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6 Embedding praetorianism

Soldiers, state, and constitutions in postcolonial Myanmar

Renaud Egreteau[1]

Introduction

Non-democratic regimes often – but not always – seek to institutionalize their political domination and immunity through the enactment of a specifically designed constitutional document (Ginsburg and Simpser 2014). Military regimes, in particular, can use constitutional texts to strengthen the foundations of the political intervention of the armed forces (Feit 1972; Finer 1975; Stepan 1988). Likewise, when military juntas ultimately set in motion a transition from direct military rule to a civilian one, the armed forces are often tempted to control the constitution-drafting process and secure key legal prerogatives for the military institution under a new hybrid "post-junta" regime (Barros 2002, Croissant and Kamerling 2013; Chambers 2014; Negretto 2014). Myanmar[2] offers a case of a dominant military institution using a constitutional drafting process and a new supreme law for its own corporate interests. Indeed, the constitution adopted in 2008 confers high levels of policy prerogatives upon the Burmese armed forces – or *Tatmadaw* – and embeds "praetorianism"[3] in Myanmar's polity in a way that the country's two previous post-independence constitutions had not. Since it won its freedom from the British in 1948, Myanmar has produced three constitutions. The first postcolonial constitutional text was adopted in 1947, but its provisions were suspended after the *coup d'état* staged by General Ne Win in March 1962. A second constitution drafted by Ne Win's military administration was passed in 1974, but was abrogated in September 1988 following a further *coup d'état* orchestrated by the Tatmadaw leadership. The third and latest constitutional document was promulgated in 2008 after a controversial drafting process that lasted 15 years. All three constitutional texts which Myanmar adopted in 1947, 1974, and 2008 were quite different in content and spirit. They were framed in different political contexts and under the supervision of different leaderships with divergent political agendas. Above all, they made very different references (if at all) to the role of the Tatmadaw as a major state institution and potential policy-maker. The texts adopted in 1947 and 1974 indeed aimed to neither entrench military rule nor institutionalize the political intervention of the armed forces.

This chapter seeks to understand how and why the Tatmadaw has chosen to formulate its own constitutional vision in the early 1990s and thereafter establish

a legal political system, which I define as "constitutional praetorianism." Drawing on the extant literature on postcolonial Myanmar politics, this chapter first provides a comparative overview of the first two postcolonial constitutions of the country and examines why both documents bestowed a marginal role upon the Burmese military. The study then focuses on the country's third constitution, which was adopted following a controversial referendum in 2008. It argues that the constitutional text embeds and institutionalizes praetorianism. As the literature on civil–military relations demonstrates, there are different levels of political intervention by the armed forces: they range from direct military rule to hybrid systems led by civilians, but in which the armed forces remain a powerful lobby (Egreteau and Jagan 2013; Bünte 2014). Building on this scholarship as well as on a series of interviews with Burmese parliamentarians and party leaders carried out in both Yangon and Naypyitaw (2013–2014), this chapter argues that the 2008 constitution serves three clear purposes for the Burmese armed forces. First, it manifests the Tatmadaw's view of itself as a legitimate political and policy-making state actor following 60 years of regular and pervasive intrusion into Burmese postcolonial politics and public affairs.

Second, it provides the military with legal instruments for a long-term policy intervention and influence. Third, it offers the armed forces and their personnel a form of self-insurance protecting soldiers from any form of prosecution and securing a much sought-after immunity for the leaders of the 1988 *coup d'état*. As long as this unhealthy policy influence of the army institution prevails, constitutionalism will not emerge in Myanmar. A thorough revision of the 2008 constitution remains highly unlikely. Despite the formation of a joint parliamentary committee tasked specifically to propose potential amendments, the first-ever attempt at reviewing the constitutional text was vetoed by the military-appointed representatives in June 2015. Given the country's historical and political legacies of military intervention, ethnic separatist insurgency, and political instability, I conclude this chapter with the bleak prospects for swift constitutional reform unless the Tatmadaw decides otherwise.

Army and constitutions in Myanmar: a background

A civilian supremacy in the 1947 constitution

The 1947 constitution[4] was designed to ensure a smooth – but quick – transfer of power from British colonial rule to an independent and, above all, legitimate Burmese civilian administration (Steinberg 2006: 199). Despite flaws, the constitution envisioned a federal state structure and a multi-party parliamentary system with competitive and regular elections to be held once independence was granted on January 4, 1948 (Inlow 1948; Maung Maung 1959). There were no non-military functions assigned to the Burmese armed forces, nor any specific prerogative for the wider security forces enshrined in the document. The weakness of the Burmese military forces in the last months of colonial rule may explain this lack of involvement in constitutional drafting. Since the early 1940s, the

driving force behind the Burmese independence struggle had been the Burma Independence (and, from 1943, National) Army (BIA/BNA) under the aegis of a young military officer, Aung San. Yet, despite the glory inherited from several years of anti-colonial and then anti-Japanese fighting, it was not the nascent Tatmadaw that was asked to frame the first charter of the country after the end of the war in 1945. Rather, the Anti-Fascist People's Freedom League (AFPFL) – a loose coalition of political parties, charismatic politicians, and pre-war student activists – took up the task. At that time, the Tatmadaw was a fragile body, ill-equipped to form a powerful policy lobby. It also had to face myriad rival private armies and ethnic militias operating throughout the country (Callahan 2003: 115–116). Therefore, its senior officers, themselves bogged down in inter-ethnic dissension, could not ensure a crucial role for the military in shaping the new state structures.

A civilian committee of legal, political, and academic experts gathered in 1946 to draft a new constitution. A constituent assembly was elected in April 1947. It discussed several drafts prepared by the committee. The final one was eventually adopted on September 24, 1947 – two months after Aung San's assassination. Despite shortcomings and flaws, the constitutional text provided legitimacy to the newly created state, but interestingly not to the actors who participated in the independence struggle – the Tatmadaw in particular. This underscored some initial efforts by the AFPFL to keep the military out of politics. Aung San himself had relinquished his own military positions early on. This was not without debate, though. As highlighted by Maung Maung (1959: 146–147), in one of the first constitutional drafts submitted to the Constituent Assembly in June 1947, one article proposed the creation of a special "Defence Council." Through this non-elected body the President of the Union would have exercised "the supreme command of the armed forces." But the proposal was dropped at Aung San's own suggestion. Thus, in the final text, the Burmese armed forces were not granted any special place: they had to remain subordinate to the post-independence elected civilian authorities. Besides, to avoid the maintenance of competing private armies, the right to raise and maintain national military forces was then vested exclusively in the elected Parliament seated in Rangoon (Article 97 of the 1947 constitution).

