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## Regional Outlook

From Coup d'état to 'Disciplined Democracy':  
The Burmese Regime's Claims to Legitimacy

Stephen McCarthy

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'From Coup D'état to "Disciplined Democracy": The Burmese Regime's Claims to Legitimacy', Regional Outlook Paper No. 23, 2010

## About the Author

### **Stephen McCarthy**

Stephen McCarthy is a member of the Griffith Asia Institute and teaches in the Department of International Business and Asian Studies at Griffith University. He works in the fields of political theory, comparative politics and international relations in Southeast Asia and more generally the Asia Pacific region. He is the author of a book, several Regional Outlook Papers, and numerous articles on Burma in international journals.

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# Executive Summary

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Burma (Myanmar) has experienced continuous military rule for almost half a century. During this time, the armed forces (*Tatmadaw*) have developed a series of claims aimed to legitimize their continued ruling of the country. Political legitimacy in Burma can be examined historically, through different periods of rule, or by themes and the transitions from one source of legitimacy to another. This paper will blend the historical and thematic as it concentrates on the sources of legitimacy relied upon by the *Tatmadaw* since it first came to power. In addition, the paper will discuss the foreign perceptions of legitimacy and influences that the international community have had on the regime's search for legitimacy in recent years.

The *Tatmadaw's* early claims to legitimacy rested upon their success in the battle against ethnic separatist and communist insurgencies, at which time the survival of state unity was a paramount objective – both during the post-independence democratic period (from 1948–58, and 1960–62) and for many years following their coup of 1962. In time, they also came to rely upon some of the same claims to legitimacy that were made during Burma's only experiment with democracy – the most significant of these was based in Burma's historical Buddhist traditions, a claim that all rulers have had to make in this devout Buddhist country. Well aware that in Burmese historical tradition the promotion and defence of Buddhism ultimately confirmed a kings' legitimacy, the *Tatmadaw* set about reinvigorating the monarchy and promoting their piety.

This transition was imposed upon them by the appearance of Aung San Suu Kyi, who courted the *Sangha* and developed political rhetoric that infused Buddhist ideas with democratic principles. Because Suu Kyi and the NLD offered a political alternative in terms of Western democracy and liberalism, they posed a direct threat to the legitimacy of the *Tatmadaw's* authoritarian rule – this threat intensified following the *Sangha's* siding with the pro-democracy movement in the demonstrations of 1988 and 1990. By promoting Buddhism, the generals attempted to respond to the threat of Suu Kyi while at the same time assume the legitimacy of a Burmese monarch for themselves.

Since coming to power in 1962, the *Tatmadaw* have also claimed to have solid plans for the economic management of the country. Their experiment with years of socialism and autarchy however caused widespread poverty, while their partial economic liberalization produced mainly short-term foreign investments in resource extraction with few gains being distributed to society. Attempts at regional integration aimed at securing some prestige and international legitimacy merely caused embarrassment for ASEAN. Moreover, in 1987–88 and 2007, the generals' economic mismanagement directly led to mass demonstrations followed by the inevitable crackdowns by the military – both of which caused a significant loss of legitimacy.

The demonstrations and religious boycott of 2007 was an assault on the legitimacy of the generals, not only because it threatened cohesion within their ranks, but also because it exposed the intent behind their public acts of piety – survival – and it challenged their claim to traditional legitimacy as rulers in a devoutly Buddhist country. Yet when civil unrest has arisen on a number of occasions, the generals have been forced to revert to the use of force, followed by the offering of democratic concessions – constitutional reforms, referendums, and elections – to placate the people. Like the events of 1988 and 1990, the demonstrations of 2007 pressured the generals into making democratic concessions by reluctantly making some progress on their roadmap to 'disciplined democracy'. A cycle has thus emerged over their long tenure of rule and is currently being repeated.

As part of their roadmap, the *Tatmadaw* have announced that elections, based upon the new constitution that was adopted by referendum in 2008, will be held in 2010. Yet in the eyes of the West, unless these elections are monitored and assessed to be free and fair, the regime will remain illegitimate. Moreover, the state must satisfy the basic needs of its people – a problem that is only exacerbated by the SPDC's committing Burma's limited resources into building new capitals and purchasing weapons at the expense of providing basic health, education, and infrastructure. The regime's claims to legitimacy through its control of ethnic insurgency groups are also likely to be challenged by the 2010 election. As the regime attempts to enforce its formal constitutional requirement that all armed forces in the country come under the control of the *Tatmadaw*, the so-called 'ceasefire groups' will be effectively forced to surrender their autonomy or return to open conflict. The latter would undermine the regime's claims to have restored peace and settled the ethnic problems which have plagued Burma since independence.

Because their main aim is simply survival, the *Tatmadaw's* various claims to legitimacy may be discarded at will and replaced by force when the need arises. At the same time, the SPDC will continue to respond with appeals to nationalism while subverting foreign influences and delegitimizing their opposition. If the generals do intend to adopt a less authoritarian form of regime under the guise of 'disciplined democracy', as has been promoted, then they will likely revert to the same justifications for maintaining a presence in running the political institutions of the state. The country's need for unity, stability, and independence will remain core arguments for a strong central government which, presumably, only the armed forces can provide.

More generally, it is remarkable that the *Tatmadaw* should be at all interested in their own political legitimacy, given that they came to power through the most illegitimate of means – by force – and have retained this power by silencing all opposition. That the generals have tried to justify their rule in a number of ways may suggest that force alone is insufficient to hold on to power for a prolonged period of time. Indeed, Burma presents a unique example in the region where a military seeks legitimacy while ruling through fear. The study of legitimacy, in turn, takes on greater significance in Burma as it undergoes possibly more manipulation, and creation, than elsewhere in the region.

In addition, the regime's various claims to legitimacy over the years contain inherent contradictions which may only be partially resolved by considering the audience to whom these claims have been addressed. Claims to legitimacy that are addressed to the domestic population may conflict with those addressed to the international community. For the domestic audience, the *Tatmadaw* must ground their authoritarian rule in traditional sources of legitimacy rather than modern democratic theory due to the illegitimate nature of their coming to power. This requires that they reinvigorate and reinterpret for themselves an authoritarian system of government, absolute monarchy, which existed for centuries before the onset of colonial rule as well as the country's brief experiment with democracy.

Yet in a world where democratic progress is monitored far more closely, where technological innovations can expose injustice, and where authoritarian rule is routinely questioned, the generals have reluctantly discovered that their traditional ways are insufficient to maintain political stability and that their own survival may require the occasional offering of more democratic concessions on their part. 'Disciplined democracy' – Burmese style – is in reality a return to indirect military rule. For now, it may not lead to the solution that would satisfy the West but it may at least provide some opening for future change and more possibility for improvements in justice than simply maintaining the status quo of direct military rule.

# 1. Introduction

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Burma has experienced continuous military rule for almost half a century. For much of this time, the military have been occupied with fighting separatist insurgencies and suppressing civil unrest. It is remarkable that the Burmese<sup>1</sup> armed forces (*Tatmadaw*) should be at all interested in their own political legitimacy, given that they came to power through the most illegitimate of means – by force – and have retained this power by silencing all opposition. That the generals have tried to justify their rule in a number of ways may suggest that force alone is insufficient to hold on to power for a prolonged period of time. Indeed, Burma presents a unique example in the region where a military seeks legitimacy while ruling through fear. The study of legitimacy, in turn, takes on greater significance in Burma as it undergoes possibly more manipulation, and creation, than elsewhere in the region.

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Political legitimacy in Burma can be examined historically, through different periods of rule, or by themes and the transitions from one source of legitimacy to another. This paper will attempt to blend the historical and thematic as it concentrates on the sources of legitimacy relied upon by the *Tatmadaw* since it first came to power. In addition, the paper will discuss the foreign perceptions of legitimacy and influences that the international community have had on the regime's search for legitimacy in recent years.

The *Tatmadaw's* early claims to legitimacy rested upon their success in the battle against insurgency, at which time the survival of state unity was a paramount objective – both during the post-independence democratic period (from 1948–58, and 1960–62) and for many years following their coup of 1962. In time, they also came to rely upon some of the same claims to legitimacy that were made during Burma's only experiment with democracy – the most significant of these was based in Burma's historical Buddhist traditions, a claim that all rulers have had to make in this devout Buddhist country. When civil unrest has arisen on a number of occasions due to their own economic mismanagement, however, the generals have been forced to shed these claims and revert to the inevitable use of force, followed by the offering of more democratic alternatives – elections and constitutional referendums – to placate the people. This cycle has emerged over their long tenure of rule and is currently being repeated.

Sustaining authoritarian rule over long periods of time is not an inexpensive exercise. Expanding and modernizing the *Tatmadaw* to quash ethnic insurgencies and civil unrest for over half a century has demanded a continual drain on the country's resources. Yet in a world where democratic progress is monitored far more closely and authoritarian rule is routinely questioned, the generals have reluctantly discovered that their own survival may require more democratic initiatives on their part. This may not lead to the solution that would satisfy the West but it may produce a more stable, and less costly, alternative to direct military rule.

