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**A Historical Overview of Political Transition
in Myanmar Since 1988**

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A Historical Overview of Political Transition in Myanmar Since 1988

Maung Aung Myoe

The issue of political transition in Myanmar has generated scholarly interest and debate on the nature and outcomes of the whole process. Various questions have been raised about the on-going National Convention entrusted with the task of drafting a new constitution. Some scholars placed the political transition in the context of national reconciliation in Myanmar while others analyzed it within the conceptual framework of democratization. A recent article by Robert Taylor examined the domestic and international political environment in which the National Convention is being conducted to draft the third constitution for Myanmar. He neatly described the bumpy road that Myanmar had gone through so far and he offered a cautiously optimistic view about the further steps in the process.¹ This paper provides a historical overview of the political transition process in Myanmar since 1988. It highlights the missed opportunities and argues that the Tatmadaw's (Myanmar armed forces) position on the political transition in Myanmar has changed from a bystander to a key player. This paper studies the political circumstances that led to the holding of the National Convention and drafting of a new constitution in Myanmar. It will look at the nature of political executive that the new constitution will produce for Myanmar in future.²

On 20 February 2007, Myanmar Foreign Minister Nyan Win told his Indonesian counterpart that Myanmar "hopes to finish *drafting the constitution by the end of the year*". He further said, "If that really happens, it will be progress in a process that many people say is going too slow. It would be step forward".³ What Nyan Win suggested was not only the completion of the convening of the National Convention but also the drafting of the State constitution. The

¹ Robert H. Taylor, "One Day, One Fathom, Bagan Won't Move": On the Myanmar Road to a Constitution" in Trevor Wilson (ed.) *Myanmar's Long Road to National Reconciliation* (Singapore: ISEAS, 2005), pp. 3-28.

² One might question why only the political executive and not the other aspects of the political system. In Andrew Heywood's words: "Political systems can operate without constitutions, assemblies, judiciaries, even parties, but they cannot survive without an executive branch to formulate government policy and ensure that it is implemented. Such is the potential power of executives that much of political development has taken the form of attempts to check or constrain them, either by forcing them to operate within a constitutional framework, or by making them accountable to a popular assembly or democratic electorate." [Andrew Heywood, *Politics*, second edition (London: Palgrave, 2002), p. 333].

³ *Jakarta Post* (21 February 2007).

last session of the National Convention began on 18 July 2007. On 24 June 2007, Secretary-1 of the State Peace and Development Council (SPDC) explained that upon completion of the convention, the remaining task will be carried out phase by phase in line with the seven-point roadmap. The Secretary-1 stated that the State constitution will be drawn on the basis of basic principles and detailed basic principles, and the constitution will be approved after holding the referendum. He continued, "With the emergence of the Constitution the election will be held *in accordance with the laws* and the State power will be handed over to the civilian government after electing the Hluttaw representatives as well as forming the Hluttaw and the cabinet (*italics are mine*)".⁴ The completion of the National Convention, however, does not necessarily translate into the drafting of a constitution. The National Convention is just the first step in the seven-point roadmap declared on 30 August 2003 by the then Prime Minister General Khin Nyunt.⁵ What is not clear in the roadmap is the second step. This step could be considered as a room for political maneuver by the SPDC regime, as "step-by-step implementation of the process necessary for the emergence of the genuine and discipline-flourishing democratic system" does not give any hint at all on what the process entails. Moreover, even the completion of the drafting of a constitution does not necessarily mean the speedy transfer of power to a constitutional government as it has to go through a national referendum process and general elections. Yet, it is now time to look back at the process of political transition in Myanmar.

THE MILITARY TAKEOVER IN 1988

There are several structural causes that led to the fall of the Burma Socialist Programme Party (BSPP) government, the only legal ruling political party since 1963. However, these are beyond the scope of the present paper. However, it is interesting to look at the political circumstance under which the military takeover took place in September 1988. The situation surrounding the 1988 military takeover was more complex. Since early March 1988, after the

⁴ *New Light of Myanmar* (25 June 2007).

⁵ These seven points are: (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 the genuine and disciplined democratic system; (3) Drafting of a new constitution in accordance with basic principles and detailed basic principles laid down by the national convention; (4) Adoption of the constitution through national referendum; (5) Holding of free and fair elections for Pyithu Hluttaw (Legislative bodies) according to the new constitution; (6) Convening of Hluttaws attended by Hluttaw members in accordance with the new constitution; and (7) Building a modern, developed and democratic nation by the State's leaders elected by the Hluttaw; and the government and other central organs formed by the Hluttaw.

student demonstrations, the political situation in Myanmar began to deteriorate. The death of an engineering student (on 12 March) and the arrest of 154 students (on 16 March) had further triggered demonstrations in later months of 1988. The ruling BSPP was discredited for the mishandling of student demonstrations. The most serious issue at stake was the death, resulting from suffocation (on 18 March), of 41 detainees in a police van, which drove around with 71 people for two hours. The news was completely censored and blacked out. It was finally released only on 19 July, almost four months later. Although the official explanation for such a delay was to contain further escalation of riots and demonstrations, people became more and more distrusting of the government. Meanwhile, the BSPP tried to introduce a number of measures to boost its public confidence and legitimacy. An emergency party congress was held on 23 July. Party Chairman U Ne Win surprised almost everyone by opening up a venue to hold a national referendum for the reintroduction of a multiparty system in Myanmar. It was U Ne Win who first introduced the idea of political transition from a single-party to a multi-party political system in Myanmar. At the congress, the Tatmadaw delegate declared that the Tatmadaw would dutifully carry out all the assignments for successful completion of the referendum. However, Ne Win's suggestion was outright rejected by the congress delegates. There was a major shuffle at the leadership level. Party Chairman U Ne Win and President U San Yu resigned from their respective positions, together with three other colleagues. U Sein Lwin, a retired brigadier general, became the new party chairman cum president on 26 July. People were disappointed with this new appointment.

By late July, fresh demonstrations took place mostly in Yangon. President Sein Lwin declared martial law and ordered the security forces to shoot at the demonstrators. The BSPP and the government summoned an emergency party congress and council of state meeting, and replaced U Sein Lwin with Dr. Maung Maung as both the chairman of the BSPP and the president of the state on 19 August. U Sein Lwin stayed in power for just 23 days; he resigned on 12 August. Dr. Maung Maung displayed quite an extraordinary patience and lifted martial law administration and ordered the Tatmadaw to return to the barracks. He further opened up opportunities for people to express their grievances about the governance. People came out to demonstrate under various organizational banners. The situation had deteriorated so much that it was now out of control. By late August 1988, BSPP leaders were worried about the collapse of the state; the government had become defunct. Various unions

(Thamaga) were running the show; peaceful demonstrations soon turned ugly and went out of control.

On 23 August 1988 -- a day before martial law was lifted, an inner circle meeting appeared to take place at U Ne Win's residence; it was reportedly attended by U Ne Win, U Sein Lwin, President Dr. Maung Maung, U Aye Ko, Prime Minister Thura U Tun Tin, U Than Tin, U Kyaw Htin, Chief of Staff General Saw Maung, a handful of other senior members of the cabinet and Daw Khin Sanda Win -- daughter of U Ne Win.⁶ The allegedly classified "Top Secret" minutes of the meeting were summarized by Martin Smith as follows:

According to this document, it was agreed that the defeat of the opposition movement was absolutely dependent on the continued loyalty of the army or Tatmadaw to the BSPP. At the same time, it was argued, if a multi-party system were introduced it would 'negate the role' of the military and the many Tatmadaw veterans who had given their 'lives and limbs' for the country. Their aims were thus synonymous and a new tactical strategy had to be drawn up 'to crush the opposition'. The first step would be to separate the students from the masses; the second to 'annihilate the student leaders and hardliners.' To do this military personnel would be secretly sent out throughout the country to create conditions of such lawlessness that 'the masses and business community will come to depend on the armed forces for protection'; then as the chaos continued, people would soon realise the 'aimlessness and confusion of a multi-party system.' Sooner or later this would pave the way for a coup, the only question being one of timing. If the country continued its rapid slide into anarchy the military takeover would be quick; if not, efforts would have to be stepped up, Criminal elements would have to be let loose and allowed to go on the rampage. But of the greatest importance in any scenario, the report argued, was that the Tatmadaw be back in charge again during what it was recognised would be a period of transition, which could well mean an interim government or the holding of a referendum or multi-party elections. This would not matter, for once in control the students should already have been isolated from the masses, and, with the photographic evidence it was now gathering, the MIS would be able to pick up all the student leaders, writers and film stars who were leading the democracy movement.⁷

A slightly different version can be found in Bertil Linter's *Outrage* in the following term.

