

Envisioning a Security Sector Reform:

Towards a Better Federal Democratic Union



June 2020

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Salween Institute for Public Policy

Salween Institute for Public Policy is a Burma/Myanmar think tank contributing to the development of public policy: producing relevant policy analyses and providing policy-oriented empowerment training to leaders of communities throughout the country.

Through a combination of research, training and technical assistance, we empower community leaders and advocate to policymakers about just and effective approaches to peace building, policy making and community development.

We believe

- that equality and the right to self-determination for all ethnic nationalities are fundamental to building a peaceful and prosperous nation.
- that cultivating a strong intellectual foundation is crucial to fostering muchneeded social cohesion among Burma/Myanmar's pluralistic communities.

Foreword

This paper is the final product of almost a year-long research project carried out by the Salween Institute for Public Policy (SIPP) on the prospects of security sector reform in Burma/Myanmar. However, the initial aspiration to begin this project arose almost three years ago, when we found out that the definition of and discussion about DDR/SSR had been a major sticking point at the peace negotiation conference between the Government of Myanmar, Tatmadaw and ethnic armed organizations (EAOs) that have already signed the Nationwide Ceasefire Agreement. Our simple desire was to look into the historical development of the security sector in Myanmar and attempt to find a reasoned understanding of it in the country's historical context as well as within the bounds of international norms and practices.

Yet, the Salween Institute was not able to begin this study until several months later, as we wanted a Burma/Myanmar native researcher to conduct the study and look at the issue as objectively as possible, while ensuring the practicality of its findings. This is because our overall goal was for the study to provide a simple set of recommendations to both the EAOs and the government on this understandably sensitive topic to help move the peace process forward meaningfully.

It should be noted at the outset, however, that this is not at all a comprehensive but rather initial look into a highly sensitive subject that has caused the derailing of Myanmar's peace process. The report itself and recommendations made herein must not be interpreted as expressing the political position of the Institute; instead, they must be construed as an analytical but realistically probable outlet for the formal peace process to continue in the long-term interest of all people in the country.

While a number of researchers and writers were involved in the project, it is the Salween Institute that takes responsibility for the entire content of this report. We assure our readers that the report was researched and written by the native sons and daughters of this country but with a spirit of strong intellectual independence.

The Salween Institute owes its gratitude to Saw Chit Thet Tun, who initially took up this project and prepared the first draft; Shine Ko Ko Lwin, who conducted further research and added analytical components to the report; and Elaine Moore and Dr. Radka Antalková for their editorial assistance throughout the process of finalizing this report. Without their invaluable support, this project would have not been completed.

We are grateful for the support of our many partners and friends, who recognize the importance of such a critical issue as security sector reform and the need for the issue to be studied and discussed by national organizations such as the Salween Institute. We at the Salween Institute will continue to work hard and study this important issue in greater depth and breadth as we seek to achieve a lasting and durable peace for our country.

Salween Institute for Public Policy

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Abbreviations

BGF

Border Guard Forces

DDR

disarmament, demobilization, and reintegration

EAO

ethnic armed organization

MPF

Myanmar Police Force

NCA

Nationwide Ceasefire Agreement

PMF

People's Militia Forces

SSG

security sector governance

SSR

security sector reform

UPC

Union Peace Conference

1. Introduction

In 2015, the Myanmar government and the Tatmadaw (Myanmar Defence Forces) signed a Nationwide Ceasefire Agreement (NCA) with eight ethnic armed organizations (EAOs). The NCA set out the peace negotiation process and a platform for discussion on issues related to five thematic sectors: politics, land and natural resources, social, economic, and security matters.

By agreeing to the NCA, the Myanmar government and the Tatmadaw have committed, in principle, to building a federal democratic state based on the outcome of the current and future political dialogue. Specifically, the agreement highlights that both parties will conduct security reintegration through a combination of security sector reform (SSR) and disarmament, demobilization, and reintegration (DDR).

Therefore, it can be assumed that the Myanmar security sector is about to be re-constituted along democratic and federal principles through negotiations and collaboration between the Tatmadaw and various ethnic armed groups in the near future.

However, it is also the case that the 21st Century Panglong Union Peace Conference (UPC) has been held three times, and thus far, no meaningful agreement has been made in any of the five sectors, let alone in the security sector. More concretely, at the second meeting of the UPC, there was serious debate over the meaning and acceptance of a single army as proposed by the Tatmadaw, not willing to reform its existing military structure.

On the other hand, while EAOs accepted the term 'single army' in principle, they argued that it must be in line with federal democratic values and proposed a completely different structure. Then, at the third meeting of the UPC, the

Tatmadaw proposed the formation of a single army and a joint learning mechanism on the security sector between the Tatmadaw and EAOs.