## 2. Background: From Democracy to Military Rule

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Although Burma's monarchical heritage can be traced to the early kingdoms of the Mon, the first great kingdom of the Burmans was founded in Pagan in the eleventh century and Theravada Buddhism was established as the main religion. A succession of dynasties, kingdoms, and new capitals followed through to the last great dynasty, the Konbaung, founded in the late eighteenth century. After three Anglo–Burmese wars with the British, the whole of Burma was annexed in 1885 and the Burmese monarchy was abolished. This left the Buddhist monasteries and monks (*Sangha*) as the country's most powerful and most organized indigenous institution.

Although British colonial rule was interrupted by the invasion of Japan, who also trained Burma's first Independent Army (BIA, which would later become the Burmese National Army), the British would return to claim their losses and restore their economic domination after the war. Burma's war-time hero, Aung San, negotiated independence from Great Britain for 1948 although he was assassinated, along with his cabinet, in 1947. Because he was instrumental in creating the BIA during the war, he was considered to be the father of the *Tatmadaw*, which has ruled the country since General Ne Win's coup of 1962.

From 1948 to 1958, Burma adopted a parliamentary system of government, with representation for ethnic minorities. Insurgencies, factional conflict, and communist movements were prevalent during the entire period. In 1958, citing the army's mistaken fear of a communist takeover and, facing rumours of an imminent military coup, Prime Minister U Nu resigned and invited the army's senior general, Ne Win, to install a military caretaker administration. Military officers were appointed to senior executive positions and Ne Win was briefed to prepare the country for elections. Ne Win duly followed the constitutional formalities of resigning as prime minister and parliamentary democracy returned to Burma in 1960.

U Nu's faction of the Anti-Fascist People's Freedom League (AFPFL) was elected with the support of the majority of Buddhist monks (*Sangha*), though the *Tatmadaw* would have preferred a victory by the rival faction. When serious differences again arose within the AFPFL, the *Tatmadaw*, and ethnic minority leaders in 1962, Ne Win, encouraged by the *Tatmadaw's* achievements under the caretaker administration, seized power in a *coup d'état*. Ne Win arrested the civilian political leaders, dissolved the national parliament and state legislatures, dismantled the court system, suspended the 1947 Constitution and created a Revolutionary Council comprised of seventeen military officers with himself as chairman.

The military's Revolutionary Council created its own cadre party, the Burma Socialist Programme Party (BSPP) in July 1962. Modelled along Leninist lines, the BSPP and was intended to become a mass political organization providing social, political, and economic indoctrination. Ne Win was elected as party chairman when the BSPP held its First Party Congress in 1971, and he resigned his army commission in 1972. A new constitution creating a single party system was introduced in 1974. From 1962 to 1988, therefore, Burma was ruled by the military, both directly – under the Revolutionary Council, and indirectly – under the BSPP by way of the 1974 Constitution. In reality, the country merely adjusted from direct military rule to indirect constitutional military rule.

In 1988, the daughter of Aung San, Aung San Suu Kyi, returned to Burma to care for her sick mother. She was coerced to join the pro-democracy movement at the time and became the General Secretary of the National League for Democracy (NLD). Ne Win

retired as chairman of the BSPP at an extraordinary party congress in July 1988, yet he played an instrumental role in violently suppressing the pro-democracy demonstrations which peaked later that year. As a result of these demonstrations, on 8 September 1988 a military coup led by Senior General Saw Maung, under the direction of Ne Win, ended the 14-year period of constitutional military rule. A 19-member State Law and Order Restoration Council (SLORC) placed Burma once again under direct military rule by assuming comprehensive executive, legislative, and judicial powers. Composed entirely of military officers, SLORC declared martial law and ruled by decree.

Although Ne Win remained in the shadows well after the SLORC came to power amid the political crisis of 1988, the ruling generals had been distancing themselves from his influence well before his death in 2002.<sup>2</sup> Hence, while the senior generals today are a product of Ne Win's legacy, their claims to political legitimacy are somewhat different to his, reflecting changes in the regime's outlook in response to domestic and international pressures. The *Tatmadaw* have ruled the country directly under the auspices of the SLORC – from 1988 to 1997, and the State Peace and Development Council (SPDC) – from 1997 to the present. Given the content of the new constitution, the provision for a military presence in Parliament, and the *Tatmadaw's* desire to maintain control of the most sensitive portfolios, the country will again adjust from direct military rule to indirect constitutional military rule under the auspices of 'disciplined democracy' following the elections proposed for 2010.

Among the reasons offered to support the *Tatmadaw's* rule in 1962 were its claims to possess the unique ability to suppress both communist and ethnic-based insurgencies while, at the same time, effectively manage the economy. The *Tatmadaw* has also sought to placate domestic strife and to gain legitimacy by occasionally proposing elections, referendums, and constitutional reforms, and by drawing on historical and cultural interpretations of the traditional relationship between Burmese rulers and their subjects. Although the military have historically tended to realign their focus strategically among these broad alternatives, depending upon the changing conditions and circumstances, events have transpired which encouraged the generals to play down the former and promote the latter. Each of these themes will be discussed now in turn, including the events that have led to a transition of reliance and emphasis upon one form of legitimacy over another. In addition, it may be helpful to trace the arguments to their historical foundations and show how they have developed as well as discuss some more general attributes that have pervaded all arguments for legitimacy throughout the post-war period.

### 3. State Unity and Insurgency

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The *Tatmadaw* invested the major proportion of their time and effort following independence into suppressing ethnic and communist insurgencies, and preserving the unity of the state. Indeed, the question of political autonomy for the minority groups in Burma has proved to be a source of tension and conflict since 1948. Under Great Britain's Indian-style divide and rule policy, the political aspirations of some ethnic minorities in Burma were quashed while preference was shown to other groups, particularly the Karens. The British played off the competing interests of various ethnic groups in and around the Frontier Areas which, because of their relative isolation, remained neglected, both economically and politically. Resentment fuelled by missionary activities and the British practice of recruiting Indians into key administrative positions had already paved the ground for separatist claims among the minorities by the end of British rule.

Although Aung San declared that there could only be one nationality in Burma, he recognized distinct races and tribes within the nation. His preference was for a Union of Burma, with properly regulated provisions to safeguard the rights of the national minorities.<sup>3</sup> Much speculation exists over whether Aung San conceded statehood to the Shans, Karens, and the Kachins so that they would agree to throw in their lot with Burma, and the actual concessions made to minority groups at the Panglong Conference of 1947 remain unclear.<sup>4</sup> The issue of whether or not he had agreed to statehood would resurface after his death and helped fuel the demands for autonomy and nationhood among various ethnic groups for the next 50 years. These demands were forcefully expressed through many armed insurgencies by the militant wings of various ethnic minorities in addition to those of the Communist Party of Burma (CPB), capturing towns across the country. At one point, the Karen National Defence Organization, for example, had pushed to within four miles of capturing Rangoon.<sup>5</sup>

By the time of Ne Win's caretaker administration in 1958–60, however, the *Tatmadaw* claimed to have brought stability to the previously faction-ridden political environment and, with unrestrained military powers, success in the battle against insurgency. Indeed, Smith believes that 'in the army's official account of these years, *Is Trust Vindicated?*, Ne Win allowed the *Tatmadaw's* record to stand or fall more or less entirely on its successes in the battle against insurgency'.<sup>6</sup> Afterwards, when U Nu succumbed to pressures for political autonomy from a number of ethnic minorities, including the Shan, his promise to make Burma a federation of ethnic nationalities, with greater autonomy for the minority provinces, became one of the reasons prompting Ne Win's return.

While much of Burma's post-independence history has been dominated by ethnic insurgency, it was the *Tatmadaw's* perception and promotion of its ability to quash such insurgencies and maintain peace and order that provided one of its main sources of legitimacy. Upon seizing power, however, Ne Win also used the army to suppress political opponents, protesters, students, monks, religious minorities, and other civilians on numerous occasions, arresting, torturing, and killing thousands – most particularly during the coup of 1962, during the protests against the government's refusal to honour the former UN Secretary General U Thant with an official burial in 1974, and during the popular uprising of 1988. In consequence, the size of the army, its acquisition of weaponry, and its allocation of the national budget, ballooned in order to control not only ethnic-based separatist insurgencies, but also social unrest – both causes were justified by the *Tatmadaw* on the grounds of preserving state unity. While much of the world's attention was focused on communist-based insurgencies elsewhere in the region, Ne Win's *Tatmadaw* suppressed all opposition while promoting senior officers on the basis of loyalty, brutality, lack of education and idealism, and successful indoctrination.