The first step would be to spread the rumour that Ne Win had left, or was about to leave, the country. Attempts would be made to drive a wedge between the students and the monks on the one hand and the people on the other. Meanwhile, DDSI agents should "be responsible for creating anarchy

⁶ Martin Smith, *Burma: Insurgency and Politics of Ethnicity*, 2nd edition, (London: Zed Books Ltd, 1999), p. 457.

⁷ *ibid*, p. 12.

and staging covert operation on as large a scale as possible." This would include "poisoning water supplies, instigating looting of government warehouses and blaming it on the people, committing arson and beginning defamation campaigns of the opposition leaders." Some superficial concessions should be made at the same time as these actions continued, such as giving promises of a multi-party system and democracy. Certain student leaders should be ear-marked for assassinations and, eventually, the army would use the "deteriorating conditions in the country" as a pretext to stage a coup. Then, a bloody suppression would follow. An "anti-strike committee" had been formed to implement the scheme, according to the document.⁸

This document was first published in the first week of September 1988, about 10 days after the meeting, during the demonstration. While the authenticity and details of the document is contestable, as it could be tailored to suit varying situations, a meeting did indeed appear to have taken place on the said date.⁹

In the last week of August 1988, when information about the alleged signing of a document or a pledge by colonels and above ranks, mostly in Yangon leaked to the public, the anti-government demonstrators issued statements that colonel and above ranks officers from the Tatmadaw will be discharged once the anti-government movement attains victory. The document, which was supposedly signed by the colonels and above ranks, pledged to maintain institutional unity and solidarity within the Tatmadaw, to safeguard the nation from all forms of destructive elements, to resolve differences of opinion by peaceful means, to help each other to rectify and clear any suspicion, not to seek revenge and vendetta or hold grudge against each other, to look after each other within the legal framework, not to take up arms and attempt assassination under any circumstance, and to protect and look after those leaders and Tatmadaw commanders being regarded as parents. In the same light, US Congressman Stephen J. Solarz, after a one-day trip to Yangon on 3 September 1988, told the Bangkok Post that military personnel (up to the rank of colonel) were sympathetic to the anti-government demonstrators.¹⁰ The Tatmadaw leadership of the time, as revealed by Lt. Gen. Chit Swe, had formed an opinion, established a common position, and unanimously accepted the notion that the Tatmadaw must be united and stand together in time of crisis.¹¹ This

⁸ Bertil Lintner, *Outrage* (HK: FEER, 1989), p. 168.

⁹ For example, Captain Si Thu and three staff from the DDSI were caught red-handed and exposed in respect of their counter-intelligence activities on 26 August 1988. Their photos appeared on the front page of pamphlets published the next day. This event could be corroborated by documents.

¹⁰ Brigadier General Khin Nyunt's Press Conference on 9 September 1989 [WPD, 10 September 1989]

¹¹ Naung Sitthi, *Thae Tanae Mawe Tanae*, Vol. 2 (Yangon: Panmyo Tayar Sarpay, 2006), pp. 782-783.

common position was further explained to those in the lower levels of command, first mostly in Yangon and its surrounding areas and then in other parts of the country. When the regional commanders and division commanders were brought into Yangon for consultation in the second week of September, they were also given an explanation of the Tatmadaw's common position and asked to sign the document.¹²

The anti-government demonstrations became increasingly violent, and subsequently former Prime Minister U Nu was proclaimed as the legitimate ruler and a parallel government was formed on 9 September 1988. U Nu issued the list of cabinet members and contacted diplomatic missions in Yangon to seek recognition. The BSPP leadership began to panic. A special congress originally scheduled for 12 September, was held on 10 September instead. The party congress proposed to cancel the suggested referendum and to hold general elections under a multi-party system. The Pyithu Hluttaw [People's Assembly] also decided to hold a general election under multi-party system within three months. Meanwhile, General Saw Maung requested the BSPP leadership to allow the Tatmadaw commanders to relinquish their party duties. As Dr. Maung Maung recalled.

“General Saw Maung had proposed in the EC [Executive Committee of the BSPP] held on the eve of the party congress that the regional commanders be relieved of the party duties. The EC had requested him to wait a little. Now, at the end of the party congress, I told Gen. Saw Maung that he and Gen. Than Shwe were released from their duties on the EC and they should feel free to send out signals to the regions to relieve the commanders and other officers of their party posts. I can always recall the faces of the two generals when I said that. They beamed with real joy. And off they went, like schoolboys running off as the bell rang to announce the end of the day.”¹³

Thus, on 12 September, the then Chief-of-Staff General Saw Maung read out the request, on television, to the public, Sangha and the Tatmadaw; he promised to help hold free and fair multi-party general elections. One of the prominent leaders of the demonstration, U Aung Gyi hailed it a victory and called for the strikers to call off the demonstrations, saying the

¹² The signing of the document appears to have continued until early the 1990s and senior officers were required to sign it upon becoming a colonel in any of three services [army, navy, and air force]. With regard to the matter of leaders and Tatmadaw commanders being regarded as parents, Senior General Saw Maung once mentioned that General Ne Win was like his parent. Lt. Gen. Chit Swe in his memoir said that General Thura Kyaw Htin was like his father. [WPD (5 February 1989); *Asiaweek* (3 February 1989); Naung Sitthi, *Thae Tanae Mawe Tanae*, Vol. 2, p. 783].

¹³ Dr. Maung Maung, *The 1988 Uprising in Burma* (New Haven, Connecticut: Yale University Southeast Asian Studies, 1999), p. 191.

road to democracy was open. He changed his mind later, though, and became one of the three leaders to issue a joint statement calling for an interim government; the other two were Daw Aung San Suu Kyi and U Tin Oo. By then, the political situation reached a deadlock.

The political situation then saw further deterioration. Foreign intervention began to occur. The sighting of a US naval fleet of five warships, including the aircraft carrier Coral Sea, within the Myanmar territorial water on the morning of 12 September 1988 became a cause for concern for the Tatmadaw. When the military authorities lodged a complaint and sought an explanation from the US embassy for this brief but threatening presence of US warships, the latter explained that it was for the evacuation of US embassy staff in Myanmar. Myanmar authorities pointed out that 276 people, including some US embassy staff, had been evacuated on the evening of 11 September on a chartered flight. Indeed, the US embassy had repeatedly requested permission from the Myanmar authorities to land C-130 military aircraft in Yangon for evacuation purposes. The Myanmar authorities had rejected the request by explaining that such an activity might not only lead to further confusion among the general public, but send a wrong signal to regional neighbours. The next day, the US embassy issued a statement that the sighting of the US fleet in Myanmar territorial waters was just a rumour. At the same time, there were movements of troops from the People's Liberation Army (PLA) of China along the Myanmar border. Several PLA brigades were deployed along the border and put on alert. The Tatmadaw authorities in Yangon informed the Chinese military attaché that the situation would be under control in a fairly short period of time. They even sent a delegation to the Myanmar border to meet senior PLA officer and to verify the situation and assure that no foreign power would interfere in Myanmar's internal affairs. There had been some reports that the PLA was quite prepared to take the Shan state, by using the BCP as a front, if the US fleet or troops landed in Myanmar.

