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Democratising Myanmar's security sector

Since 2010, some moderate steps have been taken towards democratic control of Myanmar's security and justice sectors. At the same time, space has opened for public oversight and political participation in these affairs, allowing civil society, the media, educational institutions and policy institutes to engage. Continuation of both of these trends will be crucial to building a peaceful, democratic and prosperous Myanmar, in which people can live in safety and without fear.

This policy briefing is a summary of a report produced by Saferworld, 'Democratising Myanmar's security sector: enduring legacies and a long road ahead'. The full report provides much greater detail, data and background information on the issues presented here.

During nearly 50 years of military rule, all of Myanmar's government and economic institutions were under the tight grip of the armed forces. A coercive security apparatus, originally established by British colonialists to protect commercial interests from local resistance, was subsequently placed in the hands of a male-dominated military elite that perceived itself to be surrounded by enemies. These military leaders were predominantly Bamar Buddhists and were inspired by deeply nationalist opposition to colonialism and to all foreign interference.

Heavy public surveillance and restrictions on media, education, civil society and independent policy institutions made public engagement and direct criticism of the state impossible. Meanwhile, the armed forces were untethered from civilian oversight and waged continuous warfare against a vast array of ethnic armed organisations, often targeting entire populations as if they were potential combatants. The very concept of security (*loun-kyoun-yeh*) became synonymous with 'state security' and the shadowy affairs of an invasive and coercive bureaucracy designed to maintain control and order.

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Military servicewomen marching on the 70th Armed Forces Day, Naypyidaw, 27 March 2015.
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Definitions

The security and justice sectors refer to all the state institutions mandated to provide justice and security for the government and the public. This briefing looked primarily at the armed forces, the police, the prisons, the courts and the intelligence services.

The military/Defence Services/armed forces/Tatmadaw – these are all common terms for Myanmar's military and are used relatively interchangeably in official publications.

In the late 1980s, Aung San Suu Kyi and her National League for Democracy (NLD) party gained widespread public support for a political agenda to remove the military from politics and place it under the command of elected civilians. As the daughter of the military's founder, she has always emphasised her respect for the military and insisted she has no interest in "splitting" or undermining it, let alone dismantling it as part of a full-fledged revolution.[1] She has consistently said, however, that the military needs to come under civilian control in order to gain the "honour and respect of the people".[2]

The military remained adamant that giving up power too quickly would lead to chaos and instability. Instead, the generals initiated their own roadmap towards 'disciplined democracy'. In 2008, they established a constitution that, despite creating a 'multi-party democratic system',[3] enables 'the Defence Services to be able to participate in the national political leadership role of the state'.[4] To facilitate this leadership role, the military appoints 25 per cent of the members of parliament (MPs) across all houses,[5] and has effective powers to select and fire the ministers of defence, home affairs and border affairs and their deputies, who must all be serving military personnel.[6] Military MPs also elect one of two vice presidents, who can be civilian or military. Perhaps most importantly, the constitution can only be meaningfully amended with the approval of more than 75 per cent of the legislatures, giving the military an effective veto.[7] These provisions have allowed the military to maintain its position as 'guardian' over a steady process of democratisation, and to protect its core ideological and private interests.[8]

Under this constitution, the first government was led by a military-backed party and leading officials were all former generals. The NLD then entered parliament in a 2012 by-election, before winning a landslide victory in 2015. Aung San Suu Kyi is barred from becoming president (due to a clause disqualifying those with foreign spouses), but she has effectively assumed leadership over the entire elected wing of government, in the position of State Counsellor.

The current cabinet has more civilians than any government in over 50 years, but the military remains extremely powerful and is deeply resistant to any change that might threaten its ideological or private interests. At the same time, the entire governance apparatus is stacked with former military officers, whose institutional conditioning has led them to distrust civilian leaders, foreigners and much of society and to obsess over hierarchical order. In some cases, incoming civilians have simply adopted existing approaches and perspectives, or have willingly allowed the military to lead on security affairs, believing that the soldiers are the only ones with the necessary expertise.