With the second largest army in Southeast Asia,<sup>7</sup> the *Tatmadaw* had managed to quash all ethnic insurgencies by the mid to late 1990s, relocate a number of religious minorities, and drive many thousands of Arakanese Muslims into exile in Bangladesh. Most insurgent groups signed cease-fire agreements with the SLORC in return for local business favours or employment from the government – the two major exceptions being the Karen and the Shan, who either fled to Thailand or had their villages relocated to cut off support for their troops. The government continued to suppress ethnic minority claims to uniqueness while at the same time it held constitutional conventions in an attempt to re-engineer the Panglong conference with hand-picked representatives of the minority groups. Any claims for more autonomy are suppressed and minority cultures are Burmanized. The Museum of Shan Chiefs and the former palace of the last Shan lord, for example, was closed and reopened as a new Buddhism Museum, including Buddhist artifacts and photographs of the Pagan archaeological site. The *Tatmadaw* continue to promote their role in preserving state unity and the avoidance of disunity and the ‘destruction of the state’ – whether by internal or external forces. These messages appear in slogans, signs, and banners across the country, and in the state-run media.

Yet the regime’s claims to have eradicated ethnic insurgency could prove premature in the lead up to, and following, the 2010 election. As the regime attempts to enforce its formal constitutional requirement that all armed forces in the country come under the control of the *Tatmadaw*, the so-called ‘ceasefire groups’ will be effectively forced to surrender their autonomy or return to open conflict. The latter would undermine the regime’s claims to have restored peace and settled the ethnic problems which have plagued Burma since independence. The suppression of the Karen and the Kokang in 2009 created large numbers of displaced persons and added diplomatic pressure on the regime. Some minority groups possess sizeable armed wings and their unwillingness to cooperate raises the possibility of more prolonged struggles in the future.

## 4. Economic Performance and Regional Integration

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The *Tatmadaw* have for most of their rule argued that they were the only group capable of implementing successful economic programs. They had achieved some economic success during the caretaker government period (1958–60) – the production and export of rice, for example, reached a postwar high that has not been repeated.<sup>8</sup> Thereafter, the military took their role as Burma's economic gurus seriously – both as an autarchic socialist state, and while undergoing partial economic liberalization. Undercutting this faith in their economic credentials, however, is the fact that in modern times Burma's economic well-being was allied to foreign interests, there being a long association with foreign investment dating back to its early trading relations with China and India. By 1941, one quarter of Burma's capital stock was owned by foreign investors – Britain, China, and India being the dominant countries of origin. Following the end of the Second World War and Burma's independence, foreign companies returned and were permitted to operate through to the early 1960s, receiving official encouragement by way of Burmese investment legislation.<sup>9</sup>

### Socialism

The policy of reliance on foreign investment changed dramatically following the coup of 1962. Determined to defeat the political influence of the CPB, Ne Win decreed that the *Tatmadaw* would fight the communists in ideology as well as in the field, and commissioned the drafting of the BSPP's bible, *The System of Correlation of Man and his Environment*.<sup>10</sup> His promotion of *The Burmese Way to Socialism* would then launch the nation towards international isolation and autarchy.<sup>11</sup> Being a perversion of Aung San's ideas on socialism,<sup>12</sup> Ne Win's plan led to the nationalization of agriculture and industry, over a quarter-century of central economic planning, and the curtailment of almost all foreign direct investment. This ensured the destruction of the Burmese economy at a time when her regional neighbours were benefiting from large sums of anti-communist aid. It quashed any hope of a sustained economic recovery from the war-time destruction, and Burma fell from its position of being the most economically promising of all the former colonial states to one of the poorest countries in Southeast Asia.

A groundswell of discontent against the military's handling of the economy reached a head in late 1987 with Ne Win's disastrous decision, based on numerological advice, to demonetize 60 to 80 per cent of Burma's currency. Demonetization of the Kyat was used to target insurgents and black marketeers operating along the Thai and Chinese borders. However, since neither group traded in Kyat because it had long been unconvertible, the demonetization hit ordinary Burmese citizens the hardest. The policy was preceded by a number of extraordinary conversions of the currency<sup>13</sup> which, together, destroyed most people's savings and triggered the resentment that was eventually expressed in the mass demonstrations of 1988. The subsequent crackdown by the military also led to the imposition of trade sanctions by the EU and the US which have been reinforced over the years.

### Partial Economic Liberalization

In 1988, the SLORC embarked upon a program of partial economic liberalization involving the deregulation of many key industries and encouraging the return of foreign investment. While many Western firms were deterred by the demonstrations and subsequent coup, some of Burma's neighbours (as well as some Western oil companies) were attracted by the possibilities of natural resource extraction. Japanese companies

also saw Burma as the next site for their labour-intensive manufacturing operations.<sup>14</sup> Within a decade, however, the transparency of SLORC's economic liberalization policy had become apparent: any profits being made were of a short-term nature, usually returning directly to the military. Seeking access to markets, and foreign currency, it is doubtful that the junta ever intended to introduce substantial economic liberalization and adopt the free market reforms that may have helped to bring some long term economic growth. More likely, the generals were in search of friends quickly and some ASEAN members were more than happy to gain access to Burma's natural resources.

Yet many foreign investors discovered over time that, aside from intense lobbying by democracy activists at home, the country's rules and regulations (including mandatory investment arrangements with domestic state-owned partners), corruption, and lack of infrastructure severely limited their profit margins. Foreign investment over the ten-year period from 1988 to 1998 generally took the form of natural resource extraction, particularly oil, gas, and timber, while other key sectors were ignored altogether. Domestic investment was discouraged by interest rate ceilings and a reluctance to remove tight controls on the investment and banking markets. A failure to address currency complexities further discouraged investment (foreign and domestic) and encouraged a flourishing black market that preferred to trade in US dollars and continued to fill shortfalls in the official economy.

In an effort to control border trade and stem the outflow of foreign currency, the SPDC in 1998 reinstated import and export controls on consumer goods and many key commodities, especially sugar and rice, thus reasserting direct control over the economy and ending their brief attempt at economic liberalization.<sup>15</sup> The restrictions were largely ineffective, however, because of the wholesale hoarding of consumer goods in urban areas and the continuation of black-market trading along the border. The *Tatmadaw's* economic liberalization policy had failed and, by implication, so too had their ability to ground their legitimacy in economic stewardship rather than popular consent after their election loss in 1990.

### Infrastructure Building and Budget Deficits

In November 2005, the *Tatmadaw* began the mass relocation of government ministries and civil servants from Rangoon to its new capital 240 miles to the north. The cost of its construction has continued to drain funds from the national budget, but it has been only one of many major projects that the SPDC have continued to pour the country's resources into. These include new dams, bridges, energy projects, and the military's own lion's share of the budget. Although promoted with much fanfare in the state media, the importance the regime places on its development of civil infrastructure is clearly not shared by the population which increasingly faces daily economic hardship. To avoid resentment and maintain loyalty to the regime, the salaries of civil servants and the military were raised significantly in 2006. In recent years, government expenditures have far outweighed revenues, leading to high budget deficits that the IMF and World Bank warned must be reduced. Since the government resisted cutting expenditures on its major pet projects, it focused instead on raising more taxes and reducing subsidies on gasoline products – the latter reform having been strongly recommended by the IMF for some time.

However, in August 2007 the generals chose not to implement gradual reductions in subsidies but rather across the board in one hit, raising the price of diesel oil by 100 per cent and compressed natural gas by almost 500 per cent. This had an immediate impact on the cost of food, transport, and electricity generation in Rangoon and across the country, fuelling a growing resentment against the SPDC's economic mismanagement. There had already been a number of small protests earlier in the year over the rising price and availability of basic commodities and electricity in Rangoon. The new round of price hikes fuelled the demonstrations of some 400–500 people led by the '88 Student Generation Group. The protesters were attacked by pro-government militia, and the ringleaders were arrested along with some 100 others including members of the NLD.

The initial trigger for the mass demonstrations in 2007 – economic hardship – was, therefore, remarkably similar to that in 1988, prompting Singapore's Lee Kuan Yew to remark: 'These are rather dumb generals when it comes to the economy ... How they can so mismanage the economy and reach this stage when the country has so many natural resources? ... you've got really economically dumb people in charge. Why they believe they can keep their country cut off from the world like this indefinitely, I cannot understand.'<sup>16</sup>

## Regional Integration

Burma's admission to ASEAN in 1997 was viewed by many as an attempt by the *Tatmadaw* generals to gain further access to regional markets as well as attract the legitimacy associated with being a member of the region's main economic and security organization. It was proposed and backed by the former Prime Minister of Malaysia, Dr Mahathir Mohamad, whom several years later would call for Burma to be expelled from ASEAN following the embarrassment it had caused by the re-arrest of Aung San Suu Kyi in 2003.<sup>17</sup> Indeed, more than any other member state, Burma has consistently tarnished ASEAN's credibility on a number of fronts since joining the organization. While other member states have from time to time attracted criticism from the international community, for various reasons Burma has been subject to intense scrutiny sustained by an army of activists, the occasional influential politician or world figure and, more recently, the mass media. The Burmese generals' actions, of course, have only intensified such criticism. The world-wide attention caused by Suu Kyi's arrest and continued detention forced ASEAN to make unprecedented statements and repeated calls for her release since 2003.<sup>18</sup>

With the prospect of Burma's turn to chair ASEAN looming in 2006, Singapore, Malaysia and Indonesia raised their concerns given the regime's lack of democratic progress which had become an embarrassment for ASEAN because it had justified constructive engagement with Burma on these grounds. Although ASEAN noted that Burma's chair could severely affect the organization's credibility, it insisted that it would not force Burma to relinquish its chair. Instead, Burma relinquished its chair voluntarily in 2005 and the generals decided to focus their attention on moving to their new capital. While ASEAN was clearly relieved that the next year's Summit would be held in Cebu and not Rangoon, Burma was clearly disappointed and delayed, then cut short a visiting delegation later that year.

