendments, appointed a

vice-president, and controlled three key security ministries[3]. The NLD civilian government, on the other hand, controlled the country's budget, managed the economy, healthcare, education, foreign relations, and legislative control with a parliamentary majority (Myint-U 2021). For the last 10 years, despite many flaws, the people of Burma have enjoyed liberalizing political reforms such as political freedoms and civil liberties under the two democratically elected governments.

In a dramatic turn of events on February 1, the military coup abruptly ended the 10-year experiment on constitutional democracy and the democratic transition. Four military coups – in 1958, 1962, 1988, and 2021 – occurred for different reasons during Burma's 73 years independence (Win 2021). Unlike previous coups, the *Tatmadaw* has this time maintained that its actions are legitimate within constitutional limits, but disputed and questioned by the opposition groups, including legal scholars (Crouch 2021a). For decades, Burma has key problems, both in civil-military relations and a constitutional crisis. In 1990, the NLD won a sounding victory while a pro-army party, National Unity Party (NUP) lost badly in the polls. In response, the military junta refused to honor the results of the election or transfer power to the NLD (Tonkin 2007, pp.35–45). In the recent elections of 2015 and 2020, the pro-military USDP party suffered a bad defeat while the NLD won landslides. Three days after the elections, the USDP complained that there had been electoral malpractice and rejected the people's verdict, demanding re-election with cooperation from the military (Kipgen 2021, p.5). With five future programs, the military junta announced to hold free and fair elections, pledging "*we have to hold a free and fair election within these two years, we promise that will make it happen*" (Ward *et al.* 2021). Nevertheless, given its broken promises in the past many are skeptical of the military junta's promise to restore the democratic institutions.

From day one after the coup[4], a "wave of protest" emerged everywhere across the country and other parts of the world. The military had no way to hide its brutality; *"the protestors will be shot at the head,"* the state media announced (Reuters 2021a). The military has brutally crushed the protesters. Civilians were rounded up, martial law was imposed, thousands were arrested, the internet was restricted, and unarmed civilians were shot dead (CNN 2021). Many around the world are shocked and angered by the military's bloody suppression of the protest, prompting condemnations and sanctions from western counties.

[3] Three-top security-related ministries are: Ministry of Home Affairs, Ministry of Border Affairs, and Ministry of Defense that are respectively led by the three-star military lieutenant generals chosen by the commander-in-chief. One of the vice presidents is also nominated by the commander-in-chief to serve in the government.

[4] I use the term either "State of Emergency" or "Military Coup" or "Coup D'état" or "Takeover" interchangeably. The regime uses "State of Emergency", whereas the opposition groups and independent media use "Military Coup" or "Coup D'état".

In the borderlands, the coup has intensified renewed fighting with ethnic armed groups, triggering a large population displacement (Horsey 2021). The coup also rapidly brought together opposition groups to challenge the coup (Fishbein and Hlaing 2021). The 2008 military's constitution was abolished and a Federal Democracy Charter was published by the Committee Representing Pyidaungsu Hluttaw (CRPH), who were prevented from taking their seats by the military regime (Irrawaddy 2021). In a further move, a National Unity Government of Myanmar (NUG) with Aung San Suu Kyi as State Counsellor consisting of elected legislators, protest leaders, and ethnic leaders was set up as a parallel government on 16 April 2021 (SACM 2021). The NGU established its armed wing, People's Defense Force (PDF) and, on September 7, declared "defense war" against the military junta, setting the stage for a struggle over Burma's representation in the United Nations (Altsean 2021).

"*Myanmar stands at the brink of state failure, of state collapse*", Crisis Group Adviser to Burma, briefed the United Nations Security Council (Horsey 2021, p.1). With the successive governments, more than 20 ethnic armed groups are fighting for freedom and equality for seven decades. The central issue in Burma has been how all multi-ethnic nationalities can live together under one flag in peace and harmony.

1.2 Research Problem and Research Question

There has been dysfunction in state-society relations in Burma, and the conflict is deep-rooted and complex, compounded by indirect and direct military rules. The durability of the impasses poses the key question about the nature of conflict, the formation of nation-states, civil-military relations, and the driving forces of social and political change over the past decades to achieve peace and democracy. Burma's military explanations for the seizure of power, as explained by Huntington about the military rule, do not explain military intervention (Huntington 1996, p.194). In an underdeveloped country like Burma, where myriad problems remain unresolved and, where the concept of union is fragile, and often violently contested, the military's justification is only one specific manifestation of a broader phenomenon. Research must also explore more broad phenomena, including social forces and institutions to gain a deeper understanding of the problem.

The *Tatmadaw* suddenly ended the democratic transition through the military coup on 1 February 2021. The military gave up the democratic process that the military itself had designed and gradually implemented for over 20 years through constitutional convention and 7-stage roadmap, to achieve what is called a "discipline-flourishing democracy". The key question is what led the military to overthrow Aung San Suu Kyi's civilian government, and why, despite having large constitutional powers, the military itself torpedoed its long-wrestled political transition, and the key driving forces behind during the democratic downturn. It is necessary to review the Tatmadaw's perception and position on the political transition and

its political role. Thus, the thesis examines the military's role in Burmese politics, with a particular emphasis on how the military contributed to the political transition and its subsequent breakdown, culminating in the military coup. Furthermore, the thesis examines the major factors and drivers that influenced military chief to depose the democratically elected government. In order to get a solid grasp of the subject, the thesis also evaluates how the military has been seeking to entrench its political role in the national political leadership of the state. Besides, the research also discovers the civil-military relations during the two civilian governments from 2011 to 2021. The thesis, thus, seeks to answer a primary question and a secondary question as following:

- The primary question is: *How has the Burma's military contributed to autocratization and democratic breakdown in Burma?*
- The secondary question is: *Why did the 2021 military coup happen, and how did the military attempt to consolidate its political role in Burma politics?*

1.3 Structure of the Thesis

The thesis is divided into seven chapter. Each chapter is further sub-divided into sections and sub-sessions depending on the research topic.

3.1 Chapter 1: This chapter provides a general introduction to the research topic, outlining an overview of the research background and contextual setting, as well as the research questions, and research methodology.

3.2 Chapter 2: This chapter covers the theoretical framework, along with some key terms and concepts. The first section discusses the concept of democracy in Burma's context with indicators of democracy from V-Democratic Institute and Freedom House; presenting Dalh's seven conditions for polyarchy or "minimal procedural democracy" as notion of electoral democracy for the thesis. Thereafter, the next session discusses "move-away from democracy or reversal of democracy" using three key terms: democratic backsliding, democratic breakdown, and autocratization as the theoretical framework. The chapter ends with the concepts of military coup and political soldiers, both of which are relevant to comprehend the role of Burma military in politics.

3.3 Chapter 3: This chapter reviews the literature on Burma's political transition with a focus on the political system and the military's role, as assessed and conceptualized by several strange of thoughts from long-time Burma observers and scholars. The political transition, its process and modes, its outcome and

substance, and as well as the type of political system under 2008 constitutional order are all discussed in this chapter.

3.4 Chapter 4: This chapter is the first part of the thesis's case study on Burma's political history, military dictatorship, and transition to democracy. The first section starts historical context, focusing on the formation of modern Burma and the core ideals and principles upon which it was founded. Thereafter, the second session examines the rise of political soldiers and military rule, with emphasis on their perceived values on Burma's politics. The third session discusses the military-led political transition and 7-stage roadmap, with an emphasis on Aung San Suu Kyi and the NLD's role in the political process. The final section discusses the transfer of power to President Thein Sein's USDP government and the end of direct military rule; and the chapter concludes with Aung San Suu Kyi's entry into the political realm of the military-led transition and her entry into parliamentary politics in 2012.

3.5 Chapter 5: This chapter is the second part of the thesis's case study on contemporary political developments in Burma; NLD government, military coup, and democratic breakdown. The first section focuses on civil-military relations under the NLD government from 2016 to 2021. The second section delves into political situations, with emphasize on the 2020 elections, controversies surrounding them, and the military coup. The third session discusses the reactions to the coup: wave of protests, anti-coup and pro-coup movements including civil disobedience, formation of parallel government, new armed resistance to the coup and international responses. The final section discusses democratic breakdown and autoratization following the coup with dividing six small sub-sessions such as debilitation of democratic institution and economics backsliding,

3.6 Chapter 6: This chapter contains a summary of the findings and the overall conclusion. The chapter discusses and analyzes the main findings and implications and answer the research question.

3.7 Chapter 7: This chapter concludes the thesis. The conclusion chapter responds to the thesis's main research question, summarize the key findings, and provides reflection on the thesis.

1.4 Research Methodology

This research centers on a specific case of the military coup and democratic breakdown in Burma on February 1, 2021. The research is a case study. "Case study method" is therefore used as a means of research, which is a method "*to explore an individual, group, or phenomenon*" or "to *explore in-depth a program, an event, an activity, a process or one or more individual"* that include "*the problem, context, and issues*" (Mohajan 2018, p.11). Thus, the aim of my research is "exploratory research" to seek the

answer “how” and “why” questions of Burma’s political transition, the military role in politics, and the autocratization that resulted in the coup d'état including the causes and driving forces behind it. The research is focusing on “words and meanings”, rather than numbers and statistics, and analyzes through “interpretations”. This research is thus qualitative research to study the phenomena in-depth with “text” (Myers 2013, p.252). Since the research also deals with “human mind and actions”, in particular to the Tatmadaw’s mind and perceptions and actions, in this case, the study is more complex than quantitative (Mohajan 2018, p. 21). However, the qualitative method allows me “to explore and better understand” the complexity of phenomena under my study.

1.4.1 Data collection method

“Interview” is an important source of my primary data. I conducted semi-structured interviews with Burma experts. I have carefully selected the participants from their areas of research to fall within the areas of my research focus. For conducting interviews, I made a formal request to be a participant by sending an electronic letter clearly stating the purpose of the research and who I am. The names of the participants are withheld to avoid any implication given the security situations in Burma and I used pseudonyms. The open-ended question for the interview is carefully prepared, and I have sent the questionnaire in advance along with an informed consent form to the participants (see Appendix A and B). The interviews were conducted through Skype and in writing. For the interview, I selected the following participants.

Table 1.1: List of interviewees

Category	Number of Persons	Type of Medium	Pseudonyms
University Professor in Europe	1	skype	A
University Professor in Asia	1	writing	B
Bamar ethnic leader/Burma expert	1	skype	C
Non-Bamar ethnic leader /Burma expert	1	writing	D

“Documents, texts, and media sources” are used as my secondary data. I have collected it through different sources such as websites, blogs, archives, libraries, and internet searches. I have also collected books, newspapers, journals, government records, academic texts, documents, statistics, and materials through the above-mentioned sources. Fortunately, the Library and Information Centre of the Nordic Institute of Asian Studies in the city of Copenhagen, where important and rare materials related to Burma are preserved, is close to my residence and university. To get my materials, I have had the privilege to visit the library thrice. I also visited libraries of *Aalborg University*, the *Universities’ Central Library Myanmar,*

and The Royal Library. Moreover, I draw materials from *Online Burma Library* where essential materials are available such as Burma state-run daily newspapers. To obtain materials, I also visited websites of *International Crisis Group, The Irrawaddy, Euro-Burma Office, Myanmar Law Library, Altsean-Burma,, Pyidaungsu Hluttaw, Amyotha Hluttaw, Pyithu Hluttaw* where news update, briefing reports, statements and indispensable materials, are uploaded and preserved.

1.4.2 Research scope and limitation

This research is limited to the military coup in Burma on February 1, 2021. Because of the limited time, I could not cover other coups before 2021. In many ways, the military in Burma, Thailand, and Indonesia are comparable in terms of their interventions. I could not, however, compare the militaries of those countries. I could not also travel to Burma to conduct interviews with senior military and government officials due to the covid-19 pandemic and political turmoil following the coup. Due to repeated internet shutdown and media blackout by the coup-makers, I also unable to interview some selected leaders living in Burma.

1.4.3 Ethical consideration

The primary ethical responsibilities of researchers during data collecting and analysis are to respect the privacy and rights of the participants. Participation in the interview is entirely voluntary. In order to satisfy the collaboration, I informed the participants in advance that I am a post-graduate university student working on a thesis. I assured them that the interviews would be conducted anonymously, using an informed consent form, and that their identities would not be revealed in any way in the report, and it would be used only for academic purposes.

Conclusion

The military coup in February 2021 is the fourth since the country's independence in 1948. The most recent coup appears to have been generated by both civil-military relations and individual clashes, as well as broader societal structures and historical factors. The form of the case study in the thesis is therefore both micro and macro perspective since the research also considers the individual or *subjective factors:* military chief and pro-democracy leader (micro perspective) and, broader phenomena such as political system, constitutional structure, and military institution (macro perspective). In the next chapter, I will discuss the theoretical perspective, with a focus on concepts and terms related with autocratization, democratic backsliding and democratic breakdown.

CHAPTER TWO

Theoretical Framework

"Autocratization is a process of regime change towards autocracy that makes politics increasingly exclusive and monopolistic, and political power increasingly repressive and arbitrary."

- Cassani and Tomini (2020:277)

Introduction

This chapter discusses and outlines some key terms and concepts related to the subject of this research, which I will use as an analytical tool. In this chapter, I present Dalh's polyarchy as a notion of electoral democracy, as well as three different terms for "moves away from democracy" or "reversal of democracy" offered by different scholars. Furthermore, I will also describe concepts of military coup including apolitical soldiers and political soldiers.

2.1 Notion of Electoral Democracy

Before delving into the theoretical section, I will first elaborate on the concept of democracy in the Burmese context. The Tatmadaw has used the term "disciplined democracy". The subject of whether Burma has a democratic system has been raised several times since the 2015 elections, in which Aung San Suu Kyi won free and fair elections and came to power. A plethora of books attempts to define democracy. The term "democracy" is derived from the Greek word "*demokaratia",* meaning or "ruled by the people". There are many types of democracy, and academics have offered different definitions and indicators over the years. Huntington (1991) contends that a political system is democratic "*to the extent that its most powerful collective decision-makers are selected through fair, honest, and periodic elections in which candidates freely compete for votes and in which virtually all the adult population is eligible to* vote." (Huntington 1991, p.7). To add to this definition, Albertus and Menaldo (2017) also argue that "*free and fair elections much determine for a regime to be considered democratic, free and fair elections must determine legislative and executive officeholders, losers must hand over power, and suffrage must be broadly distributed."* (Albertus and Menaldo 2017, p.25). Taking this definition into account, my notion of democracy in this thesis is based on Dahl's conceptualization of electoral democracy or "polyarchy," which includes elected executive, free and fairs elections, inclusive suffrage, right to run for office, freedom of expression, alternative sources of information, and associational freedom (Dahl 1989, p.221). This Dahl's procedural minimal democracy offered seven conditions for the existence of modern political democracy (polyarchy):

1. *Control over government decisions about policy is constitutionally vested in elected officials.*
2. *Elected officials are chosen in frequent and fairly conducted elections.*
3. *Practically all adults have the right to vote in the election of officials.*
4. *Practically all adults have the right to run for elective offices in the government*
5. *Citizens have a right to express themselves without the danger of severe punishment on political matters*
6. *Citizens have a right to seek out alternative sources of information; such sources of information exist and are protected by laws.*
7. *Citizens have a right to form independent associations or organizations such as political parties (Dahl 1989, p.221).*

While these seven elements adequately capture the essence of a minimal procedural democracy, two additional conditions from Schmitter and Karl (1991) can be added: (i) *popularly elected officials must be able to exercise their constitutional powers without being subjected to overriding opposition from unelected officials*, and (ii) *the polity must be self-governing; it must be able to act independently of constraints imposed by some other overarching political system* (Scott, Nash and Smith 2016, p.81). While Burma has met some of Dahl's criteria of electoral democracy, there are impediments to meeting the other two additional conditions proposed by Schmitter and Karl under the Burma military's constitutional framework. The Varieties of Democracy (VDem) has identified five indicators of electoral democracy: suffrage, elected officials, clean elections, freedom of association, and freedom of expression, alternative sources of information, an independent judiciary (Riaz 2021, p.181). The Freedom House also has five indicators such as: a competitive, multiparty political system; universal adult suffrage for all citizens; regularly contested elections conducted in conditions of ballot secrecy; reasonable ballot security; and in the absence of massive voter fraud; significant public access of major political parties to the electorate through the media and generally open political campaigning (Riaz 2021, p.181).

In Burma, national elections were held three times under the 2008 constitutional order, with free and fair elections in 2015 and 2020 (although there is a dispute). In 2019, the Freedom House report showed that Burma was "partly free" in 2019. According to the website, "*free elections in 2015 but has failed to uphold human rights or bring security to areas affected by armed conflict. 2017 military operation that forced more than 700,000 members of the Rohingya*"[5]. In 2021, the status of Burma is shown as "not free"[6]. While Burma has met some of the VDem and Freedom House democracy indicators, it has faced serious constraints in fulfilling several benchmarks due to decades of instability, cultural factors, and the

[5] https://freedomhouse.org/country/myanmar/freedom-world/2019 [Accessed: 21 February 2021].
[6] https://freedomhouse.org/country/myanmar/freedom-world/2021 [Accessed: 21 February 2021].

military's constitution. Democracy in Burma is different with western democracies. As professor Steinberg said, "*the generals never intended to create a democracy as we know the term. Instead, they admitted that they were aiming for a disciplined democracy, meaning a democracy guided by the military leadership*" (Win 2015). Thus, democracy in Burma is the military's version of a "disciplined democracy," as examined further in the literature review titled *Notion of Tatmadaw's Disciplined Democracy.*

2.1 "Move-away" from Democracy or "Reversal" of Democracy

The crisis of democracy has been one of the global challenges since the emergence of democracy itself, notably after the fall of the Berlin Wall crowned the third wave of democratization. This issue has become a factor of concern due to numerous democratic backslidings and autocratizations around the world. Some scholars focus on "move away from democracy" or "reversal of democracy" as "*democratic breakdown"* (Svolik 2015), "*collapse"* (Diskin et al. 2005), "*overthrow*" (Huntington 1991), "*death"* (O'Donnell 1992), or *"failure"* (Kapstein and Converse 2008) while other scholars focus on episodes of "*democratic backsliding"* (Bermeo 2016; Waldner and Lust 2018), "*regression"* (Erdmann and Kneuer 2011), *"decay"* (Schedler 1998), *"demise"* (Schmitter 1994), *"deterioration"* (Economist Intelligence Unit), and *"erosion"* (Plattner 2014) (see in Cassani and Tomini 2020, p.274). The three terms commonly used to characterize "moves away from democracy or reversal from democracy" are autocratization, democratic breakdown, and backsliding (Lührmann and Lindberg 2019, p.1098).

Autocratization is defined as "*a process of regime change towards autocracy that makes politics increasingly exclusive and monopolistic, and political power increasingly repressive and arbitrary*." (Cassani and Tomini 2020, p.277). Some scholars referred to it as the "*substantial de-facto decline of core institutional requirements for electoral democracy"* or "de-democratization," which refers to *"changes that decrease the democratizes of political regime.*" (Skaaning 2020, pp.1534–1535). According to Lührmann and Lindberg (2019), "democratic breakdown" *is used for sudden events, for instance, military coups*." Nancy Bermeo defined democratic backsliding as "*the state-led debilitation or elimination of any of the political institutions that sustain an existing democracy*" (Bermeo 2016, p.5). To summarize, autocratization, democratic breakdown, and democratic backsliding are all defined as a "process of regime change" - the antipode of democratization. "Democratization" is defined as "t*he way democratic norms, institutions, and practices evolve and are disseminated or retracted both within and across national and cultural boundaries*" (Croissant and Haynes 2021, p.2). Huntington (1991) notably popularized the term "democratization" in his book: The Third Wave: Democratization, in which he discussed how the "third wave of democratization" (1974–2001) took it to Asia during which Burma was under military rule until

2011. In Burma, President Thein Sein and Aung San Suu Kyi oversaw the political liberalizing process for a decade until it was either incomplete or abandoned following the military takeover in February 2021.

2.1.1 Backsliding

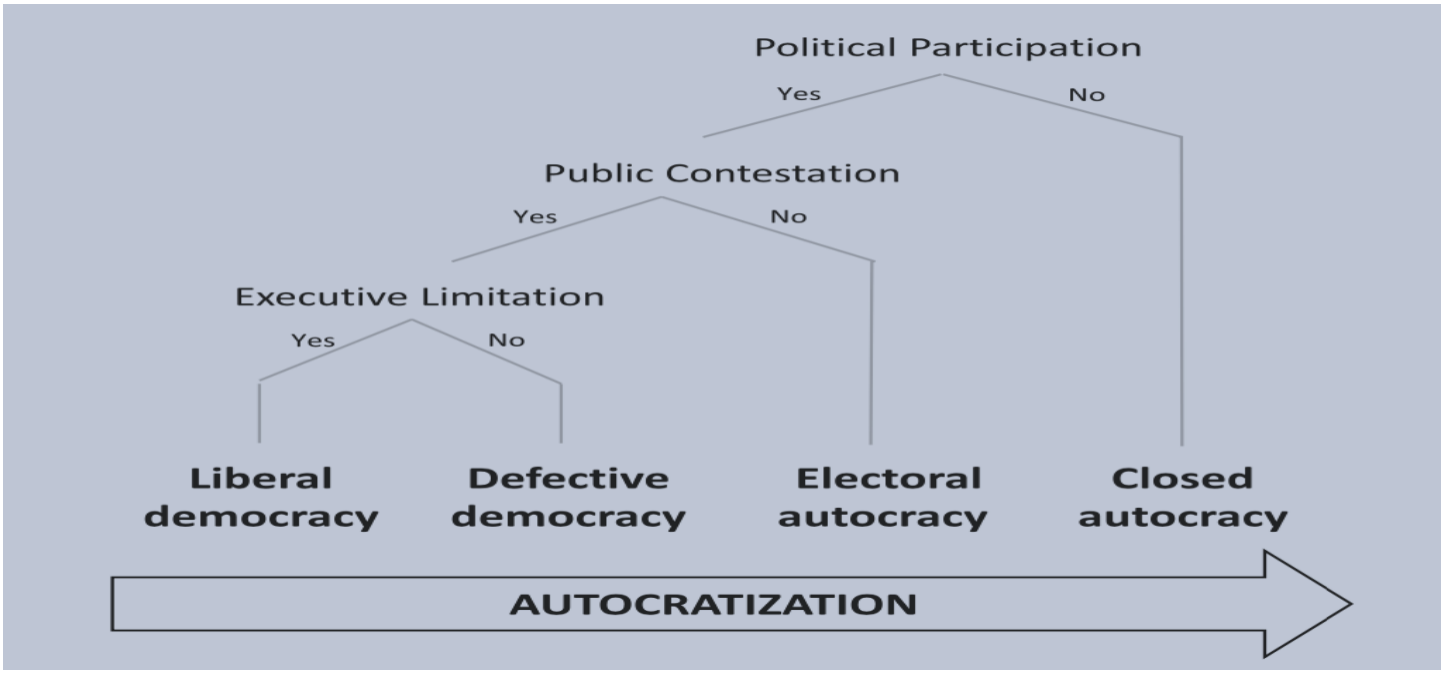
Nancy Bermeo defined democratic backsliding as "*the state-led debilitation or elimination of any of the political institutions that sustain an existing democracy*" (Bermeo 2016, p.5). The question is, where does backsliding lead? Bermeo has answered that "*backsliding can take us to different endpoints at different speeds; it can lead to outright democratic breakdown and to regimes that are unambiguously authoritarian or simply the serious weakening of existing democratic institutions for undefined ends*" (Bermeo 2016, p.6). Furthermore, Nancy Bermeo (2016) conceptualized the contemporary world's democratic backsliding by stating that "*the current trends in de-democratization follow three ways – promissory coups, executive aggrandizement, and strategic manipulation of election." "*Promissory coup" is defined by Bermeo as *"the ouster of an elected government as a defense of democratic legality and making a public promise to hold elections and restore democracy as soon as possible"* (Bermeo 2016, p.6). In Burma's case, the coup leaders promised to hold national elections within two years to restore democratic institutions. Bermeo's notion of "as a defense of democratic legality" necessitates a more in-depth examination in the discussion chapter. "Executive aggrandizement" is the term Bermeo uses when "elected executives weaken checks on executive power one by one, undertaking a series of institutional changes that hamper the power of opposition forces to challenge executive preferences." In the 2020 elections, the NLD's Union Election Commission was accused of hampering the opposition parties competing with the ruling NLD. "Strategic manipulation" is the term Bermeo used for "*a range of actions aimed at tilting the electoral playing field in favor of incumbents that include hampering media access, using government funds for incumbent campaigns, packing electoral commissions, changing electoral rules to favor incumbents, and harassing opponents"* (Bermeo 2016, pp.13–14). In Burma, these notions are at the heart of the disagreements that erupted between the NLD, ethnic political parties, pro-military parties, and the military, culminating in the coup. Levitsky and Ziblatt, on the other hand, argued that "*the erosion of democracy often takes place piecemeal, often in baby steps,"* and a three-stage model of backsliding exists – attacking referees, targeting opponents, and changing the rules of the game" (see in Riaz and Rana, 2020, p.6).