Moreover, the military intelligence had received intelligence about major offensives by various insurgent groups. In particular, the BCP in the northeast and the Karen National Liberation Army (KNLA) in the southeast were main areas of concern. Reinforcement in those front line areas meant less resources available for restoring and maintaining law and order in the cities. The anarchic situation in cities, especially in Yangon, left the Tatmadaw with no access to essential strategic materials, such as fuel, which greatly hampered the mobility and combat readiness of the armed forces. With the benefit of hindsight, we now know that the BCP was preparing to launch a major military offensive in the Northeastern

part of Myanmar. The Tatmadaw by then realized that it had to fight the major battles at two fronts. With the chaos in Yangon and other major cities, the Tatmadaw could not fight wars in the border areas; therefore, it appeared to take quick action to restore law and order in the cities.

The events on 12 September 1988 was perhaps the last straw that broke the camel's back. Another inner circle meeting appeared to take place at U Ne Win's residence; they gathered to discuss drastic actions to break the political deadlock and to restore law and order as early as possible. The discussion revolved around the question of whether to use force to crush the demonstration to restore law and order and to reinstate the BSPP leadership by using the Tatmadaw, or to let the Tatmadaw take over the state. The BSPP leadership was in dilemma. Dr. Maung Maung recalled:

The [BSPP] government, being defunct, was redundant. We were redundant. Constitutionally, the council of state could proclaim a state of emergency over Yangon, Mandalay, Moulmein and the affected areas and impose military administration, which meant turning over power over those cities to the military. Yet, the disturbances had spread so fast and so far, would that be enough to restore peace and normalcy in the country? *And, more practically, would the Tatmadaw happily undertake the unpopular duties of military administration while carrying a defunct state apparatus on its shoulders?* The secret of winning willing obedience is to issue only those orders that would be willingly obeyed. . . . Turning the cities over to the military would call for the use of force; the military could not restore peace by showering sweet words and smiles all round and kissing babies. *And I did not want to have anything to do with the use of force, especially to just stay on longer in office; it wasn't worth it.* We needed to look to the future, a future of enduring peace, harmony, and peaceful changes. It was time to try to break out of the vicious circle of unrest, violence, insurgency, military intervention, ideological and factional disputes that has plagued the country since independence, dissipating her not inconsiderable natural and human resources [*italics are mine*].¹⁴

Dr. Maung Maung revealed that the major question was whether the Tatmadaw would be willing to continue working for the BSPP. There seemed to be a debate within the inner circle and the majority finally agreed to the second option; let the Tatmadaw do the job of its own will, not for the sake of the party, and to take over the state if the situation further deteriorated. For some party leaders, it was perhaps a "good ending" of the BSPP rule in Myanmar.

¹⁴ *ibid*, pp. 221-222.

In the meantime, on 8-9 September 1988, the commander-in-chief summoned all regional commanders and division commanders to Yangon and discussed matters relating to the institutional unity of the Tatmadaw and the on-going political crisis, including the possibility of restoring the law and order by force. Whether the date of the coup had been agreed upon was difficult to know. However, since the preparations were already under way, they just needed a few hours to activate the whole plan. Meanwhile, the BSPP issued a statement which allowed the Tatmadaw and armed forces personnel to withdraw their membership from the party on 16 September 1988. The next day, the Tatmadaw issued a public statement requiring its members to fulfill the "original duty" of the perpetuation of the Union, national unity, and the perpetuation of national sovereignty. A demonstrating mob then seized a Tatmadaw platoon of 24 personnel at the Trade Ministry Building on 17 September 1988. The chief-of-staff ordered the platoon commander not to open fire at the crowds. The Tatmadaw cited that incident as an immediate reason for the military takeover on 18 September 1988. When asked by a journalist from *Asiaweek* whether General Saw Maung informed U Ne Win about the coup beforehand, the latter replied: "No. Definitely. I did not. *We consulted amongst ourselves.* This was a situation where we had to take power because the situation had worsened very much. Because if we waited for two more days, we would be in big trouble. (The opposition) had worked out who would take which portfolio or responsibility [author's italics]".¹⁵ However, Lt. Gen. Chit Swe claimed that the coup took place without prior planning.¹⁶ In the words of former president, Dr. Maung Maung, "the astrologers did not seem to have advised the date, 18, one plus eight making nine, *which was supposed to be the auspicious number* for the Myanmar people. The date was determined by the mobs [author's italics]".¹⁷ Dr. Maung Maung further remarked:

On September 18, the takeover happened--on the 18th, because the grave provocations took place on the 16th and 17th. If there had been no provocations and all parties had joined to control the situation and restore the peace, there would have been no coup. General elections would have taken place on time, as promised, with the Tatmadaw sincerely and happily helping, as it has helped in the drafting by the people of the constitution of 1974 and in the conduct of the elections under it. That indeed was what Generals Saw Maung, Than Shwe, Khin Nyunt, Myo Nyunt, and such senior commanders have said with sincere regrets, after the coup and all these years past. The coup

¹⁵ WPD (5 February 1989); *Asiaweek* (3 February 1989) .

¹⁶ Naung Sitthi, *Thae Tanae Mawe Tanae*, Vol. 2, p. 790

¹⁷ Maung Maung, *The 1988 Uprising*, p. 221. [Was he suggesting that the coup was inauspicious?]

was practically forced on the Tatmadaw; circumstances made it a compelling duty.¹⁸

The political circumstances under which the Tatmadaw took over the state were certainly complex. In the words of a political commentator,

The crisis that the Tatmadaw confronted with in 1988 was the worst to have developed over the past fifty years. The Tatmadaw found itself in a very unpopular plight. Forces opposed to the Tatmadaw were gaining strength. The masses had begun to waver. The Tatmadaw was blamed for everything that had happened. Some alleged that the Tatmadaw was an organization used to staging coups for nothing. At that moment insurgent organizations of all hues began to launch offensives. The battle of Mongyang and the battle of Methawaw were ferocious battles. Above ground, turbulence and turmoil continues unabated. The situation of the country in all aspects had fallen to zero. Politically bankrupt. Militarily, life and death battles were being fought. Economically, not a pya [cent] was left in national coffers. Socially, depravity reigned supreme: culture had vanished and a period of savagery was on the threshold. It was such a time that the Tatmadaw had to take over power. There was scarcely anyone who heartily welcomed and supported the Tatmadaw. Even if there had been some they would not have dared to open their mouths lest they be decapitated.¹⁹

At about 4:00 pm on 18 September, the Tatmadaw announced its takeover and declared the formation of the State Law and Order Restoration Council (SLORC) on radio. Therefore, the political transition from a single party to a multi-party system ended with a military coup.

THE 1990 GENERAL ELECTION AND THE NATIONAL CONVENTION

Soon after the formation of the SLORC, the Tatmadaw declared there were four immediate tasks to be performed. One of them was to hold a multi-party democracy general election. As promised, a free and fair general election was held on 27 May 1990. Out of 492 constituencies, 485 were contested. A total of 2209 candidates from 93 different political parties and 87 independent candidates participated in the election.²⁰ At the election, out of 20,818,313 eligible voters (EV), 15,112,524 came out to vote; this was a 72.59 percent turnout rate. However, only 13,253,606 votes were valid. A total of 479 candidates from 27

¹⁸ *ibid*, p. 243.

¹⁹ Nawrahta, *Destiny of Nation* [NLM, 19 June 1995].

²⁰ In terms of racial background, there were 6 Kachin parties, 2 Kayah parties, 3 Kayin parties, 2 Chin parties, 1 Mon party, 57 Bamar parties, 9 Rakhine parties, 12 Shan parties and 1 Naga party. See Major General Khin Nyunt's speech at the 104th Press Conference (11 September 1990).

parties and 6 independent candidates were elected.²¹ Although the National League for Democracy (NLD) polled only 59.87 percent of the valid vote (VV),²² it secured almost 81 percent (392) of the seats.