The first post-independence constitutional framework lasted less than 15 years. During the 1950s, the raging civil war between Myanmar's central government and myriad ethnic and communist insurgencies propelled a more cohesive Tatmadaw into broader non-military policy roles. Under the charismatic leadership of General Ne Win, uncontested army chief from 1949, the Tatmadaw soon transformed itself into a disciplined and unified corporate institution, increasingly willing to discuss policy issues and civilian affairs (Callahan 2003). Above all, it started to openly highlight its legitimate role as guardian of the nation and its institutions against an array of centrifugal insurgencies, but also external threats – a common trend observed among coup-prone armed forces in the rapidly decolonizing world at that time. A mere decade after the country's independence, Maung Maung indeed noted: "the role of the [Defense] Services

as a guardian of the constitution and servant of the people has [now] been clearly defined and deeply impressed on all officers and men by General Ne Win" (Maung Maung 1959: 146).

The 1974 constitution: drafted by, but not for, the Tatmadaw

A first political intervention of the *Tatmadaw* was staged in September 1958. General Ne Win then formed a caretaker military administration at the invitation of U Nu, leader of the civilian government since February 1957. Sanctioned by Parliament a month later, this caretaker government – a perfect example of a short-lived praetorian intrusion into politics – lasted a year and a half. The military hierarchy kept its initial promises to hold national elections, and then withdrew to its barracks in April 1960 (Butwell 1961). However, a full-fledged military coup was ultimately staged by Ne Win on March 2, 1962. Less than two years after the caretaker administration was disbanded, the Tatmadaw clearly stepped in – this time without any invitation from the civilian authorities. The 1947 constitution was not abrogated per se, but gradually all its fundamentals were nullified. Unlike in 1958, Parliament was dissolved a day after the coup, and the Supreme Court and the High Courts of the country were disbanded. A socialist revolution was then imposed, one that could not be defined by a constitution, but rather by well-oiled propaganda and ad hoc legislation enacted by the military rulers (Badgley 1962; Cady 1965). The 17-member Revolutionary Council formed by Ne Win in March 1962 began to shape the new state institutions and ideology through the release of various official documents and policy statements.[5] These included the "Burmese Way to Socialism" (April 1962) and the "The System of Correlation of Man and His Environment" (January 1963), which both outlined the official ideology of the Burma Socialist Programme Party (BSPP). The core objective of this newly formed legitimate political party was to mobilize and educate the Burmese population about the revolution and to pave the way for a socialist democracy under the monitoring of the Revolutionary Council (BSPP 1963; Taylor 2009: 298–300). According to the original Revolutionary Council's statements this had to be fulfilled during a "transitional period." Once the socialist revolution was deemed secure, the civilianization of the regime, installed in 1962, could be initiated, and the disbanding of the Revolutionary Council prepared – but not before.

For that, conditions were deemed more favorable by Ne Win – then Chair of the BSPP – in the late 1960s. An observer of the time, Jon A. Wiant, argued that the BSPP could not long remain the sole instrument of the Tatmadaw or of its core leadership gathered in the Revolutionary Council (Wiant 1973: 182). Progressively, the need for the institutionalization of a civilian power and the withdrawal of the armed forces from the front scene – and therefore a new constitution – appeared obvious to the military top brass and to Ne Win himself. During a BSPP party meeting in 1965, Ne Win made his first public speech about the need for transition to civilian rule (Nakanishi 2013: 112). Therefore, a constitution-making process which claimed to involve the Burmese people was

gradually initiated. In 1969, Ne Win asked a panel of civilian experts to make recommendations on new state institutions. For the first time since the 1962 coup, the regime openly hinted at a possible termination of the revolutionary moment imposed by the army seven years before.

In September 1971, a 97-member committee convened. Its aim was to draft the new constitutional text (Moscotti 1977: 7). The process, however, was still heavily influenced by the military leadership. Indeed, one-third of the committee comprised high-ranking officers. Fifteen subcommittees were formed but all were headed by a member of the still active Revolutionary Council. Yet, the latter was openly looking for a way to bestow some sort of legitimacy upon the whole process. Ne Win, as well as the members of the 15 subcommittees, toured the country for months between 1971 and 1973, coordinating thousands of meetings with representatives of the people, the peasantry, the workers, and the armed forces in their barracks (Arumugam 1975: 41). The well-orchestrated organization of mass meetings and public consultations aimed to enlist people's suggestions on each successive constitutional draft which had been prepared by the committee. In fact, it was a ritualistic and theatrical exercise purported to confer upon the document the necessary popular legitimacy that Ne Win was seeking for the post-Revolutionary Council regime (Steinberg 2006: 183). Ne Win and other army leaders had long considered the 1947 constitution to be the product of a handful of elite lawyers, foreign legal experts, and Burmese politicians (Moscotti 1977: 4). By involving mass consultations of the people or at least giving the impression that the Burmese population had been involved in the constitutional process, Ne Win sought a broader legitimacy for the new state institutions.

The fourth constitutional draft was eventually submitted to a national referendum in December 1973. It was claimed that over 90 percent of Burma's eligible voters approved the constitutional draft in a tightly controlled vote. The new constitution[6] was then promulgated on the twenty-sixth anniversary of the country's independence, namely January 4, 1974. A month later national elections were held, as the new constitutional text envisioned a (single-party) parliamentary system. Once the unicameral People's Assembly (or *Pyithu Hluttaw*) was convened, a few weeks after the elections the transfer of power from the military-run Revolutionary Council to a civilian government dominated by the sole BSPP became effective. Ne Win was elected president, and on March 4 he nominated the new members of his Cabinet, all civilians.[7] As long-time Burma watcher Josef Silverstein then noted, Burma entered a new phase of "*constitutional dictatorship*" (Silverstein 1977: 35). The 1974 constitution indeed offered the military-run Revolutionary Council and the armed forces a tool to withdraw from the direct policy-making process by institutionalizing the authoritarian rule of a single and trusted political party, the BSPP (Silverstein 1974). The text allowed the concentration of power in the sole hands of party members and their local representatives. Nonetheless, in the late 1970s, most of them happened to be active Tatmadaw officers seconded to the party bureaucracy or retired military officers (Nakanishi 2013: 108–109).