However, civilians in government have been steadily increasing their powers over some parts of the security sector, such as through the transfer of the General Administration Department (GAD) from military to civilian control. Additionally, a diverse parliament housing former political prisoners alongside military officials and a growing contingent of women and representatives from non-Bamar ethnic nationalities is claiming a role in overseeing and scrutinising the activities of the security and justice institutions. In July 2019, the NLD proposed a range of constitutional amendments that would reduce the military's political powers and potentially allow civilians in government to take greater control of policing and other functions.

This briefing focuses on the following three main dimensions of security sector democratisation. Changes have been seen in these areas since 2011, but much more could be done through increased cooperation between government, civil society and international partners:

1. Developing the mandate of elected civilians.
2. Transforming the security culture.
3. Protecting and building civic space.

Developing the mandate of elected civilians

Without elected representatives, there is no democracy. The first dimension of democratising the security sector is, therefore, the mandate of elected civilians. This includes the official powers held by elected civilians in the constitution and law, as well as the means and resolve that those officials have to exercise their powers.

The division of powers

In the current system, the military controls many security and justice functions. It leads the armed forces almost autonomously, as article 20b of the 2008 Constitution states: 'The Defence Services has the right to independently administer and adjudicate all affairs of the armed forces.' The Ministry of Defence is exempt from most budgetary processes applied to all other government departments, allowing it to keep its own bank accounts without direct approval of the finance ministry. The military retains complete autonomy in the handling of justice cases concerning any actions that are considered part of the 'affairs of the armed forces', under articles 20b, 293 and 319 of the 2008 Constitution.

Even so, the president (currently Win Myint) is head of state and military officials have numerous times indicated that he is 'ultimately superior' to them.[9] The 2008 Constitution allows the president, with 'approval' of the Union Parliament, to 'declare war or make peace'.[10] The constitution is ambiguous regarding internal armed conflicts however, which the Myanmar Armed Forces (or Tatmadaw) has regularly insisted are not 'civil wars'.[11] Various comments from the commander-in-chief seem to suggest that the Tatmadaw will seek permission for its actions when it deems it necessary, but is not bound to a clearly legislated protocol.[12]

On 10 December 2011, President Thein Sein issued a written edict ordering the armed forces to halt military offensives against the Kachin Independence Organisation, and the military temporarily withdrew a few days later. However, the NLD-led government has not attempted to make such an order, and has at numerous times instructed the military to use force.

The president also has the power to convene a National Defence and Security Council (NDSC), which could potentially be used by the president to exercise authority over defence and security matters. According to the constitution, the council includes five democratically elected civilians, five serving military officers and the military-appointed vice president. However, the NLD-led government is yet to use the NDSC, seemingly because of concerns that the democratically elected civilians would be outnumbered and that, although the president would be chair, the commander-in-chief would have a more senior position than Aung San Suu Kyi. Instead, the government has at times convened meetings made up of similar members, but with additional civilian officials. These meetings have been typically followed by statements in support of military action.

The military also indirectly controls the police and the prisons via the Ministry of Home Affairs, whose minister is appointed by the commander-in-chief. It is generally understood that the police are fixed under military control due to articles 20c and 338, which place all armed forces under the commander-in-chief and the Defence Services, respectively. However, the exact definition of 'all armed forces' is not provided anywhere in law.

Members of parliament arrive to attend a regular session of the lower house of parliament on 18 August 2015 in Naypyidaw, Myanmar.

© Hkun Lat

Judicial independence is enshrined in article 19 of the constitution. However, the military continues to greatly influence civilian court proceedings, because the judiciary employs high numbers of former military officers and civilian judges who served under the military government, and because a culture of independent adjudication is so lacking that most judges still look for signals from military or political counterparts before making decisions.