Table 1: The Results of the 1990 Election

No.	Party	Valid Vote	Elected	% of VV	% of EV
1	National League for Democracy	7,934,622	392	59.87	38.11
2	National Unity Party (Former BSPP)	2,805,559	10	21.17	13.48
3	Peasants' Unity Organisation (of NUP)	300,906	-	2.27	1.45
4	League for Democracy and Peace (U Nu)	243,023	-	1.83	1.16
5	Shan National League for Democracy	222,821	23	1.68	1.07
6	Union National Democracy Party (Aung Gyi)	196,598	1	1.48	0.94
7	Rakhine Democracy League	160,783	11	1.21	0.77
8	Workers' Unity Organisation (of NUP)	153,854	-	1.16	0.74

With its election triumph, and being overconfident of its ability to draw public support, the NLD began to pursue a confrontational policy towards the SLORC. In an interview with a foreign journalist in early July 1990, barely a month after the election, U Kyi Maung, the then chairman of the NLD, made a reference to the holding of a Nuremberg-type trial in Yangon after the NLD came to power.²³ The remark somewhat reflected the call by some NLD's youths for U Ne Win and SLORC members to be put on trial.²⁴ Although U Kyi Maung denied such a threat was a major problem, he did suggest that some individuals, such as '[Major General] Khin Nyunt might reasonably feel themselves pretty insecure'.²⁵ This threat had effectively formed a basis of the Tatmadaw's desire to manage the political transition in which it would like to secure prerogatives that could protect both institutional and individual interests, and ensure the personal safety of regime members.

²¹ In terms of occupation, there were 42 retired military personnel, 145 service personnel, 54 advocates and lawyers, 50 doctors and 194 civilians. See *ibid.*

²² The SLORC government usually stressed that the NLD polled only 38.11 percent of the eligible vote.

²³ *Asiaweek*, 13 July 1990.

²⁴ *Asiaweek*, 22 June 1990.

²⁵ *Asiaweek*, 13 July 1990.

Soon after the elections, the issue of the transfer of power began to surface. But it is necessary to look at this issue from since the early days of the SLORC rule. Four days after the military takeover, on 22 September 1988, the Secretary-1 of the SLORC, Brigadier General Khin Nyunt, in his capacity as the Director of the Defence Services Intelligence, briefed foreign military attachés that the "the Tatmadaw would *systematically* transfer power to the party which comes into power after successfully holding the general elections [author's italics]".²⁶ The first official statement about the transfer of power from the Chairman of the SLORC, General Saw Maung, came on the 44th Anniversary of the Armed Forces Day, 27 March 1989. In his speech, General Saw Maung said, "With the improvement of general situation, free and fair general elections will be held throughout the country with the exception of some areas in which there is no peace and tranquility due to the prevalence of insurgency. After the election, having followed the necessary procedure, the Pyithu Hluttaw representatives elected by the people will form a government *in accordance with the law*. It is expected that the new government will strive its utmost in leading the State in the interest of the people. We, the Tatmadaw personnel will go back to the barracks [italics are mine]".²⁷ His position was further explained on 5 July 1989 when he gave a briefing to journalists in Myanmar. In his words, "I will transfer the power *according to the law*. If a government could be formed with majority vote, then I will hand over. I agree with it. But what constitution would be used. If there is a nation, there will be a government and it must have a constitution. Which one [1947 or 1974] will be recognized? Will there be amendments? These are the things political parties should think about. I shall not speak about it. But I have given them a nudge or two to think and ponder about relevant matters [italics are mine]".²⁸ The importance of a constitution as a basis for the transfer of power was, by then, accepted even by Daw Aung San Suu Kyi. Asked by Dominic Faulder from Asiaweek on 1 July 1989, four days before General Saw Maung's press briefing, Aung San Suu Kyi said, "Whoever is elected will first have to draw up a constitution that will have to be adopted before the transfer of power. They haven't said how the constitution will be adopted. It could be through a referendum, but that could mean months and months, if not years".²⁹

²⁶ WPD; *Loktharpyithu Naetzin* (23 September 1988).

²⁷ WPD; *Loktharpyithu Naetzin* (28 March 1989) [Translation is mine. In the official English translation, however, it was said: "A new legally elected government comprising the representatives of the people who were elected to the Pyithu Hluttaw will come into being after the election.].

²⁸ WPD; *Loktharpyithu Naetzin* (6 July 1989) .

²⁹ *Asiaweek* (21 July 1989), p. 19.

In fact, the importance and necessity of a constitution for the transfer of power was clearly spelled out in more detail at the 43rd press conference held on 9 June 1989. The SLORC spokesman said:

"It has been said that power will be transferred to the government that will come into being *in accordance with the law* after the elections are held. Power could not be handed over immediately after the elections are held as *government will have to be formed on the basis of a constitution*. If power will be transferred hastily [without a proper procedure], it would lead to a shaky and weak government; any rational person can understand it. Only if the power is transferred to a government formed *systematically* on a basis of a constitution, will the government to be constituted be stable. We have two constitutions at present, namely the 1947 constitution and the 1974 constitution. If the Hluttaw members *unanimously* selected one of the two constitutions and formed a government then, power would be transferred to them. We are ready to transfer power to the government formed *in accordance with the constitution*. If both the constitutions are not acceptable, a new one should be written. The Tatmadaw will not draw up a new constitution. The SLORC will not do it either. The representatives elected are to draw it; if the people approve the constitution then power will be transferred to the government which emerged according to that new constitution [author's italics]".³⁰

It is clear from the start that the SLORC will transfer power "systematically" to a government legally constituted on the basis of a constitution. Constitution is a *sine qua non* for any *de jure* government. By mid 1989, the SLORC made it abundantly clear that a new constitution is needed for the transfer of power. Both the 1947 and the 1974 constitutions could not be used straight away. The 1947 constitution was unacceptable for the secessionist clause. The 1974 constitution was because of its one party socialist state clause. When the SLORC enacted the Pyithu Hluttaw Election Law on 31 May 1989, though it set out technical and administrative detail for the successful holding of general elections in Myanmar, it did not contain any provision about how and when the Hluttaw should be convened. Moreover, the law did not define the nature of the Pyithu Hluttaw, whether it could exercise legislative, executive or judicial power. Besides, the Myanmar phrase "Pyithu Hluttaw" was never translated into English as "parliament". When the draft of the election law was released to the public, some political parties sent letters to the Election Commission to clarify the nature of the Hluttaw.³¹ Despite the formal letters of request for clarification on the nature of Hluttaw, there was no manifestation of this clarification when the law was finally passed. The

³⁰ WPD; *Loktharpyithu Naetzin* (10 June 1989).

³¹ See also Yebaw Tin Shwe. Out-of-Date 1990 Election Result, *New Light of Myanmar* (21 May 2007)

constitutional basis of the Hluttaw formation was also lacking.

Although the election law states that “The Pyithu Hluttaw shall be formed with the Hluttaw representatives who have been elected according to this law from the constituencies”, it did not provide any legal basis on which the Hluttaw could be formed. Nevertheless, both the SLORC and the political parties, especially the NLD, agreed that a constitution was needed before the transfer of power. This had become an issue only after the election when the NLD began to pay the transfer of power the first priority and the SLORC began the constitution drafting. On 12 April 1990, six weeks before the election, Major General Khin Nyunt said:

"The party that wins in the 27 May elections will have to form a government. Only if a firm constitution can be drawn up and a government formed in accordance with it will the government be a strong one. Only a strong government can lead the State for a long time. The SLORC at different levels will continue to carry out the responsibilities of the State while the constitution is being drafted. So we will continue to carry out the responsibilities even after the elections. We will continue to do so till a strong government has been formed".³²

A few days before the elections, the SLORC more clearly pronounced its position. It became more assertive and said that "those elections will produce only a national assembly to write a new constitution"³³ and "it would not relinquish power until a government is formed and a new constitution is written".³⁴ Three days after the elections, General Saw Maung reinstated his position that a government is to be formed in accordance with the law and the SLORC will remain in power until such an occasion arrives.³⁵

According to a survey done by the Tatmadaw before the election, of content analysis of the manifestos published by the 93 parties contesting the election, 7 parties wanted to use the 1947 constitution with amendments, 31 parties wanted to draw a new constitution, 44 parties might be considered as having wished to write a new constitution, while only 11 parties made no commitment whatsoever.³⁶ In this context, 35 days after the election, General Saw Maung asked:

³² WPD (13 April 1990).