Although the constitutional drafting exercise had been upheld since the early 1970s by the Tatmadaw, the 1974 constitution was by no means a praetorian document. It neither aimed at legalizing nor entrenching military rule. It did not secure any specific prerogatives for the armed forces, save for the mention of a separate military justice for defense services personnel (Article 99) and the creation of a "National Defence and Security Committee," gathering members of the Council of State and the Council of Ministers (Article 54b). However, the committee's advising role was not clearly defined. Article 87 even stated that the Council of Ministers (which was to be responsible to Parliament) was the only governing body responsible for the management of foreign affairs and, more importantly, national defense. In theory, the second constitutional text intended the armed forces to remain subordinate to civilians (Maung Maung 1993: 199).

The 2008 Constitution: embedding praetorianism

With the *coup d'état* staged on September 18, 1988, the 1974 constitution was abrogated. After a decade and a half of "re-civilianization" the Tatmadaw stepped in once more. A new generation of senior officers loyal to their old mentor Ne Win, who resigned from the BSPP chairmanship in July 1988, formed the State Law and Order Restoration Council (SLORC). The new junta, under the aegis of General Saw Maung, immediately exercised control over all branches of government. This was another example of a direct praetorian rule imposed in Myanmar, as it had been observed directly after the 1962 coup, but, this time, there was no ideological revolution dictated by the Tatmadaw. Rather, the junta abandoned the autarkical socialist agenda of the single legitimate party (which was disbanded) and promised to hold multi-party elections in order to give power back to civilians – as soon as the sociopolitical order was restored. Once again the Tatmadaw was asserting itself as the savior of the nation, forced to seize power to bring back political stability when the old Ne Win regime seemed about to collapse (Prager Nyein 2011). However, it would, take the army two decades to produce a new constitution and initiate another transition from direct military to quasi-civilian rule in 2011 (Taylor 2012; Bünte 2014; Egreteau 2014a; Maung Aung Myoe 2014).

Military control over the constitutional process (1993–2008)

Not only has the Burmese military institution been able to control the entire constitution-drafting process following the 1988 coup, but it also managed to impose its views on how the transitional regime should be shaped once it eventually withdraws from politics and secured a constitutional immunity for its personnel. It has also directed the pace of its gradual retreat in the 2010s – similar to Chile in the 1980s, where the 1980 constitution entrenched army rule for another decade (Barros 2002; Negretto 2014). While it took four years to draft and promulgate Myanmar's 1974 constitution, more than 15 years were necessary to prepare the country's third constitutional text between 1993 and 2008.

The drafting process, however, echoed that of the early 1970s. The armed forces hierarchy was again at the core of the process from its very inception. But, unlike in the previous constitutional documents, the main objective of the military leadership was clearly to frame a new constitution according to a series of basic principles that would legally secure a military tutelage over national politics – or as I define it, a "constitutional praetorianism." Much to the despair of the rising Burmese opposition forces in the 1990s the military's corporate interests and continuing role in public affairs finally became enshrined in the new constitution. The process was therefore political, if not bluntly praetorian, rather than constitutional.

Just like during the early 1960s, the SLORC initially produced a series of documents and declarations to outline its idea of what the new constitutional order should be after the 1988 *coup d'état* (Mya Win 1992; Min Maung Maung 1993). Instead of touring the country, far more at war with itself in the late 1980s than in the early 1970s, the Tatmadaw leadership opted for the convening of a constituent assembly in order to offer the constitution-making process a façade of consultative approach. Following the electoral route it faced during the May 27, 1990 elections, which it had nonetheless decided to hold, the SLORC announced the transformation of the 485-member body then elected into a constituent assembly, or "National Convention" (SLORC Declaration 1/90, July 27, 1990). Two years later, in July 1992, after General Saw Maung was deposed by his deputy, General Than Shwe, 702 representatives were appointed and asked to join this National Convention. Only 99 of them were MPs elected in the May 1990 elections (Diller 1993: 398–399).

The assembly convened its first session on January 9, 1993. A senior member of the SLORC, Major-General Myo Nyunt, was appointed as its chairman. The first meeting officially set in motion the slow process of constitution-making, but six major policy objectives and 104 "basic principles" had already been put forward by the Tatmadaw. Spelled out during the first session, they were ratified in September 1993 (*The New Light of Myanmar*, September 10, 1993: 1). Non-negotiable, they laid down the policy and judiciary prerogatives the military intended to secure in the new constitution. Among them, the leading political role of the armed forces had to be acknowledged, as well as an extensive legal immunity for its members (active or retired). This plunged the non-elected assembly into a series of stalemates. In November 1995, the main opposition forces led by Aung San Suu Kyi, who had been released from her first house arrest in July 1995, eventually walked out. The assembly was adjourned in March 1996. The drafting process was heavily criticized from its inception, especially by opposition and ethnic movements, as well as by external observers (Diller 1993; Sarkin 2001; Williams 2009).

The National Convention was thereafter postponed for eight years. Constitutional debates were revived only in 2003. In the aftermath of the Depayin incident – which saw Aung San Suu Kyi and her supporters being attacked by rogue sympathizers of the junta – the regime unveiled a "roadmap towards a flourishing-disciplined democracy" on August 30, 2003. Proposed by General

Khin Nyunt, the newly appointed prime minister, the roadmap consisted of seven steps (Taylor 2006). The first was the reconvening of the National Convention. Thus, in May 2004, 1,076 new non-elected delegates were gathered under the aegis of Lt-General Thein Sein, the new chairman of the revived constituent assembly. The purge in October 2004 of the core thinker of the roadmap, Khin Nyunt, did not greatly alter the process (Taylor 2006). A draft was eventually presented during the last session of this second National Convention, which was concluded on September 3, 2007 (step 3 of the roadmap). It would then come into force as the official constitutional text following its adoption through a nationwide referendum[8] (step 4), echoing the referendum held in December 1973 by the previous military regime just before the 1974 constitution was adopted. The referendum was set for May 10, 2008 and the vote was eventually held, despite the tragic passage of Cyclone Nargis through the Irrawaddy Delta and the former capital Yangon a week earlier (Tin Maung Maung Than 2009). Approved by 92.48 percent, the new constitution was ratified and promulgated by the junta on May 29, 2008.[9]

A praetorian constitution

While the previous constitutions did not insist on any key military prerogatives, the one ratified in 2008 does so bluntly.[10] Praetorianism – a situation where armed forces exercise a quasi-monopoly over policy-making processes and a strong influence over political power within a society by virtue of its military might (Finer 1975; Nordlinger 1977) – is embedded in the document. The 2008 constitution greatly distorts Myanmar's political system in favor of the Tatmadaw.[11] A full chapter is even devoted to the defense services (Chapter 7). In the introductory chapter detailing the basic principles of the Union, Article 20 outlines the complete autonomy of the Tatmadaw and defines its core objectives. The armed forces are indeed recognized as "mainly responsible for safeguarding the non-disintegration of the Union, the non-disintegration of National solidarity and the perpetuation of sovereignty" (Article 20e), they have the "right to independently administer and adjudicate" their internal affairs, especially in terms of budget allocation and nominations of senior army officers (Article 20b), and above all they are "responsible for safeguarding the Constitution" (Article 20f).