Two years later, ASEAN was again forced into damage control following the mass demonstrations by the *Sangha* and laymen, and subsequent crackdowns by the SPDC, in September 2007. These events created unprecedented worldwide attention and criticism from foreign governments, parliaments, the UN Security Council, human rights organizations, and the media. The ASEAN Chair, on behalf of the ASEAN foreign ministers, would eventually issue a statement expressing ASEAN's 'revulsion' over the violent suppression of the demonstrations after similar statements had been issued by the UN, EU and other international organizations. The ASEAN Chair also noted the serious impact that the crackdown on demonstrators would have on ASEAN's reputation and credibility.<sup>19</sup> Strong words were needed to deflect the outrage against the Burmese junta and indeed ASEAN for tolerating their actions.<sup>20</sup> These events occurred on the eve of ASEAN's 40<sup>th</sup> anniversary celebrations and before the Singapore Summit in November where the member states were to sign on to the Charter that was to usher in a new age of regional cooperation. They proved hugely embarrassing for ASEAN and completely overshadowed the signing of the Charter. ASEAN would claim a minor victory the following year in the wake of Cyclone Nargis when, after three weeks of negotiation by ASEAN and the UN, as well as a personal visit from the UN Secretary General to Naypyidaw, the generals granted unfettered access to foreign aid workers and agreed to join ASEAN and the UN in a Tripartite Core Group (TCG) to coordinate the international assistance.

The Burmese junta's actions have impacted on ASEAN's credibility in recent years and on numerous occasions ASEAN has been forced to react with pronouncements and recommendations, sometimes even strongly worded criticism in order to deflect international pressure from itself.<sup>21</sup> Rather than achieving some regional legitimacy and prestige through joining the organization, therefore, for much of the past decade Burma has forced ASEAN to adopt damage control positions, limiting the extent to which the organization's reputation could be tarnished by one of its members.

## 5. Monarchy and the Promotion of Buddhist Nationalism

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### Monarchy and Legitimacy

The *Tatmadaw* generals have for some time attempted to reinvent the Burmese monarchy for themselves, and to tap into the domestic legitimacy associated with traditional kingship. Taken as a whole, this would infer that the senior general(s) of the SPDC could rule in the same fashion today as monarchs ruled for centuries before the arrival of the British. The *Tatmadaw* occasionally rely upon historical interpretations, along with their own reinterpretations, of the Burmese monarchy to justify the forced conscription of corvée labour for conducting military exercises, public works, and in general, promoting loyalty to the state. Viewed as such, their kingly rule is a reciprocal relationship, with authority and responsibility flowing in return for loyalty and order from the people.<sup>22</sup>

Historical comparisons to the Burmese monarchy are not inappropriate because the rule of a Burmese king was a rule of absolute monarchy which lasted unchallenged in Burma until King Thibaw was exiled to India by the British in 1885. Without any serious thought given to an alternative system of government, and with no alternative neighbouring models with which to compare, absolute monarchy was considered to be the only form of government. There was no hereditary aristocratic class – the local nobility were appointed at the king's favour and were purged in establishing a new ruler – only the ruling class (consisting of the king, his royal family, and his appointed officials), and the common people.

While the people feared the king and his government, they did not see evil in absolutism, and expected him to rule according to the ten royal precepts, four kingly virtues, and seven kingly rules.<sup>23</sup> Yet moral laws turned out to be little more than pious platitudes.<sup>24</sup> Because the king could appoint or dismiss his Supreme Court and Administrative Council ministers (*Hluttaw*) at will, the only influence, yet never a formal restraint, over his absolute rule came from the intervention of the *Sangha*. Indeed, protecting the *Sangha* was also a primary religious function of the king.<sup>25</sup> In return, the *Sangha* tended to support the Burmese monarchy.<sup>26</sup> The *Sangha* also provided the only check on the tyranny and extortion of powerful officials – obtaining pardons for executions, remission of taxes for people in times of scarcity, temporary relief when crops failed, and intervention for the release of prisoners. As defender of the faith, the king was bound by his duty to uphold the traditional custom of displaying reverence towards the *Sangha* and concern for their welfare, and as head of state, he had to set an example of good conduct and righteous behaviour. Yet his concept of public welfare rarely extended beyond the confines of religion, religious needs, and institutions.<sup>27</sup>

Although claims based on traditional notions of absolute monarchy would appear to be at odds with other attempts to gain legitimacy through national referenda and parliamentary elections, the *Tatmadaw's* promotion of, and association to, Burma's monarchical traditions has clearly been evident since 1988. Examples include the restoration of the Royal Palace in Mandalay, exhibits at the National Museum, and the nationwide promotion of Buddhism. In more recent years, the generals' actions with respect to their new capital reinforce this phenomenon. Of the numerous kings in Burmese history, the three most noted for uniting the people were King Anawrahta in the eleventh century, King Bayinthaun in the sixteenth century, and King Alaungphaya, founder of Konbaung dynasty in 1798. In 2006, on Armed Forces Day, Myanmar state television broadcast pictures of troops parading on the site of the new capital in the

shadows of three massive statues of these kings. On the same day, Than Shwe officially named the new capital *Naypyidaw* (royal city or the place of the royal state). By heeding the advice of astrologers and founding the new capital, Than Shwe had asserted his own 'royal' legacy.

## Buddhism and Legitimacy

Throughout Burmese history, promoting and defending Buddhism ultimately confirmed a king's legitimacy.<sup>28</sup> The promotion of Buddhism during times of political crisis is a long-standing cultural tradition in Burmese politics, dating back to the eleventh century kingdom of Pagan. Houtman observes that whenever 'a government has faced erosion of political legitimacy, whether it be Anawratha, U Nu, or Ne Win, it returns to Buddhism'.<sup>29</sup> Since 1948, all rulers – democratic and authoritarian – have tapped into Burma's Buddhist traditions in order to gain political legitimacy or to express their piety – genuine or otherwise.

U Nu's democratic government blended Buddhism and the Burmese belief in spirits (*nats*) with politics throughout his troubled administration.<sup>30</sup> U Nu's government embraced Buddhism and the *Sangha*, and senior abbots (*sayadaws*) would present their petitions to Parliament. Under pressure from the *Sangha*, U Nu declared Buddhism to be the official state religion in 1961, an act that antagonized the Christian minorities and the military, and encouraged the subsequent coup – officially sanctioning the Burman majority's religion would fuel the country's already widening ethnic and religious divisions, as well as the resentment of non-Buddhists among the ranks of the military.

The *Tatmadaw* had already meddled in Buddhism during their caretaker administration, primarily through their Psychological Warfare Department's religious publications to mobilize anti-communist sentiment in their fight against the CPB.<sup>31</sup> Following their coup in 1962, the *Tatmadaw* would focus on defining and controlling the *Sangha's* role in politics. Ne Win immediately repealed U Nu's religious laws, including the *State Religion Promotion Act* along with government subsidies for the promotion of Buddhism. For most of his rule, Ne Win, like Aung San, believed that Buddhism was the preserve of the *Sangha* and that monks should avoid politics. The BSPP's guiding ideology, for example, positioned its philosophy as a purely mundane and human doctrine, without any connection to religion.<sup>32</sup> Attempts made in 1964 and 1965 to impose a registration of the *Sangha* and their associations were largely resisted, and Ne Win would arrest large numbers of monks several times, especially in 1965 and 1974.

Ne Win finally oversaw the convening of a conference in 1980 which included a registration of all monks and the creation of a Supreme Sangha Council, or *Sangha Maha Nayaka*, whose hierarchical structure aimed to tighten the state's control over the *Sangha*.<sup>33</sup> *Sangha* councils were also created at the village, township, city and district levels, with members appointed by the government and retired military officers took over the handling of finances and public donations for monasteries and pagodas. The institutionalization of the *Sangha* in such a way would make *sayadaws* responsible for any political activities of their monks. Ne Win's approach to the *Sangha* softened in his later years with his public donations to monks, his engaging U Nu to edit Buddhist texts, and his own pagoda-building project in Rangoon where he personally raised the *hti*, or spire, which was previously a function reserved for a king as it symbolized royal power, glory, and religious merit.<sup>34</sup>

The *Tatmadaw's* relationship with the *Sangha* underwent a dramatic transformation following the events of 1988 and 1990, when thousands of monks had come out in support of the democratic movement and took part in mass demonstrations in Rangoon and Mandalay. In 1990, the SLORC's refusal to hand over power to the NLD after the elections, as well as the *Tatmadaw's* shooting of a monk and several students during a pro-democracy demonstration, triggered a rebellion in Mandalay, and the subsequent decision of *sayadaws* to invoke a religious boycott in monasteries across Burma – i.e.,

the *Sangha* refused to accept alms from the *Tatmadaw* or perform religious services for their families. Over 400 monks were arrested and monastery property destroyed. The SLORC chairman, Saw Maung, quoted Buddhist scriptures and king's law (*yahzathart*) to *sayadaws* and claimed he had the right to invade and purify the domain of the *Sangha*.<sup>35</sup> The SLORC soon after issued a law stipulating the proper conduct for a Buddhist monk (including the avoidance of politics) and penalties for their violation by monks or monk organizations. The *Tatmadaw* since then have sought after the blessing and support of *sayadaws* with a carrot and stick; those who resisted cooperating had their monasteries placed under surveillance and were sometimes arrested, while those who were compliant received donations, gifts, and elaborate ceremonies granting honours and titles.