³³ *The Straits Times* (25 May 1990).

³⁴ *The Guardian* (26 May 1990).

³⁵ WPD (31 May 1990).

³⁶ *ibid.*

What is to be done after the multi-party election? The constitution is to be written. This matter was contained in what I spoke on 5 July 1989. I have said the SLORC would not write it. We cannot be made a scapegoat. Then, I said on 18 June 1990 that the constitution concerns everyone. What is meant by that is that we will speak out about what should be of relevance to prevailing conditions in the country. What will be said is not for personal interest but in the interest of all nationals, inclusive of the entire nation's interest, the Tatmadaw's interests, and the service personnel's interests. A coordination by all and consensus is to be obtained.³⁷

He also stressed that what was important in the country was: "How shall the constitution today be drawn? How shall national solidarity be achieved? What shape shall the nation take? How will the administration of the country be planned in the reconstruction of the country?"³⁸ What General Saw Maung desired was that the people's representatives should draw up a constitution in consultation with the Tatmadaw and service personnel, incorporating the military's corporate interest. His position was that a *de jure* government cannot be formed without a constitution. However, what actually happened was that the NLD gave priority to the transfer of power based on an interim constitution drawn by itself.

With the confidence in its electoral victory, the NLD began to take issue on the transfer of power with the SLORC. It called the government to convene the Pyithu Hluttaw and to transfer power. At about the same time, in defiance of the authority of the SLORC, the NLD planned to hold an assembly of the party leadership and representatives elected. When the government refused to comply with its demands, the NLD prepared to arrange the transfer of power on its own, by drafting an interim constitution and trying to convene a parliament. To warn the possible consequences of such a move, at the 100th press conference on 13 July 1990, Major General Khin Nyunt stated,

"If a political party convenes a parliament and forms a government according to its own wishes, then such a government can only be a parallel government. If that happens, the SLORC government, which is a legal government, will not look on with folded arms. Representatives from political parties which are to build a new democratic state must consult among themselves on a new constitution stage by stage."³⁹

³⁷ General Saw Maung's address at the meeting held between SLORC and State/Division LORCs, 3 July 1990.

³⁸ *ibid.*

³⁹ *WPD* (14 July 1990).

When it came to know that the NLD planned to hold a meeting of the Hluttaw representatives elected on 28 May despite a clear warning, the SLORC government issued Notification No. 1/90 on 27 July 1990 as a pre-emptive measure. The notification clearly stated that only the SLORC government had legislative, executive and judiciary power. The SLORC warned that it would not accept the drafting of an interim constitution to obtain state power and to form a government, and it would take effective action against such activities. The notification stated that:

...in the interim period before a government is formed in accordance with a new firm constitution drawn up according to the desires and aspirations of the people, the SLORC (Tatmadaw) will defend, safeguard and ensure the three main causes (non-disintegration of the Union, non-disintegration of national solidarity and perpetuity of sovereignty), prevalence of law and order, the rule of law, regional peace and tranquility, safe and smooth transportation and communication, easing the food, clothing and shelter problems of the people and bringing about the development of all the national races of Myanmar Naing-Ngan.⁴⁰

Contrary to the widely held view of Notification No. 1/90 as an unexpected move and u-turn from its previous position, the notification was fully consistent with the SLORC's position of the pre-election period. It appeared that it was the political parties that failed to understand the purpose of the elections clearly, that it was to help draft a new constitution.

Despite the SLORC's warning, the NLD held an assembly of party leaders and elected representatives on 28 July 1990. On the following day, the NLD issued the Gandhi Hall declaration, which called for the convening of the Pyithu Hluttaw in September 1990, the transfer of power to the NLD in accordance with an interim constitution prepared by the NLD, and the writing of a new constitution by the members of the Pyithu Hluttaw only after the transfer of power to the NLD by the SLORC. Tension between the SLORC and the NLD mounted. The confrontation between the SLORC and the NLD led to a crackdown by the government. A group of NLD's representative elected planned to form a parallel government and the government cracked down this attempt; some of them escaped the arrest and went into exile and formed a parallel government known as "National Coalition Government of the Union of Burma (NCGUB)". Although the NLD finally consented to the SLORC sponsored constitution drafting process on 27 October 1990, it still persisted on the transfer of power. In this regard, Lt. Gen. Phone Myint, the then minister for home affairs, came out and said:

⁴⁰ SLORC Declaration No. 1/90.

'Some political parties told us to transfer power to a civilian government. If we have to transfer power to a civilian government, we will transfer back to the civilian government from which we took over in the coup. We will not transfer power to any party government or party that would destroy our nation. I want to make it clear on this point'.⁴¹

The uncompromising nature of both the SLORC and the NLD led to a deadlock for political transition in Myanmar. This completely changed the political landscape of Myanmar and the position of the SLORC. The Tatmadaw now considered two particular questions. One was what position the Tatmadaw should take in the constitution drafting and the political transition, i.e. whether the Tatmadaw should take the leading role. The other was the level of intervention, i.e. the extent to which the Tatmadaw should remain in national politics. General Saw Maung, on the one hand, wanted to keep his promise that constitution drafting should be left to politicians. On the other hand, the political parties, particularly the NLD and its allies, were not cooperative. Besides, they pursued a confrontational policy towards the SLORC. As a result of the lack of a political structure that could produce a civilian regime acceptable to the Tatmadaw, the SLORC was convinced that it must lead the constitution drafting process and a managed political transition, in which the political role of the Tatmadaw would be constitutionally assured. By mid-1992, the SLORC stood firmly on the idea of leading the political transition. The SLORC decided to guide the drafting of a new constitution for the future state in which the active participation of the Tatmadaw in future national politics would be assured.

In April 1992, the SLORC took a series of measures designed for political transition in Myanmar. On 4 October 1992, the National Convention Convening Commission was formed with 10 military officers and 8 civilians. The commission was assigned the following tasks:

- to convene the National Convention, which is to lay down principles on which the drafting of a 'firm constitution' is to be based;
- to see to it that these principles are in accordance with the following objectives:
 - (a) non-disintegration of the Union;
 - (b) non-disintegration of national solidarity;
 - (c) consolidation and perpetuation of sovereignty;
 - (d) emergence of a genuine multi-party democratic system;

⁴¹ Lt. Gen Phone Myint, 1 February 1991 (*WPD*, 5 February 1991).

- (e) development of eternal principles of justice, liberty and equality in the State;
- (f) participation of the Tatmadaw in the leading role of national politics in the future.