Nevertheless, the response from EAOs was that the army are public servants who should be accountable to a democratically elected government and its representatives, and not to operate independently and simply adjudicate in all affairs. It appears then that there are serious disagreements on security-related issues between the Tatmadaw and EAOs even after signing the NCA.

Currently, Myanmar's security forces are highly centralized, and there is limited trust in the capacity of state-level forces. As a result, EAOs are demanding a separation of powers within the security forces as exists in many federal states in the world. In some countries like the United States, there are federal police, state police, and even sub-state police forces as well as state guard or state defence forces under the national armed forces (The National Guard of the United States, n.d.). Hence, when the discussion on security sector integration comes to the negotiation table again, a clear and cogent legal and governance framework will be necessary in order to prevent renewed armed conflict among and between EAOs and the Tatmadaw.

This paper is written to assist EAOs, political parties, women's organizations, and the civil society in drawing up such a framework. In order to do so, the paper will, first, explore the main concepts related to SSR in post-conflict settings as well as the applicable federal and democratic principles. Next, the paper will describe the existing structure and nature of the government security forces. After that, the paper will study the question of why Myanmar needs SSR and analyse its challenges; among them, the contrast between the SSR proposal by the Tatmadaw and the security provisions proposed by EAOs as well as the relative merits of federal and state security forces. Finally, the paper will encourage the inclusion of federal, democratic, and human rights values in further security provisions and programming, giving recommendations and considerations for drafting a future state security framework.

2.

Understanding Security Sector Reform

2.1 What is Security Sector Reform?

The concept of SSR has no single widely accepted definition. In fact, the terms “security sector reform, security sector modernization, and security sector transformation” are often used interchangeably. Typically, SSR refers to the transformation of the security sector or system that includes a broad participation of different stakeholders in order to promote democratic governance and the efficiency of security units.

There are always two key objectives in SSR; first, to increase democratic norms and civilian oversight of security forces and, second, to improve capacity, professionalism, effectiveness, and efficiency of the security system and its personnel (Valasek, 2008). The concept of SSR has its roots in the 1990s and was originally theorized for post-conflict nations, where it is commonly seen as necessary to prevent the resumption of armed conflict as well as to increase civilian protection:

Reforming the security sector in post-conflict environments is critical to the consolidation of peace and stability, promoting poverty reduction, rule of law and good governance, extending legitimate state authority, and preventing countries from relapsing into conflict (United Nations, 2007).

SSR is a process that aims to eventually solve complex problems, such as abuses of power, human rights violations, corruption, lack of democratic governance and civilian oversight, and failure to uphold the rule of law while addressing the lack of technical capacity of security agencies. Consequently, SSR can be undertaken not only in post-conflict environments it had been originally intended for, but also in other contexts, such as developed, developing, or transitional countries.

2.1.1. Dimensions of Security Integration in Post-Conflict Settings

Security sector integration – the integration of a country’s fragmented armed forces – is a significant part of SSR in post-conflict settings. According to international experience, there are four common issues to be addressed in this process:

- 1. Rank harmonization:** Government forces normally do not recognize the ranks of former rebel group members when considering their position or promotion in the national army due to the concerns related to educational background and specific training requirements practised in regular military. In contrast, rebel group leaders argue that the criteria for promotion even in a standard army sometimes rely on personal relationships, or political and ethnic affiliation. Moreover, rebel group leaders believe that they have more experience on the battle field than desk officers of high rank in the national military.
- 2. Geographical attachment:** Generally, a professional army has to follow the commander’s orders for troop deployment to any location. However, former armed groups have a strong emotional connection to their locality and want to protect their own lands, communities, resources, and culture. They are often reluctant to leave their home communities due to feelings of insecurity and unfamiliarity.
- 3. Command positions:** Rebel commanders believe that they have more knowledge and experience of specific geographical areas, tactics, and battle craft than desk officers from the government army, while, at the same time, they often lack sufficient capacity in logistics or administrative experience to operate large troop units. Precisely because of this lack, government military officers are uncomfortable working under the command of former rebel group leaders. Nevertheless, in some cases, rebel leaders are appointed as unit commanders for the purpose of trust-building and conflict prevention.
- 4. Political ideologies:** In democratic countries, national armies are apolitical, or at least do not have explicit affiliation with a particular political party, following the policies of the elected government of the day. As such, in post-conflict settings, former members of armed groups have to leave behind their political beliefs to join the national security services, which often proves challenging for them. Moreover, since state security forces have a specific internal culture for the purposes of smooth operation, national army command and their political ideology becomes a problem between the former rebel personnel and national army commands (Hege, 2019).