### Buddhist Nationalism

The entrance of Aung San Suu Kyi and the NLD onto the political stage forced a strategic redirection in the *Tatmadaw's* search for legitimacy in the early 1990s. In Burmese popular tradition, she appeared as the next *minlaung* or challenger to the royal throne. For the generals, it would no longer be enough to simply keep the *Sangha* quiet, they would have to actively promote Buddhism and indeed promote themselves as better Buddhists than Suu Kyi. By promoting Buddhism, the generals were responding to the threat of Suu Kyi – who courted the support of the *Sangha* – while at the same time assuming the legitimacy of a Burmese monarch for themselves. Ironically, the *Tatmadaw* began to promote a similar kind of devotion to the Buddhist traditions that had ultimately toppled the U Nu government, and the ethnic minorities would be forced yet again to endure policies that promoted Buddhist nationalism.

The threat that Suu Kyi posed to the generals' legitimacy was real, and it had intensified following the *Sangha's* decision to side with the pro-democracy movement in 1988 and 1990. It also gained pace with the public offerings made from NLD candidates to the *Sangha* before the 1990 elections along with the publication of Suu Kyi's speeches and her Buddhist political thought, mostly compiled under house arrest, and her visitations to monasteries upon her release. Suu Kyi's political rhetoric involved a conscious use of Buddhist ideas that developed into a discourse on the compatibility of Buddhist thought with a democratic society and the attainment of freedom, through Buddhism, under authoritarian rule. The grounding of her message in the union of Buddhist thought and democratic government offered a political alternative in terms of Western democracy and liberalism.<sup>36</sup> As such, she posed a direct threat to the legitimacy of the *Tatmadaw's* authoritarian rule.

To negate the influence of Suu Kyi and the NLD, the generals embarked upon a massive campaign to promote its own version of nationalism and order through Buddhist culture. In 1993, the SLORC established the Union Solidarity and Development Association (USDA) which, modelled on the BSPP, represented the *Tatmadaw's* alternative to the NLD. It is a mass-based organization which fosters patriotism and loyalty to the government, has figured prominently in organizing mass rallies in support of the government and in attacks on the NLD, has offered free courses in Buddhist culture since it was established, and may assume a prominent role in any post-electoral outcome under the new constitution.

The SLORC-SPDC has also used the state-run media to interpret Buddhist traditions in a way that conformed to their orderly vision for society.<sup>37</sup> They made public donations to monasteries, consecrated Buddhist sites, invented prominent roles for themselves in ceremonies that were broadcast on state television and in newspapers, and began meddling in what has been dubbed "monumental Buddhism" – building or renovating pagodas and centres of devotion in order to acquire legitimacy.<sup>38</sup> Often the top generals would raise the *hti* atop a pagoda and sometimes their wives performed these duties if their husbands were absent. In 1998, the SPDC introduced the *Protection and Preservation of Cultural Heritage Regions Law* to restrict the independent

construction and renovation of Buddhist structures, which also effectively assigned all the accompanying merit-making ability over to the generals. The SPDC also used museums to promote their Buddhist credentials and to reinvigorate monarchic traditions – the National Museum and the Historical Museum of Six Buddhist Councils advanced Burma’s monarchial heritage. The *Tatmadaw* constructed statues of monarchs in public places and the Mandalay Palace, home of the last Burmese monarch, King Thibaw, underwent a complete reconstruction with the use of forced labour.

### Religious Boycotts, Demonstrations, and Loss of Legitimacy

Since the early 1990s, the generals had attempted to legitimize themselves by tapping into Burma’s monarchial Buddhist heritage, and at the same time delegitimize Aung San Suu Kyi and the NLD. Events would transpire in 2007, however, that would overshadow the junta’s efforts to promote Buddhist nationalism. By again overturning their alms bowls and refusing to accept donations from the military, monks participating in mass demonstrations across the country threatened to expose the veil of legitimacy that the generals had attempted to maintain internally since their election loss in 1990. The sheer size of the *Sangha’s* involvement in the demonstrations, along with participating laymen, indicated how out of touch the generals were with public sentiments. Their brutal response to the demonstrations, furthermore, would seriously damage their own legitimacy on Buddhist grounds. That the protests were organized and spread rapidly throughout the country, and that at the height of the crisis the generals continued to placate senior abbots with gifts shows a lack of attention paid to internal social forces and to the credibility of their own religious policies.

The demonstrations began with several hundred student monks at a large monastery in Pakokku marching against the sudden price-hike in oil and gas. After Mandalay, Pakokku is home to the second largest *Sangha* community in the country. The monks were attacked and beaten by government militias, and some were arrested. News of the incident at Pakokku rapidly spread through monasteries across the country – the monks had been particularly irritated by the local authorities’ use of violent militia gangs to suppress peaceful demonstrations. The SPDC ignored the demands of the All Burma Monks Alliance (ABMA) for, among other things, an apology and a reduction in commodity prices.<sup>39</sup> The *Tatmadaw* warned the *Sangha* to avoid politics and stepped up security around key monasteries in Rangoon, Mandalay, Pakokku, Pegu and Sittwe.<sup>40</sup> The ABMA’s threat of a religious boycott was taken very seriously because, as in 1990, this threatened to demoralize the *Tatmadaw* and questioned the loyalty of its soldiers and security forces, now almost entirely composed of Burman Buddhists.

The ABMA eventually called for a *pattta nikkujana kamma* (a refusal to accept alms) – from the military, the militia, and all government workers – and calls for peaceful marches in Rangoon, Mandalay and elsewhere were answered by the *Sangha*, joined by thousands of lay citizens. On one occasion, a group of 500 monks were allowed through road barriers to meet with Aung San Suu Kyi, still under house arrest, at which point the movement became an intensely political force. As a direct consequence of their meeting, the protests swelled considerably overnight across the country and to some 20,000 in Rangoon; the numbers of monks participating in the marches had doubled the following day and, led by monks carrying overturned alms bowls, they were joined by nuns as well as members of the NLD and student groups. On the final days before the crackdown, an estimated 30,000 to 50,000 monks were joined by the same number of civilians, many holding flags including the NLD and the banned All Burma Buddhist Monks Union.

The SPDC eventually used soldiers, police, USDA and the *Swan Arr Shin* to violently suppress demonstrations around the country. Rebel monasteries were invaded, desecrated and sacked; thousands of ‘bogus monks’ (as labelled by the authorities) were beaten, interrogated, disrobed and imprisoned; and an unknown number of deaths

occurred. The abbot leader of the ABMA was arrested and charged with treason, and the SPDC resumed its carrot and stick approach to the *Sangha*, publicly offering lavish gifts to loyal *sayadaws* and their monasteries while occupying the rebel ones. The demonstrations and inevitable crackdown in 2007 was a pivotal event in terms of the regime's loss of legitimacy. In addition, it forced the SPDC to expedite its constitutional convention and once again pressured the generals into talk of holding referendums and elections.

## 6. Elections and Constitutional Reform

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Elections are merely one element of the legitimacy equation in Burma and have rarely led to the transfer of power as they may in more established democratic regimes, the exception being in 1960 when U Nu took over from Ne Win's caretaker administration. Elections and referendums held under military rule, however, potentially provide the generals with another tool in its arsenal of self-legitimization and a veil of constitutional legality. The holding of elections is designed not only to placate foreign influences, but also the domestic population – especially when other sources of legitimacy have failed. Since independence, the people have voted in national elections on four occasions and it would be difficult today for any government in Burma to claim full legitimacy without staging an election, whether or not the election itself was a contrived event.

National multiparty elections were held for a democratic parliament in 1951, 1956, and 1960, and on each occasion the elections were flawed with allegations of widespread intimidation, ballot rigging, and other anomalies.<sup>41</sup> Under military rule, the draft of a new constitution creating a single party system (the BSPP) was put to a national referendum in 1974 and was approved by a remarkable 90.19 per cent of the voting population, including a majority of voters in states conducting their own insurgencies against the government – the Shan, Kachin, Kayah and Karen. Although the results of the referendum were questionable, the fact that the *Tatmadaw* saw any need at all to stage a referendum on their plans showed that there was still a desire on their part to act in a constitutional manner so as to give some perception of legitimacy to its document.