Furthermore, the military institution is charged with a key policy role as well as a check-and-balance function in each of the new institutions. Thanks to a permanent presence in every branch of government, the military can still exert considerable sway over state affairs. The 2008 constitution provides key positions for military officers in the executive power. It also reserves seats for military appointees in the newly formed provincial and national legislative bodies. With a quarter of the seats of each assembly reserved for men in uniform,[12] the armed forces were constitutionally designed to exercise a strong influence over the legislature (Tin Maung Maung Than 2011; Egreteau 2015). Extraordinary emergency powers for the armed forces are also legalized (Crouch 2013). Their commander-in-chief is indeed conferred "the right to take over and

exercise State sovereign power" if a state of national emergency arises (Article 40c). Furthermore, civilian control of the armed forces seems out of place: the hierarchy of the armed forces is indeed not subordinated to the Ministry of Defense; it is the opposite. According to Article 232b(ii), the defense minister is not a civilian, but a man in uniform selected by the military chief himself – and thus a subordinate to the latter.

Lastly, the 2008 constitution also guarantees full immunity for army officers and former officials from the two governing bodies that were formed after the September 1988 *coup d'état*, the SLORC (1988–1997) and State Peace and Development Council (SPDC) (1997–2011). Article 445, labeled the immunity clause by pro-democracy activists, indeed stipulates that "no proceeding shall be instituted against the said Councils or any member thereof or any member of the Government, in respect of any act done in the execution of their respective duties." This pledges a continuing political intervention of the Burmese armed forces in the coming post-junta years, albeit in more sophisticated ways (Farrelly 2013, Maug Aung Myoe 2014, Egreteau 2014a). The provisions of the 2008 constitution are essentially extending – and legalizing – the prerogatives, political interventionism, and legal immunity of the Burmese army in a very praetorian – yet constitutionally legal – way (Prager Nyein 2011; Taylor 2012; Bünte 2014). Echoing Josef Silverstein's "constitutional dictatorship," as Myanmar was described following the 1974 constitution, one may thus argue that the 2008 constitution has shaped in Myanmar a new form of "constitutional praetorianism" that ensures the continuing political salience of the Burmese military.

Negotiating the post-junta transition (2008–2011)

With the third constitution of the country adopted in May 2008, the transition from direct military rule (the SLORC-SPDC era) to a quasi-civilian one could be initiated. It echoed the process once tested by Ne Win and his Revolutionary Council associates immediately after the 1974 constitution came into force. The military regime was still in control of the whole transitional process in the late 2000s and in a position to decide about its pace, in particular, when to pass on the torch to the successor regime. This has been a key element of the roadmap to a "disciplined democracy" since 2003. The latter was not terminated with the mere adoption of the constitution. National and provincial elections had to be held (the fifth step of the roadmap), a national parliament had to be convened (sixth step), and a government led by a newly elected president of the Union was to be formed out of the parliamentary elections, before the successor hybrid regime could emerge (the seventh and last step).

In 2009, parliamentary elections were announced in order to choose people's representatives for the new bicameral Union Parliament (or *Pyidaungsu Hluttaw*) as well as in each of the 14 regional assemblies (Region and State *Hluttaws*) that were framed by the 2008 constitution. These national and provincial elected bodies were intended to become the backbone of the legislative branch of the new post-junta state structure. The date of the nationwide elections was set for

November 7, 2010 – a week before Aung San Suu Kyi was released from her third house arrest.[13] The vote was lambasted as a sham by many activist groups and foreign diplomats (Englehart 2012). Following a resounding victory (three-quarters of the seats were up for grabs), the allegedly pro-junta political party, or Union Solidarity and Development Party (USDP), rose as the main beneficiary of the soon-to-be-engaged transition. Most senior officials of the SPDC as well as high-ranking officers of the Tatmadaw had indeed retired to join its ranks. The Union Parliament convened for the first time on January 30, 2011. Four days later, it elected the former prime minister of the SPDC (2007–2010), ex-General Thein Sein, as president of the Union.[14] Thein Sein was sworn in two months later, on March 30, 2011, the day the SPDC was officially disbanded. The junta borne out of the 1988 coup was no more, its old pillars Senior-General Than Shwe and Vice Senior-General Maung Aye officially retired, and a new political era was to be opened according to the framework established by the 2008 constitution.

Why a constitution? The view from the Tatmadaw

As Ivo Duchacek stated in the inaugural issue of *Comparative Politics*, "every constitution combines into one body a declaration of political intent, a commitment to an ideology, and an assertion of national purpose" (Duchacek 1968: 93). In that respect, Myanmar's 2008 constitution clearly embodies the political aspirations and ideology of the hierarchy of the Burmese armed forces. In particular, it serves three clear purposes for the Tatmadaw. First, it manifests the army's view of itself as a legitimate political actor in Myanmar's post-independence public affairs. Next, it provides the military with a legal instrument for policy intervention, and therefore rationalizes its presence in the newly shaped executive and legislative branches of the post-junta structure. Lastly, it offers a form of self-insurance to the armed forces and their personnel, protecting soldiers from any form of prosecution and securing a much sought-after immunity for the leaders (and their clientele) of the 1988 *coup d'état*.

The constitution as an instrument of legitimacy

The SLORC and the SPDC have long sought constitutional legitimacy sanctioned by popular approval – however dubious the latter may be. This was meant to blot out the ignominious shadow of the 1990 elections, whose results the regime failed to recognize. Ginsburg and Simpser have argued that in some authoritarian regimes the process of constitution-making itself is more valued than the political system the new constitution, once ratified, aims to create (Ginsburg and Simpser 2014: 3). In the case of Myanmar in the 1990s, the drafting and enactment of a new constitutional text was construed by the post-coup leadership as the cornerstone of a strategy to reconstruct a basis for both domestic and international legitimacy for the armed forces (Steinberg 2006). Despite its absolute dominance of politics following the 1988 coup, the

Tatmadaw has obviously not succeeded in forging a broader legitimacy, either at home or abroad. Drafting a new constitution was therefore understood as a way to get this much sought-after acceptability, and therefore to bring the country back into the concert of nations during the 1990s and 2000s.