Addressing these specific dimensions of security sector integration when discussing a suitable SSR process for a post-conflict country like Myanmar is important. However, since Myanmar is not only a post-

conflict country, but also a highly diverse country transitioning to a federal democratic state, the adherence to principles of federalism and democracy during this process is equally important.

2.2 Principles of Federalism and Democracy in Security Sector Reform

2.2.1. Self-Rule and Shared Rule

The terms self-rule and shared rule describe basic ideas of federalism coined by Daniel Elazar (1987). On the whole, a federal system guarantees the distribution of power between the national level and the states and is designed to protect the existence and authority of all governments (state and central). Basic policies and implementation processes are achieved through compromise; thus, all can be part of the decision-making and execution process (Elazar, 1987). Security policy also relies on the idea that both union and state governments have the authority to protect their own entities.

American federalism is an example of an extreme type of self-rule that encourages dual military, policing, and other features of the security system, where the federal and state governments balance their responsibilities for national defence and public security. States have their own armed forces (national guard and police forces), while the central/federal (union) government has federal armed forces and law enforcement institutions (i.e. police, army, navy, air forces, and coast guard; The National Guard of the United States, n.d.).

At the same time, federal and state levels still have to engage in issues such as foreign policy, environmental protection, and national security in order to practice shared rule through the laws and policy decisions of the Senate. In fact, states or constituent units have many legal and administrative instruments that can be controlled at central-level institutions. As an obvious example, the equal legislative and decision powers of the Senate and House of Representatives are the symbols of self-rule and shared rule of American federalism.

In contrast, cantonal votes and people referenda in Switzerland are strong examples of shared rule. Swiss federalism not only emphasizes the consensus of cantons but also allows for direct democratic practice of citizens in decision-making processes related to security issues. Specifically, the Swiss exercise a double-majority voting system in popular referenda, where both cantons and citizens can vote on an ad-hoc basis.

For example, the 1907 Swiss armed forces referendum can be seen as the very first step of cantons and citizens being involved in the decision-making regarding the country's security sector. Later, the 1940 military referendum and the 2011 gun control initiative became the most prominent examples of shared rule in the Swiss security policy decision-making history (Nohlen & Stöver, 2010).

In 2011, for instance, 20 cantons and 56.3% voters rejected tighter gun controls at home ("Switzerland rejects tighter gun controls", 2011). Balancing self-rule and shared rule with respect to security issues in general, the Swiss federal government is responsible for national defence, while the cantonal (regional) government is responsible for public order and law enforcement.

2.2.2 The Subsidiarity Principle

The subsidiarity principle is based on the notion that the state should be built from the bottom up, with tasks and responsibilities delegated to the lowest possible level of government (federal, state, or local). According to this principle, there are only two conditions under which a central authority intervenes in the areas of non-state actors: when these prove incompetent or become overextended (e.g. during a major natural disaster; Bieri & Wenger, 2018).

The principle of subsidiarity is mostly practised in the European Union and its member countries according to the Maastricht Treaty (European Parliament, 2019). The overall aim of the subsidiarity principle is to allocate governmental functions in a way that would increase the efficiency, effectiveness, and suitability of governmental services, which would then better reflect the interests and needs of the public.

When the concept is applied to a federal structure of governance, it helps to perform both the interlocking as well as separating of responsibilities between the three layers of government. On the whole, there are always four areas to be subsidized in a state, concerning administrative, political, budgeting, and operational structures (Odeyemi & Obiyan, 2018; see Figure 1). Specifically, by subsidizing administrative and political structures, respective layers of government can perform their powers in effective ways.

The allocation of financial budgeting authority to lower level commands can create a system in which every security actor can concentrate on their needs. From an operational perspective, security personnel can focus more on the specific areas and communities they serve. Overall, the advantage of applying the subsidiarity principle is that the respective institutions become more responsive, with more space for civilian oversight.

In colonial or authoritarian contexts, centralized governance systems often use their security institutions as tools to implement oppressive tactics. After the regime change, however, these institutions' financial needs, administrative difficulties, and operational purposes change as well. Hence, institutional arrangements in such cases need to refer to the principle of subsidiarity in order to dispel the culture of centralization and oppression.

This can be done, for instance, by enforcing the reduction of centralised military control and policing as well as by allocating administrative, political, financial, and operational functions to different layers of government. That is why, for example, some post-colonial and conflict-affected countries in the African Union have turned to using the subsidiarity principle in their governance systems principle (Odeyemi & Obiyan, 2018).