Following the unrest of 1988, and pressured by the possible withdrawal of Japanese aid, the SLORC announced that they would schedule a general election for 1990.<sup>42</sup> Allowing the largely free and fair elections to take place was a major miscalculation by the *Tatmadaw* who had convinced themselves that their own party, the National Unity Party (NUP, formerly the BSPP), would win. Although the campaigning before the election was tightly controlled, it was comprehensively won by Aung San Suu Kyi's National League for Democracy.<sup>43</sup> Before the election, both parties understood that the election result would not immediately lead to the transfer of power, but that power would be transferred eventually following the approval of a constitution. Yet the NLD's claim for power was met by the SPDC's disbelief and reluctance to relinquish it, and eventually the arrest and detention of most successful NLD candidates followed. The generals downplayed the importance of the election result and explained that the election was merely a signal for constitutional change and that all major parties would be invited to attend a National Convention with the purpose of writing a new constitution – it was first convened in 1993 and would re-convene at irregular intervals for the next 14 years.

The National Convention was an attempt to gain legitimacy following the 1990 election by showing the *Tatmadaw's* intentions to reach out to the masses, as it had done before the 1974 constitutional referendum, even though most of the participating representatives from the minorities were hand-picked by the government. Despite slow progress on the Convention, the state media regularly declared that it was the responsibility of all citizens to work towards a new constitution. In 1996 the SLORC issued a law silencing any criticism of the Convention and the constitution, and in 2004 the NLD along with some minority groups boycotted the Convention, citing the continued detention of Aung San Suu Kyi and the party's deputy chairman Tin Oo. The National Convention provided the generals with a means to placate international pressure by appearing to facilitate the democratic process and demonstrate their willingness to work towards a negotiated resolution. The SPDC announced the

completion of its Convention amid the demonstrations in 2007 and, remarkably, claimed the protesters were undermining their 'roadmap to democracy'.

In 2008, with the Convention completed and another mass demonstration successfully quashed, the generals sought to diffuse the unrest of the previous year by announcing that a referendum on a draft of their new constitution would be held and that general elections would be scheduled for 2010. Upholding their promised referendum, however, would again draw international criticism not only because the draft constitution was viewed as a contrived entrenchment of military rule, but also because being unmonitored it was seen as neither free nor fair, and because it also drew resources away from dealing with the aftermath of Cyclone Nargis which had struck the Irrawaddy Delta only a week before the scheduled referendum. The referendum was engineered to add popular and constitutional legitimacy to the securing of their political future. The official results for the referendum were in the end remarkably similar to those of 1974 – the new constitution, a 235 page document containing 15 chapters of detailed provisions, was passed by 92.4 per cent of the voting population,<sup>44</sup> it also disenfranchised the entire *Sangha* community.<sup>45</sup>

The legitimacy of the 2010 elections was affected by the arrest and trial of Aung San Suu Kyi for breaking the terms of her house arrest in May 2009 when a US national swam across Inya Lake to her house on University Avenue and stayed for two nights before being caught by the authorities upon his departure. In August 2009, the court found Suu Kyi guilty and sentenced her to a three-year jail term which was commuted by Than Shwe to 18 months house arrest. The ASEAN Chair, Thailand, issued a statement expressing 'deep disappointment' upon learning of Suu Kyi's sentence and reiterated the calls made by the ASEAN Foreign Ministers attending the 42<sup>nd</sup> Foreign Ministers meeting and the 16<sup>th</sup> ARF meeting for the immediate release of all those under detention, including Aung San Suu Kyi, to enable them to participate in the 2010 General Elections. According to the statement, the Chair believed that 'only free, fair and inclusive General Elections will then pave the way for Myanmar's full integration into the international community'.<sup>46</sup>

## 7. External Threats and Foreign Perceptions of Legitimacy

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The military regime in Burma has been often labelled xenophobic for good reason. A fear of foreign, mostly Western, influence has permeated the entire period of military rule since 1962 and, it could be argued, was also influential during U Nu's democratic period in response to years of British colonial rule, followed by Japanese occupation, and the return of foreign economic domination. On the other hand, Burmese rulers since Aung San have become adept at adapting to changing circumstances and choosing their allies carefully, often remaining neutral in international affairs giving the perception of being isolationist or inward looking. Ne Win's years of socialism and autarchic economic policies reinforced this trait in the *Tatmadaw* which became more obvious after 1988, when the regime's primary goal became survival.

Any threat that challenged the regime's survival, whether foreign influenced or not, would be met by nationalistic claims and accusations of undermining the unity of the state. Aung San Suu Kyi posed a threat to the *Tatmadaw*, hence she was accused of being a puppet of Western governments and their anarchic societies. The *Tatmadaw* sought to delegitimize her and the NLD by emphasizing her Western connections and discrediting her nationality – she is not permitted to hold high political office under the new constitution because of her marriage to a foreigner and her children's residence in a foreign country. The SPDC also sought to delegitimize the monks who demonstrated in 2007 by accusing them of acting under the influence of foreign interests. Following the re-broadcast of amateur digital coverage of the demonstrations inside Burma, some Western foreign media outlets (especially those originating in the US and UK) were banned from broadcasting in Burma.

The *Tatmadaw's* continued distrust of foreign influence was also made obvious by the events surrounding Cyclone Nargis. In 2006, the generals had become concerned about foreign aid workers having access to politically sensitive areas and introduced new guidelines for all UN, NGO and INGO activities inside Burma.<sup>47</sup> The guidelines were designed to place foreign workers under the direct supervision of the state and would act as an impediment to the early access of foreign aid agencies and workers two years later. This was compounded by the generals refusal to accept humanitarian aid from the US, UK and France. The regime was condemned by the international community, in contrast to China whose handling of its own natural disaster the following month was praised.

That the generals have become particularly sensitive to Western influence since 1988 reflects the West's criticism of their actions and the emphasis on democratization since the end of the Cold War. The NLD's alliance with the Western perception of legitimacy, being grounded primarily in the holding of elections, means that the *Tatmadaw* have been forced to delegitimize the NLD on other grounds. The West, in turn, delegitimizes the military regime, not only by pointing to its lack of democratic processes and inability to provide for basic human needs but also by labelling Burma a 'narco state' or even a 'rogue state'. Facing foreign criticism themselves, some of Burma's partners in ASEAN persuaded the generals on the merits of at least declaring some initiative towards democratic reform – if only to placate the international community.

In 2003, Thailand's foreign minister proposed a five-point roadmap for democracy in Burma; this roadmap was converted by the Burmese into their own seven-point roadmap for 'disciplined democracy' and at the time of writing the generals had completed four of the seven steps involved, the next being the holding of a 'free and fair election' for the People's Assemblies.<sup>48</sup> These attempts by the regime to win

international legitimacy through membership of regional organizations that promote ostensibly democratic forms of governance would appear to be at odds with the intensely nationalistic and inward-looking focus of the regime's own propaganda campaigns. While they may continue along their roadmap for the benefit of the international community as well as some of their allies, the generals will not willingly give up their power and are likely to tightly control the progress of any democratic opening in the future.

## 8. Conclusion

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Since seizing power in 1962, the *Tatmadaw* have sought political legitimacy on a number of fronts, making transitions as key events and changing circumstances forced them to do so. The *Tatmadaw's* early claims to legitimacy were based on their successes in the battle against ethnic separatist and communist insurgencies; these claims were carried through to the late 1980s, by which time cease fires had been negotiated with most ethnic minority groups. Under military rule, the *Tatmadaw* also claimed to have solid plans for the economic management of the country. Their experiment with years of socialism and autarchy however caused widespread poverty, while their partial economic liberalization produced mainly short-term foreign investments in resource extraction with few gains being distributed to society. Attempts at regional integration aimed at securing some prestige and international legitimacy has merely caused embarrassment for ASEAN and unwelcome 'roadmaps' for the generals. Moreover, at two critical junctures, in 1987–88 and 2007, the generals' economic mismanagement directly led to mass demonstrations and the inevitable crackdowns by the military – both of which caused a significant loss of legitimacy and pressured the *Tatmadaw* into talk of holding referendums and elections.

One of the major differences between the events of 1988 and 2007 is that the *Tatmadaw* had spent a large part of their time publicly promoting Buddhism. Well aware that in Burmese historical tradition the promotion and defence of Buddhism ultimately confirmed a kings' legitimacy, the *Tatmadaw* set about reinvigorating the monarchy and promoting their piety. This transition was imposed upon them by the appearance of Aung San Suu Kyi, who courted the *Sangha* and developed political rhetoric that infused Buddhist ideas with democratic principles. Because Suu Kyi and the NLD offered a political alternative in terms of Western democracy and liberalism, they posed a direct threat to the legitimacy of the *Tatmadaw's* authoritarian rule – this threat intensified following the *Sangha's* siding with the pro-democracy movement in the demonstrations of 1988 and 1990. By promoting Buddhism, the generals attempted to respond to the threat of Suu Kyi while at the same time assume the legitimacy of a Burmese monarch for themselves. Lacking the valid title to kingship, the generals behaved as if they were continuing in a royal tradition to which they had no legal claim. Not content with restoring former royal palaces and stocking museums with royal regalia and Buddhist artifacts, by 2006 the SPDC were creating their own royal legacy by founding a new capital in Naypyidaw. Yet their move to a remote location at the same time reflects the besieged mentality – both at home as well as abroad – that motivates the generals' behaviour and highlights the general lack of internal and external legitimacy in their regime.