Military institutions can see constitutions as a key tool to drain legitimacy. As armed forces with a praetorian ethos tend to position themselves as the last defender of the state (and, above all, its institutions), they can seek to manipulate and rewrite these constitutional texts (Negretto 2014). Scholars have emphasized the legalism which many authoritarian regimes – including military ones – have boasted. The institutionalization of power, which can start with the drafting or amendment of existing constitutions in favor of the new ruling authority, serves as a key distinction between a mere dictatorship and an authoritarian-bureaucratic rule or a "sultanistic regime" (Feit 1972; Linz 1975; Chehabi and Linz 1998). Armed forces hoping to decrease the scale of praetorianism and gradually withdraw from politics need a specifically calibrated constitution to codify their new form of indirect political intervention while at the same time formalizing their relations with civilians if they want their policy role to remain relevant (Finer 1975; Nordlinger 1977; Egreteau and Jagan 2013: 25–29). For example, many constitutions which Brazil has adopted since the late nineteenth century have permitted the military to perform key political roles, yet allowing civilians to govern (Stepan 1971: 75–76). The armed forces of Chile have also regularly attempted to give institutional and legal structure to their rule, as demonstrated in the constitution written under military pen and ratified in 1980 (Barros 2002: 38–39).

Following the 1988 coup, the Tatmadaw early on expressed its willingness to participate in, if not simply lead, the constitution-making process. In 1993, an army ideologue wrote:

> neither the 1947 Constitution nor the 1974 Constitution had given a definite role to the Tatmadaw in national political leadership … the country has now inescapably come to a stage where a definite role would have to be given to the Tatmadaw in the nation's political leadership … all those who have the welfare of the country at heart should concentrate their attention on providing the Tatmadaw with a leading role in national politics in writing a new constitution.
>
> (Min Maung Maung 1993: 293 and 299)

If the political intervention of the Burmese armed forces was to be enshrined in the new constitution, it was said, the main task of the Tatmadaw would then be the protection of this highly symbolic document. In July 1997, Senior-General Than Shwe, then supreme commander of the Tatmadaw, delivered a speech to senior commanders, in which he detailed his understanding of the military's core missions. Among them, the Tatmadaw was to "abide by the provisions of the state constitution and … safeguard the new nation that will emerge according to that constitution for sustained development."[15] The army has thus steadily

presented itself as the sole legitimate institution which will bring a new constitution to the Burmese people and then safeguard it for the betterment of the nation, and it wanted this to be inked into the new supreme law of the Burmese nation.

The constitution as a tool for policy intervention

Through the new 2008 constitution, the Tatmadaw has secured enough policy instruments to ensure a military tutelage over policy-making in the post-SPDC polity. Clearly, the Burmese armed forces still did not feel secure enough in the 2010s to completely disengage from politics (Callahan 2012; Egreteau 2014a). Historical legacies and decades of propaganda praising the Tatmadaw's traditional role as guardian of the country since its independence explain this reluctance to trust civilians and let them solely rule the country (Mya Win 1992; Farrelly 2013). According to the scholarship on civil–military relations, praetorian armies retain some form of political power as long as they consider it to be their legitimate duty (Finer 1975; Nordlinger 1977). The Tatmadaw, as an autonomous institution, therefore considers itself as relevant to the global policy decision in the post-junta era (2011 onward), although it appears to tolerate a certain degree of involvement of civilians in the overall decision-making process. The 2008 constitution indeed guarantees it. Article 6(f) of the constitution states that one of the consistent objectives of the Union of Myanmar is to enable the defense services "to be able to participate in the national political leadership role of the State." On each Armed Forces Day (March 27) he has supervised since succeeding Senior-General Than Shwe as Tatmadaw's supreme commander in March 2011, Vice Senior-General Min Aung Hlaing confirmed by letter this core mission of the army.[16] The armed forces will continue to intervene in public affairs beyond the mere realm of military matters as long as the political situation of Myanmar imposes it.

The 2008 constitution therefore stipulates that active-duty military officers (and not only retired ones, who have turned politicians and bureaucrats) have to populate key policy-making positions in the new hybrid political system. This is to ensure that the vested interests of the Tatmadaw (and beyond, of the nation) are not jeopardized by "unruly" civilians. For instance, three core ministries of the central government are left under the sole authority of the Tatmadaw: Home Affairs (Interior), Defense, and Border Affairs (Articles 232b and 234b). In addition, the Security and Border Affairs ministers to be nominated in the provincial government of each of the 14 decentralized states and regions will be active senior officers (Article 262a). As a matter of fact, in 2011, all of them were army colonels appointed by the Tatmadaw commander-in-chief.[17] These army ministers, both at the central and local level, can influence policy-making in various ways, including in ethnic issues and matters of foreign policy.

In the legislative branch, the armed forces have secured a quarter of the seats at both the national and provincial levels: 110 seats in the Lower House (*Pyithu Hluttaw*, Article 109b), 56 seats in the Upper House (*Amyotha Hluttaw*, Article 141b), and a total of 222 seats in the 14 state and region legislatures (Article

161d). All military delegates are nominated by the commander-in-chief without any oversight from civilians – including the president's office (Egreteau 2015). As guarding the constitution is one of the major tasks assigned to the Tatmadaw (Article 20f), military appointees have to make sure that all reform proposals introduced into Parliament – including constitutional amendments – are formulated according to the basic principles already enshrined in the text. A vote by 75 percent of all legislators is indeed required to pass any amendment, and with its 25 percent seat allocation the Tatmadaw effectively acts as a veto force. For instance, this was observed in June 2015 when the military bloc voted out the first amendment bills submitted to the *Pyidaungsu Hluttaw*.

Yet the military delegates have an absolute veto only in matters of constitutional amendments. This is not the case in the regular legislative process, where Tatmadaw representatives represent only a quarter of the assemblies, in which just a simple majority is needed to adopt a new piece of legislation or approve a budget. Since the first session of Parliament in January 2011, military appointees have not only regularly approved bills drafted by their civilian and elected colleagues (including from the opposition groups led by the National League for Democracy), but they have also voted against drafts prepared by the dominant (and supposedly pro-army) USDP (ICG 2013; Egreteau 2014b). However, they have never been in a position to veto any new legislation and have even proved rather supportive of the reforms inspired by President Thein Sein since 2011.

Finally, echoing the 1974 constitution Article 201 of the 2008 constitution creates a key decision-making body, the National Defense and Security Council (NDSC). Headed by the president of the Union, it is dominated by active senior officers. However, its functions and assignments are not defined by the text. Therein may lay a powerful decision center, where most policies are to be formulated, checked, and bargained among military men and their civilian counterparts in the new executive branch (Kyaw Yin Hlaing 2012: 211). In any case, the armed forces view the 2008 constitution as a critical instrument to provide them with key legal channels for policy influence and intervention in the polity that emerged out of the disbanding of the military junta in 2011.