With much criticism on the sixth point (f), the national convention was finally assembled on 9 January 1993. Among 702 delegates in the convention, the NLD had 10 in political parties and 91 in representative elected groups; just 14.4% of the total number of delegates. Majority of the delegates were appointed by the SLORC: 489 out of 702 delegates (70%). A total of 213 delegates (49 delegates in the "political parties" group, 107 delegates in the "representative elected" group, and 57 delegates in the "other invited personnel" group) were independent of the government nomination.⁴² The convention was held for about three years, up to 30 March 1996, when the NLD withdrew its participation. A total of 104 basic principles were laid down as the framework for drafting the constitution. During this period, seven major tasks were accomplished. These were designation of the chapter headings which should be included in drafting the state constitution and their order of arrangement; laying down basic principles to serve as the base in designating state fundamental principles; laying down detailed basic principles for the state chapter; laying down detailed basic principles for the state structure chapter; laying down detailed basic principles for the head of state chapter; laying down detailed basic principles to prescribe self-administered divisions or self-administered zones to be included in the state structure chapter mentioned above; and laying down basic principles for the legislature chapter. The convention process was stalled for over eight years. Only when international pressure began to mount on political transition, the SPDC finally came up with the so-called Seven Step roadmap. Meanwhile, the SLORC was rejuvenated as the State Peace and Development Council (SPDC) on 15 November 1997. On 30 August 2003, the then Prime Minister General Khin Nyunt explained the road map. In accordance with the roadmap, the National Convention was finally reconvened on 17 May 2004. New delegates were chosen by the SPDC sponsored National Convention Convening Committee. The number of delegates increased from 702 in 1993 to 1088 in 2004. But the NLD refused to participate in the process. The first session was held between 17 May to 9

⁴² Five representatives each from Myanmar National Democracy Alliance (Northern Shan Special Region No. 1) Myanmar National Solidarity Party (Northern Shan - Special Region No. 2), Shan State Army (Northern Shan Special Region No. 1), National Democracy Alliance Party (Eastern Shan Special Region No. 4), Kachin Defence Army (Northern Shan Special Region No. 5), Pa-O National Organisation (Southern Shan Special Region No. 6), Palaung State Liberation Party (Northern Shan Special Region No. 7), and New Democratic Army - Kachin (Kachin State Special Region No. 1) , and two representatives from Kayan National Defence Army (Kayah State Special Region No. 1) were invited to the national convention.

July 2004. It was followed by a second session held between 17 February to 30 March 2005. The third session was held between 5 December 2005 to 30 January 2006. The fourth session was held between 10 October to 6 January 2007. On 29 July 2006, the SPDC government announced that about 75% of the convention process had been completed.

National Convention Delegates

Sr.	Delegate Groups	1993	2004	2007
1	Political Parties	49	29	28
2	Representative Elected	107	15	13
3	National Races	215	633	633
4	Peasant	93	93	93
5	Workers	48	48	47
6	Intellectuals and Intelligentsia	41	56	56
7	State Service Personnel	92	109	109
8	Other Invited Personnel	57	105	89
TOTAL		702	1088	1069

In 2006, the MNSP New Mon State Party refused to participate in the process; thus there were fewer delegates in the "Other Invited Personnel" group.

A total of 411 detailed basic principles were laid down at the National Convention. They are: (5) for the State fundamental principle; (11) for the State structure; (18) for the Head of State; (6) for prescribing the self-administered divisions and self-administered zones included in the State structure; (38) for the formation of legislature; (39) for the formation of executive; (19) for the formation of judiciary; (14) for the powers and functions of the President; (13) for the executive powers of the Union Government; (10) for the executive power of the region or state government; (6) for the executive power of leading body of self-administered divisions and self-administered zones; (5) for the state service personnel; (9) for the sharing of judicial power; (28) for the legislative functions of the *Pyidaungsu Hluttaw* [Union Parliament]; (19) for the legislative functions of the *Pyithu Hluttaw* [House of Representatives] and the *Amyotha Hluttaw* [House of Nationalities]; (23) on the legislative functions of Regions or States *Hluttaw*; (14) for the Tatmadaw; (48) for the Citizenship, Fundamental Rights and Duties of Citizen; (14) for the election; (6) for the political parties; (23) for the provision on state of emergency; (4) for the amendment of Constitution; (2) for the State Flag; (1) for the

State Seal; (1) for the National Anthem; (1) for the National Capital; (8) for the Transitory provisions; and (26) for the General provisions.

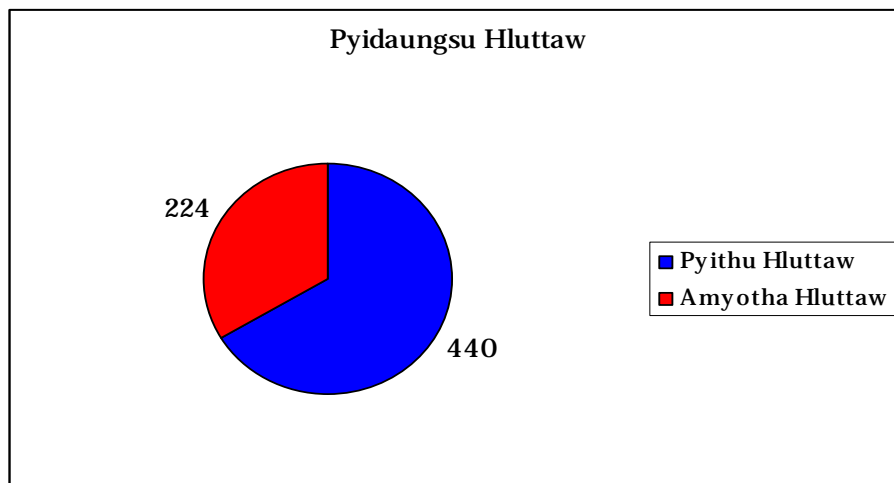
THE POLITICAL EXECUTIVE UNDER THE NEW CONSTITUTION

When the SLORC began the national convention process, the state-owned media promoted an idea of establishing a presidential government in Myanmar. The serialized article in the newspaper explained the pros and cons of a presidential government and argued in favour of the Indonesian style of governance. When the basic principles were laid down for the future constitution, the strong executive with a separation of power between the executive and the legislature was constituted. The president was projected as the most important person in the executive. Who could become the president? According to the basic principles laid down at the National Convention, the president must be a citizen of Myanmar who has been residing continuously in the country for at least 20 years up to the time of the election. The president himself, parents, spouse, children and their spouses shall not owe allegiance to a foreign power, shall not be subject of a foreign power or citizen of a foreign country and shall not be persons entitled to the rights and privileges of a subject or citizen of a foreign country. Moreover, the president must be "well acquainted with affairs of State such as political, administrative, economic and military affairs".⁴³ It is important to note that the principle did not state that the president must have military experience or military service. Nor was there any mention that the president must be an active member of the Tatmadaw. Thus, technically, a civilian with considerable knowledge in military affairs could become the president.

What is the procedure for the election of the president? The election of the president is closely related to the elections to the legislature; the presidential election is not based on direct popular vote. Therefore, it is necessary to understand the nature of the legislature. In terms of legislature, the *Pyidaungsu Hluttaw* [Union Parliament] has two chambers: the *Pyithu Hluttaw* [Lower House or People's Assembly] and the *Amyotha Hluttaw* [Upper House or Chamber of Nationalities]. The *Pyithu Hluttaw* will have a total of 440 seats; 330 will be elected on the basis of population and the other 110 will come from the nomination list of the Commander-in-Chief of the Defence Services (C-in-C). The *Amyotha Hluttaw* will have 224 seats; 168 will be elected in equal numbers from each region or state and 56 will come from

⁴³ *NLM* (10 April 1994).

the nomination list of the Commander-in-Chief of the Defence Services based on equal representation from each region and state. Thus, since the Union of Myanmar has 14 regions and states, there will be 12 representatives to be elected from each region or state while the C-in-C list will include 4 representatives from each region or state. In sum, the "National Legislature" has a total of 664 seats, of which 166 will come from the C-in-C nomination list: they will be known as "Tatmadaw Member Representatives". A total number of 498 seats will be contested: 330 for the lower house and 168 for the upper house.⁴⁴