There are three primary intelligence agencies, all of which ultimately report to the military. These are the Special Branch, which is under the Myanmar Police Force; the Bureau of Special Investigation, which is under the Ministry of Home Affairs; and the Office of the Chief of Military Security Affairs, which is part of the military and is under the direct authority of the commander-in-chief.[13]

The NLD's constitutional agenda

The NLD's central agenda for democratising the security sector has been constitutional change. Aung San Suu Kyi has insisted, however, that this will be done slowly, carefully and within the realms of existing law. When recommending amendments to the constitution in July 2019, the NLD did not propose any changes to the Defence Services' 'right to independently administer and adjudicate all affairs of the armed forces'. However, the party proposed removing article 339, which states that 'The Defence Services shall lead in safeguarding the Union against all internal and external dangers', suggesting civilians could take more of a leadership role.[14]

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The NLD has long called for making the police independent from the military. In 2019, the party proposed requiring any defence personnel appointed to the cabinet (such as the ministers of defence, home affairs and border affairs) to retire from the military, which would place them under more direct civilian control.[15] The party also proposed removing articles 20c and 338, which place 'all armed forces' under the commander-in-chief and the Defence Services, perhaps seeing these as a blockage on bringing the police under civilian leadership.[16]

There does not appear to be any effort of the civilian government to gain control over the country's intelligence apparatus. The NLD has also given little attention to the prison system. Numerous civil society organisations (CSOs), including the Assistance Association for Political Prisoners and the Independent Lawyers Network of Myanmar, have recommended forming a Ministry of Justice, which could potentially take over corrections (prisons and rehabilitation) as well as parts of the budget and administration of the judiciary.[17]

Civilian government finding its role

In lieu of constitutional change, civilians in government have developed a number of means to influence the security sector and establish new norms, while avoiding too much interference in the activities of the armed forces.

The most direct example is perhaps the transfer of the GAD from the Ministry of Home Affairs to civilian control. The GAD has a clear mandate on 'rule of law' and 'community peace and tranquillity', especially at the village tract and ward level. It also holds significant influence over the courts and has emergency powers under section 144 of the penal code. The military allowed the transfer of the GAD to take place, demonstrating some confidence to begin handing over powers. This relieves the Tatmadaw of a huge responsibility and does not immediately threaten its core interests. The civilian government has also been attempting to set up a coastguard under its leadership, but this remains under dispute.

In January 2017, the government created the position of National Security Adviser 'to advise the President and the Union Government on internal and external threats by assessing situations from a strategic point of view', with a particular focus on external relations.[18] The National Security Adviser does not currently hold their own office and does not have authority over the military, but could evolve into a more robust civilian-led institution.

The Myanmar Sustainable Development Plan lays out measures to 'promote greater access to justice' and to 'support the security sector to effectively perform its role serving our people and ensuring peace, safety and legal rights of individuals and the national interest are protected'. Despite including tasks for 19 ministries, there is no mention of the Ministry of Defence, demonstrating the constraints faced by the civilian government.

In 2011, President Thein Sein established the Myanmar National Human Rights Commission (MNHRC), which can investigate alleged cases of human rights abuse, review laws, inspect prisons and other institutions, and convene government departments for questioning. The MNHRC remains relatively weak compared to the security agencies, and the inclusion of ministers on it impairs its independence from the government. Nonetheless, it has assisted in some justice cases involving the military, and has facilitated penal and prison reform in collaboration with civil society, among other developing roles.

Parliament is developing its oversight role by debating the policies and practices of government and questioning relevant ministries on their affairs. Security ministries and departments have to answer questions from public representatives, and the proceedings can then be published by the media, fostering a much better informed public discourse. Discussion of security issues is regularly limited however, both by party leaders and whips, as well as by the Speaker of the Union Parliament, a former militia leader with close connections to numerous former generals. The oversight and scrutiny norms are slowly being established.

Although parliament is impaired in its ability to properly vet military budgets, it does form a team to do this each year and is able to question the ministers at length, providing some scrutiny. The legislatures are yet to target the main laws directly affecting the rights and responsibilities of the security forces, but have been active in some areas of security legislative reform, particularly relating to crime and to the safety of civilians. The constitution allows for the formation of Defence and Security Committees including military MPs, but these have yet to be activated.

Transforming institutional practices and cultures

Transferring powers from the military to civilians does not automatically create more just and peaceful outcomes. Just as elections alone do not establish a consolidated democracy, the placing of security powers in the hands of elected officials does not automatically transform security practices and norms. In the context of democratisation, it is crucial that elected leaders do not simply inherit the top-down, hard security-centric practices and attitudes of their authoritarian predecessors.