The constitution as a form of self-insurance

Finally, the 2008 constitution was construed as a way to grant the armed forces some sort of legal immunity against civilians or any emerging opposition force that could threaten the institutional survival of the military or erode its political influence. Using the case study of the Brazilian military, Alfred Stepan has examined the causes that commonly contribute to making the armed forces more insecure – and therefore more authoritarian – institutions (Stepan 1971: 153–156). The belief that civilians are systematically unruly rulers not competent enough to govern, the fear of centrifugal rival forces (e.g., ideological competitors to the military or separatist movements) and the apprehension of a successful mobilization of a new civilian elite that would rise against the traditional officer corps all drive military institutions into praetorianism, and thus

broader autocratic behavior and policy intervention. As a consequence, the armed forces feel the need, in times of transition, for a certain degree of constitutional protection against retroactive justice and potential prosecution (David and Holliday 2012). They also seek tools to be in position to veto any new legislation that would undermine the military's authority and immunity. Senior officers and ex-members of military juntas commonly fear staunch reprisals from civilians once the latter are able to form better organized, legitimate, and cohesive institutions that openly rival the armed forces, as in Turkey or Argentina in the 1960s and 1970s, noted early on by military expert Samuel Finer (1975: 112).

In that respect, the 2008 constitution guaranteed the non-accountability of all Myanmar's defense services and their immunity on all matters deemed military related (Article 20b). Thus, Burmese soldiers cannot be trialed by civilians. The Supreme Court can boast no jurisdiction over the Tatmadaw and its personnel; only ad hoc martial courts have authority over the military (Articles 293, 319, and 343). Since 2008, local and international lawyers have relentlessly denounced the culture of impunity which the constitution de facto legalized (ICTJ 2009: 34–35). Above all, its Article 445 states that "no proceeding shall be instituted against the said Councils or any member thereof or any member of the Government, in respect of any act done in the execution of their respective duties." Heavily criticized, the "immunity clause" has consequently ensured that no former senior officials of the SLORC (1988–1997) and the SPDC (1997–2011) can be prosecuted for whatever policy they have formulated or implemented between 1988 and 2011 (ICTJ 2009: 32–33). No transitional justice can therefore be envisioned as long as the constitution is not amended. Neither can any local tribunal looking at human rights abuses conducted during the SLORC-SPDC rule be set up inside the country (Quintana 2013: 16).

Prospects for amending the 2008 constitution

The procedure

Since its enactment in 2008, the constitution has fostered a steady legal concentration of power in military hands. This has prompted strong criticism from the international community and Burmese opposition groups alike – including from Aung San Suu Kyi, who has long refused to play by the military-written rule.[18] The possibilities of amending the constitution – and not bluntly rejecting it – have nonetheless received a lot of attention among opposition circles and outside observers alike. A full chapter (Chapter XII) of the constitution details the amendment procedure. A proposed amendment begins as a bill in the national Parliament in Naypyitaw. The bill should be drafted and submitted by at least 20 percent of all representatives of both houses – including military delegates – to be considered (Articles 433 to 435). To be adopted, a vote of more than 75 percent of all elected and nominated delegates from both chambers of the bicameral Parliament should be obtained (Article 436a). Given the 25 percent seat allocation which the armed forces have constitutionally secured, no amendment

can consequently be passed without military approval – or the defection of a few military appointees. For some specifically mentioned articles or sections of the constitution (as a matter of fact, for the most controversial and sensitive ones), a nationwide referendum must also be held after the vote approval by the parliamentarians, and more than half of the Burmese eligible voters should support the amendment(s) proposed (Article 436b).

Since Aung San Suu Kyi and the NLD eventually decided to accept the constitutional framework in 2012 and participated in the subsequent April 1 by-elections – which they euphorically won[19] – a great deal has been debated about how to amend the constitutional document and which clauses to focus on first. One highly symbolic article has caught the world's attention and overshadowed other major constitutional flaws. The "Suu Kyi Clause" (as Article 59f has now been labeled by local and transnational activist circles) indeed prevents Aung San Suu Kyi – and, in fact, any Burmese citizen having a parent with a foreign allegiance – from becoming a presidential nominee and being chosen as one of the two vice presidents or the president of the Union.[20]

However, many other provisions in the main body of the constitution also pose considerable challenges and thwart democratization prospects (ICTJ 2009; Williams 2014). Among them stands the non-civilian control of the fully independent military institution (Article 20) and of the opaque National Defense and Security Council (Article 201) as well as the unchecked army representation in all national and local legislative bodies (Articles 74, 109, and 141). Military appointees in parliaments as well as army ministers and their deputies in the executive cabinet are indeed removed on a very regular basis without any oversight. As observed in many other postcolonial societies, the constitution also grants through Article 40 and the full Chapter XI (Articles 410 to 432) some extraordinary emergency powers to both the executive (the president) and the military (Crouch 2013). Basic civil rights, although otherwise recognized, can also be summarily restricted (Articles 354 and 420). The immunity clause, which safeguards army officers and former junta officials against any form of civilian prosecution (Article 445) as well as the unchecked amnesty prerogatives of the president (Article 204), are also controversial. Finally, ethnic grievances have not been adequately addressed in Myanmar's latest constitutional document. Despite a major improvement upon the two previous constitutions (as a form of extensive decentralization it has been legally framed with 14 provincial legislative bodies), there is still a lack of proper devolution of power in the post-SPDC "federal" system. As a matter of fact, region and state chief ministers remain nominated by the central executive power in Naypyitaw and are not elected by the representatives of the 14 local assemblies (Nilsen and Tønnesson 2012).

Where to begin?