2.1.2 Autocratization

Autocratization is defined, as said earlier, as "a process of regime changes towards autocracy" or as any "*substantial de-facto decline of core institutional requirements for electoral democracy."* Cassani

and Tomini has developed the conceptual framework of autocratization, which gives us a wider frame on political regimes and where breakdown of democracy or backsliding can lead, as shown below in Figure 2.1

Figure 2.1: Autocratization, institutional dimensions, and the fourfold regime spectrum



Source: Autocratization in Post-Cold War Political Regimes (Cassani and Tomini 2019, p.22)

Liberal and defective democracies, according to Cassani and Tomini (2019), are regimes in which politics is inclusive and open to public contestation, but only the executive is effectively restrained in the former. Electoral autocracies, on the other hand, hold multiparty elections that are open to all parties but limit contestation through a combination of official and informal methods. Closed autocracies do not allow people to choose who governs in practice, even though they frequently hold façade elections, and are typically led by a king, a military junta, or a civilian dictator, who is often but not always a political party leader (Cassani and Tomini 2019, p.22). Cassani and Tomini (2019) identify six distinct types of regime transitions toward autocracy:

Liberal democracy → Defective democracy
Liberal democracy → Electoral autocracy
Liberal democracy → Closed autocracy
Defective democracy → Electoral autocracy
Defective democracy → Closed autocracy
Electoral autocracy → Closed autocracy (Cassani and Tomini 2019, p.23)

The transition to defective democracy implies measures that weaken executive limitation, while politics remains competitive and participatory. A transition to electoral autocracy occurs as a result of political events that restrict public contestation but do not promise political participation. In an electoral autocracy, autocrats secure their competitive advantage through subtler tactics such as censoring and harassing the media, restricting civil society and political parties, and undermining the autonomy of election management bodies (Lührmann and Lindberg 2019, p.1098). Transitions to closed autocracy are the result of events that restrict political participation (Cassani and Tomini 2019, p.24). In relation to transition, Albertus and Menaldo (2017) illuminated that "*when the balance of power in a consolidated dictatorship promises to shift, autocratic incumbents might seek to get ahead of the curve and hand over power through a democratic transition – that is, if they can successfully bargain for the transition on favorable terms"* (Albertus and Menaldo 2017, p.64). To protect their interests, after the transitional, they further clarified that "*outgoing elites can protect their interests after the transition through the endurance of dominant parties that survive the transition and afford them a greater likelihood of recapturing office" (*Albertus and Menaldo 2017, p.64). In such kind of a transition, a favorable electoral system is, according to Albertus and Menaldo, "*the adoption of proportional representation (PR), in which elites seek to make it more likely that small conservative parties will gain a political foothold and induce gridlock"* (Albertus and Menaldo 2017, p.92). The study of V-Democratic Institute (V-Dem) said: "*state of emergency is a tool to erode democratic institution while maintaining the illusion of constitutional legitimacy; and that there is a heightened risk of autocratization in a state of emergency; democracies are 75 percent more likely to erode under a state of emergency"* (Lührmann and Rooney 2021, p.1). "*Sudden moves towards autocracy - such as military coups - risk triggering mass uprisings*," the V-Dem added (p.10).

2.1.3 Democratic Breakdown

According to the V-Dem Institute, "*democratic breakdown occurs when a democracy experiences a genuine transition into autocracy*" (Boese *et al.* 2020, p.10). This occurs when a democratic regime, through an episode of autocratization becomes reclassified as an "autocracy". The V-Dem has used three indicators to determine a genuine democratic breakdown: (1*) the country becomes a closed autocracy; (2) it holds an election while being coded as an electoral autocracy indicating that the country is now a de facto electoral autocracy; or (3) it becomes an electoral autocracy and stays that way for at least 5 years* (Boese *et al.* 2020, p.12). Nevertheless, the term "democratic breakdown" is commonly used in the context of "move-away" from democracy to describe *"sudden events, for instance, military coups*" as mentioned earlier.

Lukttawak (1969) defined a military coup as " *the infiltration of a small but critical segment of the state apparatus, which is then used to displace the government from its control of the remainder*" (Luttwak 1969, p.12). Moore (2011) adds to the definition, saying "*a coup d'état is an extralegal transfer of power that affirms traditional social and political power structures and occurs without major contributions from violence or popular will"*. According to Bermeo (2016), "*coups are illegal attempts by military or other state elites to oust a sitting executive*" (Bermeo 2016, p.6). Thus, the intent of coup-makers is crystal clear: to topple a sitting government and to seize state power, which is extraconstitutional, illegal, and illegitimate. In the context of Burma, "the legality of the coup" is highly contested. The Tatmadaw insists that it is a constitutional "state of emergency," not a coup, whereas opposition parties and a number of legal scholars claim that the seizure of power is illegitimate and constitutes a military coup d'état. This will be examined further in the discussion chapter.

To have a solid grasp on Burma's frequent military interventions, I will quickly explore two notions of armies: apolitical professional armies and political armies, as Koonings and Kruij conceptualized them (2002). According to them, apolitical or non-political armies regard themselves as "civil servants in uniform" within the state bureaucracy, and their mission is the technical execution of national territorial defense under legitimate civil authority, whereas political armies frequently assume some sort of steering monopoly over national destiny, and their mission is derived from the synthesis of two factors (Koonings and Kruijt 2002, p.19). To begin, there is a belief among political armies that the military institution is exceptionally positioned not only to defend but also to define the essence of a nation through birthright and competence; and, second, there is a belief that civil politicians, societal interest groups, or the overall political culture are inadequate to address the needs of the nation (Koonings and Kruijt 2002, p.19). Of the two principles, the "birthright principle" concept implies that the military is perceived to have been at the birth of the nation, or the nation would not have been founded or survived without the sacrifices of the armed forces (Koonings and Kruijt 2002, p.19). Another "competence principle" is premised on the notion that the military is best placed to safeguard national interests, and consequently, the affairs of state due to its organizational capability and resources (Koonings and Kruijt 2002, p.21). As a result, political soldiers develop an idea of the "civil inadequacy principle," which holds that civil politicians are inefficient, divided, self-interested, and corrupt, as well as down to disloyal and anti-national (Koonings and Kruijt 2002, p.21).

Conclusion

While invoking emergency powers can be used to protect against the erosion of democracy, it also increases the risk of democratic breakdown. There are many types of democracy. My notion of electoral democracy is based on Dahl's seven conditions for minimal procedural democracy, or "polyarchy". On the global scale, democracy is in crisis in a variety of ways. In 2020, V-Dem asserted that we are in the early phases of a global reversal in democratization. Autocratization, democratic backsliding, and democratic breakdown are three key terms used to describe "moves away from democracy" or "reversal of democracy". Democratic breakdown occurs when democracy suffers from a genuine shift into autocracy; and the term is used for a sudden event like the military coup. Political soldiers are typically guided by two principles: the idea of birthright and competence, which are important terms to understand and interpret the Tatmadaw's politics in Burma. In the next chapter, I will review literature on Burma's political transition and political system as shaped by the military's 2008 constitutional order.

CHAPTER THREE

Literature Review: Burma's Political Transition and Political System

> Only the army is mother,
> Only the army is father,
> Do not believe what the surroundings say, whoever tries to split us, we shall never split. We shall unite forever.
>
> Tatmadaw slogan, appearing on billboards and in print media in the 1990s.
>
> - Mary P. Callahan, *Making Enemies: War and State Building in Burma* (2005:206)

Introduction

In this chapter, I will review the literature on the topic of political transition[7] and liberal reforms in the post-junta, with a focus on the military and political order including the interactions between political-military relations relating to transitional causes, processes, and substances. The purpose of the review is to get a solid grasp of the challenges and opportunities of the democratic transition and to gain insight into the political role of the military in Burma's state apparatus.

A Brief Context: Seven-stage Roadmap

Since 1993, with the participation of NLD elected lawmakers and ethnic nationalities leaders, the military regime convened a National Convention (NC) to draft a new constitution after nullifying the results of the 1990 elections that gave a landslide victory to the NLD. Non-negotiable issues such as the Tatmadaw's leading political role must be acknowledged for the basic principle of the constitution (Egreteau 2017b, p.123). This drew an irked Aung San Suu Kyi, a pro-democracy opposition leader (Taylor 2009, p.491). In March 1996, the NC was halted after the NLD walked out because of undemocratic methods under the military tight control. On 30 August 2003, after 8 years of suspension, the SPDC junta announced a seven-step roadmap to "disciplined democracy". The steps involved reconvening the NC suspended in 1996, the adoption of the Constitution, holding the General Elections, and the transfer of the power to the electoral winning party. The NLD party has, however, boycotted the entire process, instead demanding to honor the 1990 election results. On 30 March 2011, with the 2008 Constitution adopted by a controversial referendum in May 2008, the SPDC junta transferred power to the pro-military party USDP led by Thein Sein, in the aftermath of the 2010 national elections. To the surprise of many observers and critiques, President Thein Sein initiated a series of liberalizing reforms and democratization processes

[7] The terms: "political transition", "democratic transition", "transitional opening", "democratic opening", "democratization process", "political reforms", "liberal reforms", "reforms process", "political liberalization", are interchangeably used in this thesis.

(Aung Myoe 2009, p.34). This democratic opening and reforms have been known as "Burma Spring" compared to the "Arab Spring," where after decades of authoritarian rules, the "fourth wave of democracy" came to flourish. "Burma Spring" has been one of the extraordinary transitional openings in history. Since the dissolution of the SPDC junta and the transfer of power to the electoral winning party by the military in 2011, long-standing Burma scholars have had an intense discussion about the topic of political transition. This reached its apogee during President Thein Sein's reform process and the peaceful power transfer to Aung San Suu Kyi on 30 March 2016 after a landslide victory in the 2015 national elections.

3.1 Pull-and-Push Factors of Political Transition and Reforms

In the academic literature, numerous concepts of juxtaposition emerged on the question: are these genuine reforms? Is this just an attempt to appease the western powers to lift sanctions? Is this driven by the pressures applied against the military regime by western democracies or the efforts of the pro-democracy movement led by Aung San Suu Kyi? What prompted the regime's political transition and reform process? I will review it in this section.

3.1.1 Long-term Military's Withdrawal Plan?

I will begin by discussing who viewed that the political transition had been a long-term goal of the military and the prospects of true democratization. A handful of Burma scholars have argued that the whole political transitional process is a long-term aim of the military regime since the late 1980s. Taylor (2012), a long-standing Burma scholar and author of several books on Burma including *The State in Myanmar (2009)*, seeks to link between the post-SPDC liberalizing reforms and the former regime's plans 25 years ago. He argues that the peaceful power transfer in 2011, the military's withdrawal from direct military rule, and all liberal reforms are a culmination of the process of state consolidation and reconstruction process that has started since 1987, during which General Ne Win's call for consideration of political and economic reforms. (Taylor 2012, p.221). He claims: "*there is a long-term continuity and logic to the course taken by the military over the last 25 years"* (p.221). Supported this view by Aung-Thwin (2014), a historian and co-author of the book: *A History of Myanmar since Ancient Times: Traditions and Transformations (2013)*, saying *"the current reforms in place are part of a broader transition which started in the late 1980s*" (Aung-Thwin 2014, pp.217–218). He points out that General Ne Win, then head of state, admitted that the socialist-based economy had failed and that he initiated the process of transformation in the 1980s (p.2018). Like Taylor, in his view, the roadmap to "disciplined democracy" followed by the 2010 elections, the transfer of power in 2011, the military's withdrawal from the direct rule, and subsequent liberalizing reforms should be viewed in the context of the "long-reform" process that

already started since the late 1980s. He also claims that the military hardliners will not reverse the course because they are embedded and committed in the process, he puts: "*risks of hardliners reversing the transformations are unlikely*" (p. 218). Taking a similar position by Jones (2014), a UK-based senior researcher, argues that: the political transition and the reforms are "*not a sudden event requiring short-term explanations, but the culmination of a lengthy struggle*" (Jones 2014, p.16). In his view, the transition is a long-standing aim of the military, sought to transfer power repeatedly since the 1988s, but repeatedly hampered by opposition groups, foes, and incidents, and the eventual democratic opening and reforms are not an abrupt, short-term event, but a peak of a long struggle (pp. 9-16). Commenting on the Tatmadaw frequent intervention (1958 and 1962) and retracted to barracks in 1960 and 1974, Egreteau (2016), a seasoned French scholar, and author of four books on Burma comments that: "*it has seized power as transitory or temporary – even if temporary meant for two decades*" (Egreteau 2016a, p.10). He concludes: "*after the 1988 coup, only the pace and timing of the retreat to the barracks was unknown, even to the Tatmadaw top brass"* (Egreteau 2016a, p.10). According to him, the military regime always considers itself as a "temporary or caretaker government" like a "*transit regime*" and plans to step back after the intervention. The political liberalization is according to their plan (p.10).

Similarly unsurprised by the democratic opening, Selth (2017), an Australia-based longtime observer of the security apparatus, author of a book: *Burma's Armed Forces: Power without Glory* (2002), explores how the military regime has a plan to step back since long-term ago. He argues: "*the paradigm shift that has happened in the country can correctly be described as the result of a long-term goal drawn up by the Tatmadaw leaders"* (Selth 2017, p.1). According to him, the goal of the Tatmadaw is to withdraw from the government, while preserving its institutional autonomy and leading role in the state apparatus. "*It has long been the generals' intention to decide the time frame for a transition to a genuinely democratic system,"* he claims (Selth 2018, p.33). He further argues that the military leaders have loosened their grip, not due to internal and external pressures including western powers. "*More liberal government is taking place because the military has permitted it to do so*," he maintains (Selth 2018, p.28). He writes: "*foreigners cannot take much credit*" (Selth 2020, p.109). These Burma scholars gave the impression that a genuine democratization process through the political transition is a possibility but within the Tatmadaw's permission. Their views also propounded the concept that the military itself has been genuinely committed to the political transition, that the handover of power and liberalizing reforms have been part of the overall "withdrawal plan" of the military regime, not much as the results of external pressures such as western sanctions, or pro-democracy oppositions, and other impulses or circumstances.

3.1.2 Internal and External Factors?

I will now discuss who viewed that the political transition was driven by both internal and external factors and saw a prolonged role of the military in Burma politics. Bünte (2011), a German notable scholar on Burma, formulates an analytical framework on how endogenous factors (personal interests, corporate interests, ideology, cohesion) and exogenous factors (civilian sphere, internal security, economy, and external security) could influence the military to step back from direct military rule. According to him, the military's retreat from the summit of power is an outcome of the "new situation" both external and internal dynamics within the regime that affect the motives and moods of the military and its willingness to intervene (Bünte 2011, pp.10–24). The push factor that accelerated the political transition, in his view, is also the pro-democracy movement that seriously undermined the military's legitimacy (Bünte 2011, pp.10–24). This view is supported by Ganes (2013), a senior researcher, who writes that the "second reason behind the reforms is the result of external pressures and push-and-pull factors" (Gaens 2013, p.14). In his view, western sanctions consistently imposed on the regime is one push factor that speeds up the political transition and liberalizing reforms. He quotes Aung San Suu Kyi's words, who said: "I always say that sanctions work. Not in the way people think it did".

In the same vein, Pederson (2014), an Australia-based longtime senior researcher and author of *Promoting Human Rights in Burma: A Critique of Western Sanctions Policies* (2008), discovers that four reasons or incentives generated the military to reopen and reforms. He lists: "necessary conditions due to the leadership change from the former military dictator to the new President Thein Sein, the military-self-image, improved security conditions, and positive responses from western powers and opposition groups on the reforms" (Pedersen 2011, pp.21–36). He concludes: "*the military is starting these reforms because they want it to change, not because they have to*" (Pedersen 2011, p.36; Bünte 2015, p.143). He also highlights the continuing challenges of military hardliners and radicals who are critical of Suu Kyi and speedy political reforms. "*Myanmar still holds strong elements of military rule*," he emphasizes the limitation on the democratic transition. Since 2012, this view was shared by Min Zin (2012), a Yangon-based political scientist and the executive director of Institute for Strategy and Policy-Myanmar, and Joseph (2012), a U.S-based executive director of National Endowment for Democracy. They argue that "*the regime was keen to reengage with western countries to lessen its reliance on China and get aids to address its economic challenges, but it also acknowledged that without engaging with its domestic pro-democracy opposition it would be unable to do so*" (Min Zin and Joseph 2012, p.110). In their view, China, the West, the economic challenges, and the opposition groups are part of the push factors that brought to the political openings and reforms.

In his analysis of political transition, Kyaw Yin Hlaing (2014), a Burmese scholar and one of former President Thein Sein's advisors, confirms that "*the challenges posed by serious economic problems and positive responses from Western countries and pro-democracy leaders especially Suu Kyi, have allowed liberals in the government to work together for the further liberalization of the country's political system"*(Hlaing 2012, p.214). Similarly, Richard Horsey (2014), a Yangon-based Senior Advisor to the International Crisis Group on Burma claims that: the military's top brass has, recently years, acknowledged the fact that they much withdraw from direct military rule in order to recover the economy and to counterbalance the domination of China (ICG 2014, p.17). In his view, China-factor and economic-security issues are the key push factors leading to the democratic opening and the reforms process. "*This came to be seen as a geostrategic and security imperative*" he elaborates. He highlights: "*it was the military that initiated the end of its dictatorship*; to advance stable reform, it needs to continue withdrawing from civilian life". On the western sanctions and China factor, Croissant (2013), a University Professor in Germany, and Kamerling (2013), a postgraduate student, on the contrary, argues that the political transition is not prompted by the China factor and western sanctions, arguing "*there is no reason to assume that sanctions alone triggered the establishment of the new constitution*" (Croissant and Kamerling 2013, pp.121–122). In their views, the military regime has embarked on its roadmap despite strained ties with the West following the Saffron Revolution. The regime's partners, China, ASEAN, and Russia, also weaken sanctions effectiveness. China alone is not the regime's global trade partner, but other countries, such as Thailand, Singapore, and South Korea. The regime's membership within the ASEAN also puts its place secure. The regime also receives support from China and Russia within the UN. President Thein Sein's unilateral suspension of the Myitsone Dam demonstrated the regime's independence from China. "*Therefore, [China factor and the western's sanctions] alone does not offer sufficient explanation,"* they argue (p. 121-122).

3.1.3 Survival Strategy and Exit Strategy?

Since the 1962 coup, the Tatmadaw regime has never been deposed by foreign intervention or ousted from power by armed revolutionary groups, or overthrown by popular revolts[8](Callahan 2012, p.120). However, the Tatmadaw regime transformed into many forms with different stages: 1958-1960 (guardian role), 1962-1974 (praetorian role), 1974-1988 (guardian role), 1988-2011 (praetorian role), and 2011-2020 (guardian role) through, as Egreteau puts: "planned withdrawal" for five decades (Egreteau 2016a, pp.21–26). In other terms, according to Croissant and Kamerling (2013), the military began as a

[8] In 1988 country-wide protests, one party-led BSPP regime was overthrown by popular uprising. Four state leaders: BSPP party chairman General Ne Win (26 years ruler), General Sein Lwin (16 days ruler), President Aye Ko (7 days ruler), President Dr. Maung Maung (30 days ruler) resigned or brought down by the revolt. However, the military staged a "self-coup" on 18 September 1988 and ruled the country until 30 March 2011.

"prototype military regime" ruled by a Revolutionary Council (until 1974) and then became "hybrid authoritarian regime", transitioned into "collegial military rule" in 1988, and, lastly transformed into "indirect military rule with civilian window dressing" (see Croissant and Kamerling 2013, p.110). Nobody knows why the SPDC-junta was voluntarily dissolved; General Than Shwe removed himself from public life together with his deputy Vice Senior General Maung Aye (Callahan 2012, p.122). Is that his survival strategy or exit strategy?

On his last days, General Ne Win (original coup-maker in 1962), who had ruled the country for 26 years was, effectively kept under house arrest, with his family members in prison and isolated at his deathbed during his last days (Myint-U 2012, p.25). Since 1992, Senior General Shwe[9] (the successor of General Saw Maung) has ruled by fiat with a single hierarchical power structure until he voluntarily gave up power in 2011. He articulated political transition, designed a new constitutional order, appointed a new commander-in-chief, officially dissolved the SPDC junta, left a new complex hierarchical power structure, and removed himself from all public life since March 30, 2011. Within a new complex fracturing hierarchical power structure, the military leaders, government leaders, and parliamentary speakers are often pitted against each other with a purge, fight, and stiff competition in the post-SDPC political transition (Ye Htut 2019, pp.123–147). There is no genuine separation of powers among branches of government under the new constitutional order (Crouch 2019, p.13).

Thant Myint-U (2012), a Burmese notable historian, one of President Thein Sein's advisors, and author of several books including *The History of Burma: Race, Capitalism and The Crisis of Democracy in the 21st Century (2019),* writes that: "*Senior General Than Shwe may believe a more complex fractured political system will help him secure his retirement"* (Myint-U 2012, p.25). Supported this view by Selth (2020) who writes extensively on civil-military patterns, argues that: "*the 2008 constitution, the switch from direct to indirect military rule, and the creation of a wide range of new government institutions are all part of a master plan by aging regime leader Senior General Than Shwe to protect himself and his family and to safeguard his legacy after he dies*"v(Selth 2020, p.121). To a handful of observers, the old paramount leader has designed a new, fractured political system for his exit strategy or escaped strategy to avoid a similar fate to his former boss General Ne Win. According to Gaens (2013), "*all top generals want assurances that they and their families will retain their assets and will not be prosecuted and looking for an escape strategy*" (Gaens 2013, pp.9-10). Under section (443) and section (445) of the 2008

[9] Though general Than Shwe has withdrawn from public life, senior military officials, and pro-military USDP leaders occasionally visit his residence. He appears that he plays a role in making some key decisions. One example is the appointment of General Mya Tun Oo (the 3rd highest service chief in the Tatmadaw), who is known as chief of palace guard for the senior general and his family. This appointment ensures that the Tatmadaw will be in the hands of commanders loyal to the senior general for the coming years (see Myoe 2014, p.246).

constitution drawn up by the military under General Than Shwe, it is constitutionally prohibited to take legal action against the military leaders for their past actions[10].

However, the military's withdrawal from direct military rule and liberal reforms are not regarded by certain Burma-watchers as an exit strategy or an escape strategy. Huang (2013) argues that "*ongoing dramatic reforms should not be understood simply as an exit strategy"* (Huang 2013, p.248). In his view, the political transition is not merely a Tatmadaw exit strategy, but the institutionalization of its influence on the government without taking over direct governmental responsibility (p.248). Supported this view by Croissant and Kamerling (2013), "*the current political transformation is not a deliberate process of liberalization, but a survival strategy of the military regime*" (Croissant and Kamerling 2013, p.121). In their view, the political institutions set up under the 2008 constitutional order, institutionalizing power-sharing among the top-brass both in security council as well as the legislative body and the military's high degree of professionalization suggests the political transition is a survival strategy for the military (pp.120-121). On the other hand, Kyaw Yin Hlaing (2017) argues that the exit of the old junta supremo has enhanced reconciliation with pro-democracy opposition groups in the post-SPDC liberalizing reforms (Hlaing 2012, p.214). In her analysis of the political transition, Callahan (2012), a US-based military specialist and author of a book: *Making Enemies: War and State Building in Burma* (2005) provides how the military leadership has loosened its grip on power in the post-junta democratic transition. She argues: *"with the shift [in power], the military as an institution has seen its prerogatives shrin*k" (Callahan 2012, p.122). She concludes that: "*Burma is no longer a military dictatorship"*.

In the existing literature, thus, there is no single explanation of the determinants on the question of what prompted the military regime to step back from direct military rule followed by the whole post-junta democratic transition and reforms. Nevertheless, no evidence has been found in the academic literature which contradicts that, as Richard Horsey puts: "the military itself ended its dictatorship" in 2011.

3.2 Process and Modes of Political Transition

Between 1993 and 2008, the military regime embarked on a 15-year long process of constitutional drafting. Between 2008 to 2011, the constitution was adopted in May 2008, the national election was held in November 2010, and power was transferred on 30 March 2011. For a decade, the process of democratization and liberal reforms was launched under the leadership of the two elected governments, Thein Sein and Suu Kyi from 2011 to 2021. In this section, I will review the process focusing on the constitutional-making process. This political transition process is described by scholars as a "*very tightly*

[10] This legal immunity for the military leaders is one of the principal reasons for the opposition groups to jettison the military's constitutional convention in 1995 (see Egreteau 2017, p.123)

regimented process" (Williams 2009, p.1667), "*controlled process*" (Callahan 2012, p.120), "*a tailored democratization process"* (Gaens 2013, p.9), "*elite-driven or top-down process"* (Bünte 2015, p.144), *"protracted transition"* (Bünte 2016, p.2), "*pacted transitional process"* (Egreteau 2016a, p.20), "*carefully managed and orchestrated transitions*" (Huang 2013, p.258), "*military-imposed transition"* (Stokke and Aung 2020, p.12), *"democratization from above"* (Egreteau 2016b, p.20), *"twin-transitions"* (Adhikari and Htoi 2017, p.2), *"military-controlled liberalization"* (Croissant and Kuehn 2018, p.419). Despite some differences in the political process, most scholars seem to agree that the whole transitional process is spearheaded by the military from a "position of strength". (Bünte 2016, p.375; Stokke and Aung 2020, p.4; Callahan 2012, p.120; Egreteau 2016b, p.11). In relation to the constitutional-making process, Williams (2009), a U.S based Burma constitutional scholar and Professor of Law at Indiana University Bloomington argues that *"the drafting process does not possess the kind of democratic legitimacy necessary for a permanent formal constitution*" (Williams 2009, p.1668). Like Williams, Crouch (2019), Professor of Law in Australia and author of T*he Constitution of Myanmar: A Contextual Analysis* (2019), argues that "*the process of constitution-making deeply undermined the legitimacy of the 2008 Constitution*" (Crouch 2019, p.26). In her view, "the basic principles of the constitution offer an articulation of the military state, with priority given to the Tatmadaw as the leader and guardian of national governance" (p. 34).

Similarly, Croissant, Professor of Political Science in Germany, and Philip Lorenz, Lecturer of Political Science in Germany, (2017) argues that "*the constitutional process lacks three dimensions: upstream legitimacy (elected representatives are excluded), process legitimacy (military-dominated internal making procedures), and downstream legitimacy (passed in a controversial referendum)*" (Croissant and Lorenz 2018, pp.183–184). In their analysis of the process, International Crisis Group (2000) writes that "*the regime has tightly managed every aspect of the drafting process in the National Convention and has determined how the revised constitution should allow for its continued control*" (International Crisis Group (ICG) 2001, p.11). In the same vein, Yash Ghai (2008), Professor Emeritus of the University of Hong Kong, argues that "*the drafting process does not meet the standards of public participation established by international law nor those necessary for legitimacy and reconciliation*" (Ghai 2008, p.8). In his view, the exclusion of majority elected lawmakers, drafted with the regime's handpicked delegates, enaction of restrictive law for 20 years in prison for anyone who criticized the process and principles constitute one of the greatest flows in the process (p.8). "The key problem, in his view, is the lack of people's active participation and reconciliation between the Bamar majority and ethnic minorities, and between proponents of democracy and authoritarian militarism" (p.2). In the process of constitutional making, there seems a consensus among many Burma-watchers, including legal scholars that the process has failed to meet "democratic legitimacy" and international standards and norms.