> **"Just as elections alone do not establish a consolidated democracy, the placing of security powers in the hands of elected officials does not automatically transform security practices and norms."**

The extent that the security and justice sectors serve the people depends on the laws, directives and policies laid down by the government as well as the internal practices and cultures of the core institutions. Special measures are needed to ensure that the diverse needs of all people and communities in the country are served, which requires both gender and cultural sensitivity. It is also better to prevent security, justice and public safety issues than to respond retrospectively with harsh crackdowns or military campaigns. Aung San Suu Kyi has written extensively about the need for fundamental changes to the practice of politics and governance in Myanmar, often emphasising 'democratic values and human rights', and the need to liberate the country from a cycle of fear.[19]

Old habits die hard

At around 300,000 troops, the Tatmadaw remains a bloated and infantry-heavy force, whose counter-insurgency approach is dependent on widespread targeting of entire populations with relocation orders and violence, to try and deny insurgents sanctuary and support. Its dominant approaches to warfare are stuck in the past.

Aside from the appalling treatment of civilians and allegations of human rights abuses, existing military approaches have simply proven ineffective and have arguably escalated and prolonged conflicts. A strategy of maintaining ceasefires with the majority of armed organisations and encouraging them to do business and abandon political objectives has – at best – allowed the state to control most natural resources and trade arteries. However, no significantly large ethnic armed organisation has been defeated in recent decades and the small groups that have been defeated have rarely been properly demobilised, allowing their fighters to join other groups or to simply rebrand.

The military is continuously investing in modernisation efforts in terms of its capabilities and armoury. Particularly since the NLD came to power, this agenda has been framed by Commander-in-Chief Min Aung Hlaing in terms of upgrading the force into a "standard army".[20] However, there has not been any explicit agenda to initiate comprehensive reforms as part of the country's democratisation process.

While it is not uncommon for militaries to have their own courts for adjudicating on affairs related to the conduct of their personnel, it is crucial that the cornerstones of the rule of law and access to justice still apply. The Myanmar military's justice system falls far short of these standards. Leaders regularly insist that violent campaigns have been carried out in line with its laws and rules of engagement, suggesting these guidelines condone systematic abuse. Court decisions and sentences are only occasionally publicised, and proceedings are not held transparently or even made public at a later date. Perhaps most concerningly, victims of criminal acts by the security forces do not receive any form of redress, reparation or remedy.

The Tatmadaw is a vast institution with a long history, steeped in internally developed doctrine, and deeply resistant to external interference. The civilian wing of government will not be able to instigate 'root-and-branch' reform of the military any time soon. Any change will be led from within the military, albeit potentially with concerted pressure, encouragement and assistance from others.

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In any case, it is unclear whether the civilian government sees significant problems with current military approaches, and key government figures have repeatedly claimed that they do not believe human rights allegations by the United Nations or others are credible.[21] Despite condemning "all human rights violations", Aung San Suu Kyi has been insistent that she won't "apportion blame" or "abnegate responsibility" to any particular conflict actor.[22] Although her government claims to have instructed the Tatmadaw "to avoid human rights violations" and "to carry out operations with great care", her official Facebook page has regularly defended the military and has rejected allegations of sexual abuse by security forces in a post emblazoned with the words 'Fake Rape'.[23]

A woman holds a sign that says 'Judicial reform is our cause' at a protest on the rule of law in Yangon, Myanmar, 12 October 2018.

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Sustained pressure will be needed over the long term from elected officials and non-governmental actors, such as civil society and the media, for more transparency and scrutiny of the armed forces' conduct to ensure that harm to civilians is minimised and that troops are acting in accordance with the values and desires of the wider population.

Comprehensive and system-wide justice reform

Since the colonial era, Myanmar's criminal justice system has been used primarily as a tool to maintain order and protect the interests of the state. Between 1962 and 2016, an estimated 7,000 to 10,000 people were incarcerated for political activities.[24] Today, the police and prison systems remain under the indirect control of the military and employ high numbers of former military officers, particularly in leadership positions.