Quite logically, the different forces of the emerging post-SPDC landscape have a different take on where to begin constitutional reforms and which amendments

to examine and promote first. The NLD has openly been pushing for the removal of the clause prohibiting Aung San Suu Kyi from being nominated as presidential candidate (Article 59f).[21] The party also vocally militates for a full withdrawal of military representatives from the legislative and executive branches of government.[22] Aung San Suu Kyi herself, although often cautious about not openly deriding the very institution that her father founded, has repeatedly declared that the armed forces should promptly disengage from all public non-military-related affairs.[23] However, a few other Burmese or ethnic-based political movements have adopted more balanced views. For instance, the National Democratic Force (NDF), formed in 2010 by defecting senior leaders of the NLD, rather promotes a gradual withdrawal of the military from the legislative bodies. "Why not reducing the proportion of seats reserved to the military to 20 percent or 10 percent, before envisioning a full removal of the military appointees?" asks Khin Maung Swe, one of the party's founders.[24] According to the NDF leadership the relationship between the commander-in-chief and the Minister of Defense has also to be reframed. The ministry should be under civilian monitoring and have control over the nomination of the military top brass, not the other way round, paving the way for effective civilian control of the armed forces. NDF party leaders also openly push for greater autonomy to be granted to local and regional assemblies, therefore enshrining more federalism in the main body of the constitution.[25]

Besides, a few legislators outside the NLD realm have recently argued that the clause on the foreign allegiance of presidential nominees (Article 59f) should indeed be revised, but not fully removed. If the foreign allegiance of children should not be included as a factor impeding a Burmese citizen to become president, many a Burmese politician reckons, the case of the spouse has to be scrutinized. Indeed, given the highly emotional and sensitive ethnic issue, nobody seems to want a Burmese president with a Chinese or Bengali wife, to name just two nationalities receiving considerable (and negative) attention in Myanmar these days.[26] Beside the NDF official party line and the opinions of a few individual ethnic legislators, the Democratic Party (Myanmar) – founded, among others, by the daughter of former Prime Minister U Nu – has also developed similar arguments.[27] As the NDF, the DP(M) also insists on an electoral reform (Chapter IX of the constitution), to move away from the first-past-the-post system that favors powerful parties with nationwide political bases such as the USDP or the NLD.[28]

A few ethnic political parties have also taken a similar approach, arguing for a progressive withdrawal of the military presence from the executive and legislative powers. For instance, the Kayin People's Party (KPP) – a small party comprising former Burmese army and police officers of Karen origin which has won half a dozen seats in local and national assemblies in 2010 – maintains that it is not the right time to focus on reducing the constitutional powers of the military, but rather for civilians to consolidate what they have gained since 2010.[29] Others, like representatives of the Rakhine, Shan, and Chin communities, openly claimed that this should not be the focus of the first constitutional amendments to be

discussed. Rather, more devolution of power and a broader federalist constitutional text should be the aim.[30] A Kachin parliamentarian developed the same line of argument: incremental change and broader capacity-building for local parliaments is needed before envisioning a full revision of the constitution.[31] Finally, the dominant USDP has long appeared to be divided over the constitutional controversies.[32] The speaker of the Upper House, ex-General Khin Aung Myint, asserted in a recent interview that only a few "technicalities" may be revised, as no provisions in the main body of the 2008 constitution were per se deemed "problematic."[33] But it was the speaker of the Lower House, Thura U Shwe Mann, who in July 2013 announced the formation of a parliamentary committee tasked to discuss amendment proposals.

The establishment of a committee for a constitutional review

In March 2013, during the sixth parliamentary session of the Union Parliament, a motion was passed to discuss the formation of a parliamentary committee to start a potential review of the constitution. The 109-member committee was officially created in July 2013.[34] It gathered representatives of all political parties having parliamentary seats either in the *Pyithu Hluttaw* or the *Amyotha Hluttaw*. After collecting hundreds of thousands of public submissions throughout the second half of 2013, the committee eventually submitted a first report on January 31, 2014.[35] Overwhelmingly descriptive, the latter merely listed all amendment proposals without either drawing any conclusions or outlining any recommendations – except the blunt suggestion not to focus on the most sensitive articles: the military's political role (Article 59f), and the amendment procedure itself. A second joint parliamentary committee was thereafter convened, with this time only 31 appointed national legislators. Ordered to further the constitutional discussion, it was chaired by the deputy speaker of the Lower House, Nanda Kyaw Zwa.[36] Concomitantly, however, and in reaction to the lack of progress, the National League for Democracy opted for the organization of a mass campaign to rally public support for a prompt constitutional change. To do so, Aung San Suu Kyi's party even teamed with former student activists-turned-politicians, known as Generation 88, a party that does not boast any legislators. The campaign eventually collected about five million signatures nationwide.[37]

A first amendment bill was eventually put to Parliament in June 2015. Startlingly, the initiative came from USDP elected representatives. On June 25, the Bill Committee of the USDP-dominated *Pyidaungsu Hluttaw* announced that six proposed changes to the 2008 constitution were to be put forward. Five of them were rejected by the military legislators, included one seeking to lower the voting threshold for constitutional reform and one attempting to repeal Article 59f. A week later, amendments to 21 other Articles of the Constitution – including proposals that would have enhanced the prerogatives of the provincial assemblies and expanded a still fragile decentralization – met the same fate.[38] More than 50 addendums to the constitutional text were however approved by the parliamentarians gathered in Congress.

Given the number of years (15) that were needed to watchfully draft the constitutional text adopted in 2008 and given the fact that the initial principles laid down in 1993 were almost all reproduced (with only minor rephrasing) 15 years later in the final document, there should not be any misplaced optimism. Any constitutional reform will depend on the wills and whims of the Tatmadaw as well as on the stability of the relationship which its rejuvenated hierarchy (under the aegis of Senior-General Min Aung Hlaing since 2011) will maintain with the former commanders-turned-politicians of the post-SPDC political and legislative scene. As long as it perceives the political scene as unruly and divisive, the Tatmadaw will certainly wish to maintain its presence in all parliaments as well as its grip over key ministries and executive posts.[39] Therefore, any successful constitutional amendment in the near future should be minor – not directly affecting the military dominance.

Conclusion: beyond constitutional praetorianism?

The 2008 constitution has embedded praetorianism in Myanmar's polity in a way the two previous constitutions (1947 and 1974) had not. As long as no other supreme laws or constitutional amendments circumscribe it, the political and legislative intervention of the armed forces is now fully institutionalized. But at the same time, the 2008 constitution has encouraged the historically dominant institution of the country – the Tatmadaw – to team up with the civilian bureaucracy and the emerging (and tolerated) civilian political and parliamentary class. Some of the constitutional provisions were indeed intended to facilitate a first step toward military disengagement and to smooth the transition from direct military rule (as observed between 1988 and 2011) to a quasi-civilian one, expecting another step toward full civilianization to be taken either through constitutional amendments or with a comprehensive constitutional change at a later stage of Myanmar's political future.