3.3 Outcomes and Substance of the Political Transition

Strand of thoughts arose from the academic literature on the questions: political transition from direct military rule to what system? Is this old wine in a new bottle? Is this another military rule with civilian window dressing? What kind of political order is put in place? What is the purpose of the military to initiate this transition? In this section, I will elaborate on it.

3.3.1 Notion of Tatmadaw's Disciplined-Democracy

For the Tatmadaw, the political transition is to become a "modern, developed, and democratic nation" through the step-by-step implementation of a seven-stage roadmap, from a "direct military rule" to what is called "disciplined-flourishing democracy". "Disciplined-democracy" is the term coined by the former military General Saw Maung (the second coup-maker) who staged a "self-coup[11]" on 18 September 1988 after a bloody suppression of unarmed civilians (Croissant and Kamerling 2013, p.106). On 17 January 1989, General Saw Maung said, "*you need full discipline to enjoy full democracy*" and subsequently reiterated it as "*democracy goes together with discipline [rules and regulations]"* (Houtman 1999, p.81). In the Burma military's view, disciplined democracy consists of rules and regulations that are compatible with state structure, consistent with Burma's historical traditions, local customs, local values, rules, and national culture something different from the western's concept of liberal democracy[12] (Gaens 2013, p.10). In 1997, "disciplined democracy" became the national security ideology of the military and national biding agent for the SPDC junta (the successor of SLORC) as a conceptual tool for national unity and Myanmafication or Burmanization (Gaens 2013, p.11). International Crisis Group (2001) claims that "*the regime's national security ideology equates the security of the state with that of the regime and the Tatmadaw. This ideology is a brand of state nationalism based on three national causes: non-disintegration of the Union; non-disintegration of national solidarity; and perpetuation of national sovereignty"* (ICG 2001, p.8). These three main national causes are conceptually developed as a set of principles and a form of ideological basic enshrined in the 2008 Constitution as the basic principles of the State[13].

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[11] This 'self-coup' also described as a 'bloody coup d'e´tat'(Seekins 1992, 246) and 'bloody, repressive coup' (Steinberg 1990, 587) or a 'pseudo-coup'(Burma Watcher 1989, 179; Lintner 1990, 50) and 'stage-managed coup'(Seekins 1997, 525) (see in Farrelly 2013, p.317).

[12] In 2015, ex-General Khin Ngunt who announced the regime's 7-step roadmap in 2003, said: "we are now in a democratic country, but our democracy must be compatible with Myanmar; our democracy will not imitate other democracies from America or western countries." Available at: file:///Users/vanlianthangcinzah/Desktop/shorturl.at/tHPSUhttps://www.youtube.com/watch?v=Yc0C6m3QpUU (accessed 20 April 2021)

[13] Basic principles of the State in section (6) of the 2008 constitution. These 3 principles derived from the SLORC's Declaration No.1/1990, 27 July 1990 and SLORC Order 13/1992, 2 October 1992, which was later adopted as guiding principles for drafting the 2008 constitution in the National Convention since 1993 (see in Crouch 2019, p.37).

According to Crouch (2019), "*the three meta-principles have morphed from the Tatmadaw doctrine into constitutional ideology*" (Crouch 2019, p.36). Like Crouch, Selth (2018) claims that "*Tatmadaw is committed to sovereignty, unity and internal stability which were encapsulated in the three national causes and enshrined in the 2008 Constitution. If challenged those principles, some kind of military intervention becomes more likely*" (Selth 2018, p.30). In the same vein, Aung Myoe (2019) argues that "*in general, the regime defines threats as those activities that challenge the three main national causes*" (Aung Myoe 2009, p.34). Similarly, Jones (2014) argues that "*territorial integrity and political stability are dominant concerns of the military, in particular the threat of ethnic separatism*" (Jones 2014, p.16). According to Crouch (2019), the regime concept of disintegration of the union is a reference to territorial integrity and anti-secessionist while the non-disintegration of national solidarity is an idea to insist on unity and solidarity of 135 national races, and perpetuation of sovereignty is a reference to the integrity of the state against the risk of foreign interferences (Crouch 2019, p.38). Unlike Crouch, Aung Myoe (2019) argues that "*threat perceptions involve not only an external power interfering in an existing insurgency or domestic political conflict but also such a power promoting domestic political conflict as an excuse for interference"* (Aung Myoe 2009, p.34).

International Crisis Group (2001) argues that the list of 135 national races is often highlighted by the regime to show the prospect of chaos, and that vast diversity could break up the union appealing to "national reconsolidation" rather than "reconciliation", with an attempt to represent the image of unity and solidarity through Myanmarification (ICG 2001, p.10). In his analysis, Egreteu (2017) argues that the new constitutional order drawn up by the regime provides three purposes: the military's view of itself as a legitimate political and policy-making state actor; the military with legal instruments for long-term policy intervention and influence; and a form of self-insurance protecting soldiers from any form of prosecution (Egreteau 2017, p.118). In the same vein, Selth (2018) claims that it is deeply embedded in the idea of the Tatmadaw that, it alone can hold the Union together, defeated enemies both internally and externally, and saved the Union from chaos. The Tatmadaw has never viewed itself to hold military and political roles separately. It has an abiding belief in the importance of national politics rather than party politics, which led to a belief in the Tatmadaw that, where circumstances demand, it has both a right and duty to supersede other state institutions. On this basis, the Tatmadaw staged a coup in 1962 (Selth 2018, p.28). On 1 February 2021, the Tatmadaw seized power through a declaration of the State of Emergency accusing the NLD party of trying to take power through "wrongful forcible means" which can cause loss of sovereignty and the unity of ethnic nationalities with reference to emergency power under section 417 of the 2008 Constitution[14]. Thus, the existing literature seems to support the view that the military's idea of "discipline-

[14] Order Number (1/2021), 1 February 2021 in The Global News Light of Myanmar, 2 February 2021. Available at: https://issuu.com/myanmarnewspaper/docs/2_feb_21_gnlm accessed 3 May 2021.

flourishing democracy" simply means the military's national security ideology based on the three main national causes as the basic principles of the state and constitutional ideology, to legitimize its military role in politics, Burmanizing the non-Bamar races into mainstream Myamarand perpetuating its control in the state apparatus.

3.3.2 Direct Military Rule Toward Something Else?

Croissant and Kuehn (2018) claims that the November 2015 national elections constitute remarkable achievements in the transition from overt military rule toward *"something else"* (Croissant and Kuehn 2018, p.419). This raised the question of what "something else" means? This is about the political system and a major topic among long-time Burma-watchers. This "something else" has been described differently by scholars as "*hybrid regime"* (Egreteau 2016b, p.20), "*constitutional Myanmar"* (Huang), *"guided democracy"* (Ghoshal 2013, p.18), "*quasi-civilian rule"* (Croissant and Kamerling 2013, p.106; Egreteau 2017b, p.122; Ghosh 2009, p.18), *"electoral authoritarian regime"* (Macdonald 2013, p.20), *"twin authoritarianism"* (Khin Zaw Win 2019, p.2), *"new civilianized government"* (Skidmore and Wilson 2012, p.1), *"hybrid civilian-military government"* (Selth 2020, p.349), *"multiparty autocracy"* (Croissant and Kuehn 2018, p.418), *"constitutional government",* (Callahan 2012, p.122; Aung 2018, p.230), *"constitutional praetorianism"* (Egreteau 2017, p.118), *"political pluralism"* (Chambers 2017, p.112), *"dictatorship to a more liberal government*" (Selth 2018, p.28).

Taylor (2009) argues that the military role under the new constitutional order is the "*Ruler-Military"* position into that of a "*Parent-Guardian",* after having abandoned its role as an "*Arbitrator Military"* (Taylor 2009, p.488). He claims that Burma has shifted from army rule to constitutional rule (Taylor 2012, p. 221). In his view, "*under the 1974 Constitution, Burma Socialist Programme Party led by General Ne Win took the role of the king in stabilizing and guiding the state and nation, under the 2008 Constitution, that role is assumed by the military*" (Taylor 2009, p.498). Shared this view by Egretea (2016) who claims that the direct military rule into that of a "guardian position" (Egreteau 2016b, p.26). *"Guardian army often plays a more leading role, because it has established as a "protector" of a nation and its state institutions,*" he elaborates (Egreteau 2016b, p.21). In his view, the military's withdrawal from the direct military rule is a sort of "self-imposed guardianship" (p.10).

Unlike Taylor and Egrerter, Macdold (2013) argues that the political transition is from *"military rule to an electoral authoritarian form"* (Macdonald 2013, p.20). In his view, the electoral manipulations are used by the military as the central conduit for maintaining power, *a change in but not of the ruling regime* (p.21). Shared a similar view by Bünte (2016) who argues that "*the transition is from direct military rule to military control rule*" (Bünte 2011, pp.10–24). The withdrawal is not, in his view, a complete

political retreat; the transition ensuring a return of civilian rule without abandoning the military control; the military remains the arbiter of power; and all key state institutions are still dominated by the military (p.24). Similarly, Stokke and Aung (2020) argue that: "*Myanmar's political opening should be understood as an imposed transition, revolving around the aim of securing and legitimizing state and military power*" (Stokke and Aung 2020, p.3). Williams (2009) also argues that: *"The primary substantive goal of the SPDC's process has been to keep the military in power*, " (Williams 2009, p.1667). In his analysis, Gaens (2013) also concludes that "the roots of political reform have to be sought in the junta's long-term intentions to entrench the military in the state apparatus for the foreseeable future, while at the same time achieving self-preservation for military and former military personnel" (Gaens 2013, p.24). Similarly, Crouch (2019) claims that: "Myanmar is a type of authoritarian regime" (Crouch 2019, p.11). Selth (2020) also concludes that " the proposed transition to a 'genuine multiparty discipline-flourishing democracy is simply a legalistic device to disguise continuing military rule, behind the facade of an elected parliament" (Selth 2020, p.91). On the contrary, Jones (2014), a UK-based Burma researcher argues that: "the political transition is not an institutionalization of the military dominance; this perspective does not explain the transition's timing or substance,". He questions: "why did the military not do this earlier if they merely attempted to prolong its own rule through new institutions?" (Jones 2014, p.5).

3.3.3 Military-State or Tutelary Regime?

In her analysis of the 2008 Constitution, Crouch (2019), a constitutional scholar, claims that Burma is a "military state" (Crouch 2019, p.11). The 2008 constitution, in her view, institutionalizes a "military state" by coexisting with both the military and civilian authorities, with the Tatmadaw playing a leading role in governance (national politics), supporting the military's ideology of the three mega-principles,[15] and employing "coercive centralism" (pp.11-13). She argues that it is "coercive centralism" because the Tatmadaw has unchecked power in the state institutions, all the subnational governments are subordinated to a highly centralized union government that controls most of the appointments process and the lines of accountability of sub-national government, and all branches of government are coerced into cooperation with no genuine horizontal and vertical separation of powers between different levels and branches of governments, the constitution controls democracy through multi-party system's disciplined democracy (pp.11-13). Burte (2021), a political scientist, adopts another perspective claiming Burma is a "tutelary regime". In his view, "states" are a more perpetual structure of domination, while the "regimes" come and go; using the "military state" might help show "continuity" since Burma lacks proper categories of the regime in its evolving polity (Bünte 2021c, p.1). He explains that "tutelary regimes" differ from electoral

[15] Three main national causes of the military are: non-disintegration of the Union; non-disintegration of national solidarity; and perpetuation of national sovereignty.

authoritarian regimes because while elections in such regimes may be competitive, the power of the elected government is constrained by non-elected, tutelary powers (for example, religious, military, monarchic authorities). He concludes that Burma is a "tutelary regime" as the power of the elected government is constrained by non-elected military actors in the leadership of the state, executive and legislative functions in the parliament, and state institutions through a power-sharing arrangement between civilians and military actors (Bünte 2021b, pp.3–4). Thus, several researchers have not offered a unified explanation of the "regime type" shaped under the constitutional order. Some scholars have yet indicated the view that the political order integrates many illiberal and liberal elements, quasi-civilian rule, constitutional government with military garb, a power-sharing arrangement that necessitates coordination between civilian and military leaders with the latter in a position of strength. The military has loosened its grip but framed the new political order to prolong its domination in Burma's state apparatus.

Conclusion

I have reviewed the literature on Burma's political transition with a focus on the military, including the political system under the constitutional order. There is no single explanation for the causes of the political transition and the military's withdrawal from direct military rule in 2011. In this regard, researchers have provided multiple factors, but the military has started the process. I have found that the process was a "top-down transition" that suffered from democratic legitimacy and did not reflect the will of large segments of the population in the constitutional process. The military itself has loosened its grip on power and ended its dictatorship but has not completely withdrawn from the apex of power. In terms of outcome, the process has not produced a full-fledged democracy, but a more liberal government with certain elements of democratic norms and constitutional rule. Under the constitutional order, the political system is designed as a hybrid system, a power-sharing arrangement between civilians and military actors, while the military safeguards its core interests and maintains its institutional independence and autonomy. The whole political transition process has been halted by the military coup and there has been a democratic recession. This thesis will fill the gap in the literature on how the military coup accelerated the country's democratic breakdown.

CHAPTER FOUR

Making Modern Burma, Military Rule, Transition to Democracy

"I guarantee that after independence, there shall be no discrimination in status and that the peoples of the Frontier Areas shall enjoy equal rights with the people of Burma"

- General Aung San, *The Panglong Handbook Drafting Team* (2018:88)

Introduction

This chapter explores Burma's political history, with an emphasis on the rise of political soldiers, the subsequent political change, and the restoration of democracy. I will begin in the first section by analyzing historical context, giving emphasis to how the Union of Burma came to being and the core values and fundamental principles upon which it was founded. Thereafter, I will examine military rule, with a particular emphasis on their perspective of the military's role in the Burmese's state apparatus. In the final section, I will discuss the military-led political transition, with a particular emphasis on Aung San Suu Kyi and the NLD's role in the political process, and I will conclude with the transfer of power to President Thein Sein and the end of direct military rule, as well as the restoration of parliamentary democracy. This chapter seeks to identify critical fundamental issues in both the historical context and in the political transitions, that hastened democratic breakdown and autocatization on February 1, 2021.

4.1 Making Modern Burma: Panglong Accord, 1947-1948

The Union of Burma is a multi-ethnic society, with 135 officially recognized "ethnic groups", each with its own culture, languages, and religions (Kipgen 2016, p.1). The central plains are home to ethnic Bamar[16], whereas its upland borders of seven peripheral states are home to ethnic non-Bamars[17] (Croissant and Lorenz 2018, p.179). The ethnic Bamar make up 68 percent[18] of the population, and occupy 40 percent of the land, while the non-Bamar own 55 percent of the land [19] (Yawnghwe 2003, p.53). Burma in its present form did not exist before the British occupation in 1886[20] (Yawnghwe 2001, p.4). Before 1886,

[16] It is also called "Burman". Before 1935, it was known as "Burma Proper", later renamed as "Ministerial Burma" after the 1935 of Government of Burma Act came to effect in the form of government ministerial structure. Under the 2008 constitution, it is divided into seven administrative regions. The Bamars are mostly Buddhist.

[17] Before independence in 1948, they were known as "Frontier Areas". Under the 2008 Constitution, it is divided into seven administrative ethnic states such as Arakan, Chin, Kachin, Shan, Kayah (Karenni), Karen, and Mon.

[18] See CIA https://www.cia.gov/the-world-factbook/countries/burma/ accessed 10 May 2021

[19] The total land area is 357,000 sq km and the non-Bamar occupy 371,000 sq kms (see Yawnghwe 2003, p.53)

[20] British launched three wars against Bamar kingdoms, and annexed Rakhine-Taninthayi in 1824, the lower Bama in 1852 and the upper Bama in 1885. However, the non-ethnic Bamars were separately conquered and annexed by British in different period and time.

Bamar *Anawrahta* (1044), *Bayinnong* (1486), and *Alawngpaya* (1752) founded the Bamar empires, and different Bamar kings had ruled for thousands of years (Yawnghwe 2016, p.1; Silverstein 1977, pp.4–6). These kings were regarded as defenders of the faith, promoters of Buddhism, builders of pagodas, and patrons of the *sangha,* the community of Buddhist monks (J. Schector, 1967: 106, see in (Sakhong 2012). The non-Bamar kingdoms like the Arakan, Mon, and Shan predated the Bamar kingdoms by centuries, and were never entirely conquered, but had fluctuating interactions with them (Yawnghwe 2003, pp.1–2; Seekins 2017, p.13). Bamar's ancient monuments, Bamar's religion, culture, and language were adapted and derived from Arakan and Mon, and are now the core and central to Bamar identity (Yawnghwe 2008, p.1; Seekins 2017; Silverstein 1977, p.5; Houtman 1999, p.12). These non-Bamar independent nations existed side by side with the Bamar kings and had endless wars among intra-kingdom and inter-kingdom for centuries until British imperialism ended it in 1885 (Silverstein 1977, p.4; Win 2010, p.21). Before the British arrived, no regime had ever successfully integrated the entire territory, and the whole area was covered by the Union of Burma today (Williams 2009, p.1660). "Direct rule" was applied by the British to the areas previously ruled by the Bamar monarchs with a separate constitution[21] and was referred to as "Burma Proper or Ministerial Burma". After King *Thibaw* was deposed and sent to India in 1885, the British terminated deeply rooted state-religious relations and eliminated all Bamar's traditional institutions (David and Holliday 2018, p.2). "Indirect rule" was applied to the ethnic non-Bamars, including Chin, Kachin, and Shan, who had been conquered by the British in a different period, with separate constitutions[22] and had been named as "Frontier Areas" (Sakhong 2003, p.153). The "Frontier Areas" were restricted to the Bamars. By contrast, non-Bamars retained their traditional institutions and ruled their territories separately by their traditional rulers or chiefs, such as Chin *Ram-uk,* Shan *Saopha,* Kachin *Duwa*, Karen *Swake,* Karenni *Swaphya* (Kipgen 2016, pp.1–2; Ban 2014, p.1). During the British rule, ethnic non-Bamars such as Kachin, Chin, and Karen were converted to Christianity which the Bamars saw as an attack on the Bamar identity and culture (Gravers and Ytzen 2014, p.144).

For the ethnic Bamars, brought to their knees by the invaders from the West, it was a total humiliation and a political and moral shock (ICG 2017, p.4). Thus, the two large anti-colonial forces emerged. The Young Men's Buddhist Association (YMBA), founded in 1906 with a motto based on a*myo* (race), *batha* (religion), *sasana* (Buddha's teachings), and *pyinnya* (education), sparked strong anti-British sentiments nationwide, especially when the British officers refused to take off their footwear at the pagoda in 1917 which they saw as an offending Bamar race and religion (Irrawaddy 2019; Maung Maung 1976).

[21] Government of Burma Act (1935) which came into force in 1937. Before 1935, it was called Burma Proper as part of British India, after this act came into force, it was called Ministerial Burma and it had its own British Governor. The act covers covered lands invaded and overrun by the Bamar kings: including the kingdoms of Mon, Arakan and the Irrawaddy delta where most of the Karens lived.

[22] For Chins: Chin Hills Regulation (1896); for Kachins: Kachin Hill Tribes Regulation (1895); for Shans: Shan States Act (1888), later Federated Shan States Act (1922).

In 1930, *Dobama Asiayone*, or We Burmans Association, was created by young intellectuals with a manifesto[23] centered on the Bamar race, literature, and language; which subsequently produced national leading figures such as Aung San, a Bamar national hero and U Nu, the first Prime Minister of independent Burma (Nemoto 2000, p.1; Min 2009, p.109). "*The causes of being a colony are weakness in unity and not having a capable Tatmadaw,"* General Min Aung Hlaing said (GNLM 2015a). The anguish under British rule has fomented strong ethnonationalism among the post-independent Bamar elites, particularly the Tatmadaw, who adopted a touch of national security ideology based on race, religion, and language.

Large-scale immigration took place as a province of British India, prompting frequent communal violence and resentments among young Bamar nationalists who later took up arms to fight for independence (Smith 2007, p.6). During World War II, the Japanese Army trained thirty comrades led by Aung San, father of Aung San Suu Kyi (Kipgen 2016, p.2). In 1943, with the support 30 comrades, the Japanese Army drove the British soldiers out of from Burma soil (Gravers and Ytzen 2014, p.181). During the Japanese rule, ethnic Karen loyal to the British and the Bamar Army clashed, killing 10,000 Karen civilians (Kipgen 2016, p.8). This tragedy prompted the Karen to take up arms following independence, plunging the country into unresolved conflicts that persist to this day. General Aung San later sided with the British and revolted against the Japanese Army in 1945 which restored British rule in Burma after WW II. With the end of WW II, and the decline of the British empire, the British's Labor government loomed over Burma's independence. The Frontier leaders had to decide whether to seek independence with Ministerial Burma or with Burma Proper.

By convening the first Panglong Conference in March 1946[24]to discuss the future status, Stevenson, Director of the Frontier Areas Administration, proposed a grand scheme to form "a Federation or a United Frontier Union" comprised of all the peoples of the Fronter Areas under British control (Gravers and Ytzen 2014, p.183; Walton 2008, p.895). The conference agreed to reconvene next year. The plan sought for some years to develop the people of Frontier Areas under British rule and to later amalgamate with the rest of Burma. However, the scheme met strong resistance from the Bamar nationalists, and Stevenson was subsequently called to London (Gravers and Ytzen 2014, p.183). On January 27, 1947, General Aung San and British Prime Minister Attlee signed an agreement that included a point to seek the unification between the Frontier Areas and Ministerial Burma with the free consent of

[23] Their slogans were: Burma is our own country, Burmese literature is our own literature, Burmese language is our own. Love our country, enhance the standards of our literature, respect our language. The prefix Thankhins or Masters was adopted by the Bamar nationalists as in a symbol of their defiance to British rule.

[24] The conference was hosted by Shan princes, attended by Chins, Kachins, Shans, and Karens. The two Bama leaders: U Saw (later assassin of Aung San) and U Nu (later Prime Minister) also attended. Aung San was on travel to Arakan.

the inhabitants of the Frontier Areas[25]. At the Panglong conference held on 10-12 February 1947, General Aung San persuaded the leaders of the Frontier Areas to join Ministerial Burma on the basis of quality and unity in diversity. In his opening speech, he promised: "*I guarantee that after independence, there shall be no discrimination in status and that the peoples of the Frontier Areas shall enjoy equal rights with the people of Burma*" (PHDT 2018, p.88). Furthermore, Aung San promised non-Bamars that "*If Burma receives one kyat, you will also get one kyat*" to the non-Bamar peoples (Smith 1991, p.78; Crouch 2020, p.1357). On February 12, 1947, the Panglong Accord brought together the pre-colonial independent territories: the Frontier Areas and Ministerial Burma under a single flag (PHDT 2018, p.63). The Panglong Accord guaranteed full autonomy in internal administration (clause 5), democratic rights (clause 7), and financial autonomy (clause 8 and 9) for the peoples of Frontier Areas (Pe Khin 1990, p.86). The terms of the agreement were negotiated and signed by the leaders of the pre-colonial independent states, who could attain independence separately from Britain, on the basis of mutual respect, mutual recognition, and voluntary after days of hard bargaining (Smith 1991, p.79). The date on which the Panglong Accord was signed laid the groundwork for modern Burma, which is now celebrated annually on 12 February as "Union Day". On July 19, 1947, before Burma formally became an independent country, Aung San and six[26] of his ministers were assassinated by his political rival[27] (Aung Khin 2004, p.2). The untimely death of Aung San plunged the country into a political dilemma, especially for the fate of the non-Burma people in post-independent politics. On 4 January 1948 at 4:20 a.m, the Union Jack was hauled down slowly, and the flag of the Union of Burma was hauled up – Burma got independence from Britain (Ba U 2017, pp.559–560).

4. 2 Parliamentary Democracy and The Rise of Political Soldiers, 1948-1962

On gaining independence, Burma practiced Parliamentary Democracy under Prime Minister U Nu from 1948-1962 during which non-Bamar military officers assumed commanding roles (Yawnghwe and Sakhong 2003, p.126). Shortly after independence, however, a period of Parliamentary democracy was marred by numerous crises. The country collapsed into civil war, with communist resurrections, and full-scale war broke out between the ethnic Karen and Bamars (Thant Myint-U 2020, p.30). Foreign observers dubbed U Nu's government the "Rangoon government" at the time, referring to how far U Nu's power extended beyond his office (Callahan 2005, p.116). In this darkest hour, the non-Bamar leaders remained

[25] Days before Panglong Conference, on February 2, 1947, Aung San said: "as for the people of the Frontier Areas, they must decide their own future. If they wish to come in with us we will welcome them on equal terms. If they wish to come in with us we will welcome them on equal terms" (see Walton 2008, p.896).

[26] Six of his colleges: Bacho, Mahn Ba Khaing (Karen), Ba Win, Thakin Mya, Abdul Razak (Muslim), Sao San Tun (Shan). Transport Secretary Onh Maung and Ko Twe (Razak's bodyguard) were also killed along with the ministers. Annually, 19 July is today observed as "Martyrs' Day".

[27] The mastermind of the assassination plan: Galon U Saw (former Prime Minister of Burma Proper, British Burma) and the assassins were hanged to death on 8 May 1948 after their appeal was rejected by the Supreme Court.

staunchly loyal to save U Nu's government (Yawnghwe 1990, p.108). Prior to independence in 1945, Bamar soldiers trained by the Japanese, who wanted to fight the British, and colonial armed forces (non-Bamar soldiers trained by the British) who were loyal to the British, were brought together into a single army under the Kandy Agreement (Callahan 2005, p.97). The non-Bamar soldiers were seen as 'soldiers serving foreigners for a living' by the Bamar soldiers, who considered themselves to be 'soldier serving their people' (Aung Myoe 2009, p.48). Military specialist Callahan describes this unification under the Kandy Agreement as '*making an army: making enemies'* (Callahan 2005, p.96). When ethnic Karen-Bamar conflicts broke out, the British-trained army officials were swiftly replaced by Bamar military leaders personally loyal to General Ne Win, who became the commander-in-chief (Yawnghwe 2003, p.126). Today, distrust and conflicts continue to exist at the borderlands between those two wings which Croissant and Lorenx refer to as 'center-periphery conflicts' (p.183). For the non-Bamars, as scholar Martin Smith put it, it became 'insurgency as a way of life for seven decades (Smith 1991, p.88).