Transforming this system into one focused on delivering justice in an impartial manner and on protecting the public will require a comprehensive approach that looks at the entire system collectively. So far, reforms have been piecemeal.

For police to serve the people, it is important that they operate according to civilian-, service- and protection-oriented values, rather than 'military values inherent to a war context'.[25] Militaries are built to use force against enemies of the public. Police are built to protect the public. If police take on military characteristics, then they end up treating the public like the enemy. In Myanmar, an unknown number of police personnel have been rotated in from the military, a practice that was continued as recently as 2014 as part of efforts to reduce the size of the military and to establish a stronger police force in line with the transition to a hybrid democracy. According to research conducted by the Tagaung Institute for Political Studies, the impact has been three-fold: committed career police officers have lost motivation due to a lack of promotional opportunities; the force's professional expertise has been reduced; and public relations have been damaged.[26]

The NLD committed in its 2015 manifesto 'to develop the police force in line with international standards so that it is able to fulfil its duties'.[27] Additionally, the Myanmar Sustainable Development Plan states that steps will 'be taken to strengthen the abilities of law enforcement institutions to deliver personal security, particularly for vulnerable groups'. In practice, the police have continued to act in close coordination with the political interests of the military and government, rather than independently and in service of the law.

The Myanmar Correctional Department falls under the military-led Ministry of Home Affairs and operates 42 prisons, five detention centres and 48 labour camps. The latter serve companies owned by the department as well as private companies.[28] In June 2019, there were 85,795 prisoners across the country despite an official prison capacity of just 71,000.[29] Many personnel in the prison department, including those in the higher ranks, have been transferred from the military.[30]

Reportedly, many of the already meagre standards set out in the colonial-era prison manual, such as for diet, are not even met in practice. A survey of 1,621 political prisoners who had served time between 1962 and 2016 found that 72 per cent had been physically tortured while in custody, and numerous sources have reported cases of torture since 2015.[31] Solitary confinement in so-called 'dog cells' where prisoners have to walk on all fours is another common practice.[32] Conditions in labour camps are said to be deplorable and over a thousand inmates in such camps died between 2004 and 2014.[33] Prisoners have also been used as forced porters in conflict areas, sometimes as part of highly orchestrated nationwide operations.[34]

Diversity

The vast majority of military personnel are men, and there are no women in senior public-facing positions. The armed forces are widely considered to be dominated by the Bamar ethnic group, a trend that began in the 1950s and peaked in the 1990s and 2000s. Also of great significance is the dominance of Buddhists, as commanders and their wives are generally required to take part in religious ceremonies and therefore have to be Buddhist.[35] Some efforts are seemingly underway to address the first two of these imbalances. Since 2013, women have been recruited as army officers in non-combat roles, having previously been employed solely as nurses. The military leadership claims that it represents all ethnic groups.[36] Nonetheless, perhaps quietly recognising a lack of diversity, Min Aung Hlaing has reportedly begun targeting high achievers at universities in ethnic states for enrolment in the Defence Services Academy.[37]

Legislating change

While elected civilians in government and parliament have been relatively conservative in legislating reform for the security and justice sectors, there are some developments worth noting. The Peaceful Assembly and Peaceful Procession Law, the 1975 State Protection Law, the 1950 Emergency Provisions Act, and elements of the Ward or Village Tract Administration Law that allowed authorities to make 'midnight raids' on persons with unregistered guests, have all been abolished or amended despite significant opposition from the Ministry of Home Affairs.[38] Amendments to the Penal Code, the Criminal Procedure Code and the Prison Law are being debated in parliament, having been passed back and forth numerous times between the Ministry of Home Affairs and pro-reform MPs, with assistance from the Assistance Association for Political Prisoners and the MNHRC.