The question that now remains is how to move beyond this form constitutional praetorianism – or the sanctioning of the Burmese military's policy intervention by the Constitution, and to gradually frame a full military withdrawal from politics in order to impose an advanced form of constitutionalism in Myanmar (Bünte and Dressel 2014). As other neighboring authoritarian polities have long showed (e.g., China), a written constitution does not necessarily shape constitutionalism, just as the enactment of laws does not systematically mean that the rule of law is fully guaranteed (Zhang 2010). In order to reinforce the post-junta state institutions in Myanmar – such as the governments, the local and national parliaments, and the judiciary system (all in search of a wider autonomy from the Burmese armed forces) – political behavior has to fundamentally change in the country, especially among the ruling elites, including civilian ones. This may take one generation or more. A thorough revolution in the way Burmese military officers are socialized is expected – for the officer corps to move away from the entrenched idea that only the Tatmadaw can embody the Myanmar state. Beyond the Tatmadaw, all other state institutions – including the

emerging legislative bodies – appear too weak to stand on their own (and even successfully complete a proper constitutional review), while often remaining too dependent on the charisma and activism of only a few prominent figures. Judicial review should also be independent and strong – it is far from being credible in Myanmar today. Above all, active and mature Burmese citizens need to be trained, educated, and encouraged to constructively intervene in politics and to be more broadly involved in state policy-making.

Notes

1 The author wishes to thank the editors and the anonymous reviewer for their sharp comments on earlier drafts of this chapter.
2 For linguistic simplicity and without any political connotation, this article uses the vernacular name of the country Myanmar when appropriate (usually for post-1989 events), but retains the English adjective "Burmese."
3 In modern polities, "praetorianism" refers to the unchecked political influence of the military upon elected governing bodies and a democratic civil society, and the control that soldiers seek to exert over state policy-making and civilian affairs.
4 A scan of the original document in its English version may be found online at www.burmalibrary.org/docs07/1947Constitution-facsimile-red.pdf (accessed October 16, 2015).
5 Immediately after seizing power, armed forces and juntas commonly produce extensive legal documents and decrees aimed at detailing their political vision and agendas, but not necessarily a constitution. This has been observed in other places and other times, including during General Pinochet's military rule in Chile in the 1970s (Barros 2002).
6 An English version may be read online at www.burmalibrary.org/docs07/1974Constitution.pdf (accessed October 16, 2015).
7 Earlier, in April 1972, Ne Win and his military associates in the Revolutionary Council resigned from their positions in the armed forces. General Ne Win was from then on to be called "U" Ne Win.
8 *The New Light of Myanmar*, September 3, 2007, p. 5.
9 SPDC Announcement No. 7/2008 (May 29, 2008), in *The New Light of Myanmar*, May 30, 2008, p. 1.
10 A bilingual English-Burmese version is available online at www.president-office.gov.mm/en/sites/default/files/books/07–2012/ConRepubMyanmEng.pdf (accessed October 16, 2015).
11 For academic critiques of the document, see Williams (2009, 2014) and Prager Nyein (2009). For an activist view, read ICTJ (2009).
12 In both the Lower House (Article 109b) and the Upper House (Article 141b) of the national Parliament, a quarter of the seats are reserved for military appointees nominated by the sole commander-in-chief of the armed forces. In the 14 local assemblies (Article 161d), the number of military delegates will be equal to one-third of the total number of elected representatives – which mathematically corresponds to approximately 25 percent as well.
13 Her party, the National League for Democracy (NLD), opted for a boycott of the 2010 elections.
14 *The New Light of Myanmar*, January 31, 2001, p. 1; *The New Light of Myanmar*, February 5, 2011, p. 1.
15 The text was made public two years later (Maung Aung Myoe 2009: 4).
16 *Irrawaddy-on-Line*, "Burma Army Chief Defends Political Role," March 27, 2012; Reuters, "Myanmar's General Lauds Army Democratic Role," March 27, 2013.

17 *The New Light of Myanmar*, March 31, 2011, pp. 11–12.
18 Reuters, "Dissidents Line Up to Fight Myanmar Constitution," February 11, 2008. The NLD would then boycott the 2010 elections and hesitate in joining the regime's "legal fold" afterwards (see *The Myanmar Times*, "Why the NLD Should Register," November 14–20, 2011). Even when the party and Aung San Suu Kyi eventually decided to participate in the 2012 by-elections, and subsequently to win a landslide victory, the NLD MPs refused to take an oath to safeguard the constitution before joining the national Parliament in April 2012 (see Min Zin, "Picking the Wrong Battle." *Foreign Policy*, April 20, 2012).
19 *The Economist*, "The Lady of All Landslides," April 7, 2012.
20 Reuters, "Myanmar Constitution Likely to Dash Suu Kyi's Presidential Hopes," June 19, 2013.
21 Interview with NLD parliamentarians, Naypyitaw, January 2014.
22 Interview with NLD legislators from both houses, Naypyitaw, January and July 2014. It seems nevertheless that some NLD senior members increasingly favor a gradual disengagement of military MPs. See, for instance, *Southeast Asia Globe Magazine*, "From Prison to Parliament," May 1, 2013, available online at http://sea-globe.com/phyo-min-thein (accessed October 16, 2015).
23 Reuters, "Suu Kyi Says Army Has to Give Up Excessive Power," June 15, 2012.
24 Interview with NDF founder U Khin Maung Swe and other party leaders, Yangon, May 2013.
25 Radio Free Asia, "Myanmar Ethnic Alliance Mulls Constitutional Amendments," July 8, 2013.
26 Interview with a Shan MP from *Pyithu Hluttaw*, Naypyitaw, August 2013.
27 Interview with DP(M) party members, Yangon, May 2013.
28 *Irrawaddy-on-Line*, "Amyotha Votes to Change Electoral System," June 13, 2014.
29 Interview with the Vice Chairman of KPP, Shwe Pyi Tha (Yangon), May 2013.
30 Interviews with MPs from the Shan Nationalities Democratic Party (SNDP), the Chin Progressive Party (CPP), and the Rakhine Nationalities Development Party (RNDP), Naypyitaw, January and June 2014.
31 Interview with a legislator from the Unity and Democratic Party, Kachin State (UDPKS), Naypyitaw, January 2014.
32 Interview with a USDP legislator from Rakhine State, Yangon, May 2013.
33 Interview with author, Naypyitaw, August 2013.
34 AP, "Parliament Form Committee to Review Constitution," July 26, 2013. One of its members passed away in November 2013.
35 Interview with three members of the committee (from the USDP, the Chin Progressive Party, and the UDPKS), Naypyitaw, January 2014.
36 Interview with author, Naypyitaw, July 2014.
37 Interview with NLD legislators, Naypyitaw, July 2014.
38 *Irrawaddy-on-Line*, "Charter Push for Decentralization, Stronger Parliament Falters," July 9, 2015.
39 AFP, "Myanmar Army Bristles against Constitutional Change," November 18, 2014.

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