4.2.1 The Rise of Ne Win and 1958 military coup

As commander-in-chief, General Ne Win rapidly reformed the *Tatmadaw* under a centralized command, modernized its equipment, and enlarged its forces (Croissant and Lorenz 2018, p.181). Defense expending increased by 40 percent and Infantry battalions increased from a mere eight in 1948 to twenty-six battalions in 1951 (Callahan 2005, p.150). This trend brought increasingly dependence on General Ne Win by civil politicians as well as boosted its role by insurgencies in the country. Under Ne Win, the Tatmadaw became "a state within a state" by owing business corporations, banks, trading companies, shipping lines, contractors, and even its English Guardian newspaper (Yawnghwe 2003, p.126). General Ne Win was a member of the Thirty Comrades[28] that led the struggle for independence. The military has been deeply embedded in the political realm ever since the struggle for independence. As Aung San Suu Kyi wrote, "many of the top men in the army had been politicians" during this period (ASSK 2010, p.56). Ne Win was a political soldier, only left as the sole powerful commander-in-chief from the original Thirty Comrades. As a political soldier, he transformed the Tatmadaw into an army that was personally loyal to him, not the Burmese state (Yawnghwe 2003, p.126). In April 1958, the ruling party, the Anti-Fascist People's Freedom League (AFPFL), split into two camps: the clean faction led by *Thakhin* Nu and *Thakhin* Tin, and the stable faction led by *Thakhin* Ba Swe and Thakhin *Kyaw Ngein* (Callahan 2005, p.184). This split spilled over to the army and the army had a chance to exert political influence over the civilian politicians. After months of power struggles, U Nu sought to end the dispute by convening a special parliament session. With seven votes, he won a vote of confidence with the support of non-Bamar ethnic

[28] Member of "Thirty Comrades" later known as the "Thakhin Party," the first generation of Bamar elites led by General Aung San and trained by the Japanese to resist the British colonialism.

parties, but Parliament became so paralyzed, the unstable political situation led to widespread unrest and confusion. The Tatmadaw forced Prime Minister Nu to appoint General Ne Win as interim Prime Minister on October 28, 1958. The parliament accepted the arrangement and the "caretaker government" was formed, largely consisting of senior military officers (Silverstein 1977, p.28; Callahan 2005, pp.184–191).

4.2.2 Constitution of 1947 and 1962 military coup

In the 1960 elections, U Nu returned to power as Prime Minister by defeating the military-backed party (AFPFL stable faction). His promise of making Buddhism the official state religion during the electoral campaigns enhanced his chance to win among Buddhist voters (Steinberg 2021, p.12; Smith 1991, p.187). From the outset, U Nu encountered serious obstacles. He displeased the military leaders (Smith 1991, p.187). Furthermore, the leaders of the non-Bamar intensified their efforts to amend the 1947 constitution. The ethnic non-Bamars felt that the broad promises given by General Aung San were betrayed by Bamar elites after his death and the terms agreed in the Panglong Accord were not fully enshrined in the 1947 constitution (Crouch 2020, p.1359). Aung San was killed while the constitution was being drafted on July 19, 1947. "The 1947 constitution was not federal," said Taylor. "*The drafters had no intention of establishing a federal system, it was similar like the relationship between Scotland and the Britain government in London.*" (Taylor 2009, p.229). It was a unitary form of state, decentralized to some degree but not federal (Yawnghwe 2001, p.5). The absence of the words "federal or federation" in the constitution was, according to professor Silverstein, "*its main intention"* (see Smith 1991, p.79). The ethnic areas did not have substantial legislative or executive power and were seen to be dependent and subject to the larger Bamar state (Crouch 2020, p.1359). The Burma proper occupied a special subordinate position as a mother country (*or pyi-ma)* and ethnic states were subsidiary and subordinate units (Yawnghwe 1988, p.7). The non-Bamar felt their status was like the "vassal states" of the ethnic Bamar majority and said: "unacceptable" (Sakhong 2003, p.165). Furthermore, the ethnic non-Bamars saw the passing of Buddhism the official state religion on August 29, 1961 by the Parliament, as "*the greatest violation of the Panglong Accord in which Aung San and the leaders of the non- Burma agreed to form a Union based on the principle of equality*" (Sakhong 2003, p.162). Therefore, the leaders of non-Bamar ethnic launched a federal movement to amend the constitution as they viewed it "not only as a religious issue but also as a constitutional problem" (Crouch 2020, p.1359). In response, Prime Minister U Nu convened a Federal Seminar to discuss the issues[29] on February 24, 1962. On March 2, 1962, General Ne Win arrested fifty leading government ministers, including the Prime Minister and President, and all the attendees of the

[29] The leaders of non-Bamar proposed four issues to solve: (1) to create Burma Proper as one of the constituent states; (2) to grant equal powers to the two champers of parliament; (3) to send an equal number of representatives from each state to the upper house; 4) to transfer residual powers to the ethnic states.

Federal Seminar, ending all the federal debates (Callahan 2005, p.203). On the following day, the military dissolved the parliament, suspended the 1947 constitution, and a 14-member Revolutionary Council (RC) took over full control of the state. With the coup, the fourteen years' experiment of the parliamentary democracy was over (Lintner 1999, p.211). Spokesperson of the junta Brigadier Aung Gyi stated shortly after the coup, "One of the main reasons of the coup was to prevent the breakup of the union from breaking up, the issue of federalism[30]" (Silverstein 1977, pp.30–96; Smith 1991, p.196). This coup is, however, viewed by the leaders of non-Bamar as "a product of Bamar nationalism with a national sentiment revolving around racial pride and the imperial glories [of the Bamar kings]" (Yawnghwe 2010, p.112). This unaddressed federal issue, or the constitutional question, remains at the very heart of the country's political issue, triggering one of the world's longest civil wars.

4.3 The Ne Win Era to Saw Maung, 1962-1988

General Ne Win ruled by fiat the country from 1961 to 1974 without a constitution. By decree, they banned all political parties and suspended the parliament and supreme court. The bulk of the Burmese population was viewed by the military leaders as "enemies" (David and Holliday 2018, p.8). Months after the coup in July 1962, Ne Win promulgated the Burmese Way to Socialism and launched the Burma Socialist Programme Party (BSPP) as a cadre party (David and Holliday 2018, p.9). The central concepts of the doctrine are based on: nationalism, socialism, and Buddhism (Phone 2020, p.75). With this policy, Ne Win nationalized all industries and trades, and about 300,000 South Asians were expelled from the country (Croissant 2004, p.182). In 1963, all shops, including 15,000 large and small businesses, were nationalized, and on May 17, 1964, in a measure to root out all private savings, 50 and 100 kyat notes were demonetized (Lintner 2011, p.110). This turned to more people against the military rule. From 1969 1970, Ne Win started a consultation process with former 33 political leaders by setting up the Internal National Unity Advisory Board (IUUAB) to advise him on how to restore internal unity and on a future constitution, with former Prime Minister U Nu as a member (Crouch 2020, p.1361; Lian Uk 2008, p.43). In the board's report in June 1969, U Nu proposed a return to the old multi-party system (Lintner 2011, p.110). Ne Win rejected all the proposals[31] by saying "time was not ripe" for change, and he initiated his

[30] General Ne Win also told to the Chin Minister Zahre Lian on the morning of the coup saying "federalism is impossible, it will destroy the Union" (see Smith 1991, p.196).

[31] The IUAB report included three different sets of recommendations. The majority report with 18 supporters proposed not only a return to the 1947 constitution with amendments as necessary, but also urged the retention of federal system with new states added. The minority report with 11 supporters proposed the convening of a national unity congress in which a formal adoption of a federal political system, and the creation of one party-state. Nu separately presented his views saying the real issue was the issue of legitimacy. Power had been seized illegally and initially must be returned to him; then the old parliament had to be convened to elect Ne Win as president. Following the election, Nu would transfer power to him. The ban on parties would have to be lifted, political rights restored, and political prisoners released (see Silverstein 1977, pp.117–118)

own constitution-drafting process (Lintner 2011, p.123; Crouch 2020, p.1361). Ne Win also rejected the demands of ethnic non-Bamars, but he violently suppressed their movement. For example, about 50 ethnic Chin academics, students, and politicians, who submitted a proposal to form a genuine federal union based on the spirit of Panglong, were arrested and suppressed by General Ne Win in 1972-1973 (Lian Uk 2008, pp.41–58). Ne Win became increasingly xenophobic and cut itself off from the East and West (Greenway 1970). In 1974, with Ne Win's unity constitution approved by a controversial referendum, the RC handed power to a civilian BSPP cabinet led by ex-military officers (Badgley and Holliday 2018, p.38). Ne Win served as party chairman and the military remained in control of the state bureaucracy, the government, and the BSPP party (Croissant 2004, p.182). The new socialist constitution was unacceptable to the non-Bamars because the totalitarian one-party state was openly hostile towards the idea of federalism (Crouch 2020, p.1361). By applying the "four-cut strategy" which sever ethnic armed groups' access to food, funds, information, and recruits, Ne Win increased repression against ethnic-non-Bamar oppositions (Sakhong 2012, pp.8–9). Furthermore, he used "Bamar language policy" as a means to assimilate non-Bamar peoples by promulgating the Bamar language as an official language of the state (Sakhong 2012, pp.8–9). With the economic decline and the repressive rule, the country has openly revolted against the one-party state. Consequently, the BSPP regime failed to support the basic functions of the state and began to realize the failure of the socialist revolution (Aung-Thwin 2018, p.20).

4.3.1 1988 uprising and 1988 military coup

The severe economic crisis under the military-backed BSPP regime led the United Nations to designate Burma as the Least Development Country in 1987 (Taylor 2009, p.379). On 5 September 1987, all the 25, 35, and 75 Kyat currencies in circulation became worthless overnight by the one party-state's announcement (Lintner 1999, p.338). From March 1988, the economic collapse of the BSPP regime sparked massive nationwide demonstrations across the country led by university students. On March 17, 1988, about 5000 university students came out to the streets urging Ne Win to step down (Poungpattana 2004, p.14). On July 23, 1988, the protests forced Ne Win to rise to the podium and announced that he was stepping down as the BSPP Chairman (Lintner 1999, p.339). General Sein Lwin, who took charge of the bloody crackdown in March and June 1988, succeeded him as head of state (Renaud 2019). This change of guard intensified the protests countrywide. He later resigned on August 13 and Dr. Maung Maung took over as head of state. Protests reached their peak on August 8, 1988 when all urban segments, towns, and cities across the country came out to the streets. The day is later known as the 88 uprisings. During the apex of the crisis, Aung San Suu Kyi came out to address the crowd, which effectively made her leader of the pro-democracy movement for the next 30 years (Lintner 1999, p.348). On September 18, 1988, the Burma Armed Forces led by General Saw Maung once again stepped in under the new name of State Law

and Order Restoration Council (SLORC), killing 1000 civilians with the declaration of martial law. The 26- year Ne Win era has formally ended. But Burma was placed under "direct military rule" with all military officers. A week later, on September 24, 1988, the BSPP was scrapped and replaced as National Unity Party (NUP) with ex-military officers. (Yawnghwe 1990, p.138). The 1988 uprisings also brought the 1974 unity constitution to an end together with *Pyithu Hluttaw Law* (Yawnghwe 1990, p.138). During the 88 uprisings, the report of the US State Department estimated that over 2000 civilians were killed (Lintner 1999, p.344). In other reports, It was widely estimated that the death toll had reached 3000 throughout the country (Renaud 2019).

4.4 Emergence of the 2008 Constitution: SLORC and SPDC Era, 1988-2008

In 1989, one year after brutally suppressed unarmed civilians, the SLORC junta changed the country name into "Myanmar" with a justification that "Myanmar" incorporate all indigenous races in the country (Thant Myint-U 2020). On this claim, historian Thant Myint-U rejected it as "*this was untrue; the real reason for the change was that the junta was moving in a nativist direction and looking for easy wins to burnish its ethnic-nationalist credentials*" (Thant Myint-U 2020). Suu Kyi also did not agree by saying "*..that is not true. Myanmar is a literary word for Burma and it refers only to the Burmese ethnic group*" (Houtman 1999, p.50). One of the non-Bamar leaders responded: "*the highest level of enforcing ethnic forced-assimilation through the nation-building process with the unitary version of one religion, one language, and one ethnicity*" (Sakhong 2012, p.11). Scholar Houtman interpreted it as "Myanmafication" (Houtman 1999, p.48). The name change, therefore, can be interpreted as a forced assimilation attempt on the ethnic non-Bamars by the military rulers after they came to power in 1988.

4.4.1 National elections in 1990 and constitutional drafting process

In February 1989, the SLORC unexpectedly announced that it would hold multiparty elections for a new national assembly in May 1990 (ICG 2001, p.3). On 27 May 1990, the multiparty elections were held in Burma in which 93 of 235 political parties contested for the seats (ICG 2010, p.10). Despite the fact that Suu Kyi was barred from running in elections and placed under house arrest, the NLD won a landslide victory with 80.82 percent of the seats while the pro-army party, National Unity Party (NUP) lost badly in the polls, merely secured 10 seats (Tonkin 2007, pp.35–45). In response, the military junta refused to honor the election results or transfer power to the NLD (Tonkin 2007, pp.35–45). On July 27, 1990, the SLORC announced that the elected representatives had a duty to first draft a constitution and that power could not be transferred without the constitution, although drafting a new constitution was not an issue before the elections (Lintner 1999, p.383; Ye Htut 2019, p.7). The NLD issued a toughly worded statement

(known as the Gandhi Declaration) on July 29, 1990, attacking the military's delay in handling power as "shameful" and rejecting the regime's plan for a constitutional drafting process (Smith 1991, p.415). This crisis followed a full-blown battle between the military and the NLD for the next 20 years. Repressions, arbitrary arrests, and political restrictions continued for the next two decades[32] (Martin 2010, p.3). Of the NLD's 22-person executive committee, 18 had been detained, while 40 elected MPs were imprisoned shortly after the elections in 1990 (Smith 1991, p.418).

In April 1992, General Than Shwe replaced General Saw Maung as Chairman of the junta in a "palace coup"(Ruzza, Gabusi and Pellegrino 2019, p.13). Since then, General Than Shwe acted like a king, military officers were ordered by his daughter to treat them like royalty and were known to bear a grudge against Suu Kyi (Irrawaddy 2005). Since 1993, with the participation of NLD elected lawmakers, the junta has convened a National Convention (NC) to draft a new constitution while over 50 elected MPs remain under arrest[33](Taylor 2009, p.490; Smith 1991, p.419). From 1993 -1996, three years of the process included six-sessions with 702 delegates. During this year, 104 basic principles were adopted (Taylor 2009, p.490). Non-negotiable issues such as the Tatmadaw's leading political role must be acknowledged for the basic principle of the constitution (Egreteau 2017b, p.123). This irked Suu Kyi when she was released from house arrest (Taylor 2009, p.491). The NLD also objected to the leading role of the military in organizing the NC, and a tight-controlled procedure and process under military control (Ye Htut 2019, pp.12–13). In March 1996, the NC was halted after the NLD walked out from the NC due to undemocratic methods and conclusions (Taylor 2009, p.491). The military regime used the NLD's withdrawal as a pretext to suspend the NC for eight years (Taylor 2009, p.491). On August 30, 2003, after 8 years of suspension, Prime Minister General Khin Nyunt announced a 6-step roadmap to "disciplined democracy" (Arnott 2004, p.2) The NLD party has, however, boycotted the entire process. Instead, they demanded that the 1990 election results to be honored (Guardian 2004). Without the NLD representatives, with the participation of ethnic cease-fired armed groups, 13 elected MPs from 1990 elections, and its handpicked delegates, the military regime re-convened the NC from 2004 to 2007 for three years (five sessions) (Taylor 2009, p.490). The conclusion of the NC proceedings is the second step of the regime's 7-stage roadmap.

[32] Many elected MPs in the 1990 elections fled away to the borders and formed National Coalition Government of Union of Burma (NCGUB) on 18 December 1990 with leaders from ethnic armed non-Bamar groups fighting the military regime for the next 30 years. NCGUD was headed by Prime Minister Dr Sein Win, a cousin of Suu Kyi. Within Burma, the NLD also formed Committee Representing People's Parliament (CRPP) with an alliance of 12 ethnic political parties (United Nationalities Alliance) demanding the handover of power for the next 30 years.

[33] Before the convention, the military junta formed a 15-member National Convention Committee under the Chairmanship of major General Myo Nyunt on 28 May 1992. They invited 7 political parties including 12 NLD's representatives for coordination while Aung San Suu Kyi remained under house arrest on 23 June 1992. Aung Shwe was acting Chairman of the NLD. They agreed to attend the NC.

Table 4.1 The SPDC's seven-step roadmap of 30 August 2003

1. Reconvening of the National Convention that has been adjourned since 1996
2. After the successful holding of the National Convention, step-by-step implementation of the process necessary for the emergence of a genuine and disciplined democratic system
3. Drafting of a new constitution in accordance with detailed basic principles laid down by the National Convention
4. Adoption of the constitution through a national referendum.
5. Holding of free and fair elections for *pyithu hluttaws* [legislative bodies] according to the new constitution.
6. Convening of *hluttaws* [assemblies] attended by *hluttaw* members in accordance with the new constitution.
7. Building a modern, developed and democratic nation by the state leaders elected by the *hluttaw*, and the government and other central organs formed by the *hluttaw*.

Source: *New Light of Myanmar*, 31 Aug

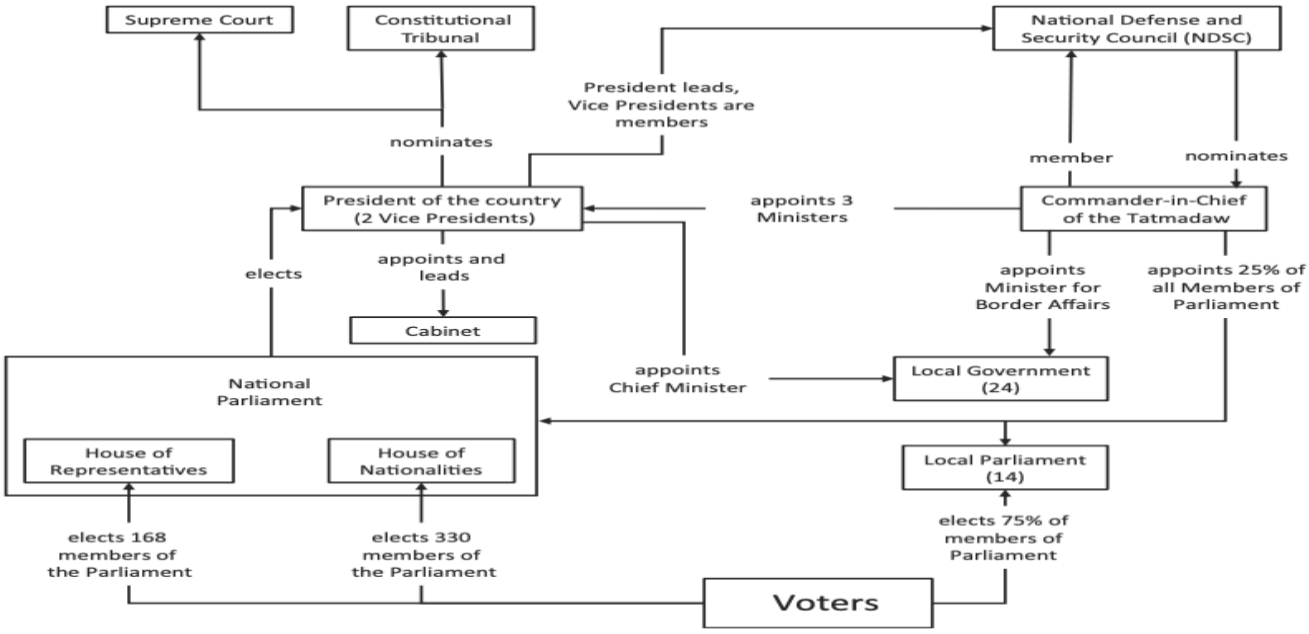
In August 2007, nationwide demonstrations against the rise in fuel prices and the decline of the economy led by the monks, known as the Saffron Revolution, emerged. In response, the junta raided monasteries, beat up the monks, disrobed them, and an estimated 1,400 monks were arrested, 250 were jailed in its brutal suppression[34] (Gravers and Ytzen 2014, p.209). In October 2007, amidst massive protests against military rule, the SPDC junta formed a 54 - member constitutional drafting committee to draft a final document based on the basic principles adopted by the NC. The work started on 3 December 2007 and finalized the final version on 19 February 2008 within three months (Ye Htut 2019, p.25). This is the third step of the seven-stage roadmap. While Cyclone Nargis killed 130,00 people and affected 2.5 million in Burma, the military hurriedly ratified the constitution through a controversial referendum on May 10, 2008 (Crouch 2019, p.1). On May 29, 2008, the SPDC announced that 92 percent of 98 eligible voters had voted in favor of the adoption of the constitution (Martin 2010, p.4). This assertion was strongly disputed by the opposition and dissidents by launching the vote-no campaign. This is the fourth step of the regime's roadmap to disciplined democracy.

[34] The exact numbers were unknown, but it was widely estimated that the military's bloody crackdown caused more than 30 deaths.

4.4.2 Controversial provisions in the 2008 constitution of the military

The process of drafting the constitution lasted 16 years, and it is the country's third constitution since independence. It is long and detailed, containing 457 clauses, 15 chapters, and 5 appendices of a 194-page document. However, the constitution would come into effect only after the parliament forms the government. The designed political system is a hybrid system, a power arrangement system between political civilians and military actors in which the military has institutional autonomy and independence. Under the 2008 constitution, provision for the national political leadership role of the military in the state's apparatus (s. 6-f); commander-in-chief of Armed Forces is not the president, but the military service chief (s.20-c), the military concept of disciplined democracy (s.7); military institutional autonomy and independence from civilian oversights (s.19, s.20), the power of commander-in-chief in declaring a state of emergency (s.40 (c), s. 417, s. 419); the formation of Seven Regions for the ethnic majority Bamars in the State Structure (s.49); provision of presidential qualifications drafting in mind to permanently prevent someone for the presidency (s.59); are some of the most controversial provisions.

Figure 4.1: Burma's system of government under the 2008 Constitution



Source: Challenging Transition from Military to Democratic Government (Croissant & Lorenz 2018)

Furthermore, 25 percent of parliamentary seats reserved for the military in the national parliament as well as all 14 sub-national parliaments (s.74; s. 109; s. 141; s. 161); the power of commander-in-chief in appointing one of the vice-presidents in the union government (s.60); composition of National Defense Security Council in which the majority members are the military leaders (s. 201), the power of the president

in appointing chief ministers of all 14 sub-national governments, rather than elected by the respective sub-national parliaments (s. 261); the power of commander-in-chief in appointing all union ministers for security ministries (Defense, Home Affairs, Border Affairs) for the union government and all 14-subnational governments (s.232, s.262); the role of the president in appointment of the commander-in-chief; appointed by the president, but only with the approval of the National Defense and Security Council in which the majority members are the military leaders (s. 340); are some of the most contesting sections among the political cycles. Moreover, all sections in the chapter of Defense Services (chapter 7); provision of special position for Buddhism in the state mechanism (s. 361), provision of three main national causes, security and constitutional ideology of the military (s. 383), all sections in the chapter of State of Emergency (chapter 11); provision of effective veto power for the military in amending the constitution (s. 436); effective immunity provision for serving military and ex-military (s. 443, s. 445); are also some of the highly contested provisions under the 2008 constitutional order. These controversial provisions are the heart of political issues among political cycles since the national convention approved the basic principles in 1996. The constitution was adopted amidst a "vote-no" campaign by the opposition (Than 2013, p.204). Despite many illiberal elements in the new political system, with some elements of liberal elements of democratic norms and the Constitution, Burma saw the new constitution after 1988.

4.5 USDP Government: Restoring Parliamentary Democracy, 2011-2016

4.5.1 The USPD party, Tatmadaw and YMBA

On September 15, 1993, shortly after General Than Shwe began drafting the constitution, he also founded the USDP as a social organization, the Union Solidarity Development Association (USDA), with great ambitions (Ye Htut 2019, p.40). General Than Shwe had a plan for the USDA in future politics since its formation. Former government spokesperson Ye Htut cited General Than Shwe as saying, "*the goal is to join hands with the Tatmadaw with the same ideology. Tatmadaw would be able to withdraw from politics….[but]to represent the Tatmadaw in Myanmar's politics*" (Ye Htut 2019, p.40). General Than Shwe selected all USDA executives from among active military officers. 16 years after its inception, the USDA had a membership of 25.71 million people across the country (Ye Htut 2019, p.40). During the SPDC period, the responsibilities of the USDA included: "*..monitoring and countering of local opposition groups—especially NLD activities—the lobbying of religious and social bodies, including members of the Buddhist monkhood, and the launching of campaigns in support of government policies*" (Ye Htut 2019, p.40). On May 30, 2003, known as the "Depayin Massacre" in which over 70 victims were massacred, an alleged assassination attempt was carried out against Suu Kyi and other NLD leaders by about 500 USDA members (Aung Htoo 2003). During the SPDC era, the USDA was used as a tool in this manner to stifle

and crush opponents. The USDA had five objectives, the first three of which were codified as fundamental principles in section 6 of the 2008 constitution. On June 8, 2010, the USDA was transformed into a political party as the USDP to enter electoral politics (Ye Htut 2019, p.43). With all ex-military officers as candidates, they won the 2010 elections with, as Crisis Group said, "a massive manipulation of the vote count, as well as other irregularities" (ICG 2011, p.2). On 21 March 2018, the USDP chairman said, "*every citizen must protect his religion, race, and faith; we are not liberal, you can label us as nationalists,*" equating their mission with that of the YMBA, a conservative Buddhist federation that arose nationalist sentiments against the British rule to preserve the Buddhist-based culture in Burma (Irrawaddy 2018; Sylvester 2021). The YMBA bestowed the title: "Mingala Dhamma Jotikadaja" on General Min Aung Hlaing in December 2020 in honor of his efforts to protect and promote Buddhism (Irrawaddy 2019). General Min Aung Hlaing is also a permanent patron of the YMBA. On 9 December 2020, as a permanent patron of the YMB, General Min Aung Hlaing expressed his gratitude for the title and promised: "*utmost physical and intellectual efforts to realize the noble mission of the YMBA*" (military office 2020). Soon after voting in the 2020 elections, General Min Aung Hlaing said: "*I voted for the party that stressed about amyo (race), batha (religion), sasana (Buddha's teachings), and pyinnya (education)"*[35] On 1 February 2021, the YMBA issued a statement supporting the military coup and standing together with the Tatmadaw (Sylvester 2021).