A 2019 Child Rights Law was a potential breakthrough in legislating the activities of security forces, criminalising the 'six grave violations' of children's rights in conflict[39] – as provided in international law[40] – and banning the recruitment of under 18-year-olds.[41]

The Protection and Prevention of Violence Against Women bill has been under debate since 2011, involving concerted activism and pressure from women's CSOs and a wide range of active parliamentarians and civil servants. However, the law has yet to be approved by the cabinet, contrasting greatly with the swift passing of four deeply sexist laws in 2015, supposedly with the objective of protecting race and religion.[42]

The General Administration Department

The civilian takeover of the GAD represents an important first example of elected leaders taking over a military body and explicitly saying that it needs to be reformed to "bring about visible change . . . so that the public increases their trust".[43] Minister of the Union Government Min Thu, who now oversees the department, has initiated an explicit reform agenda,[44] and referred to the department as a 'role model for change'.[45] During consultations in every state and region, he outlined a focus on increasing public participation, ending corruption and changing the mindset of officials. By May 2019, the GAD had started a pilot project and was developing a new manual, overhauling the Institute of Development Administration's training curriculum, and putting senior staff through professional assessments focused on their 'willingness for reform'.[46]

> "The civilian takeover of the GAD represents an important first example of elected leaders taking over a military body and explicitly saying that it needs to be reformed."

Police officers specially recruited for election duties stand in line as they begin a physical training session on 22 October 2015 sin Mandalay, Myanmar.

Public oversight and engagement in the security sector

For any area of governance, if the objective is to serve the people, then the government institutions involved need to be responsive and accountable to the people. The security sector is no different. If its objective is to keep people safe and to protect their rights and property, it needs to allow for their involvement and oversight.[47] As argued by Aung San Suu Kyi, 'Democracy acknowledges the right to differ as well as the duty to settle differences peacefully.'[48] Furthermore, people have a right to be involved in the security sector. They pay taxes that are used for security purposes; they also live in the areas where security forces operate and are affected by their actions.

Since 2011, the civic space in Myanmar has opened up dramatically. Previously, heavy media censorship and public surveillance blocked any meaningful public discourse on security affairs beyond what was circulated by official military sources. Today, people can write, publish, collectively organise and speak in public far more freely. Public events and media broadcasts on political subjects including conflict and human rights issues take place regularly. However, the military (and some civilian leaders) have increasingly turned to the civilian courts to shut down free speech and to maintain a sense of fear and risk around discussing certain subjects. In particular, there have been at least 200 cases of so-called 'defamation' filed since 2013, many of which are by the military or its supporters responding to criticism of the authorities by civilians.[49]

Educational institutions, civil society, policy institutes and independent media are all crucial to ensuring public oversight and engagement in the security sector. These four sectors are the central focus of a dedicated policy briefing produced by Saferworld, 'Placing security in the hands of the people: public oversight and civic engagement in Myanmar's security and justice sectors'.

Widening access to education and training on justice and security issues is vital for democratising the security sector. Without capable and technically informed civilian leaders, security decision-making will continue to be monopolised by current or former military officials. Senior military officials are all men, are predominantly Bamar and Buddhist and have been trained primarily in the military's five universities, which are closed off from the rest of government and society.

Professors at the University of Yangon are trying to initiate a Master of Arts in Security and Strategic Studies, which they hope will begin in 2020. This is a huge leap forward in a country where nobody could openly study political subjects at university between 1962 and 2013. Since 2013, both Yangon and Mandalay universities have offered master's degrees in political science, including modules on civil-military relations and strategic affairs. There are additionally a vast number of non-formal and private academic institutions that have emerged across the country. These are highly diverse.

Reuters journalist Kyaw Soe Oo leaves Insein court after his verdict announcement in Yangon, Myanmar, 3 September 2018.

International Women's Day march in Yangon, 25 November 2012.
© J Paing/MPA

CSOs have been central to Myanmar's democratic transition so far, and include a diverse range of actors in terms of focus, size, funding sources and political background. CSOs support access to justice at the local level, through raising awareness, legal education, and helping individuals to report cases, including particular support for women and other marginalised groups. There are also various CSO initiatives in training judges and lawyers, among other areas of technical assistance.