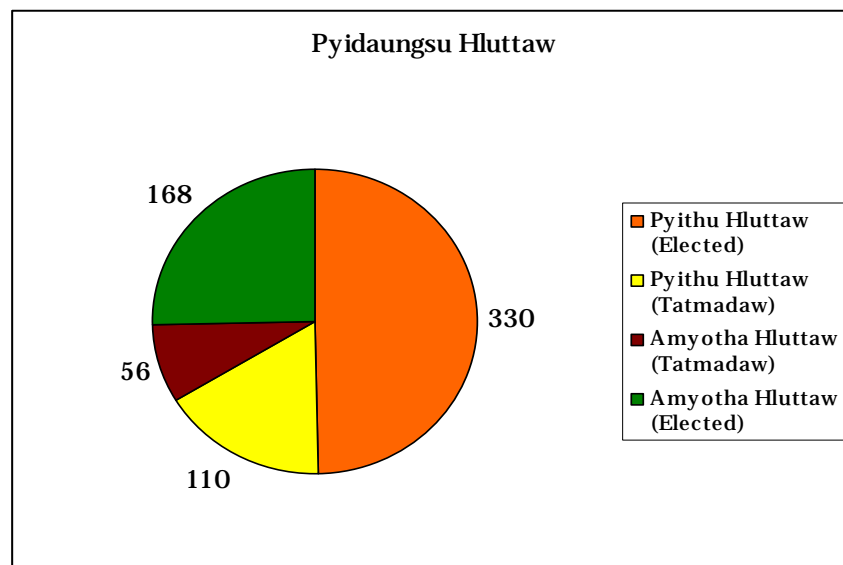


Now, let me turn to the procedure for the presidential election. According to the detailed basic principles adopted at the National Convention, the president shall be elected by the presidential electoral college, comprising of three groups of the *Pyidaungsu Hluttaw*: (1) group formed with elected representatives in the *Pyithu Hluttaw*; (2) group formed with elected representatives in the *Amyotha Hluttaw*; and (3) group formed with the Tatmadaw member representatives nominated by the C-in-C for both *Hluttaws*. Each group shall elect a vice-president from among *Hluttaw* representatives or from among persons who are not *Hluttaw* representatives. Therefore, there will be three vice-president candidates. There will be a committee of leaders and deputy leaders from both houses of the parliament to scrutinize the candidates and to determine if they meet the prescribed qualification. Finally, the presidential electoral college made up of all the representatives [or members] of *Pyidaungsu*

⁴⁴ NLM, 29 March 1996.

Hluttaw, that is 664 people, will vote one of the three vice-presidential candidates as the President of the Union of Myanmar while the other two will become vice-presidents.⁴⁵

What is the prospect of a C-in-C nominated vice-president candidate becoming the president? It depends on the electoral results for both houses of the legislature. In the *Pyithu Hluttaw* [lower house], 330 elected members will propose a candidate and in the *Amyotha Hluttaw* [upper house], 168 elected members will propose a candidate.⁴⁶ To be the president, a candidate must secure at least 50% of the 664 members of the *Pyidaungsu Hluttaw*; thus, he needs to get more than 332 votes. Therefore, if a political party or a coalition of political parties controls more than 50% of the seats in each house [165 for the lower house and 84 for the upper house] and holds at least 67% of the seats of both houses combined [333 seats], it will have two vice-presidential candidates and one of them will surely become the president. In this situation, the vice-presidential candidate nominated by the C-in-C or the Tatmadaw will just become a vice-president.



The possibility of a political party or a coalition of parties winning a large majority of seats in the "free and fair" elections is perhaps a reason behind entrusting more authority in the hands of the Commander-in-Chief of Defence Services.

⁴⁵ *NLM*, 10 April 1994.

⁴⁶ In the lower house, 165 seats will be 50% and 248 seats will be 75% of the elected members. In the upper house, 84 seats will be 50% and 126 seats will be 75% of the elected members.

The Commander-in-Chief is perhaps the single most important person in Myanmar's future. The C-in-C will nominate 25% of the representation in the national legislature and one third in the regional legislatures. He will also nominate three ministerial portfolios for defence, home affairs and border affairs. Moreover, it is the Commander-in-Chief of Defence Services and not the president, who is the supreme commander of all armed forces; this includes the police, paramilitary organizations and even the civil defence forces. Besides, the C-in-C is equivalent to the vice-president. Since "the Tatmadaw has the right to administer for participation of the entire people in the State security and defence and the people's militia strategy shall be formed with Tatmadaw's leadership", in accordance with the forthcoming constitution, the C-in-C is practically the person who could mobilize the entire manpower of the nation for national defence. The National Convention endorsed that the Commander-in-Chief of the Tatmadaw is equivalent to the post of Vice-President as he not only controls 25% of both houses of the parliament, but also appoints three key portfolios of defence, home affairs and border affairs. In addition, the Tatmadaw will maintain institutional autonomy in decision-making and take command of all the armed forces in the Union, which includes the police and paramilitary organizations. Moreover, the Tatmadaw is entrusted with safeguarding the state constitution and the Union from all internal and external dangers.

How does the C-in-C become more powerful than the president? In one respect, it is the Commander-in-Chief who decides and nominates the vice-presidential candidate who could become the president. Therefore, if the vice-presidential candidate nominated by the C-in-C becomes the president, the former could be very much under the influence, if not control, of the latter. According to the forthcoming constitution, "the president appoints the Commander-in-Chief of Defence Services with the proposal and recommendation of the National Defence and Security Council (NDSC)"; it does not mean that the president can decide who could become the C-in-C.⁴⁷ The 11-member NDSC consists of the president, two vice presidents, two speakers from the lower and upper houses of the parliament, incumbent commander-in-chief and deputy commander-in-chief, and ministers for defence, foreign affairs, home affairs and border affairs. Among 11 members, at least six are from the Tatmadaw: either the president or the vice president (nominated by the C-in-C), commander-in-chief (himself), the deputy commander-in-chief (immediate subordinate of the C-in-C), and the ministers for defence, home affairs and border affairs (nominated by the C-in-C).

⁴⁷ *NLM* (29 October 2006).

Therefore, the C-in-C commands the majority in the NDSC and his decision will prevail. It is important to remember that it is the C-in-C who decides and nominate the vice-presidential candidate who could become the president; therefore, even the president could be under the influence of the C-in-C. In this context, although the new C-in-C is theoretically appointed by the president, for all practical purposes, it is the incumbent C-in-C [on the NDSC] who decides who could become his successor. It is now abundantly clear that, although the Commander-in-Chief's position is equivalent to that of the vice-president, he could easily undermine the authority of the president. It is he who has complete control over the most important aspects of defence and security, of the executive power and of considerable influence over the national assembly.

There are no doubts on the importance of the Commander-in-Chief in the future government of Myanmar. Therefore, the most important question is who could become the Commander-in-Chief. Perhaps the most important criteria is that of having served as the Brigadier General of the General Staff [Sit-Oo-Si-Bohmu-Choke] at the Ministry of Defence [War Office]. This is a very powerful position before one moves on to become a regional commander and subsequently, to higher positions. The Brigadier General of the General Staff is usually a post concurrently held by a division commander of either a Light Infantry Division (LID) or a Military Operation Command (MOC). While the Ministry of Defence was located in Yangon, the position was held by the commander of either No. 4 MOC or No. 11 LID. Now it is held by the commander of No. 6 MOC since the ministry is in Naypyitaw. There are two reasons why the position is important. First, the BG General Staff position is important in that it oversees the whole operation of the military establishment. Second, this position is where the future leader of the Tatmadaw could cultivate personal connection with and earn the trust of the military leadership; the leadership can also secure loyalty from the future leader.⁴⁸ There is speculation that General Thura Shwe Mann who is currently the Chief-of-Staff is the most

⁴⁸ Former BGs General Staff are BG Khin Maung Than (LID-11, Yangon Command, Bureau of Special Operation-4), BG Thein Sein (MOC-4, Triangle Region Command, Adjutant General), BG Thura Shwe Mann (LID-11, South West Command, Chief-of-Staff), BG Myint Swe (LID-11, Yangon Command, Bureau of Special Operation-5), BG Ko Ko (LID-11, Southern Command), and BG Hla Htay Win (LID-11, Yangon Command). The current BG General Staff is BG Tin Ngwe (MOC-6). It is now a widely-held view that only the General Staff Officer Grade-I (Operations) at the General Staff could become the BG General Staff. Some observers point out that both BG Hla Htay Win and BG Tin Ngwe were former GSO-I (Operations) at the General Staff, War Office, before they became BG General Staff. It is interesting to note that those who are now in charge of the security of Yangon and its neighbourhood are former BG General Staff or GSO-I of the General Staff: Lieutenant General Myint Swe; Major General Hla Htay Win; and Brigadier General Hla Min (LID-11).