4.5.2 Power Transfer to the USDP government

On 7 November 2010, Burma held its first general elections since 1990, a fifth stage of the junta's roadmap (ICG 2011, p.1). This was a critical juncture in its history and a turning point. However, Suu Kyi remained under house arrest, and the NLD's executives decided to boycott the elections, a week after Suu Kyi was quoted as saying: "*would not even think of registering under these unjust laws*" (Martin 2010, pp.9–10). The NLD refused to re-register under new electoral laws as that was viewed as too restrictive and discriminatory (Than 2013, p.205). Without surprise, the military-backed USDP won the polls, with 80 percent of the seats contested across the lower house and upper house (ICG 2011, p.17). It also won 75 percent of the contested seats in all 14 provincial parliaments (Than 2013, p.205). The elections were not, however, free and fair concluded with manipulation of the vote count (TNI 2010, p.1). On 30 March 2011, ex-General Thein Sein was sworn in as President of the USDP government (NLM 2011, p.1). Under President Thein Sein, thirty-nine of the thirty-six cabinet members were former military officers (Hlaing 2012). In his inaugural address, Thein Sein said that they were all duty-bound to honor and safeguard the 2008 constitution, said: "*I would like to call on you to cherish and protect at risk to life the constitution*" (NLM 2011, p.1). He was chosen as President prior to the elections by General Than Shwe, a key architect

[35] http://dsinfo.org/node/182 (accessed: 27 May 2021)

of the political transition and the 2008 constitution (Ye Htut 2019, p.74). The same day on 30 March 2011, with the SPDC announcement No. 5/2011 through the state-run newspaper, General Than Shwe announced dissolving the SPDC junta (NLM 2011, p.8). General Than Shwe retired on March 30, 2011, ending 23 years of direct military rule since 1988, restoring parliamentary democracy after 1962, the 2008 constitution coming into effect, the military loosening its grip, and the USDP government taking over state responsibilities. In other words, the guards switched from the SPDC junta to the military-back USDP party. The 7-stage roadmap, which began in response to the results of the 1990 election, has reached its sixth phase.

4.5.3 Reforms under President Thein Sein

President Thein Sein initiated a series of liberalizing reforms and democratic transitions that surprised critiques and observers (Aung Myoe 2009, p.34). He announced amnesties for hundreds of political prisoners, removed thousands from black-listed, invited political exiles to return home, relaxed decades of harsh rules, lifted media censorship, signed peace accords with dozens of ethnic armed groups, released Aung San Suu Kyi from house arrest, successfully convinced her to enter within the political realm of the 2008 Constitution and effectively ended decades-old international pariah status (ICG 2012; Ye Htut 2019; BBC 2016; Thant Myint-U 2020; Hlaing 2012; BBC 2015). On 30 September 2011, he also surprised the world by suspending the construction of a controversial Chinese-backed hydroelectric Myitsone Dam (BBC 2011b). This move got international praise. Furthermore, the parliament has enacted 234 pieces of legislation in its five-years term (Egreteau 2017a, p.72). Under the title of "not a rubber stamp: Myanmar's legislature in a time of transition", the Crisis Group wrote: "*Union Assembly is…far more vibrant and influential than expected*" (ICG 2013, p.1). On the other hand, there were some controversial issues under President Thein Sein. For example, passed by the USDP-controlled parliament, Thein Sein alarmed the world by signing into law four[36] pieces of legislation known collectively as "Race and Religion Protection Laws", concerns were raised that it might violate basic human rights, discriminate against religious minority groups, stoke anti-Muslim violence and fuel ultra-nationalist Buddhist monks (GLM 2015; UNHR 2015; HRW 2015). Despite controversial issues, under the Thein Sein government, elected parties were able to participate in the legislatures, political parties were able to function freely, civil society groups were able to function freely without needing to register or seek permission[37] Moreover, the economy opened, leading Foreign Direct Investments rising from US $ 1 billion in 2009 to US $ 4 billion

[36] The laws are: 1. Monogamy Law, 2. Religious Conversion Law, 3. Interfaith Marriage Law, and 4. Population Control Law. The bills were, ultra-nationalists' agenda, promoted by Protection of Nationality and Religion, or Ma Ba Tha, an ultra-Buddhist monk movement led by Wirathu who was mentioned on the cover story of Time Magazine as "The Face of Buddhists Terror" on 1 July 2013.

[37] Interview (D)

in 2015[38]. Under Thein Sein's reform agenda, the two important issues were "*to bring the individuals and organizations who did not accept the constitution and had boycotted the 2010 elections and to begin the peace process with the ethnic armed groups*" (Ye Htut 2019, p.48).

4.5.4 Aung San Suu Kyi joined the Parliament

On 10 November 2010, President Thein Sein released Suu Kyi[39] from house arrest and talked with her nine times during his tenure (Ye Htut 2019, p.48). To bring her into the political process, President agreed to amend the election laws and party registration laws, upon Suu Kyi's request[40] (Ye Htut 2019, p.53). When she asked Thein Sein to amend the 2008 constitution, he told her to "*build trust with the Tatmadaw"* (Ye Htut 2019, p.53). On April 2, 2012, her party swept the polls with 40 of the 45 seats contested in the by-elections[41] (BBC 2012). Finally, she was successfully dragged into the political realm of the military's 2008 constitution and political roadmap. Soon after she entered parliament, Suu Kyi became chair of the Parliament's Rule of Law Committee and allied with powerful speaker Thurah Shwe Mann (Ye Htut 2019, p.52). Soon after the NLD entered the parliament, the military replaced its major ranking unelected lawmakers with eight brigadiers, fourteen colonels, and thirty-seven lieutenant colonels (Than 2013, p.203). Notably, during a meeting within the USDP leaders to bring Suu Kyi into parliamentary politics, there was a strong objection from the USDP's conservative hardliners, saying "*the meeting will give a dead tiger"* (Ye Htut 2019, p.53). The objections reflected General Than Shwe's displeasure to bring her into political realm. But acting USDP Chairman Shwe Mann and Thein Sein stood together as the USDP government suffered international legitimacy. Shwe Mann responded: "*don't worry about giving life to a dead tiger. Tigers are controlled with the whip in a circus. I can control her.*" (Ye Htut 2019, p.53). This aspect is crucial to reflect in the aftermath of the military coup against Suu Kyi's government in 2021, backed by USDP conservative leaders.

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[38] Interview (D)

[39] Aung San Suu Kyi requested the amendment of the election and political party registration laws, the opening of NLD party township offices, and the recognition of the 1990 election results with the USDP government (see Ye Htut 2019, p.53).

[40] Amended laws on 4 Nov. 2011 by the Union Parliament replaced the phrase that required the political parties "to preserve and safeguard" the military-drafted 2008 Constitution with the phrase "respect and observe". It also removed the clause that prohibited anyone serving a prison sentence from joining a political party. On 18 Nov.2011, the NLD executive committee decided in consensus to re-register under the amended electoral laws. On 4 Dec. 2011, a team of members led by Suu Kyi re-registered with the Union Election Commission (see Than 2013, p.206).

[41] The seats were vacated by members of parliament who took ministerial posts or other executive duties. In the by-elections, 158 (7 independents) candidates from 17 political parties contested.

4.5.5 Charter Reforms and Peace Process

On Jun 25, 2015, the USDP hardliners and 25 percent of the military in the parliament voted down proposed amendments to the constitution tabled by the USDP soft-liners with the support of Suu Kyi and minority parties (GNLM 2015b, p.1). This was an unexpected move for many. The proposed changes included a section that barred Suu Kyi from the presidency and sections that gave the military's veto power on charter reforms. As a consequence, conservatives within the USDP and the military forced out Speaker Shwe Mann from the chair of USDP in August 2015 (NYT 2015). He was the third most powerful general during the SDPC era. Under his peace agenda, Thein Sein signed bilateral ceasefire agreements with 14 ethnic armed organizations (EAOs)[42]. Furthermore, Thein Sein, together with General Min Aung Hlaing and international observers, signed a historic Nationwide Ceasefire Agreement (NCA) with eight EAOs on 15 October 2015 (GNLM 2015a, p.1). The NCA agreed to establish a union based on the principles of democracy and federalism in accordance with the "outcomes of political dialogue" (ISD 2015). The democratic opening and political liberalization had been dubbed as "Burma Spring" compared to the "Arab Spring," (Ye Htut 2019, p.75). My interviewee, who was invited by the USDP government to help the political transition, said: "all political, economic, peace process reforms are real". He continued, "*telephone SIM card which used to cost US$ 1,000 during the military junta, was reduced to the US $ 1 per card making it affordable for all* (as a result of the political transition)"[43] From the viewpoint of the Tatmadaw, the military withdrawal from the direct rule, the transfer of power to the military-backed USDP government, and subsequent reforms were the successful completion of the 7-stage roadmap.

Conclusion

The military dictatorship began with the rejection of federalism and equality demanded by non-Bamar nationalities based on the Panglong Accord. The military interpreted it as the country's disintegration. Since 1962, the military has imposed its own constitution for two times. The 2008 constitution is the most recent attempt to address the issue by devolving some powers to civilians, but the military has a leading role in the state and retains exclusive authority over defense and security. Suu Kyi has rejected the constitutional process from the outset, but her entry into parliamentary politics in 2012 under President Thein Sein administration represented a watershed moment. In the next chapter, I will explore the hitches after Suu Kyi has led the government and why and how the military contributed to the collapse of the power- sharing system, and the democratic breakdown and autocratization.

[42] Two EAO groups also signed the NCA with Aung San Suu Kyi on 13 February 2018. The NCA-S are 10 in total. President Thein Sein negotiated with the 16 EAOs in total for years. Finally, 15 EAOs were invited to came to the capital, but only eight groups showed up for political reasons.
[43] Interview (D)

CHAPTER FIVE

NLD Government, Military Coup, Democratic Breakdown

"There is nothing I won't dare to do. I am brave enough to do everything. Anything that could have a negative impact on the country, the people, and the future of the military. I'm following everything."

-General Min Aung Hlaing, *The Irrawaddy News, 14 August 2020*

Introduction

This chapter provides a case study of contemporary political developments in Burma, with a particular emphasis on civil-military relations under Aung San Suu Kyi's NLD government from 2016 to 2021. Thereafter, I will delve into political situations, with a special focus on the 2020 national elections, controversies surrounding them, the emergence of Burma's fourth military coup, anti-coup movements, and a wave of protests, as well as the responses. The purpose of the chapter is to examine how the military has ended a decade-long democratic experiment while also contributing to de-democratization and autocratization by deposing a democratically elected government on February 1, 2021.

5.1 NLD Government under Aung San Suu Kyi, 2016-2021

5.1.1 Elections in 2015 and Aung San Suu Kyi's presidency

In the elections on November 7, 2015, the NLD won a supermajority of seats with 86 percent of the Union Parliament under the slogan "Time for Change" (TNI 2015). On the other hand, the military-backed USDP won only 41 seats, significantly down from its 342 seats in the 2010 elections (TNI 2015). The International Crisis Group observed that *the first-past-the-post electoral system* (FPTP) "significantly disadvantaged the USDP" (ICG 2011, p.7). In 1990, the NLD humiliated the military-backed NUP by winning 392 of 492 seats. Instead of giving up control, the junta began drafting the 2008 constitution; blocking Suu Kyi from the presidency (BBC 2015; ICG 2011, p.7). This action was hailed as a national victory by the military and its allies, saying: "the presidency and vice presidency kept clear of foreign influence*"* (Irrawaddy 2020d). In apparent retaliation, during her campaigns, Suu Kyi vowed to take a position "above the president" and "make all the political decisions," defying the constitutional bar (Reuters 2015; ICG 2016, p.4).

5.1.2 Peaceful transfer of power to Aung San Suu Kyi

On March 31, to the surprise of many, President Thein Sein handed over power to Htin Kyaw as President of the NLD government. The state-run newspaper carried the headline, "Transition Complete: U Htin Kyaw Sworn In as President" (GNLM 2016). With the President's Office issued No 1/2016, 23 members of the NLD government were formed with Suu Kyi[44] as union minister for four ministries, and retired Lt-General Myint Shwe and Henry Van Theo were First and Second vice presidents, respectively (GNLM 2016). President Htin Kyaw also appointed chief ministers of all fourteen provincial governments (ICG 2016). In his inauguration speech, the President pledged: "I am responsible for the emergence of a constitution that is in accord with democratic norms" (GNLM 2016). Since 1995, the NLD has opposed the military-drafted constitution and attempted to amend it for over a decade. On the transfer of power to the Suu Kyi-led government, the International Crisis Group observed: "transition enters a new phase under a democratically-elected government that has set a positive initial tone and taken important steps to address the authoritarian legacy," (ICG 2016). This transition was the final step of the military's 7-step roadmap to "build a modern, developed, and democratic nation."

5.1.3 Civil-military relations under a hybrid system

Shortly after taking office on 7 April, President Htin Kyaw signed a State Counselor Bill into law, paving the way for Suu Kyi to become above the president despite military protests. The military viewed it as unconstitutional and said: "democratic bullying" (Irrawaddy 2016). Amidst this gridlock, Suu Kyi became State Counselor by circumventing the constitutional bar, her first direct clash with the military. With supermajority seats, the NLD legislators similarly overruled the vote for many occasions in parliament during its 5-year term. For instance, it formed a joint committee to review the constitution despite opposition from the military and its allies. The constitution stipulated four areas of power-sharing between the civilian government and the military:

- The military has 25 percent seats in all 14 provisional parliaments, as well as in lower house and upper houses
- Three security ministries (Home, Border, and Defense) were held by serving military generals, who were constitutionally under the President, but controlled by the Commander-in-Chief
- One of the vice presidents, who declared the state of emergency as acting president, was appointed by the Commander-in-Chief

[44] Under section 232 of the 2008 Constitution and section 12 of the Union Government Law, Aung San Suu Kyi was not barred for minister. Only section (59-F) of presidential qualifications did.

- Of the 11-member National Defense and Security Council (NDSC), a body responsible for security and defense affairs, six were under the command of the Commander-in-Chief[45] (Government of Myanmar 2008).

Under this hybrid system, the Commander-in-Chief had the top authority and mandate in security and defense matters, while the President had the top authority in political matters. As the Commander-in-Chief of the Armed Forces, General Min Aung Hlaing controlled all security forces including the army, navy, air force, militias, the police, and intelligence (Bünte 2021a). The NLD government, on the other hand, controlled the country's budget, managed the national economy, administered healthcare, education, foreign policy, and legislative control with a parliamentary majority (Myint-U 2021). In the field of security and defense, the power-sharing structure, therefore, necessitated the NLD government to coordinate with the Commander-in-Chief by convening the NDSC meeting where the military constituted a majority. The NDSC met three times a week under President Thein Sein (Bünte 2021a). The Suu Kyi's government, however, did not convene a single NDSC meeting in 5 years, despite repeated requests from the military and its allies (Frontier Myanmar 2016). Instead, Suu Kyi appointed its own National Security Advisor on 10 January 2017 (Parameswaran 2017). The military saw this as an attempt to undermine General Ming Aung Hlaing's constitutional role. As a result, the Commander-in-Chief and State Counselor never discussed the role of the military in politics or the peace process.

5.1.4 NLD's peace process with the Tatmadaw

From the outset, Suu Kyi pledged to work on "national reconciliation and the internal peace process" with the EAOs who have been taking up arms for decades. On 15 October 2016, she declared her 7-step roadmap with a vision to establish a Democratic Federal Union (see table 5.1). She spearheaded the peace process by holding political dialogues, convening the Union Peace Conference, and signing the NCA[46]with ethnic armed groups (GNLM 2019).

[45] President, second vice president, two speakers of lower house and upper house, foreign minister were from NLD government. Commander-in-chief, first vice president, deputy commander-in-chief and three security ministers were from the military. Suu Kyi was also NDSC member as a foreign minister.

[46] Suu Kyi signed the NCA with two ethnic armed groups: New Mon State Party and the Lahu Democratic Union on 13 Feb. 2018. Eight EAOs signed the NCA with president Thein Sein on 15 October 2015.

Table 5.1 NLD's Roadmap for National Reconciliation and Union Peace

1. To review the political dialogue framework
2. To amend the political dialogue framework
3. To convene the Union Peace Conference—the 21st Century Panglong
4. To sign union agreement based on the results of the 21st Century Panglong Conference
5. To amend the constitution in accordance with the union accord
6. To hold the multi-party general elections in accordance with the amended constitution
7. To build a democratic federal union in accordance with the results of the general elections

Source: *The Global New Light of Myanmar*, 16 October 2016

Nevertheless, the NLD's roadmap had been derailed by General Min Aung Hlaing by coming out with his six principles insisting the EAOs "to strictly abide by the existing laws and to march towards a democratic country in accordance with the 2008 constitution[47] (BNI 2021b). The ethnic peace negotiator said: "the biggest challenge in the current peace process is the six principles for peace established by Tatmadaw," adding that "there is no change in Tatmadaw's stance" (BNI 2021b). Furthermore, Min Aung Hlaing hampered the NLD's peace process by forcing the EAOs to sign a pledge not to secede from the Union. The EAOs rejected this on grounds that it deviated from the federal principles, and was not contained in the NCA text (Awng et al. 2019, p.6). As a result, this deadlock prompted suspending the peace process for years. To make matters worse, Min Aung Hlaing further obstructed Suu Kyi's peace process by insisting the EAOs disarm before talking about political issues, causing a second deadlock (Awng et al. 2019, p.6). On October 9, 2019, Suu Kyi laid out a crucial point in her five points toward federal principles, vowing "to ensure that the (ethnic) states have a constitution that guarantees self-determination" (GNLM 2019, p.4). For six decades, this had been a key demand from ethnic groups. Min Aung Hlaing's opposition on the idea, however, jeopardized the bid. Subsequently, not only had the NLD's roadmap for peace been faded, but also gloves were off in the country. These rifts and tensions grew after the 2020 elections.

5.1.5 NLD-military frictions on charter reform

The NLD's controlled parliament established a 45-member joint committee to review the constitution on 21 February 2019, despite protests from the military and its allies. On February 23, military

[47] The six principles are: (1) to have a keen desire to reach eternal peace; (2) to keep promises agreed to in peace deals; (3) to avoid capitalizing on the peace agreement; (4) to avoid placing a heavy burden on local people; (5) to strictly abide by the existing laws; (6) to march towards a democratic country in accordance to the 2008 constitution.

officers held a press conference accusing the NLD government of breaching constitutional rules and warned: “they wouldn’t tolerate any amendments that harm the essence of the constitution” (Irrawaddy 2019a). Instead, in September 2019, military lawmakers put forward a charter reform to bar union ministers and chief ministers with immediate family members who are foreign citizens; a move was seen as a direct attempt to purge Suu Kyi from the union foreign minister, as her sons hold British passports[48] (IDEA 2020). In its proposed change, the NLD sought to phase out the army in parliament by reducing from 25 percent to 15 percent after 2020, from 15 percent to 10 percent after 2025, and from 10 percent to 5 percent after 2030 (IDEA 2020, p.9). Besides, it suggested scrapping the military's veto power over charter change. “It is too early...during a time of instability,” the military reacted (Irrawaddy 2020b). Under the constitution, a single section of the constitution cannot be altered without the support of more than 75 percent in parliament. In this regard, the military held 25 percent, the USDP 5 percent, the NLD 59 percent, and non-Bamar parties 11 percent (Irrawaddy 2020b). Subsequently, the military and its allies voted down 114 amendments proposed by the NLD in March 2020 (Aung 2020). Those frictions reached a new peak when Suu Kyi vowed once again to remove the military from parliament during her reelection campaign.

Table 5.2: key defeated the NLD’s proposed amendments, 2020	vote to approve
Revoke section 59 (f): removes the prohibition on someone with a foreign citizen spouse or children becoming President	62%
Revoke section 338: removes the military’s sole authority over all of Burma’s security forces	63%
Revise section 109(b) and 141(b): reduces the share of allocated seats for military officers over 10 years	62%
Revise section 436(b): eliminates the military members’ability to block constitutional amendments	64%
Revoke section 445: eliminates immunity to past members of military governments	62%

Source: author’s alteration based on *CRS and Global News Light of Myanmar, 2020*

On the other hand, the ethnic political parties criticized Suu Kyi for omitting their proposed changes, particularly section 216 (b) that would allow their provisional parliaments to elect their chief ministers instead of being appointed by the President from Naypyidaw (CRS 2020). The international

[48] Suu Kyi was a member of the NDSC, the highest executive body in sphere of security and defense matters, as foreign minister. Under the 2008 constitution, no other union minister is eligible for the NDSC member except the military.

community was also outraged by her failure to condemn the Tatmadaw-led campaign of brutality against Rohingyas that brought about the terrible situation of over 700,000 refugees in Bangladesh (Guardian 2018). This ire grew when she defended the *Tatmadaw* against genocide charges at the UN Court in December 2019 (UN News 2019). In contrast, her appearance at the Hague boosted her popularity among Buddhist voters at home (McPherson 2019).

5.2 The 2020 Elections, Electoral Disputes, and Military coup

5.2.1 Elections Management and Electoral System

The elections must take place before the term of the NLD government expired in March 2021, as required by the constitution. A 15-member Union Election Commission (UEC) was a presidentially appointed but autonomous election management body with sub-commission offices all over the country. On July 1, 2020, the UEC officially announced that elections would be held on November 8, 2021. Under electoral law, the first session of parliament must be convened within 90 days after the elections,[49] and the UEC has to publish the final election report within 45 days[50]. Thus, an election for president, vice-presidents, and union ministers would tentatively take place in February/March, with the president being sworn in on March 30 to start a new government term (TNI 2020, p.3). The Union Parliament is made up of the upper house and the lower house. Of the 224 seats in the upper house, 56 seats were reserved for the military and each of the 14 states and regions elected 12 members for the remaining seats. The lower house had 440 members, 330 of whom were popularly elected and 110 were appointed by the military (Croissant and Lorenz 2018, p.188). Military officers, therefore, held 166 out of a total of 664 seats in the Union Parliament, in which a party needed to win more than 322 seats to elect the president and form a government (Kipgen 2021, p.5). Burma uses a winner-take-all electoral system known as First-Past-The-Post (FPTP), in which the candidate with the highest votes wins the seat (IDEA 2020a, p.6). For years, a switch from FPTP to Proportional Representation (PR) system has been a hotly debated issue. In September 2014, the USDP proposed changing the system to PR, but the majority of ethnic parties and the NLD opposed it (Croissant and Lorenz 2018, p.195). In the event of an electoral dispute, a tribunal was composed of one chair and two members who were either legal experts or UEC members. The judgment of the UEC in dispute could be appealed within 15 days with payment of fee, and a ruling by a full tribunal of the UEC is final and conclusive[51].

[49] Constitution section 123
[50] Hluttaw Election Bylaws; section 106
[51] Hluttaw Election Laws; section 69 (a) (i)

5.2.2 Political Parties and the Elections Outcome

In the 2020 elections, 5,643 candidates representing 91 political parties ran for 315 lower house seats, 161 upper house seats, 612 provisional parliament seats, and 29 ethnic affairs ministerial seats, totaling 1,171 seats across the country (ANFREL 2021, p.35). Political parties typically fall into two categories: those based on nationalism, such as pro-democracy groups and pro-military parties, and those based on ethnicity, with smaller parties advocating for the interests of non-Bamar groups (Walker 2021, p.6). Of these, the NLD and the military-backed USDP are the largest parties in the first category, while the Shan Nationalities League for Democracy (SNLD) and Arakan National Party (ANP) are the largest parties in the second, among 48 ethnic political parties. Under the cloud of the covid-19 pandemic, the 60-day election campaign kicked off at 6 a.m. on September 6, and ended at midnight on November 6, 2020 (ANFREL 2021, p.68). On November 8, 38.27 million voters were invited to vote in 41,000 polling stations (IDEA 2020a, p.17). Despite the outbreak of the covid-19 pandemic, voters turned out in record numbers, with a voter turnout of 71.89 percent, higher than in the 2015 elections (ANFREL 2021, p.103). From 9 to 17 November, the UEC announced the election results in stages. In the final official results announced on 17 November, the NLD won 920 of the 1,117 seats nationwide, or 82 percent of all seats, while the USDP won 71 seats, or 6.4 percent of the total seats, with 17 ethnic political parties winning a total of 122 seats. The SNLD won 42 seats nationwide, while the ANP won 15 seats (UEC announcement 266/2020). Nationally, the number of seats won by the NLD increased by 61 from the 2015 elections, when it won 859 seats, while the USDP lost 117 seats it won in the 2015 elections (Kipgen 2021, p.5). Furthermore, apart from the Shan and Arakan states, the NLD won all provincial parliaments (a total of 501 seats), whereas the USDP only secured 38 of the 612 seats in all 14-provincial parliaments. Only 17 of the 48 ethnic parties that ran in states and regions, as well as 19 political parties and four independents, were successful in the elections; several big parties lost. In the Union Parliament, the NLD secured 396 out of the 476 contested seats, slightly up from 390 in the 2015 elections, putting it in a strong position to form a government for a second five-year term by the end of March (UEC announcement 266/2020). On the other hand, the military-backed USDP suffered a humiliating defeat, securing only 33 seats in the Union Parliament. Several seats were lost to the NLD and ethnic parties (Kipgen 2021, p.5).

5.2.3 Controversies and Electoral Disputes

The 2020 elections took place as the country struggled to contain the spread of the covid-19 pandemic. More than 20 days after the voting date was announced on July 1, the leaders of 34 pro-military parties met with the Commander-in-Chief in a USDP-organized meeting on August 14, 2020, seeking assurance from him that he would assist if the voting turned out to be unfair. “There is nothing I won’t

dare to do," said General Min Aung Hlaing. "I am brave enough to do everything" (Irrawaddy 2021h). On September 15, seven days after the campaign began, the USDP and 23 other parties petitioned the UEC to postpone the polls, citing the impact of health measures on campaign activities. The UEC, however, declined and went ahead as planned (ANFREL 2021, p.43).