The demonstrations and religious boycott of 2007 was an assault on the legitimacy of the generals, not only because it threatened cohesion within their ranks, but also because it exposed the intent behind their public acts of piety – survival – and it challenged their claim to traditional legitimacy as rulers in a devoutly Buddhist country. Moreover, that the demonstrations were inflamed by the *Sangha's* meeting with Suu Kyi, suggests that, in the eyes of the Burmese public, there are more legitimate challengers to the throne. The *Tatmadaw* lost an enormous amount of legitimacy in the subsequent crackdown against the *Sangha* because they committed violence against the very institution they were meant to support and whose traditions they were meant to promote as part of their claim to traditional Burmese rule. Because the *Sangha* remains the only sizeable, potentially rapidly organisable, and morally dangerous opposition in Burma, with the passing of the older loyal *sayadaws* the *Tatmadaw* must continue to seek the loyalty of the younger monks. Yet it is difficult to see this policy succeeding given the size and significance of the demonstrations in 2007.

These demonstrations also pressured the generals into reluctantly making some progress on their roadmap to democracy, offering referendums and elections in an effort to placate the people – a cycle that repeats the events of 1988 and 1990. Yet in the eyes of the West, unless these elections are monitored and assessed to be free and fair, the regime will remain illegitimate. Moreover, the state must satisfy the basic needs of its people – a problem that is only exacerbated by the SPDC's committing Burma's limited resources into building new capitals and purchasing weapons at the expense of basic health, education, and infrastructure. The regime's claims to legitimacy through its control of ethnic insurgency groups are also likely to be challenged by the 2010 election. As the regime attempts to enforce its formal constitutional requirement that all armed forces in the country come under the control of the *Tatmadaw*, the so-called 'ceasefire groups' will be effectively forced to surrender their autonomy or return to open conflict. The latter would undermine the regime's claims to have restored peace and settled the ethnic problems which have plagued Burma since independence.

Yet because their main aim is simply survival, the *Tatmadaw's* claims to legitimacy may be discarded at will and replaced by force when the need arises. At the same time, the SPDC will continue to respond with appeals to nationalism while subverting foreign influences and delegitimizing their opposition. If the generals do intend to adopt a less authoritarian form of regime under the guise of 'disciplined democracy', as has been promoted, then they will likely revert to the same justifications for maintaining a presence in running the political institutions of the state. The country's need for unity, stability, and independence will remain core arguments for a strong central government which, presumably, only the armed forces can provide.

Any new understanding of legitimacy, even a more liberal one, will need to take on Burmese characteristics, and this leaves open the possibility of reverting to authoritarian interpretations and manipulations of Burmese historical traditions in the future, as well as their counter-interpretations by democratic challengers to the throne. A mixed form of regime along these lines may not please the West, but this kind of mixing of the democratic and oligarchic elements in the Burmese manner may be the only option available for opening the regime to the possibility of improvements in justice, particularly given that the alternative is to maintain the status quo. In this context, a return to indirect military rule and the possibility of Burma's tentative re-engagement with the West marks a significant step for the current generation of the *Tatmadaw*.

# Notes

- 1 Burmese refers to both the people of Burma and the predominant language spoken in Burma, while Burman refers to the ethnic majority of Burma. The Burmese therefore include both Burmans and non-Burmans (the ethnic minorities comprising, among others, the Shan, Karen (Pao, Kayan, Karenni), Kachin, Chin, Rakhine, Naga, Lahu, Akha, and the Mon-Khmer (Mon, Wa, and Palaung)). In 1988, the military government changed the name of the country to Myanmar, being a closer transliteration of the country's name in the Burmese language. For consistency, this paper will retain the use of Burma rather than Myanmar throughout unless referring to government sources or titles since 1988.
- 2 He died while under house arrest and his body was cremated within hours in a private ceremony without military honours or any official public announcement. *BBC, The New York Times*, 5, 6 December 2002; *Reuters* 5 December 2002.
- 3 Aung San, 'Bogyoke Aung San's address at the convention held at the Jubilee Hall, Rangoon on the 23 May 1947', in J. Silverstein (ed.), *The Political Legacy of Aung San*, Southeast Asia Program Series Number 11 (Cornell University Press 1993), p. 156.
- 4 Concern was raised in London during the parliamentary debate over Burma's independence where Winston Churchill expressed 'grave doubts that the assent of the frontier tribes has been honestly and genuinely given' (W. Churchill, 'Burma Independence Bill', *Parliamentary Debates, House of Commons*, 5<sup>th</sup> Series, no. 443, 5 November 1947, p. 1850). What is clear, however, is that Aung San preferred not to commit, or finalize, any further concessions (Aung San, 'The Aung San Letter', a letter written on 2 July 1947 by General Aung San implying statehood, and published on the front page of *The Nation* on the same day that Ne Win led a military coup against U Nu's government, 2 March 1962).
- 5 M. Smith, *Burma, Insurgency and the Politics of Ethnicity* (Oxford: Zed Books, 1993), pp. 118–21.
- 6 *Ibid.*, p. 179.
- 7 See A. Selth, *Burma's armed forces: looking down the barrel*, Regional Outlook Paper, no. 21 (Griffith University: Griffith Asia Institute, 2009).
- 8 D. Seekins, *The Disorder in Order: The Army State in Burma since 1962* (Bangkok: White Lotus Press, 2002), p. 39.
- 9 The 1955 Investment Policy Statement and the 1959 Union of Burma Investment Act. See M. Mason, 'Foreign direct investment in Burma', in Rotberg (ed.), *Burma, Prospects for a Democratic Future* (Washington, DC: Brookings Institution Press, 1998), pp. 209–10.
- 10 Burma Socialist Programme Party (BSPP), *The System of Correlation of Man and His Environment* (Rangoon: BSPP, 1973); see M. Smith (1993), p. 124.
- 11 For a flattering account of the unique economic system which arose under Ne Win's autarchic policies, see E.F. Schumacher, *Small is Beautiful* (London: Sphere Books, 1974), Abacus edition. For a more critical account, see Mya Maung, *Totalitarianism in Burma: Prospects for Economic Development* (New York: Paragon House, 1992).
- 12 Aung San described his 'New Democracy' as somewhere betwixt and between capitalism and socialism. For details see Aung San, 'Bogyoke Aung San's address at the convention held at the Jubilee Hall, Rangoon on the 23 May 1947', in J. Silverstein (ed.), *The Political Legacy of Aung San* (1993), pp. 153–5.
- 13 The 75 and 35 Kyat notes, for example, had been introduced in 1985 and 1986 respectively because they were said to be, according to Ne Win's numerological advisors, luckier than the 100 and 50 Kyat notes, and the 75 Kyat note was also introduced on Ne Win's 75<sup>th</sup> birthday. The 75 and 35 Kyat notes were then replaced with the 90 and 45 Kyat notes in 1987 because nine was Ne Win's lucky number.