CSOs have found various ways to influence laws and official policies related to the security sector, most notably on violence against women, child rights, penal reform, media freedom and peaceful assembly. One of the most important roles of civil society is conducting research and advocacy. This includes human rights reporting, often focused on military activities, which numerous ethnic-specific and countrywide organisations have been doing for multiple decades, shedding light on practices that would otherwise be overlooked. Other CSO-led research and advocacy focuses on specific policies and laws and on providing substantive recommendations to government or international agencies.

Policy institutes can contribute to more effective and more evidence-based policies through research, consultations and dialogue among both decision makers and the public. In Myanmar, some policy institutes are essentially CSOs, while others are attached to the government or particular agencies. They tend to prioritise the conduct of rational assessments and seek practical solutions rather than emphasise what they believe to be right or the political demands of specific groups. Such research could be crucial in demonstrating where ingrained institutional practices in security and justice bodies are falling short of addressing the security and justice concerns of the population.

The media is arguably the most important institution for providing public oversight to the security sector. Independent media coverage of military, police and justice sector activities ensures people know and understand when, why and how conflicts are being fought and crime is being tackled. This is essential, both to ensure public support for actions carried out in the public's name, and to make it possible for the public to voice opposition when they disagree. Effective media coverage relies firstly on freedom for the media to openly publish information about the relevant agencies' activities. A second necessary condition is journalists having access to reliable information, facilitated by official accounts and being assured access to areas and people affected by security operations.

> **"There have been dramatic improvements in [freedom for the media] since 2011, which could have a significant impact on the level of knowledge and awareness among the population and could inspire the next generation to engage more directly with security affairs."**

There have been dramatic improvements in both of these areas since 2011, which could have a significant impact on the level of knowledge and awareness among the population and could inspire the next generation to engage more directly with security affairs. There remain huge restrictions however, mostly as a result of the security culture developed through decades of military rule. The military persists in trying to cover up human rights abuses by targeting journalists and publishers with lawsuits, and, despite much greater interaction with the media, remains highly secretive about much of its activity.

The way forward

A democratic security sector is accountable to the public and its primary objective is to keep the public safe. There are no guarantees that Myanmar's security institutions are moving in this direction as a necessary outcome of the ongoing political transition. Nonetheless, political changes have created space for pro-democrats both in and out of government to push in this direction.

This briefing examines three dimensions of democratising the security sector. Since 2010, there has been moderate progress in all three areas, but, as shown in figure 1, this is hindered by various factors.

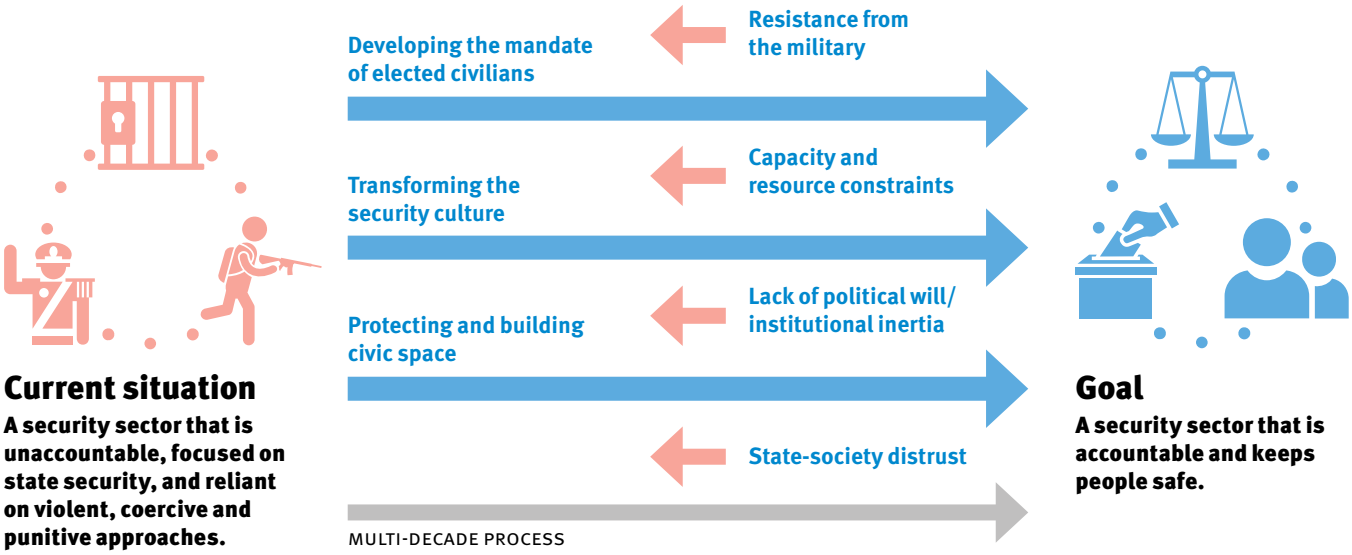
Myanmar's security and justice sectors could evolve in numerous ways. They could remain largely detached from the civilian government and in service of military leaders' ideological or private interests. Alternatively, they could slowly be democratised, coming under an increased oversight of elected civilians, focusing on keeping people safe, and opening up to wider participation from the public and civil society.