Voting cancellation and disenfranchisement were big issues in the 2020 elections. On October 16, the UEC canceled voting in conflict-hit areas, affecting 56 townships and disenfranchising over 1.5 million voters (ANFREL 2021, p.48). "These areas were not in a position to hold a free and fair election due to armed conflicts," the UEC said (Kipgen 2021, p.10). This sparked outrage and drew widespread criticism from civil society groups and political parties. "We haven't heard a single gunshot in our town," reacted a political candidate from the Arakan State. "The claim that we cannot hold the free and fair election in our townships is pretty biased and far from the reality on the ground" (RFA 2020). The townships that were canceled were mostly in the Shan and Arakan states, with a small part in the Chin state. "There are no armed conflicts in our area," a village administrator from one of the canceled areas in Shan State said (RFA 2020). Expressing a similar frustration, a political leader from the SNLD said, "Mong Kung, where elections are canceled, has better security than even Naypyidaw, where a grenade was found recently. Elections are canceled because the NLD is bound to lose and the SNLD is sure to win there" (Kipgen 2021, p.11). In response to the growing chorus of allegations in favor of the ruling NLD, a UEC member responded that the decision was based on input from the ministries of home and defense. On this claim, a military spokesman reacted, "the no-voting areas are greater than the Tatmadaw recommended," adding: "there are discrepancies between the UEC and Army voter lists." (ANFREL 2021, p.48). On October 18, a group of five ethnic parties released a statement expressing concerns about the election's transparency, impartiality, and integrity, and urging the UEC to reconsider its decision (Kipgen 2021, p.10).

Following weeks of frustration and confusion that went viral on social media, the military issued a statement on November 2, prior to the voting day, accusing the UEC of mishandling election preparations, saying: "*there is widespread violation of the laws and procedures of the pre-voting process…much weakness even in arranging envelopes for votes and ballot boxes*" (Military Statement 2020). "It is the responsibility of the UEC and the Union Government," the statement added. The next day, the military chief reiterated it, hitting out at the UEC and forewarning the NLD government to bear responsibility. On the military's accusations, on November 4, the President's Office questioned it by citing the constitution, which states that civil servants, including the military and police, must be free from party politics, and slammed the military's statement on the elections as "based on groundless allegations" (Irrawaddy 2021h). On the next day, the military fired back at the President's Office and justified its interference in the elections by citing a constitutional provision on the role of the Tatmadaw in "national politics".

The people of Burma went to the polls on November 8, amidst controversies. The NLD was declared the winner by the media as the votes were counting. Min Aung Hlaing promised to accept the results after casting his vote (Irrawaddy 2021h). On November 11, three days after unofficial results indicated a huge victory for the NLD, the military-backed USDP held a press conference rejecting the results and demanded new elections be held in cooperation with the military, saying: "For a free, unbiased and disciplined vote, hold the election again in cooperation with the military" (Walker 2021, p.14). Poor quality of ballot boxes and envelopes, problems with advance voting, and government cash assistance to voters were among the allegations (Kipgen 2021, p.5). Within hours, the UEC held a press conference rejecting the USDP's call for new elections, with a spokesperson saying: "..can complain with evidence within 45 days of the results being announced" (Frontier 2020). "I saw that [most parties] are satisfied with the election results," he added. Likewise, the NLD pressed USDP to present evidence of any fraud (Kipgen 2021, p.6).

In contrast to the USDP and military, international election monitors, however, expressed that there was "no credible evidence of fraud"(AP 2021). The Carter Center, a US-based international election observer that dispatched 43 observers to 234 polling stations across the country reported that voters were able to freely express their will and choose representatives and said: "it has not found major irregularities at polling stations." (Irrawaddy 2020c; Kipgen 2021, p.6). Similarly, the Asian Network for Free Elections, which visited 205 polling stations during the advance voting period, and an additional 225 on Election Day, concluded: "the results of the 2020 general elections were, by and large, representative of the will of the people of Myanmar" (ANFREL 2021, p.6). Amidst controversies, on November 17, the UEC announced the final results, which showed the NLD defeating the USDP by a landslide. However, 13 days after the official results, the post-election controversies became more complicated on November 30, when the military declared to review the electoral process and sought election-related documents from the UEC. The military said: "it is scrutinizing and reviewing the process in 218 townships where military personnel and their family members cast votes" (Irrawaddy 2020a). The next day, the UEC directed its sub-commissions not to hand over electoral documents to the military, stating the military action was unconstitutional. On 7 December, the USDP lodged 1,004 objections and allegations of electoral fraud with the UEC, followed by writs against UEC members in the Supreme Court on December 17. Meanwhile, the Union Parliament announced that it would convene a session in the first week of February.

On January 11, 2021, as the parliament was about to convene with newly elected lawmakers, 160 military lawmakers and pro-military parties called for a special parliament session to discuss "election fraud". "There was mass election fraud," said the USDP spokesperson. "The legislature needs to solve these matters. If the new parliament convenes and forms the next government without addressing the issue, it will be historically damaging and could cause political chaos" (Irrawaddy 2021c). "These are the acts

of those who can't accept defeat," the spokesperson for the President's Office responded, "the public is aware of the election and who they voted for." Regardless of the complaints, he continued, a new parliament would be convened and a government would be formed (Kipgen 2021, p.8). On January 12, the Parliament speaker rejected the call for a special session, saying electoral disputes are not resolved in the parliament as the UEC's decision and actions are final and conclusive with regards to election affairs (Myanmar Times 2021). Rather, the parliament announced to hold a session on February 1, 2021. This infuriated the military and its allies, who rebuked the speaker on January 14, citing a constitutional requirement that the speaker convene a session when a quarter of lawmakers requested it. On January 26, a military spokesman publicly stated that 8.6 million irregularities had been found in 314 townships; a claim that was refuted by the UEC on January 28 saying: "there was no evidence to support the claim of widespread fraud" (Andrews 2021a). During the elections, the military published its findings on electoral fraud 30 times and issued six statements (GNLM 2021, p.2). It raised many eyebrows and worries of a possible coup peaked on January 26, when the military spokesman refused to rule out the prospect of a coup and Min Aung Hlaing warned the 2008 constitution should be scrapped if it was not followed (Irrawaddy 2021e).

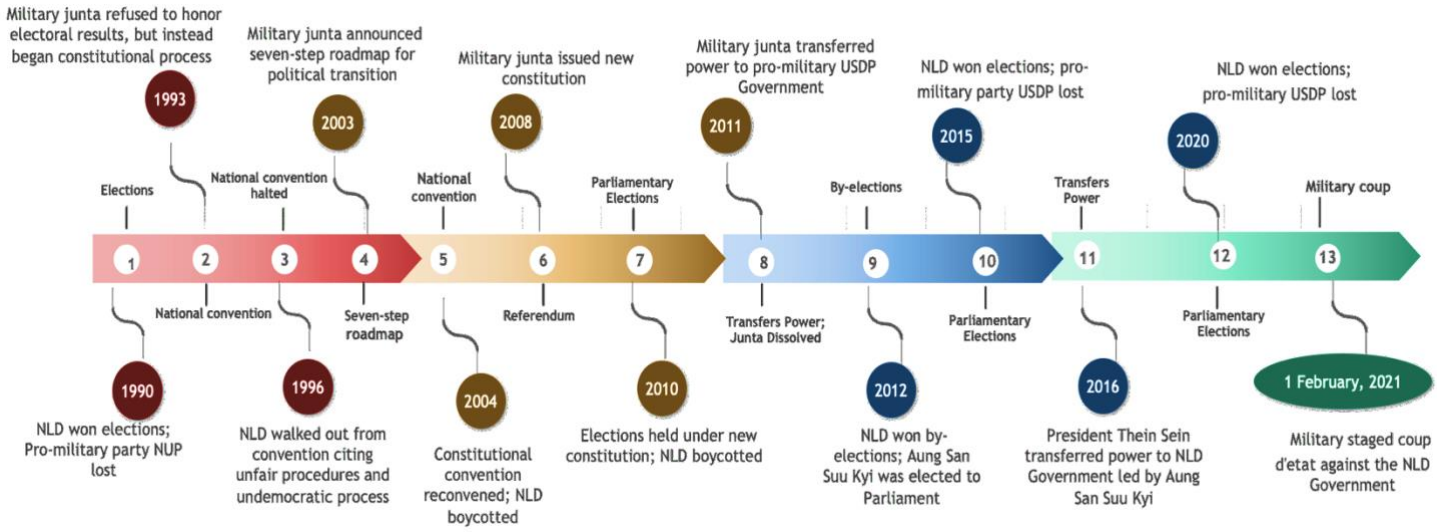
5.2.4 Military Coup and the State of Emergency

Reuters reported that representatives of General Min Aung Hlaing and Aung San Suu Kyi engaged in fraught talks for at least four days over the legitimacy of the NLD's electoral victory (McPherson 2021). The military reportedly made at least three demands: the Feb. 1 opening of parliament be deferred, the NLD government-appointed UEC disbanded, and that the vote is re-examined under military supervision, with a deadline of 5 p.m. on January 29 (Andrews 2021a). On January 29, the Supreme Court heard applications for writs and was set to decide the merits of the case within 14 days, while military tanks and armored vehicles already moved through major cities as talks broke down, and pro-military supporters rallied to delegitimate the results in key cities (McPherson 2021). On January 30, Suu Kyi refused to cave into the military's demands, and the parliament published its timetable for the lower and upper houses on February 1 (McPherson 2021). The talks ended in failure, with no agreement reached.

Beginning at 3:00 am on February 1, 2021, hours before the new parliament was to meet for the first time, months of controversies and electoral disputes culminated in a military coup d'état (GNLM 2021, p.1). In the early hours of the day, the military detained senior NLD leaders, including President Win Myint and State Counselor Aung San Suu Kyi (Reuters 2021c). In large cities, the military cut telecommunication, and disrupted mobile internet services, and the state television channel went off the air (Andrews 2021a). The newly-elected lawmakers were confined to their residential compounds (Kipgen 2021, p.12). After

President Win Myint was ousted, a National Defense and Security Council meeting attended by six military officers made Vice President Myint Swe[52] as Acting President, declared a year-long state of emergency, and handed over the state's legislative, executive and judicial powers to the military chief Min Aung Hlaing via President Order No 1/2021, signed by Myint Shwe as Pro Tem (President) (GNLM 2021, p.1).

Figure 5.1: Timeline of Burma's Political Transition: 1990-2021



Source: based on research conducted by the author

The military claimed that it had found one-fourth of the country's eligible voters (10 million or 25 percent) in vote-rigging and that the failure of the free and fair electoral process, followed by convening a new parliament session without addressing the issues, constituted "the wrongful forcible means" of taking state power, threatening the sovereignty and national unity (GNLM 2021, pp.1–2). The military statement read: "*As the government and UEC both failed to address the causes, it is the Tatmadaw's undeniable duty to exercise Article 417 of the Supreme Law of the Myanmar*" (GNLM 2021, p.1).

"Unless this problem is resolved, it will obstruct the path to democracy and it must therefore be resolved according to the law," the military said in reference to a constitutional emergency provision in the event of a threat to sovereignty (Reuters 2021c). Unlike the preview coups, the military has insisted that its actions are legitimate within the constitutional bound, a claim rejected by oppositions and legal scholars (Crouch 2021a). Later the day on February 1, the coup-makers announced the removal of 24 ministers and replacements in 11 ministries, as well as the formation of "State Administration Council (SAC)" chaired

[52] Myint Swe is a retired army lieutenant general with ties to the USPD and became the first-vice president of NLD government in March 2016 as a military nomination. The constitution article 60 vests with the commander-in-chief with the power to appoint one of the vice-presidents.

by Min Aung Hlaing with 16 members, 23 ministers, 8 deputies, and a 7-member advisory body (Lintner 2021, p.90). In an official notification following the coup on February 1, the Office of Commander-in-Chief promised: *"..a free and fair multiparty general election will be held, and then, the assigned duty of the State will be handed over to the winning party*" without giving a timeline (GNLM 2021, p.1).

5.3 Wave of Contention: Civil Disobedience, Anti-coup and Pro-coup Movements

5.3.1 Wave of protests and civil disobedience

Soon after the coup began, a "wave of protest and civil disobedience" swept the country and around the world. Locally, nationwide opposition to the coup was known as the "Spring Revolution" and many forms were used as tools of protests (AP 2021b). In a note written shortly before her arrest, Suu Kyi had urged her supporters not to accept the coup and wholeheartedly protest it, saying "*the military's actions would put the country back under dictatorship*" (Reuters 2021). On February 2, healthcare workers and civil servants launched a nationwide civil disobedience movement (CDM), which drew people from all walks of life, including doctors, bank employees, religious leaders, teachers, civil servants, and some police (Altsean 2021). CDM leaders have five key demands and goals: (1) to release all those detained; (2) to abolish the military dictatorship; (3) to achieve democracy; (4) to establish a federal democratic union; and (5) to abolish the 2008 constitution (Andrews 2021a). On February 3, staff from 70 government hospitals and 30 medical departments in 30 townships joined the strike with a peak on February 5, which was declared as CDM Day, attracting 100 government hospitals, 22 universities, and 16 government ministries (Altsean 2021). Since the coup, mass street protests have also spread throughout the country, almost daily. On February 7, tens of thousands of protestors poured onto the streets across the country in the largest anti-coup protests since the coup, with more than 100,000 estimated in Yangon and many other cities (Frontier Myanmar 2021). With a slogan, "you messed with the wrong generation," thousands of young people joined the mass protests, adopting the three-figure salute from the Hunger Games (Myint-U 2021). Despite the junta's internet ban and violent crackdown, mass strikes persisted in major cities on February 22, with five twos revolutions, a reference to 2.2.2.2021 equating to the 8.8.88 uprisings in 1988 and dubbed the movement "Myanmar Spring Revolution" (Guardian 2021). With the mass street protests, over 23,900 civil servants from 307 townships quickly joined the CDM as of February 24 (Altsean 2021). The Irrawaddy wrote that over 2,000 soldiers and police, including 100 officers, have joined the CDM since the coup (Irrawaddy 2021a). Since the coup began, a wave of protest has taken a variety of forms, such as the military-linked business boycott, pot-banging movement, the red-ribbon campaign, mass car breakdowns, and the slow-car movement. Similarly, in response to the military's violent suppression, a campaign of social punishment has been launched in many forms in an attempt to "name-and-shame"

military families, pro-military individuals, and business groups linked to the coup-makers (Wittekind 2021). Seven months after the coup, as of August 2021, over 400,000 government staffs across the nation had been on strike, joining the civil disobedience movement (Irrawaddy 2021g). The NGU published that there were over 147 CDM support groups across the world (NUG 2021). In apparent support and recognition, the CDM has been nominated for the Nobel Peace Prize 2022 by a group of university professors (Mon 2021). On the other hand, in the lead-up to the coup and after the coup, hundreds of Buddhist monks and pro-military groups marched through the streets in support of the *Tatmadaw*, proclaiming the Tatmadaw as "the protector of state" and vowing to stand with the Tatmadaw "in defense of race and religion" (Foreign Policy 2021). On 2 February, the 113-year old influential Buddhist association (YMBA) issued a public statement expressing support for the military takeover and standing together with the Tatmadaw (Sylvester 2021).

5.3.2 Parallel Government: CRHP and NUG

The coup quickly brought together opposition groups through a network of relations to challenge the coup (Fishbein and Hlaing 2021). On February 4, 378 newly elected legislators who had been blocked for convening the parliament, circumvented military restrictions by swearing themselves at the hostels where they were confined (Altsean 2021). On February 5, these legislators announced the formation of a 15-member Committee Representing Pyidaungsu Hluttaw (CRPH), rejecting the coup and saying: *"the military coup has not taken our authority, and cannot deter us from performing the responsibility entrusted upon us by the people*" (CRPH 2021). The statement informed all Burma diplomatic missions to communicate with the newly formed CRPH as a legitimate counterpart, rather than the Tatmadaw. On February 8, the CHRP issued a statement condemning the coup and claiming the military coup was an act of state offense; only the President can convene the NDSC meeting, and the vice president cannot represent the President while the President is alive and well. On February 15, all 17 CRPH members ware charged under section 505 (b) of the Penal Code, a crime punishable by up to two years in prison and, all CRPH members remain in hiding (Andrews 2021a). On February 26, Burma's ambassador to the UN, Kyaw Moe Tun, addressed the United Nations General Assembly in support of the CHRP, which earned international and domestic praise (Andrews 2021a). On April 2, the CRPH announced the abolition of the 2008 constitution and published a Federal Democracy Charter in coordination with protestors and ethnic armed groups (Irrawaddy 2021). On April 16, the CRPH established an executive body, the National Unity Government of Myanmar (NUG) with a diverse ethnic composition, appointing Aung San Suu Kyi as State Counsellor and Manh Win Khine Than, former speaker of the parliament as Prime Minister, along with several ministers and deputies (Andrews 2021b). The CRPH/NUG expressed its desire to build a "federal army" controlled by civilians, without the Tatmadaw's institutional tradition of violence against civilians

(ICG 2021, p.4). On March 1, the CRPH declared the military junta as a terrorist organization, and the NUG followed suit on 7 June, citing its atrocities and acts of terrorism against unarmed civilians (ICG 2021, p.4). On March 14, the NUG endorsed self-defense, and on May 5, it declared the formation of its armed wing, People's Defence Force (PDF), and on September 7, it declared a “defensive war” on the military junta. On the other hand, the NUG has also lobbied vigorously to become the country's official Permanent representative of Burma to the United Nations in New York (Altsean 2021).

5.3.3 New Armed Resistance to the Coup

Civilians have been forced to defend themselves after the junta violently suppressed peaceful protests. They have formed small defense units with homemade weapons in nearly every ward of cities and towns, built barricades along roads, and appointed nightwatchmen to alert them to security forces intrusions and raids (ICG 2021). The junta then sent frontline troops to compel them to remove these barricades, as well as conducting night searches and issuing arrest warrants, while the death toll continued to rise (ICG 2021). Subsequently, many residents of cities and towns either went underground or fled to ethnic armed group-controlled areas in search of weapons and training in response to the junta’s disproportionate use of force against civilians. The NUG declared the Burmese people's right to "self-defense" on March 14, but local defense units arose spontaneously around the country before the NUG announced the creation of People's Defense Forces on May 5 (Andrews 2021c). The NUG launched the PDF to partly help unite these various local defense armies across the country (ICG 2021). To protect the people, many members of these small militias have returned to cities and towns, armed with improvised and handmade weapons like hunting rifles and gunpowder, inflicting massive casualties on the Tatmadaw and police, who retaliated with heavy weapons and airstrikes. Armed lashes have occurred in at least 12 states and regions, and at least 40 local defense units were resisting the junta across the country on June 30, according to the UN Special Rapporteur (Andrews 2021b). The NUG issued on May 26 a code of conduct for its PDF, although it does not appear to have controlled all these local units. There have been daily fresh skirmishes and bombings, explosives, and gunshots across the country, especially since the NUG declared "defensive war" against the military junta on September 7, and there were 4,867 attacks or armed clashes between 1 February and September 24, up 575 percent from the same period in 2020 (722) before the coup.(Altsean 2021b). The nationwide opposition to the coup has taken a revolutionary turn, adding a new dimension to the country's armed conflicts, and many are unlikely to disband in the future, according to Crisis Group, as many ethnic defense forces in frontier areas are fueled by deep historical grievances (ICG 2021, pp.3–15).

5.3.4 International Reactions to the Coup

The coup was swiftly condemned by world leaders, demanding the military to immediately release Suu Kyi and other jailed government officials, and to honor the election results. President Biden condemned the coup, calling it a "direct assault on the transition to democracy and the rule of law," and pledged to "stand with the people" (CRS 2021). The UN Secretary-General described the coup as a "serious blow to Myanmar's democratic reforms," while Prime Minister Boris Johnson said: "vote of the people must be respected" (Goldman 2021). The UN Special Rapporteur said, "the state of emergency in Myanmar is the military itself," whereas China's state media said, "a cabinet reshuffle" (Altsean 2021). Subsequently, many western states have imposed sanctions against the coup leaders. On February 9, New Zealand cut all ties with military authorities, pledged to block aids, and imposed travel restrictions on the coup leaders. On February 10, the US froze the USD one billion of Burmese government funds held in America and expanded sanctions against Tatmadaw leaders and their families. On February 18, Canada added nine persons to its sanction lists. On February 19, the UK froze military assets and imposed a travel ban on Tatmadaw leaders (see Altsean 2021, p.13). Since the coup, the EU imposed sanctions against 43 Tatmadaw individuals and six military-controlled companies with a travel ban and an asset freeze (EU 2021). Since the coup, the UN Security Council has held informal and formal meetings. On February 4, the President of the Security Council issued a "Press Statement" expressing "concern" and requesting the "release" of detainees, which was followed on March 10 by a “Presidential Statement” condemning the use of violence against protestors (SACM 2021a). On June 18, the UN General Assembly passed a resolution calling on the military to lift the state of emergency, recognize election results, release political detainees, and cease attacking protestors, with 119 countries voting in favor (SACM 2021a). On April 24, ASEAN leaders met with Min Aung Hlaing and agreed on a “five-point consensus” that includes a halt to violence, the start of a dialogue, mediation by an envoy of Asean, humanitarian aid, and the envoy's visit to Myanmar to meet with all parties concerned (Kyodo 2021).

5.4 Democratic Breakdown, Autocratization, and De-democratization

5.4.1 Legal restriction on freedom and liberty: Since the coup, the junta has issued draconian decrees by amending existing laws, creating new regulations, and imposing its will on telecom firms ,which led to serious violations of civil and political rights. The junta amended the Penal Code sections 121, 124, and 505 (a) to charge (1) incitement against military or law enforcement agencies; (2) intending to cause a government employee to lose respect or to hinder the performance of their duty; (3) causeing or intending to cause fear to a group of citizens or to the public in general; (4) causing or intending to spread false news; (5) causing or intending to commit or to agitate directly or indirectly a criminal offence against government

staffs (Andrews 2021a). These amendments carry from penalties of 3 to 25 years penalties. Furthermore, section 505 (b) has been used to punish speech that causes "public fear or alarm" or causes others to disturb "public tranquility," and by amending section 55A, it allows for warrantless detention of those who criticize the coup and support anti-junta parties (Andrews 2021a). On February 8, the junta issued an order forbidding marches, protests, and gatherings of five or more, and imposed a curfew from 8 pm to 4 am. On February 11, the junta warned reporters not to refer to the junta as the "coup government," "military government," or "military council" (Andrews 2021a). On February 13, the junta amended the Law Protecting Citizens' Privacy and Security, lifting security and privacy protections, fundamental rights of citizens against arbitrary and indefinite detention, searches, seizures, and surveillance (Andrews 2021a). The modified laws were updated on February 14 to include non-bailable penalties for individuals who obstructed security forces or civil officials with high treason and sedition.(Andrews 2021a). Since the coup, the junta has imposed martial law in 13 townships, allowing military tribunals (regional commanders) to try cases applying the harshest penalties possible, including death sentences, without appeal, with General Min Aung Hlaing having a final word on their execution (Andrews 2021a). Since the coup, the junta has used these harsh rules to suppress freedom of expression, peaceful assembly and association, and access to the information, detaining and criminalizing thousands of critics and opponents.

5.4.2 Repression of independent media and press freedom: Freedom of the press is a critical component of a healthy democracy. Since the coup, no independent media outlets have been tolerated. Shortly after the coup, the military banned, harassed, intimidated, jailed, or arrested journalists and media staff, with internet access cut off, social media sites restricted, and privately owned television stations shut down. Media watchdog Reporters Without Borders said days after the coup, "*With censorship, threats, and intimidation, press freedom has suddenly been set back 10 years in 10 days"* (VOA 2021). Since the coup, the internet shutdown and media blackout have continued unabated. On March 8, the military junta declared it had banned five independent media companies (Altsean 2021). On May 8, the junta canceled the licenses of eight independent media (Andrews 2021b). Since the coup, a total of 102 journalists have been arrested and 48 have been detained by the military junta as of September 25, 2021 (Reporting ASEAN 2021).

5.4.3 Suppression of oppositions and deterioration of rule of law: The military junta has brutally crushed peaceful demonstrators, including with charges, public torture, and executions, in order to maintain its grip on power. "The protestors will be shot in the head*,"* announced the state media (Reuters 2021a). Civilians were rounded up, martial law was imposed, thousands were arbitrarily arrested, unarmed civilians were shot dead with live ammunition, and a deadly crackdown with torture in custody, has all contributed to the rising death tolls (CNN 2021; Andrews 2021b). Since the coup, as of 29 September 2021, the military junta has killed 1,146 people, while 6,914 remain in detention, 1,989 fleeing arrest orders, 118 sentenced in

absentia, 39 of whom sentenced to death, 307 sentenced in person, 26 of whom sentenced to death, totaling 65 sentenced to death in person or absentia (AAPP 2021). Of these, 77 children have been killed while at least 104 children remain in detention (Save the Children 2021). Since the coup, the military junta has targeted members of the NLD, depriving them of their rights to free expression and opinion. As of September 1, 2021, over 300 NLD leaders had been detained, at least 100 senior leaders charged, including four government ministers, ten chief ministers, 30 provincial cabinet ministers, 44 elected lawmakers, and seven senior party members, with Suu Kyi facing 10 charges, a possible 75-year prison term (Irrawaddy 2021b). Furthermore, the military junta has harshly punished and stripped the rights and freedoms of government employees who have joined the civil disobedience movement. According to the NUG report in September 2021, at least 298,502 government employees have been suspended or fired, with at least 3362 being charged with section 505 (a) of the Penal Code (NUG 2021). The serious deterioration of the rule of law and the collapse of the judiciary's independence is another example of democratic breakdown and autocratization.