likely candidate for Commander-in-Chief in the near future. He has been entrusted with running the Tatmadaw for some time now. He is reportedly close to the two top leaders, Senior General Than Shwe and Vice Senior General Maung Aye since he was the BG General Staff at the War Office. Therefore, General Thura Shwe Mann could be the prime candidate for the C-in-C position. Moreover, General Thura Shwe Mann earned his honorific gallantry title "Thura" for his bravery in a battle in 1989 while he was just a major. He is well respected for both his command and performance of staff duties . He is currently the third most influential person in the SPDC.⁴⁹

CONCLUSION

There was the possibility for a smooth political transition in Myanmar in 1988; but this opportunity was missed. On 25 July 1988, the Tatmadaw delegate at the BSPP emergency congress promised to carry out tasks assigned by the BSPP for the successful implementation of a referendum for the introduction of a multiparty political system in Myanmar. The Tatmadaw was merely an institution of the state that steered clear of party politics; it will play a minor role in the election process. But in 1990, the Tatmadaw began to play a role of ring holder for party politics. Senior General Saw Maung put himself in the shoes of General Ne Win of the Caretaker Government (1958-60). He instructed all his officers and rank-and-file personnel to stay away from all political parties, including the National Unity Party. He even ordered military personnel not to play golf with former colleagues who were now with political parties in general and the NUP in particular. Regional commanders also refused to receive former bosses and colleagues who were now members of political parties. General Saw Maung refrained from initiating major political decisions and structural changes, apart from introducing the multiparty system and the market economy. The Tatmadaw had yet to build up its economic enterprises. Its size is relatively the same as that before 1988. There was no major force modernization and expansion program but only a modest procurement of new equipment. In reality, by the time of the 1990 general election, there were ample opportunities to work out a set of acceptable conditions for both the Tatmadaw and civilian-politicians for a stable working civil-military relation, which would even allow the Tatmadaw to withdraw from direct intervention in politics. What went wrong then?

⁴⁹ Aung Zaw, "The Graying of the Tatmadaw", *The Irrawaddy* (Vol. 14, No. 7; July 2006); the Irrawaddy, "Is Burma looking for a new Army Chief?", *The Irrawaddy* (Vol. 15, No. 1; January 2007).

First, the Tatmadaw's corporate interests and unity as well as the individual security of senior military commanders had been threatened. With its election triumph, and being overconfident of its ability to draw public support, the NLD began to pursue a confrontational policy towards the SLORC. There was a widespread and consistent rumor about the removal of colonel and above rank from military hierarchy for alleged questionable loyalty to the newly formed civilian government. This rumour had been circulating since the days of the 1988 demonstrations. There was another rumour that the Tatmadaw would be downsized from 200,000 to a number between 20,000 to 30,000. In an interview with a foreign journalist about three weeks later in early July, the NLD chairman made an implicit threat of prosecution or trial for coup leaders by drawing reference to the holding of a Nuremberg-type trial in Yangon after the NLD came to power.⁵⁰ The remark somewhat reflected the call by the NLD's Young Turks for U Ne Win and SLORC members to be put on trial.⁵¹ Although U Kyi Maung denied such a threat was a major problem, he did suggest that some individuals, such as '[Major General] Khin Nyunt might reasonably feel themselves pretty insecure'.⁵² The NLD was also very critical about the Tatmadaw's harsh measures to maintain law and order, and political stability. This tough and rough manner of handling political opposition earned the Tatmadaw the bad reputation of an "oppressor". The NLD leadership had persistently attacked the Tatmadaw on various occasions. At one stage, the Tatmadaw was even accused of being a fascist organization: an insult the Tatmadaw commanders were not prepared to tolerate at all. It had been accused from time to time of being General Ne Win's stooges or protégés. Some accusations were interpreted by the military as intentions to break up the Tatmadaw.⁵³ Second, there was no political structure that could produce a civilian regime acceptable to the Tatmadaw. In the view of the Tatmadaw, the NLD was not an acceptable political party as it would not accommodate various interests of the Tatmadaw. Instead of finding a mutual ground, the NLD had been pursuing confrontational policies with the military government at a time when Myanmar was barely out of a single-party

⁵⁰ *Asiaweek*, 13 July 1990.

⁵¹ *Asiaweek*, 22 June 1990.

⁵² *Asiaweek*, 13 July 1990.

⁵³ Through its existence, since it faced the Communist's attempt to split the armed forces, the Tatmadaw has developed a complex code of interpretation relating to attempts to split the armed forces. Speeches and comments of politicians and political activists were interpreted within that framework. In December 1989, the Tatmadaw published a book titled "Attempts to Break-Up the Tatmadaw" for restricted internal circulation.

authoritarian rule, and was looking for a fairly liberalized political environment.⁵⁴ The Tatmadaw was not accustomed to such a situation.

While the prevailing domestic and international opinion about the political transition after the 1990 elections was a broken promise by the SLORC/SPDC, the historical facts reveal that it was not really the case in a strict sense. The political parties appeared to misread and overlook the message the military government had persistently and consistently sent. While the military gave more attention to the "systematic" and "in accordance with law" aspects of power transfer, the NLD gave more weight to "the earliest" aspect. At the outset of the 1990 elections, even some regional commanders prepared systemic transfer of authority to an elected government. However, it appeared that the situation was not conducive for a smooth political transition in Myanmar. The confrontation between the two political forces had led to a political deadlock and an intractable conflict. Finally, the SLORC changed its position on the constitution drafting process from a bystander to a key player.

In the past 17 years, the Tatmadaw has taken a number of measures aimed at effecting a political transition in Myanmar. It has built political, economic and military power bases for itself, and has laid down foundations for its continued dominance in Myanmar's political, social and economic future. Through its managed political transition, the Tatmadaw has constitutionally assured its role in future politics and asserted its influence and corporate interest in the future state. It seeks several prerogatives in the future state structure. However, the legitimacy of its control of the state will not be unchallenged. Whether it can translate its prerogatives into influence in the future will depend largely on the ability of the future Tatmadaw leadership in mobilizing its resources, capacity and legitimacy. Moreover, its decision to remain in power and retain its institutional dominance in Myanmar politics at all cost has tarnished its reputation among the international community and political dissidents within and without. Therefore, the military regime has suffered the political nemesis in the name of a political leader whose fame has traveled across the entire globe.

⁵⁴ Many people will disagree with this assessment. But there was certain level of openness in the press. Although the SLORC imposed strict regulations on press censorship, there were fairly large number of political pamphlets critical of regime policies circulating quite freely in the streets.

After nearly 15 years of national convention process, it is now closer to the drafting of a constitution, which forms the basis of political transition in Myanmar. Whatever people say about the National Convention and the nature of political transition in Myanmar, the SPDC is determined to go ahead with its own plan. Some critics might argue that the political transition is merely a repackaging of the military government into a Commander-in-Chief government; yet, it could provide more political space for civilian participation in national politics since it transformed from a military regime to military-influenced regime. In the future state, at least for the short and medium terms, political and economic power will most likely lie with the Tatmadaw, as it holds key cabinet positions, and power will be distributed and allocated among military commanders at various levels. While it will control the political process, the Tatmadaw will allow institutions, such as constitutionalism, parliament, party politics and elections, to function, giving some space for politicians and civilians to debate on non-military issues. However, it is very likely that politicians will be kept out of the power arrangement. More technocrats could be brought into governance, though, especially in the socio-economic field. Although the president is the head of state as well as government, the most important key person is the Commander-in-Chief. Whether the C-in-C will actually make use of its power and turn the prerogatives to his advantage depends very much on his personal relations with the president. The political transition process in Myanmar, at present, will not be perfect. Meanwhile, before Myanmar could move on to the next stage in the process of political liberalization or democratization, political parties will need to focus on the party and party system institutionalization during the transitional period, so that a multiparty democratic system could be successfully implemented.