Much depends on whether civilians interested in the public good can successfully claim greater power and influence through a combination of sustained pressure and tactful compromise. Civilians in government, civil society, the media, policy institutes and educational institutions all have critical roles to play. Progress towards democracy so far has come largely as a result of domestic actions and Myanmar-led initiatives from a wide range of local institutions and individuals.

International partners can also bring key expertise and resources that can be drawn upon by local stakeholders. Creating successful international-local partnerships on these issues will depend on international attention to the local context and the development of mutual trust and understanding.

The work ahead is best viewed, soberingly, as a multi-decade challenge. Sustained action from a wide range of organisations and individuals is needed to bring about generational change. Like democracy, none of these areas of change has a finite end point when it is complete. They are all dynamic and ongoing processes. Future Saferworld research and programming will continue to support these efforts.

Figure 1: Three dimensions of security sector democratisation



Notes

1 Selth A (2001b), 'Burma's Armed Forces Under Civilian Rule: A Return to the Past?', Technical Advisory Network of Burma, Working Paper 02–01, May.

2 Ibid, p 4. The quotes refer to speeches made by Aung San Suu Kyi in 1998.

3 Article 6d of the 2008 Constitution.

4 Article 6f of the 2008 Constitution.

5 See chapter 4 of the 2008 Constitution.

6 Article 17b of the 2008 Constitution states that the commander-in-chief will nominate defence personnel to serve at every level of government 'to undertake responsibilities of the defence, security, border administration, and so forth'. See also articles 232b(ii), 234b and 235c(ii).

7 Crouch M, Ginsburg T (2016), 'Between endurance and change in South-East Asia: the military and constitutional reform in Myanmar and Thailand', *Annual Review of Constitution-Building Processes: 2015* **3**, International Institute for Democracy and Electoral Assistance, p 69.

8 Egreteau R (2016), *Caretaking Democratization: The Military and Political Change in Myanmar* (London: Hurst); Callahan M (2012), 'The generals loosen their grip', *Journal of Democracy* **23** (4).

9 See *Myawady* (2016), 'Excerpts from the meeting with local media that reflect the stance and actions of the Tatmadaw', English daily edition, 17 May, p 18; Htet Naing Zaw (2018), 'Tatmadaw Will Cease Operations in Kachin on Govt's Order: Defense Secretary', *The Irrawaddy*, 30 May (https://www.irrawaddy.com/news/tatmadaw-will-cease-operations-kachin-govts-order-defense-secretary.html)

10 Article 213 of the 2008 Constitution.

11 The Tatmadaw claims 'civil wars' ended in 1949, when the Karen National Union was pushed out of Yangon. For example, see Myratt Kyaw Thu (2019), 'Tatmadaw warns journalists against calling domestic conflicts "civil wars"', *Myanmar Frontier*, 18 January (https://frontiermyanmar.net/en/tatmadaw-warns-journalists-against-calling-domestic-conflicts-civil-wars)

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About Saferworld

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This briefing was written by Kim Jolliffe.

Cover photo – Military representatives attend the regular session of the Union Parliament in Naypyidaw, Myanmar, 25 July 2018.

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