5.4.4 Debilitation of democratic institution: The coup brought a crashing halt to a decade-long democratic experiment by deconstructing democratic institutions (Crouch 2021b). Not only did the coup overthrow democratically elected central and all 14 provincial governments, but it also effectively shut down the bicameral Union Parliament as well as all 14 provincial legislatures. Furthermore, the power-sharing system between the civilians and military actors collapsed, and the political transition that began in 1993 came to a complete halt and broke down. Since February 1, Burma has been under direct military rule, with a military decree ruled by a single military leader. Since the coup, thousands of elected legislators, politicians, civil society leaders, journalists, and celebrities have been arrested, murdered, threatened, or forced to flee the country (NUG 2021). On February 2, 2021, the military junta abolished the UEC and replaced it with a new body chaired by a former military officer who began scrutinizing the vote (ANFREL 2021, p.48). Days after the coup, the military and police raided NLD offices across the country, including through forced entry, seizing papers, computers, and laptops (Reuters 2021e). Since the coup, the military has used the UEC as a tool to repress non-pro military parties through a variety of means. In May 2021, the junta-appointed UEC Chairman said, "*NLD had committed fraud so we will have to dissolve the party"* adding: "*those involved in election fraud will be considered as traitors and action taken against them*" (Reuters 2021b). In mid-August, the UEC ordered financial audits of political parties, which is widely interpreted as a pretext for disbanding non-military parties, particularly the NLD (Myanmar Now 2021a). The destabilization of political institutions resulting from a military coup constitutes objective evidence of democratic backsliding and de-democratization.

5.4.5 Breakdown of the peace process: The coup effectively ended the peace process with ten ethnic armed groups that had been negotiating with the governments since 2015. Shortly after the coup on February 20, the Peace Process Steering Team (PPST) comprising ten ethnic armed groups that signed the Nationwide Ceasefire Agreement (NCA) announced the suspension of political discussions with the military regime in response to the coup (BNI 2021a). The statement also condemned the brutal crackdown on nonviolent protestors and rejected the military coup, saying: "*We fully support all public mobilizations and activities, particularly the Civil Disobedience Movement against dictatorship and military coup*" (BNI 2021a). Since the coup, instead of gathering a large peace conference in Naypyidaw as in previous years, a fresh round of armed conflicts with some of the NCA signatories has rather erupted in daily airstrikes and bombings. For example, in September 2021, the military junta launched airstrikes with fighter jets against Karen ethnic armed group (KNU) and Chin ethnic armed groups (CNF/CDF), both of which are signatories of the NCA ceasefire agreement. Following the coup, similar armed battles with other non-state actors and Tatmadaw troops erupted in nearly every town in the borderlands (Andrews 2021b). Reversing course from the peace process to renewed armed conflicts is another textbook case of de-democratization.

5.4.6 Displacement and influx of refugees: Burma has seen widespread displacement and an influx of refugees in the aftermath of the coup due to renewed violence and military operations. For example, following weeks of escalated military operations, about 20 homes were set ablaze by artillery, and more than 8,000 residents of the whole town (Thantlang) have fled, with thousands fleeing to India on September 21, 2021 (BBC 2021b). The UN report said that there were around 336,000 IDPs before the coup (Andrews 2021c). Since the coup, according to the United Nations High Commissioner for Refugees (UNHCR), 208,000 people have been displaced, including 76,000 children, across the country, with a total of 22,000 refugees fleeing to neighboring countries such as India, Thailand, and Malaysia as of September 15, 2021 (UNHCR 2021). The coup posed significant difficulties for displaced women and children. On September 2, 2021, the UN Special Rapporteur report said: "*a lack of basic supplies makes menstrual cycles a major challenge. Horrifically, pregnant women have been forced to deliver babies while on the run and without basic medical services for delivery*" (Andrews 2021c).

5.4.6 Invalidation of electoral results: On July 26, 2021, six months after the coup, the military-controlled UEC announced the official annulment of the 2020 election results, alleging 11.3 million votes were rigged and irregularities were found, a claim which independent polls observers refuted (UEC announcement 2/2021). The statement also claimed that the NLD has abused its powers by restricting non-NLD parties' electoral campaigns, thereby attempting to usurp state power illegally. This is the second time the military invalidated election results after an army-backed party suffered a bad defeat in the polls, the first being in the 1990 elections, when the NLD defeated a pro-army party, the National Unity Party, by a large margin

(Tonkin 2007, pp.35–45). In March 2010, the military junta officially declared the 1990 election results null and void by enacting an electoral law[53] (Reuters 2010). Overruling "popular will," eradicating the outcomes of credible elections, and nullifying democratically expressed will are all clear indicators of autocratization and de-democratization.

5.4.7 Consolidation of military power: Min Aung Hlaing was officially due to retire as Commander-in-Chief in July 2021, at the age of 65 (Walker 2021, p.15). In an interview with Russia Media in June 2020, he hinted about entering politics after the 2020 elections. Observers speculated that he had been eyeing a run for the presidency, and this issue was seen by some observers as a key factor behind the coup (Walker 2021, p.15). Days after the coup, his Ministry of Defense scrapped his retirement age of 65, allowing him to rule for an indefinite period (Irrawaddy 2021d). Besides, on August 2, 2021, Min Aung Hlaing extended a year-long State of Emergency to August 2023, saying, "we will accomplish the provisions of the State of Emergency by August 2023" rather than February 2022 as he promised[54] (Associated Press 2021b). Furthermore, in his attempt to consolidate his power, he reformed the State Administration Council as the Caretaker Government of Myanmar and declared himself Prime Minister on August 2, 2021 (Associated Press 2021b). Furthermore, Min Aung Hlaing is said to be considering switching from the FPTP electoral system, which is deemed to have disadvantaged military-backed parties in polls, to the PR system in order to strengthen pro-military parties and entrench the military rule (Myanmar Now 2021b).

***5.4.8 Economics Backslidings*:** The putsch has wreaked havoc on the country's economy, which has been compounded by the covid-19 pandemic. The coup resulted in immediate corporates pullback, including those from Kirin, Woodside, POSCO, Amata, Suzukyi, HAECO, Lim Kaling, and Singapore TRD, as well as the compelled closure of the majority of banks nationwide, with the Central Bank of Myanmar restricting daily ATM withdrawals to prevent the banking system from collapsing (Altsean 2021). On February 25, the World Bank announced the suspension of Burma's ongoing projects in response to the coup, as well as the economic sanctions of several western states against the coup leaders, as mentioned earlier (Altsean 2021). Three months after the coup, on April 30, the UNDP reported that the combined effects of covid-19 and the coup might push up to 12 million people into poverty, predicting as many as 25 million by early 2022 (UNDP 2021). On July 23, the World Bank projected that Myanmar's GDP will contract by 18 percent in FY2020-2021, putting one million jobs at risk and doubling poverty by 2022 as a result of ongoing political turmoil and pandemic (World Bank 2021). In September 2021, ADB's comparative economic forecasts of Myanmar compared to countries in Southeast Asia, show that while Malaysia, Indonesia,

[53] Section 91(b) of the 2010 Pyithu Hluttaw Election Law declares the 1990 results "automatically invalidated".
[54] Section 425 of the Constitution of the Republic of the Union of Myanmar (2008). The Constitution permits only two extensions of six month per extension if duties are not accomplished within a one-year declaration of emergency.

Cambodia, and Thailand have GDP growth rates of 4.7 percent, 3.5 percent, 1.9 percent, and 0.8 percent respectively in 2021, Myanmar has a contract by (–) 18.4 percent in 2021, a country that earlier had annual GDP growth rates of 6.8 percent in 2019 and 3.3 percent in 2020 before the military coup[55].

Conclusion

Civil-military relations were strained under the NLD Government. The relationship between the military leader and Suu Kyi has been tumultuous on multiple occasions. Right from the start of the newly elected legislature in 2015, conflicts erupted both within and outside parliament, with military lawmakers and pro-military parties disrupting the legislative processes anytime they disagreed with the majority in the houses. Suu Kyi's attempts to de-militarize parliament are viewed as a threat by the military. On the other hand, Min Aung Hlaing has repetitively disrupted Suu Kyi's attempts toward peace and reconciliation with the non-Bamar ethnic groups. There is a contest over the legitimacy of the state. These tensions and frictions culminated after the 2020 polls. The outbreak of the covid-19 pandemic added to the complications surrounding the 2020 elections. The coup erupted as a result of failed negotiations between the military leader and the NLD leader over the electoral disputes, which have morphed into a human rights catastrophe with no signs of abating. The military appears to have made it a priority to remove Suu Kyi's NLD from Burma's political landscape permanently, under the guise of safeguarding democracy, national unity, and sovereignty. In contrast, the military coup effectively put an end to a decade-long democratic experiment and precipitated the country's downfall. Burma has been on the verge of state failure, if not outright collapse, after the military coup on February 1, 2021.

[55] Economic indicators for Myanmar, 2021. Available at: https://www.adb.org/countries/myanmar/economy [Accessed: 28 September 2021].

Chapter 7

Findings and Discussion

> "What we are seeing is not just a contest between authoritarianism and democracy, which it also is, but a contest between two distinct ideas of sovereignty, one based on the will of the people and the other based on the idea of karmic kingship"
>
> - Professor David Steinberg, *On the Longevity of Tatmadaw Rule and Influence* (2021:35)

Introduction

The thesis, as underscored, has set out to examine the Burma military's role in autocratization and democracy democratic breakdown following the military usurped the throne on February 1, 2021. Furthermore, the thesis investigates why the military coup in 2021 arose and how the military attempted to consolidate its political role in Burma state apparatus. This chapter delve into a discussion of the primary research findings and overall conclusions, emphasizing the most crucial components to answering my research question.

7.1 Regime's disciplined democracy led to autocratization and democracy's demise

Burma's democracy is distinct from the western definition of liberal democracy or any other sort of democracy, as evidenced by my prior findings in the literature review. Democracy in Burma is "disciplined democracy" based on the military's national security ideology and state nationalism, with three mega principles: non-disintegration of the union, non-disintegration of national solidarity, and perpetuation of national sovereignty, which have been morphed into constitutional ideology, and enshrined in section 417 of the state of emergency provision. Based on this constitutional ideology, the military leader has supreme authority in defense and security sectors, whereas the elected president has supreme authority in political matters[56]. Any deviation against this security ideology is viewed as a threat, and if challenged, intervention is likely; as a result, Burma faces a greater risk of autocratization because of this Tatmadaw's constitutional ideology. Consequently, the military proclaimed the state of emergency and staged a coup on February 1, based on this ideology by provoking section 417. The military claimed that the NLD's plan to form a new government without addressing electoral frauds constituted "*wrongful forcible means*" of seizing sovereignty; a sufficient basis to declare state of emergency because it threatened sovereignty and national solidarity and declared: "*it is the Tatmadaw's undeniable duty to exercise article 417."* These findings are in line with those found in the literature, where Seth (2018) said: "*..If challenged those (three mega)*

[56] Interview (D)

principles, some kind of military intervention becomes more likely"; and Aung Myoe (2019) added: " military *threat perceptions involve.. domestic political conflict as an excuse for interference".* The UEC, not the Tatmadaw, has been granted absolute jurisdiction over election concerns under the constitution. In this sense, the military's security ideology, codified in the constitution's emergency powers section 417, and the Tatmadaw's prerogative over the entire country, contributed to Burma's fast climb to autocratization and eventual demise of democracy.

Since Burma's disciplined democracy is guided by the military, and while it has met several of Dahl's seven conditions of minimal procedural democracy, including clean elections, universal suffrage, frequent contested elections, the right to run for office, freedom of expression, alternative sources of information, and associational freedom, it has failed to meet several critical conditions, including two extra conditions proposed by Schmitter and Karl (2016), and five democracy indicators from V-Dem, and Freedom House. This is because, among other things, popularly elected officials are heavily constrained by unelected actors, the military. Thus, Burma is not a full-fledged democracy, but a more liberal government with certain elements of democratic norms and constitutional rule, with a hybrid form of presidential regime based on an asymmetrical power-sharing arrangement between civilians and military actors, strongly titling towards military preponderance[57]. As a result, Burma's system is a form of "electoral autocracy," as Suu Kyi is barred from contesting for president, unelected soldiers hold security ministries, and the vice president is from the military, who declared the state of emergency. As a direct consequence of the military's disciplined democracy, dubbed "electoral autocracy," the military was able to contribute to the autocratization and eventual destruction of democracy. These findings are consistent with the study of Cassani and Tomini's (2019) fourfold regime spectrum in my theoretical section, which said: "*Electoral autocracies.. hold multiparty elections that are open to all parties but limit contestation through a combination of official and informal methods."* These facts are similarly supported by the findings in my literature review: "multiparty autocracy" (Croissant and Kuehn 2018), and "electoral authoritarian regime" (Macdonald 2013). To summarize, my findings seem to suggest that the Burma's regime type is, according to Cassani and Tomini's (2019) fourfold regime spectrum in my theoretical section, Burma is neither a "liberal democracy" nor even a "defective democracy" but "electoral autocracy". Yet, more research is needed to confirm this finding, as it contradicts the concepts of a "military state" (Crouch 2019) and a "tutelary regime" (Burte 2021). Nonetheless, almost all scholars in literature review agreed on Burma's type of regime: one that integrates numerous illiberal and liberal elements; quasi-civilian rule; constitutional government with military garb, necessitating coordination between civilian and military

[57] Interview (B).

leaders, the latter in a position of strength. This constitutional order, designed by the military, has forever heightened the risk of autocratization and the collapse of democracy.

7.2 Military coup: Electoral autocracy to closed autocracy

To repeat my findings from theory, autocratization, democratic breakdown, democratic backsliding is all defined as a "process of regime change" - the antipode of democratization. The question is: where has Burma's "electoral autocracy" shifted or reversed its trajectory after the military coup, or moved away from democracy to where, or regime change towards where? My study's findings corroborate prior observations that the military coup has suddenly placed Burma into a state of neither democratic "backsliding" nor "regression" nor "decay" nor "deterioration" nor "erosion" nor "de-democratization," but an absolute, outright "democratic breakdown" (Bermeo 216). This is because "reversal of democracy" in Burma is exclusively led by unelected power actors (soldiers or Tatmadaw) not by a state or government in place; it is also a brutal, sudden action that effectively shutting down the democratic process, rather than by gradual erosion or decline of the quality of democracy or democratization or state-led debilitation [..] that sustain an existing democracy (the definition of backsliding offered by Bermeo, 2016). Furthermore, the military coup and the fall of democracy did not occur in "piecemeal, baby-step" fashion as Levitsky and Zibatte's tree-stage model of backsliding predicts. Burma has abruptly halted all progress towards something a less militarized government and returned to direct "military dictatorship" or "closed autocracy" (Cassani and Tomini 2019). These findings are further evidenced by the concept in my theoretical section: "*democratic breakdown occurs when a democracy experiences a genuine transition into autocracy*" (Boese *et al.* 2020), and the V-Dem indicator for determining a genuine democratic breakdown: "*the country becomes a closed autocracy"* (Boese *et al.* 2020). This finding is supported by Cassani and Tomini's (2019) six kinds of regime transitions toward autocracy theory in which "electoral autocracy led to closed autocracy"

With a genuine, sudden return to "closed autocracy" on February 1, my data has shown that a decade-long democratic experiment was over. Not only the coup deposed the democratically elected central and 14 provincial governments, but also the bicameral Union Parliament and all 14 province legislatures. Furthermore, the power-sharing framework between civilians and military actors broke down, and the political transition since 1993 came to an abrupt halt. My data has also indicated that this regime change towards "closed autocracy" has killed more than 1,000 civilians, including 75 children, detained nearly 70,00 civilians, effectively ended the peace process with ethnic armed groups, displaced 208,00 people with 22,000 refugees, arrested more than 102 journalists, suspended or fired nearly 300,000 government employees, detained over 300 NLD leaders including 44 elected lawmakers, and charged more than 500 government leaders with a long prison terms. Furthermore, my data provided further evidence

that “autocratization” has pushed an estimated 12 million people into poverty in 2021 and 25 million in 2022, with a GDP growth rate of (-) 18.4 percent in 2021, including legal restriction on freedom and civil liberty; internet shutdown and media blackout, repression of independent media, suppression of political leaders, and serious deterioration of rule of law. These findings have support from the theory that said: “*regime change towards autocracy that makes politics increasingly exclusive and monopolistic, and political power increasingly repressive and arbitrary.”* (Cassani and Tomini 2020). In this way, the military has played a role in the emergence of closed autocracy through the coup and the democratic breakdown in Burma.

7.3 Promissory coup and transit regime

Within hours following the coup, the military chief promised new elections and the transfer of power to the winning party. The military manifestations are consistent with the theory, where Beomoe defined a promissory coup as "*the ouster of an elected government as a defense of democratic legality and making a public promise to hold elections and restore democracy as soon as possible*". Thus, what occurred on February 1 in Burma qualifies as a "promissory coup." These results are in contrast with the previous studies offered by Aung-Thwin (2014) in my literature study, which said that military are embedded and committed in the political transition and hardliners will not revert the process, saying: "*risks of hardliners reversing the transformations are unlikely*". On August 2, the military established "caretaker government" with Min Aung Hlaing as Prime Minister. My study demonstrates a correlation between 1958 military coup and February 2021. My findings seem to suggest that the military's actions echoed those of the Ne Win 1958 military coup and the 18-month caretaker government that presided over elections in 1961, but with two significant differences: the tremendous popular resistance that has erupted since February and “legality of the coup”. My study suggests that Min Aung Hlaing is not only inspired by the 1958 model, but also urged to do so without suspending the 2008 constitution by pro-military groups prior to the coup[58]. The question is whether the military will keep its promise to hold elections in two years? Under the 2008 constitution, the military cannot extend the state of emergency beyond two years. The military has always viewed itself as a "temporary and caretaker government," similar to a “transit regime” with the intention of withdrawing after the intervention. This finding is consistent with Egreteau (2016) in my literature review, who said: “*the military has seized power as transitory or temporary – even if temporary meant for two decades*”. However, given the rapidly change nature of the situation, it is difficult to predict anything at the present for the coming years. If the coup succeeds, they will stay in power for the next 1-3 years to ensure that the situation is stable enough to return to a democratic transition. If the electoral system remains unchanged, the NLD will continue to win, and the military and its proxy parties

[58] Interview (C)

will continue to face troubles. My study found that the military-appointed the UEC intends to disband the NLD, while Min Aung Hlaing is considering a switch from the FPTP to the PR electoral system, that would advantage the small parties and the pro-military parties. This finding is consistent with Albertus and Menaldo's (2017) theory, which state that "*when the balance of power in a consolidated dictatorship promises to shift, autocratic incumbents might seek to get ahead of the curve and hand over power through a democratic transition – that is, if they can successfully bargain for the transition on favorable terms, the favored electoral system is PR*". My data indicated that the FPTP system has disproportionately harmed the pro-military USDP and benefited the NLD: hence the USDP suggested PR system, but the NLD opposed it. My findings show that the military sought to fix the system – hit the button – in order to maintain control before returning to the democratic transition[59]. My research indicates that the military appears to have made it a priority to permanently eliminate Suu Kyi's NLD from Burma's political landscape, charging 75-year prison terms, ostensibly to protect democracy. These findings are consistent with my theoretical section, which said: "*closed autocracies do not allow people to choose who governs in practice, even though they frequently hold façade elections, and are typically led by a king, a military junta*" (Cassani and Tomini 2019, p.22).

7.4 Aung San Suu Kyi and the military's strategy

I will now respond to the thesis question of why the military coup occurred in 2021 and how the military attempted to cement its political role in the Burmese state apparatus.

The question is: from Burma's transit regime or closed autocracy" to which regime or which direction is the situation headed? The body of elected lawmakers in the 2020 elections (CRPH) and the parallel National Unity Government have abolished the 2008 constitution, but the junta continues to cling to it tenaciously. Burma has entered a protracted period of purgatory in which returning to the 2008 order appears implausible, and moving quickly toward a stable, peaceful, and legitimate political system based on a federal democracy and popular support remains illusory. It needs to review the background. Shortly after 1962 coup, the military created BSPP party and implemented through the 1974 unitary constitution. The idea was to control the state apparatus with active military officers and ex-military civilians in the form of quasi-civilian rule. This vision, however, collapsed after the 1988 uprisings. Shortly after 1988 self-coup, the military again created NUP party with ex-military officers and competed the 1990 elections. The idea was to continue control through ex-military civilians with active military officers through the polls. However, their vision was this time thwarted by Suu Kyi who won a landslide victory in 1990. In response, they refused to honor the election results and started another political process soon after the 1990

[59] Interview (A)

elections. Since 1992, they straightaway started the constitutional process together with developing USDA as social organization with a vision to compete the elections after the completion of the process. They also developed the idea of "disciplined to democracy" similar to Burmese Way to Socialism. Indeed, the core ideology is the same. In order to orderly move the process, the USDA and its allies have been used as a key instrument to suppress and weaken the opposition groups from 1992 to 2010. For instrance, this was seen in Depayin massacre in 2003, and saffron revolution in 2007. Soon after Suu Kyi lead the pro-democracy movement since 1988, the military viewe her as undesired, disruptive element and a threat to their power. They view her as a threat on grounds of what their contesting perceived values they have on state legitimacy. In addition, her husband, in the view of military, is foreigner, her sons are foreigners. Her connection to western concept of liberal values is also a perceived threat to Bamar identity and traditional values. For the military, such as Christians and Muslim are foreign products, and mixed races such as Chinese and Indians are a threat to Bamar identity. Ne Win therefore expelled thousands of foreigners and South Asians. The military therefore drafted 1988 citizenship law and the Rohingyas are never allowed to stand and vote in the polls. For all this reason, the military detained Suu Kyi under house arrest for 15 years, barred to stand the elections in 1990, assassination attempt in 2003, drafted party registration law to expel from the NLD in 2010, section 58 (f) to permanently bar her from presidency. The military's national security ideology (three-mega principles) has been used as a tool to control the state.

Unlike the 1974 constitution, the military carefully created a power-sharing system with civilians elected through the electoral polls. The idea is to control state apparatus through 25 percent seats filled by the active military officers in the parliament meanwhile another 75 percent seats to be filled by its proxy party and its allies, and the military institution remain independence and autonomy from the civilians. In other words, the military not only hold the ring, it also provide referees. In other words, the vision is for the Commander-in-Chief to have ultimate authority and mandate in security matters, while the President (envisioned as a USDP ex-military civilian) will have ultimate authority in political matters; with active and retired military officers ruling Burma for the foreseeable future. These findings were supported by scholars inliterature review: "*the transition is from direct military rule to military control rule*" (Bünte 2011), "*the primary substantive goal has been to keep the military in power*" (Williams 2009), "..junta's long-term intentions to entrench the military in the state apparatus for the foreseeable future" (Gaens 2013), "..is simply a legalistic device to disguise continuing military rule, behind the facade of an elected parliament" (Selth 2020). Before allowing Suu Kyi to enter the sphere of the 2008 constitutional order or political process, the military viewed that well everything went according to plan. My data indicated that the USDP President Thein Sein and powerful Shwe Mann advocated to bring her into the parliament for international credibility and legitimacy during their tenures despite strong objections from the USDP

harliners and General Than Swe, architect of political transition. Nevertheless, the calculations went wrong after the pro-military USDP party suffered a humiliating defeat in the 2015 and 2020 elections, while the NLD won by landslide. The Tatmadaw and its proxy parties feared that the growing popularity of the NLD represented a threat to them. This finding is in line with those found in the literature, where the ICC (2011) said: "*the regime's national security ideology equates the security of the state with that of the regime and the Tatmadaw"*.

Three days after the polls, the USDP and the military rejected the people's verdict based on dubious charges of electoral misconduct, seeking re-election, which Suu Kyi refused, leading to the military coup by invoking the military's national security doctrine of section 417 constitutional clause. For its continued rule, the military has sabotaged the country's political transition, which began in 1993, at the espense of a human catastrophe and pushed the country to the brink of collapse. The coup is the climax of years of conflicts and frictions. There were NLD-military frictions multiple times during the NLD's tenure. The The NLD-led legislature has used its legislative majority to overrule several times. Conflicts were perceptible both within and outside parliament from the beginning of the 2015 legislature, with military MPs disrupting parliamentary proceedings anytime they disagreed with the majority. Despite military objections, Suu Kyi became State Counselor (above the president), circumventing the constitutional bar. As a result, Suu Kyi's constitutional role has been disregarded by the military chief. Suu Kyi has also refused to acknowledge the military chief's position in governance due to the fact that the 2008 constitution was ratified in a controversial referendum. Suu Kyi was mandated by the power-sharing arrangement to convene the NDSC with the military in the majority for defense and security matters, but she never did a single time during the five years she was in office. She appointed her own National Security Advisor instead. The military chief saw it as an affront to his constitutional responsibility. Min Aung Hlaing has been known as a conservative hardliner to consolidate the Tatmadaw's political role in the state apparatus by disrupting political transition ever since Thein Sein's reforms. For example, my data has showed that he ignored President Thein Sein's order to stop military actions against the Kachin armed group (KIA) in 2012 meanwhile the peace process was underway (Gravers 2014, p.55). Apparently, because of his conservative stance, the Suu had simply avoided confrontations with him by circumventing the NDSC body.[60] As a result, Suu Kyi and Min Aung Hlaing never discussed the role of the military and peace process, and their relationships have been toxic for years. In return, the military chief has repeatedly obstructed Suu Kyi's efforts on peace process and reforms. When Suu Kyi tabled charter reforms bill in the parliament to remove the military from parliament, the military viewed it as a threat to their power and voted down all the proposals. On the other hand, the military would have agreed to a gradual reduction in

[60] Interview (b)

a consensus decision in peace talks. This was not vigorously explored by Suu Kyi since there was not the NDSC meeting even one in five years despite the military's repeated requests[61]. Those frictions and contentions reached a new peak when Suu Kyi vowed once again to remove the military from parliament during her reelection campaign.