- 14 Japanese assistance had played an important role in sustaining the failing socialist economy in the 1960s, and Japanese threats to withdraw foreign assistance if economic reforms were not initiated had led Ne Win to abandon socialism towards the end of his tenure.
- 15 *The Nation*, 'Trouble ahead for Burma', 25 February 1998; S. Crispin, 'Burma's economy edges towards collapse', *Far Eastern Economic Review*, 27 August 1998.
- 16 T. Plate, 'Tom Plate and Jeffrey Cole interview Lee Kuan Yew', Asia Media, UCLA Asia Institute, Tuesday 9 October 2007, <<http://www.asiamedia.ucla.edu>>.
- 17 'Burma faces ASEAN expulsion', *BBC News*, 20 July 2003 <<http://news.bbc.co.uk>>.
- 18 ASEAN, *Joint Communique of the 36<sup>th</sup> ASEAN Ministerial Meeting*, Phnom Penh, 16–17 June 2003, clause 18 <<http://www.aseansec.org/14833.htm>>.
- 19 'Statement by ASEAN Chair, Singapore's Minister for Foreign Affairs George Yeo in New York, 27 September 2007', <[http://app.mfa.gov.sg/2006/press/view\\_press.asp?post\\_id=3125](http://app.mfa.gov.sg/2006/press/view_press.asp?post_id=3125)>.
- 20 D. Emmerson 'ASEAN's "Black Swans"', *Journal of Democracy*, vol. 19, no. 3 (2008), p. 73.
- 21 Three notable examples occurred in 2007, when all ASEAN states expressed their 'revulsion' about Burma's crackdown on the demonstrating monks; in 2009, in regards to the trial of Aung San Suu Kyi, when ASEAN warned the regime that 'the honour and credibility of the Government of the Union of Myanmar are at stake'; and again upon learning of her 18-month sentence in 2009 when the ASEAN Chair (Thailand) expressed 'deep disappointment'.
- 22 Lieberman's theory of Burmese power, being centred around a figure and emanating to the countryside, causing order with rule or disorder without, was adopted by Taylor in describing the state in Burma following these pre-colonial lines of authority (V. Lieberman, *Burmese Administrative Cycles: Anarchy and Conquest, c. 1580–1760* (New Jersey: Princeton University Press, 1984); R. Taylor, *The State in Burma* (Honolulu: University of Hawaii Press, 1987)). Aung Thwin's account of society in the medieval Kingdom of Pagan also plays on this theme, with power concentrated at the top, extending downwards to the lower levels of the population, and obligations returning to the centre (M. Aung Thwin, *Pagan, The Origins of Modern Burma* (Honolulu: University of Hawaii Press, 1985)).
- 23 Burmese kings were morally bound to observe ten moral precepts: 'almsgiving, observance of the Buddhist precepts, liberality, rectitude, gentleness, self-restriction, control of anger, avoidance of the use of violence in his relationship with the people or avoidance of maltreatment of the people, forbearance, and 'non-opposition' against the people's will'. (Maung Maung Gyi, *Burmese Political Values* (New York: Praeger, 1983), pp. 33–4). The last is interpreted by Aung San Suu Kyi as the democratic-Buddhist equivalent to the Confucian 'mandate from heaven': 'The real duty of non-opposition is a reminder that the legitimacy of government is founded on the consent of the people, who may withdraw their mandate at any time if they lose confidence in the ability of the ruler to serve their best interests'. (Aung San Suu Kyi, *Freedom from Fear* (London: Viking Press, 1991), p. 173). On the four kingly virtues and seven kingly rules, see Maung Maung Gyi (1983), pp. 21–2, 57, and Aung San Suu Kyi (1991), pp. 170–73.
- 24 Maung Maung Gyi (1983), p. 22.
- 25 See D. Smith, *Religion and Politics in Burma*, Princeton (New Jersey: Princeton University Press, 1965), p. 27.
- 26 L. Pye, *Politics, Personality, and Nation Building: Burma's Search for Identity* (New Haven: Yale University Press, 1962), p. 75; Maung Maung Gyi (1983), p. 32.
- 27 Works performed in the interest of the people included the building and repairing of pagodas and other religious edifices; building monasteries and providing them with food and other necessities; feeding the monks and the Brahmin priests; holding monthly feasts according to custom; designating lands and lakes as

- sanctuaries for animals; digging and repairing tanks, lakes, and canals; and founding capitals (Maung Maung Gyi (1983), pp. 25–6).
- 28 See D. Smith (1965), p. 23. Also see M. Spiro, *Buddhism and Society: A Great Tradition and Its Burmese Vicissitudes* (Berkeley: University of California Press, 1982); and M. Gravers, *Nationalism as Political Paranoia in Burma* (London: Curzon Press, 1999). Lucian Pye claims that ‘the Burmese kings not only became defenders of the Buddhist faith, they even claimed as a basis of their legitimacy the myth of consanguinity to the noble house of Lord Buddha’ (L. Pye, 1962, p. 75). Indeed, the Burmese fantasy about the omnipotent nature of their god-king’s powers became a dogma which could not be challenged by anyone in the court or among the local nobility (L. Pye, *Asian Power and Politics: The Cultural Dimensions of Authority* (Harvard University Press, Cambridge, 1985), p. 97).
- 29 G. Houtman, *Mental culture in Burmese crisis politics: Aung San Suu Kyi and the National League for Democracy*, Monograph Series No. 33 (Tokyo University of Foreign Studies: Institute for the Study of Languages and Cultures of Asia and Africa, 1999), p. 160; see also M. Smith, ‘Burmese politics after 1988: an era of new and uncertain change’, in R. Taylor (ed.), *Burma: Political Economy under Military Rule* (New York: Palgrave, 2001), p. 21.
- 30 Gravers describes U Nu’s administration as one long Buddhist ceremony (Gravers (1999), p. 56). Although over 80 per cent of the Burmese population are Buddhist (the figure is difficult to estimate for a number of reasons including the government’s willingness to inflate the numbers in line with their promotion of a Burman Buddhist national identity), it would be misleading to classify the religion as it exists in Burma as purely of Buddhist origins since it incorporates many traditional animistic cults such as spirits and deities (*nats*), numerology, and astrology, all of which could be argued to offer further guidance or perhaps the opportunity to neutralize the karmic consequences generated by worldly wrongs.
- 31 M. Smith (1993), pp. 180–82.
- 32 D. Seekins (2002), p. 46.
- 33 B. Matthews, ‘Buddhism under a military regime: the iron heel in Burma’, *Asian Survey*, vol. 33, no. 4 (1993), pp. 415–16.
- 34 D. Seekins (2002), p. 46. A pagoda with *htidaw* (gold umbrella spire) symbolizes the accumulated merit of the Buddha, the previous Buddhas, the future Buddha, the *Cakkavatti* (universal monarch) and the *Sangha*, and those who donate pagodas also accumulate merit (M. Gravers (1999), p. 91). The hoisting of the *hti* symbolizes royal power, the crown on the king’s head, and was reserved for a king either at his inauguration or otherwise.
- 35 Mya Maung (1992), p. 184.
- 36 See S. McCarthy, ‘The Buddhist political rhetoric of Aung San Suu Kyi’, *Contemporary Buddhism*, vol. 5, no. 2 (2004), pp. 67–81.
- 37 This included articles published by the Department of Religious Affairs and the Ministry of Information interpreting Buddhism and the religious significance of certain holy days or sacred Buddha images. Religious messages also appeared outside the normal text of state-run newspapers, including pre-Sabbath reminders and the appearance of proverbs and words of auspiciousness from the *Mingala Sutta* (the sermon given by the Buddha containing the 38 rules for a beatific life) and stanzas from the *Loka Niti* – proverbs of guidance for social conduct and social discipline originally published for use in monastic education. Cartoons also carried Buddhist themes or references to the State’s successful efforts in preserving Buddhist tradition and culture, and photographs often depicted persons publicly greeting the generals with a *shekho* or *vai* – a custom adopted by the generals and encouraged among their subordinates since the late 1980s but which was normally reserved to show reverence towards monks or elderly relatives. Criticism of Aung San Suu Kyi and the NLD was often placed in a sacrilegious context, both in the text and in cartoons.
- 38 D. Seekins, ‘The State and the city: 1988 and the transformation of Rangoon’, *Pacific Affairs*, vol. 78, no. 2 (2005), p. 273.

- 39 ABMA (All Burma Monks Association), 'Announcement of All Burma Monks Alliance, 12 Waning Day of Wagaung, 1369 BE, Letter No. (1/2007)', *The BurmaNet News*, 8–10 September 2007.
- 40 *The New Light of Myanmar*, 'State Sangha Maha Nayaka Committee has duty to reinforce and observe basic principles and rules and regulations and implement religious matters', 25 September 2007.
- 41 M. Smith (1993), p. 124.
- 42 Japanese aid was halted after the events of September 1988 but the Japanese government, under pressure from the Japan–Burma Business Association whose members included Japanese firms that stood to lose if Japan's Official Development Assistance (ODA) was withdrawn, decided to normalize relations with Burma in early 1989. Since normalization meant that Japan's existing ODA contracts would be met, the Japanese government used its ODA to coerce the SLORC into holding multiparty elections. Tokyo used its existing ODA contracts, along with its humanitarian aid, to pressure and reward the SLORC into granting concessions on several occasions, including in 1994 and 1995, before and after the release of Aung San Suu Kyi from house arrest. See D. Seekins, 'The north wind and the sun: Japan's response to the political crisis in Burma, 1988–98', *The Journal of Burma Studies*, vol. 4, no. 9 (1999), pp. 22–3.
- 43 The NLD received 59.9 per cent of the popular vote and 392 of the 485 contested seats (80.8 per cent of the total seats), while the army-backed National Unity Party (NUP) won approximately only 21.2 per cent of the popular vote and 10 seats (2.1 per cent of the total seats). See D. Seekins (2002), p. 210.
- 44 Union of Myanmar, Commission for Holding the Referendum, *Announcement No 10/2008*, Nay Pyi Taw, 15 May 2008.
- 45 SPDC Constitution (2008), Chapter IX, s. 2, <<http://www.scribd.com/doc/2592218/SPDC-Constitution-Burmese-n-english-version712kb>>.
- 46 ASEAN Secretariat, 'ASEAN Chairman's Statement on Myanmar', 11 August 2009, Bangkok, <<http://www.aseansec.org>>.
- 47 Myanmar Ministry of National Planning and Economic Development, *Guidelines for UN Agencies, International Organizations and NGO/INGOs on Cooperation Programme in Myanmar*, 7 February 2006, <<http://www.burmalibrary.org>>.
- 48 'Implementing the seven-point Road Map for the future nation', *New Light of Myanmar*, Rangoon, 28 December 2005.