The elections in 2020 were relatively free and fair according to international election watchdogs, but the UEC appointed by the NLD was not seen to be impartial by many. Mistakes were made in electoral lists. The UEC was not transparent and unresponsive to questions or criticisms. The cancellation of voting for security reasons was not seen to be valid. The UEC also failed to respond to allegations of voting fraud. This finding is consistent with Bermeo (2016)'s notions of "executive aggrandizemenw and "strategic manipulation" which said: "*a range of actions aimed at tilting the electoral playing field in favor of incumbents that include hampering media access, using government funds for incumbent campaigns, packing electoral commissions, changing electoral rules to favor incumbents, and harassing opponents".* The military took advantage of the covid-19 pandemic as well as public resentment over the NLD-appointed UEC's decision to cancel voting in several constituencies. More than 30 pro-military parties who met with the military chief before the voting, and ultra-Buddhist nationalists also fueled and instigated the military coup. My findings showed that the military chief has consolidated his grasp on power in a variety of ways since the coup. Through his appointed UEC, he announced the official annullment of the 2020 electoral results. Furthermore, the military junta has jailed over 300 NLD leaders, and the NLD is at risk of disbanding. Autocratization and "closed autocracy" are all evident indicators of overruling "public will," erasing the results of genuine elections, and nullifying democratically expressed will. Days after the coup, his Ministry of Defense abolished his retirement age of 65, allowing him to rule indefinitely if he so chooses. Besides, on August 2, 2021, my data indicated that he extended a year-long State of Emergency to August 2023, rather than February 2022 as he promised. Furthermore, the military chief attempts to consolidate his power by forming Caretaker Government and declared himself Prime Minister after six months of the coup. My data also indicated that the military chief is said to be considering switching from the FPTP electoral system to the PR system in order to strengthen pro-military parties and entrench the military rule. My findings unambiguously reveal that the military has made multiple attempts to entrench its hegemony within the Burmese state apparatus.

The question is: from this "transit regime or closed autocracy" to which regime? It is difficult to arrive at any conclusions with regard to this question. The Tatmadaw regime transformed into many forms with different stages: 1958-1960 (guardian role), 1962-1974 (praetorian role), 1974-1988 (guardian role), 1988-2011 (praetorian role), and 2011-2020 (guardian role) through "controlled process" (Callahan 2012),

[61] Interview (a)

“elite-driven or top-down process” (Bünte), “protracted transition” (Bünte), “carefully managed and orchestrated transitions” (Huang 2013), “military-imposed transition” (Stokke and Aung 2020). If armed revolutionary groups or public revolts do not depose this “closed autocracy regime or military dictatorship”, it is expected to revert to "indirect military rule with civilian window dressing" with a special escape strategy and survival strategy through a "tightly controlled procedure” behind the facade of elections.

7.5 Legality of the coup

The military insists that their actions are compliant with the law, a claim that opposition parties reject. In 1958, the parliament accepted the military takeover and there was no popular uprising; this time, however, the military deposed the sitting government and imprisoned members of parliament, as well as preventing the new parliament from convening. Vice President Myint Swe, acting as pro tem president, signed the declaration of state of emergency. The crucial issue is how Myint Swe became acting president while President Win Myint was alive and well. Section 73 of the constitution allows the vice president to “*serve as acting president if the office of the president falls vacant due to his resignation, death, permanent disability or any other cause”.* However, in this situation, the president office was vacant due to the Tatmadaw's detention of the president. The president may declare a state of emergency pursuant to section 417 of the constitution after consulting with the NDSC. In contrast, President Win Myint was first unseated by the military, after which the military named vice president Myint Shwe as acting president, during which he presided over the NDSC meeting, declared the state of emergency, and transferred state power to the military chief. Thus, the vice president's seizure of power from the President and transferred power to the military chief constituted an “*extralegal transfer of power”* and “*illegal attempts,”* as Bemeop (2016) and Moore (2011) defined the military coup in the theory. Furthermore, the NDSC meeting was illegitimate because, among 11 NDSC members, only five military officers and vice president attended, while the other civilians such as president, two speakers, second vice president, and foreign minister were detained. The UEC is an autonomous body under section 402 of the constitution, which stipulates that the UEC's resolutions and functions regarding election functions, election appeals and revisions, and matters pertaining to political parties are “conclusive and final”. The military's meddling in the functions of the UEC, as well as its heavy pressure on the government to intervene in the functions of the UEC, is thus unlawful. Finally, the Tatmadaw used section 417, a constitutional emergency provision that applies when the country's sovereignty and national solidarity is threatened, to carry out a "*promissory coup as a defense of democratic legality*," as Bemeop (2016) put it. Whatever the situation may be, vote rigging poses no threat to Burma’s loss of sovereignty and disintegration of national unity. Thus, invoking section 417 in the case of alleged voter fraud lacks constitutional legitimacy.

7.6 Competing claims on State Legitimacy

The 2021 military coup is simply seen by many observers as democracy versus authoritarianism. In other terms, it is viewed as a contest between two leaders: Suu Kyi, a pro-democracy leader, and Min Aung Hlaing, commander-in-chief. The root of the problems, however, seem much farther than this and are rooted in competing national vision and state legitimacy concepts, as eminent scholar Steinberg, observed on the coup (Steinberg 2021, p.35). The rise of the military dictatorship began with their rejection of non-Bamar nationalities' demand for amending the 1947 constitution in 1962, based on the principles of federalism and equality in the spirits of the 1947 Panglong Accord. In response, the military staged the coup in 1962 saying saying: "one of the main reasons of the coup was to prevent the breakup of the union from breaking up, the issue of federalism".

The non-Bamar nationalities, on the other hand, viewed the 1947 constitution as a "betrayal and dishonest" act by the post-independence Bamar leaders following the assassination of Aung San, who promised equality and autonomy at the Panglong. Since 1962, the military regarded federalism as a dangerous concept, and any attempt to promote it seen as "chaos, enemies, separatist elements" that caused disintegration of national unity and a threat to national sovereignty – the regime's brand of national security ideology. On this basic, the Tatmadaw regard themselves as "savior of the union" and "protector" of the state. On the other hand, "savior of the union from chaos" is the same concept from the Bermoe (2016)'s theory, where he defined promissory coup as: "the ouster of an elected government as a defense of democratic legality". Arguably, based on this ingrained conviction, the Tatmadaw also orchestrated the 2021 coup, so adding to autocratization and democratic breakdown. This unresolved federal issue, or constitutional question, continues to be the country's central political issue, sparking one of the world's longest civil conflicts. Suu Kyi and the military are also at odds over constitutional revisions on this issue, hastening the autocratization.

For the Tatmadaw, the Union of Burma has existed for thousands of years beginning from pre-colonial Bamar kingdoms. The modern Union of Burma formed by the Panglong Accord in 1947 is just an extension of the three Bamar empires. The Tatmadaw's mission is therefore to defend, safeguard and perpetuate this empire as the Bamar kings did for thousands of years before the independence in 1948. These findings are evidenced by General Saw Mawng (1989) who said: "Our state has been in existence as an independent nation for thousands of years" (ICG 2001, p.4). Furthermore, my findings are supported by General Than Shwe (2006) who said: "our Tatmadaw should be a worthy heir to the traditions of the capable Tatmadaws established by noble Kings" (NLM 2006). General Min Aung Hlaing also said: "over

130 other ethnic races, unity seems to be difficult for Myanmar, but in history, great kings like Anawratha, Bayinnaung, and Alaungphaya could establish the Union of Myanmar with the united strength of the entire national people" (MWD 2017). Having those perceived values, the Tatmadaw views themselves as that of the heirs of the traditions of the old kings who were considered as protectors of the realm, caretakers of Buddhism, and defenders of the sovereignty, and who for centuries invaded and occupied the neighboring nations and kingdoms (Jordt 2021). Since 2005, the new capital has been built as Naypyidaw[62] (literally means abode of the king) and three large statues of those kings are erected in the downtown of Naypyidaw (Foxeus 2016, p.202). This perspective reflects the Tatmadaw's belief that post-1947 independent Burma is the 4th Bamar empire, which they are building, defending and protecting.

Table 7:1: The Bamar State-Founders as for the Tatmadaw Leadership

Name	Dynasty	Founder	Period	Years of Length
First Bamar state	Pagan	Anawratha	1044-1287	243
Second Bamar state	Toungoo	Bayinnong	1486-1539	267
Third Bamar state	Kongbawng	Alawngpaya	1752-1885	133
Fourth Bamar state	Naypyidaw	Aung San	1947 -	ongoing

Source: author own's creation based on the narratives of Tatmadaw leadership

The Tatmadaw's primary ideology is rooted on these values: "one nation/race, one language, one religion, as the Bamar kings "(i.e Buddhism)" (Gravers 2014, p.3). In a multi-cultural society where 100 languages and ethnic nationalities exist, a culturally hegemonic construction approach, is used as a national unity ideology and state-building mission. Tatmadaw's concept of national unity and solidarity is based on "national reconsolidation" rather than "reconciliation", which is a strong nationalist security ideology of a

[62] In English, Naypyidaw literally means "abode of the king", "royal capital" or "the seat of the king"

homogenous nation in a unity state (Gravers and Ytzen 2014, p.3). Any deviation from this constitutes a threat to national unity, sovereignty, and the military institution.

This evidence is supported by my literature review, where ICG (2001) said: *"list of 135 races is often highlighted by the regime to show the prospect of chaos, and that vast diversity could break up the union appealing to "national reconsolidation" rather than "reconciliation", with an attempt to represent the image of unity and solidarity through Myanmarification*". These the military's perceived values are demonstrated by my theoretical section (Koonings and Kruijt 2002), where "political armies" has assumed some sort of steering monopoly over national destiny by having two principles: "*birthright principle" and "competence principle*". Political armies were founded on the conviction that they were "*exceptionally positioned not only to defend but also to define the essence of a nation*," "*to have been present at the nation's birth, or the nation would not have been founded or survived without the armed forces' sacrifices*," "*the military is best equipped to safeguard national interests*," and "*the civil inadequacy principle - civil politicians are ineffective, divided, self-interested, and corrupt*." (Koonings and Kruijt 2002),

Burma' military is referred to as "apolitical" or "political army," having the same convictions and ideals. They usually express this by referring to their activities as "national politics," not "party politics." These findings are consistent in the literature review, where Selth (2018) said: "*it is deeply embedded in the idea of the Tatmadaw that, it alone can hold the Union together, defeated enemies both internally and externally, and saved the Union from chaos. The Tatmadaw has never viewed itself to hold military and political roles separately. It has an abiding belief in the importance of national politics rather than party politics, which led to a belief in the Tatmadaw that, where circumstances demand, it has both a right and duty to supersede other state institutions. On this basis, the Tatmadaw staged a coup in 1962* ."

On February 1, 2021, the military staged a coup d'état under the pretext of "national politics," believing that they had the right and duty to supersede state institutions. (*declared: exercising article 417 is the Tatmadaw's undeniable duty*) The findings from November 5 corroborate this. When the President's Office warned the military that they are civil servants and that intervening with the UEC and electoral matters are unconstitutional, the Tatmadaw justified their actions by citing a constitutional provision that allows the military to engage in "national politics." Burma military is political soldiers with a state-building mission, having all the said values of political armies, as Trager summed up: "*the military saw themselves as the only operative force which could end political chaos, reestablish administrative rule, and restrain all forms of popular, agitational politics. Furthermore, the military saw themselves not only as the preservers of nationhood, but also as the only true interpreters of what was good for the country*" (see

Steinberg 2007, p.119). For the military, the coups of 1958, 1962, and 2021 are missions to clean up the "mess" left by weak, corrupt, and inept civil governments, under the guise of their perceived values.

Many of these principles are, however, clashing with the 2008 constitution drawn up by the military regime particularly on the principles of equality, self-determination, and secular state. While the non-Bamar ethnic groups call for the government to strictly observe neutrality in religious matters, successive Bamar-led central governments including the military leaders have used Buddhism as a tool for state power and legitimacy by deeply mixing religion and politics. The viewpoints form the ethnic non-Bamar nationalities showed that the basis of the union should be based on the 1947 Panglong Agreement where equal partners agreed to voluntarily join their territories together with the Bamar leader General Aung San (Yawnghwe 2003). In contrast, the Tatmadaw upholds that state legitimacy should be based on the characteristics of the old Bamar kingdoms: Bamar race, Bamar language, and Buddhism. In their view, the Tatmadaw's concept of the Bamar kings such as the 4th Bamar Empire applies only to the ethnic majority Bamar, and nothing to do with the ethnic non-Bamars (Yawnghwe 2014, p.2).

From the viewpoints of the non-Bamar nationalities, the military's motto of one blood, one voice, and one command to foster national unity by using dubious lists of 135 races but without recognizing "unity in diversity" tremendously troubles the country (Smith 2007; Yawnghwe 2008; ICG 2020; Cho 2018; TNI 2011). General Sumlut Gun Maw, Chief of Staff of Kachin Independence Organization and a prominent leader of one of the strongest ethnic armed groups, said: "to make it short, why we took arms and revolted? Because the Panglong agreement was broken" (Williams and Bilbatúa 2015, p.17). In his analysis, Harn Yawnghwe, the son of the first President of Union of Burma and Executive Director of Euro-Burma Office, said: "the non-Burman problem stems from a failure of the government of Burma to address the constitutional argument between the different states. Therefore the ethnic nationalities started an armed struggle against the central government (Yawnghwe 2003, p.73). From the perspective of the non-Bamar nationalities, they took up arms because all their attempts to solve the problems by political means were blocked and they are forced to defend themselves against the military aggression. They said in their policy document, "we firmly believe that the crisis in the Union of Burma today is rooted in a political problem, specifically a constitutional one – the non-adherence to the spirit of Panglong" (Yawnghwe 2003, p.17).

In contrast with the Tatmadaw, in the viewpoints of Suu Kyi and the leaders of ethnic-Bamar nationalities, the current Union of Burma is a product of the Panglong Accord starting from 1947, and not of the Bamar kings since thousands of years that the military leadership has proclaimed. The NLD, moreover, believe that the will of the people is the basis of the government's legitimacy and urged the

military to honor the results of 2020 elections (NLD Statement 2021). The NLD's perceived values are "more familiar to those in the West, that legitimacy comes from the consent of the people as expressed through the ballot box" (see in Steinberg 2007, p.111).

Conclusion

This is one of the conclusions that can be derived from this chapter. The Tatmadaw political soldiers uphold that state legitimacy should be based on the characteristics of the old Bamar kingdoms: Bamar race, Bamar language, and Buddhism, adopting a culturally hegemonic construction approach; a strong nationalist security ideology of a homogenous nation in a unity state; believing that the mission of the Tatmadaw leadership is, to re-establish the mighty Bamar-dominated state, similar to the Bamar empires before the British conquest in 1885.

In contrast, in the viewpoints of Aung San Suu Kyi and the leaders of ethnic-Bamar nationalities, the current Union of Burma is a product of the Panglong Accord starting from 1947, and not of the Bamar kings since thousands of years. The NLD believe that the will of the people is the basis of the government's legitimacy; that legitimacy comes from the consent of people as expressed through free and fair democratic elections. The perspectives from the ethnic non-Bamar nationalities showed that the basis of the Union of Burma should be based on the 1947 Panglong Agreement based on the principles of equality and unity in diversity.

The military coup in 2021, and the root of all Burma's political crisis are a rigid dichotomy between three political forces over competing perceived values, concepts of nation-state building, and state legitimacy held by the three political forces: Bamar right-wing nationalists represented by the Tatmadaw or Burma political armies and their proxy forces, including the USDP; Bamar left-wing forces represented by Aung San Suu Kyi and pro-democracy forces; and non-Bamar ethnic nationalists. By defending these perceived values, the Tatmadaw, backed by Bamar nationalist groups and pro-military parties, staged the coup on February 1, 2021, prompting and advancing autocratization and democratic breakdown in Burma.

CHAPTER SEVEN

Conclusion

The aim of the thesis is to examine how the Burma military contributed to autocratization and democratic breakdown in the country following the military seized the state power on February 1, 2021. Additionally, the thesis investigates why the military coup in 2021 occurred, and how the military attempted to consolidate its political role in Burma state apparatus. For data collection in this research, I have interviewed four experts on Burma political issues; two university professors and, two Bamar and non-Bamar experts.

I have reviewed the literature on the topic of political transition and liberal reforms in the post-SPDC junta, with a focus on the military and political order including the interactions between political-military relations relating to transitional causes, processes, and substances. I found out that the political process was a "top-down transition" that suffered from democratic legitimacy and did not reflect the will of large segments of the population in the constitutional process. The process has not produced a full-fledged democracy, but a more liberal government with certain elements of democratic norms and constitutional rule. The political system is designed as a power-sharing arrangement between civilians and military actors, while the military safeguards its core interests and maintains its institutional independence and autonomy.

I have examined Burma's political history, with an emphasis on the rise of political soldiers, the subsequent political change, and the restoration of democracy. I found out that the Union of Burma is a multiethnic country founded by the Panglong Accord on the basis of equality and unity in diversity. The military dictatorship began with the rejection of federalism and equality demanded by non-Bamar nationalities based on the Panglong Accord. The military has refused to recognize the NLD's 1990 election victory; has imposed its own constitution. From the outset, Aung San Suu Kyi has rejected the 2008 constitution, but her entry into parliamentary politics in 2012, despite the objections of the USDP conservatives, under President Thein Sein administration represented a turning point.

I have examined a case study of contemporary political developments in Burma, with a particular emphasis on civil-military relations under Aung San Suu Kyi's NLD government. I have also examined the 2020 elections. I found out that civil-military relations were strained under the NLD government. Moreover, I have discovered that the NLD swept to victory in the 2020 elections, humiliating the military

backed USDP party. The military and the USDP both rejected the results, sparking a severe controversy over electoral results that culminated in the February 2021 military coup.

I discovered that the military coup generated a series of multiple crises across the country, and that the coup resulted in a quick, brutal democratic breakdown, and that Burma's electoral democracy has been transformed into "closed autocracy and military dictatorship." A decade-long democratic experiment came to an end with a genuine, abrupt return to "closed autocracy." I found out that the coup overthrew not only the democratically elected central and 14 provincial governments, but also the bicameral Union Parliament and the legislatures of all 14 provincial parliaments. Furthermore, the power-sharing structure between civilians and military actors also collapsed, bringing the democratic transition that had been underway since 1993 to a crashing halt. Following the coup, the military junta has killed over 1,000 civilians, including 75 children, detained nearly 70,000 civilians, effectively ended the peace process with ethnic armed groups, displaced 208,00 people, including 22,000 refugees, arrested over 102 journalists, suspended, or fired nearly 300,000 government employees, detained over 300 NLD leaders, including 44 elected lawmakers, and charged over 500 government leaders with long prison terms. Furthermore, with a GDP growth rate of (-) 18.4 percent in 2021, the coup has pushed an estimated 12 million people into poverty in 2021 and 25 million in 2022, with legal restrictions on freedom and civil liberty: internet shutdown and media blackout, repression of independent media, suppression of political leaders, and serious deterioration of rule of law.

I also discovered that after the coup, the military chief has strengthened his grip on power in a variety of ways. He announced the official cancelation of the 2020 election results through his appointed UEC. Overruling "public will," erasing the results of genuine elections, and nullifying democratically expressed will are all clear indicators of autocratization and "closed autocracy." Moreover, his Ministry of Defense has abolished the military's retirement age of 65, allowing him to rule indefinitely. Furthermore, The military chief has prolonged a year-long State of Emergency to August 2023, rather than February 2022, reversing his pledged. Moreover, after six months of the coup, the military chief step up to entrench his power by appointing a Caretaker Government and declaring himself a Prime Minister. I discovered that Burma's political issue arises from conflicting groups' claims to state legitimacy. While Aung San Suu Kyi is upholding the state legitimacy should be based on the will of the people through democratically elections, the Tatmadaw upholds that state legitimacy should be based on the characteristics of the old Bamar kingdoms: Bamar race, Bamar language, and Buddhism, adopting a culturally hegemonic construction approach; a strong nationalist security ideology of a homogenous nation in a unity state. By preserving these perceived values, the Tatmadaw with the support of nationalist groups and pro-military parties, conducted the coup on February 1, 2021, precipitating Burma's autocratization and democratic democratic breakdown.

APPENDIX A:

Informed Consent Form

The Role of The Burma's Military in Driving Down Autocratization and Democratic Breakdown

Vanlianthang Cinzah

The purpose of this research is to find out your insights and assessments on how the military coup on February 1, 2021 contributed to autocratization and democratic breakdown in Burma in the wake of the November 2020 General Elections.

You are invited to participate in this research. Your participation in this research is strictly confidential. No personally identifiable information or name will be shared or published. The interview will be used only for academic purposes.

Your decision to be in this research is voluntary. You do not have to answer any questions you do not want to answer.

Participant Signature Date

_____ _____

Principal Investigator Date

_____ _____

APPENDIX B:

Questionnaire

1. What kind of political changes has recently happened in Burma/Myanmar?
2. Could you tell me about the process of the democratic transition?
3. How do you think of the November 2020 General Elections?
4. Could you tell me what about civil-military relations during Aung San Suu Kyi's Government?
5. What prompted the Tatmadaw to declare the State of Emergency on February 1, 2021?
6. What led the Tatmadaw to launch its seven-step roadmap to disciplined democracy?
7. What kind of political system has put in place under the 2008 constitutional order?
8. Could you tell me what roles should the Tatmadaw be in the future in Burma/Myanmar?
9. Where is the current political situation heading? In the next 1-3 years, what do you think could be coming?

APPENDIX C:

Timeline of Major Events Leading to Military Coup on February 1, 2021

Month/Year	Day/Events
June 2020	General Min Aung Hlaing hinted at a potential return to politics in an interview with Russia Media. He said that his 40 years of experience will be valuable to the nation and the public. Critics and observers believe he is eying a presidential run as his term will officially end in July 2021
July 2020	July 1: Union Election Commission (UEC) declared November 8, 2020 as the date for voting
Aug. 2020	Aug. 14: General Min Aung Hlaing met with leaders of 34 pro-military parties, who sought assurance from the military chief to help if the voting turned out to be unfair. Min Aung Hlaing is quoted as saying: "there is nothing I won't dare to do. I am brave enough to do everything."
Sept. 2020	Sept. 8: Election campain began across the country under the cloud of the covid-19 pandemic Sept. 15: USDP and 23 political parties urged UEC to postpone the polls, citing the impact of health measures on campaign activities. UEC rejected the calls
Oct. 2020	Oct. 8: UEC cancelled votings in more than 50 townships, citing armed conflicts and security reasons, affecting 1.5 million voters. Army spokperson expressed discrepancies between UEC's voter lists and the army's lists on the concerned areas. Some political parties expressed shock and outrage, saying "there is no armed conflict in the areas, UEC is biased toward the ruling NLD."
Nov. 2021	Nov. 2: Military issued a statement accusing UEC of manhandling preparations for elections, saying "weakness and deficiencies which were never seen in previews elections are now visible, and the government must take responsibility for any mistakes committed by UEC." Nov. 3: Min Aung Hlaing hit out UEC saying "negative outcomes were caused by the loose supervision and actions of UEC," and that "the NLD government has the complete responsibility for all UEC's intentional and unintentional mistakes." Nov. 4: President's Office responded to the military's comments by saying that the military incited instability, caused public concern, broke the law and the constitution, and said: "the UEC is a legally independent entity." Nov. 5: Military issued a statement rejecting the President's Office's comments by warning impeachment of president if the government is avoiding its responsibility on the actions of UEC. The military also tried to justify its interference by citing constitutional provision on national politics for Tatmadaw Nov. 8: Elections were held across the country. Vote counting started. NLD was widely reported to have won. General Min Aung Hlaing vowed to accept the election results after casting his vote. Nov. 9: NLD spokesman said, "NLD had won far more than the 322 seats in parliament required to form government". He expected to exceed the total of 390 seats it took in 2015. From November 9 to 18, UEC released the election results. Nov. 10: Carter Center said, "no major irregularities in elections". Asian Network for Free Elections says, "no credible proof of frauds." Nov. 11: USDP held a press conference refusing the election results and demanded that UEC hold new elections in collaboration with the military Nov. 11: UEC held press conference rejecting the USDP's call for fresh elections and urged any parties who were dissatisfied with the results to file a complaint with the UEC within 45 days, supported by evidence.

	Nov. 17: UEC released the final results. NLD won total seats of 496 in the Union Parliament, while the military-backed USDP secured only 33 seats. Nov. 30: Military declared it would review the electoral process and sought election-related documents from UEC. It also said that the military is scrutinizing voting in 2018 townships where military men and their families voted
Dec. 2021	Dec. 3: UEC rejected as "unlawful" on the military for urging the agency to provide copies of election-related documents Dec. 7: USDP has submitted findings of 1,044 electoral frauds to the UEC Dec. 9: Union Parliament Speaker said parliament session will be held in the first week of February Dec. 17: USDP filed applications of writs against the UEC members at the Supreme Court Dec. 23: Military started to release findings of voter irregularities and malpractice in four townships
Jan. 2021	Jan. 6: Supreme Court set to hear applications of writs that accused the President and the UEC of electoral misconduct Jan. 11: Military and its allies called for convening a special session of the Union Parliament to discuss the disputes Jan. 12: Parliament speaker dismissed the call for a special session, saying electoral disputes are not resolved in parliament as the constitution gave the UEC a final say; announcing to convene Union Parliament session on February 5 after holding lower house and upper house session on Feb. 1 Jan. 14: Military slammed the speaker for refusing to convene a special session, citing a constitutional requirement on the speaker to do it when a quarter of lawmakers called for a session Jan. 26: Military spokesperson publicly claimed to have found 8.6 million irregularities in 314 townships. He said: "we do not say the military will seize state power nor do we say we will not seize power. We will follow the laws in accordance with the constitution." Jan. 28: UEC issued a statement rejecting the military's claims on the electoral frauds. Min Aung Hlaing said, "the 2008 Constitution should be revoked if its laws are not being followed". Jan. 28. Representatives of Min Aung Hlaing and Aung San Suu Kyi held fraught talks. Military demanded opening of parliament in Feb. 1 rescheduled, UEC disbanded, the vote re-examined under military supervision, setting a deadline of 5 p.m. on Jan. 29. Jan. 29: Po-military supporters marched in the capital rejecting the election results. Supreme Courts heard application of writs and set to decide the merit of the case within 14 days. Military tanks and armored vehicles across major cities Jan.30: UN Secretary-General and western embassies expressed serious concerns about the possibility of military intervention. Union Parliament released program for the lower house and upper house session to be held on February 1
Feb. 2021	Days of talks between representatives of Aung San Suu Kyi and Min Aung Hlaing broke down with no agreement reached

	Feb. 1: Military detained President Win Myint, State Counsellor Aung San Suu Kyi, leaders of the government; declared a one-year long State of Emergency. State Administration Council established with military officers.

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