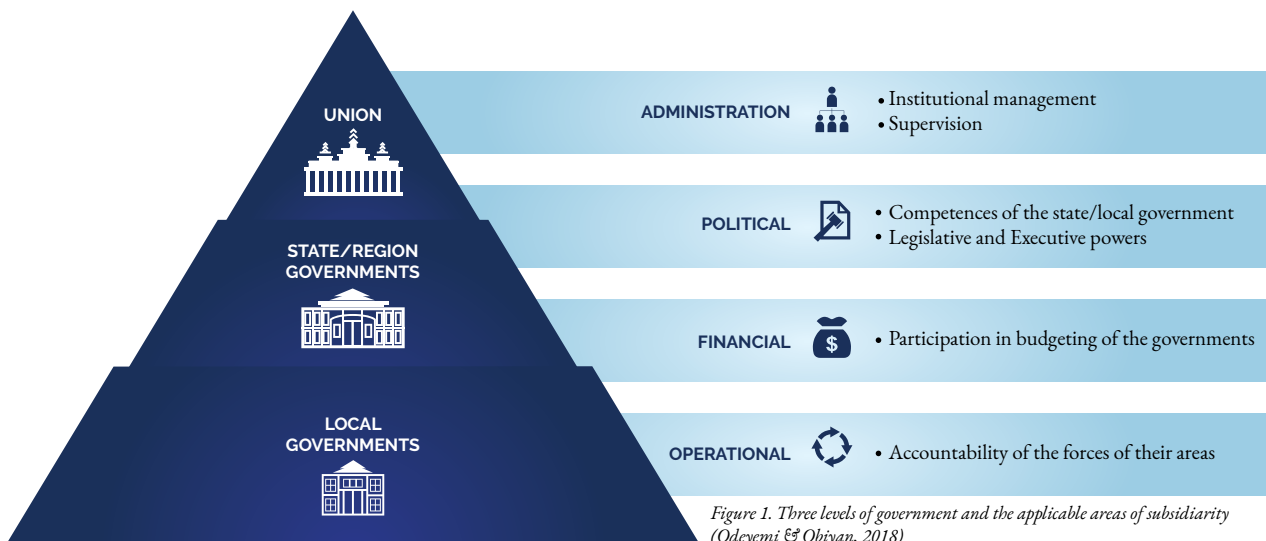


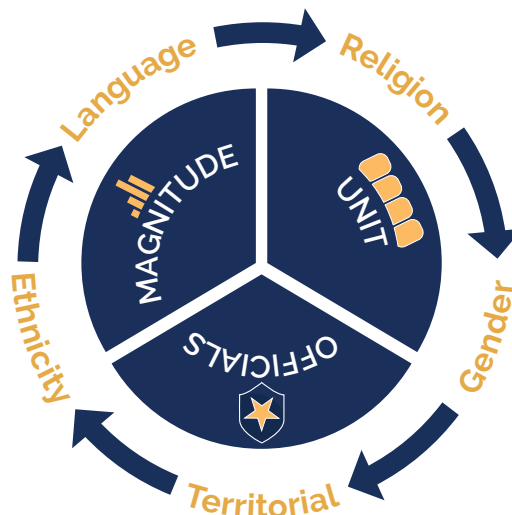
Figure 1. Three levels of government and the applicable areas of subsidiarity (Odeyemi & Obiyan, 2018)

2.2.3 Balancing Diversity and Unity

Typically, there are three levels of security sector integration in federal countries: the magnitude of military integration, integration of armed units, and integration of officer corps (Toft, 2018). To strike a balance between diversity and unity, representation and accommodation of diverse groups should be guaranteed for all three dimensions. Especially in multi-ethnic countries or federations, the armed forces need to reflect the diversity of the country in gender, language, religion, and ethnicity.

For example, the Swiss army accommodates language diversity in a parallel system; similarly, the Canadian national defence system arranges the inclusion of both English-speaking and French-speaking battalions under the Federal Army command (DCAF – Geneva Centre for Security Sector Governance, 2005).

Guaranteeing a well-managed and balanced diversity policy has several benefits: increased legitimacy of the national defence forces because of increased public confidence, more opportunities for ethnic and other minority groups to contribute to the national military effort, and increased solidarity within diverse groups (Heineken & Soeters, 2006).



2.2.4 Participatory Security

Ensuring citizen participation is essential for SSR in post-authoritarian and conflict-affected states. That is why post-conflict societies in Asia (e.g. Philippines, Indonesia) and Africa (e.g. Nigeria and Sierra Leone) have been attempting to create participatory peace-building and reform processes (Loada & Moderan, 2015).

Although security actors are often reluctant to include civil society in efforts for reform, reasoning with, for instance, the potential delay in decision-making, there are obvious advantages to civil society participation in SSR:

- Civil society can promote reconciliation over civil-military relations;
- Civil society can contribute to the process of monitoring human rights violations and corruption as well as of strengthening security institutions (e.g. human rights commission, justice affairs, and budget monitoring);
- Civil society can strengthen the rule of law; and
- Engagement between civil society and security actors can legitimize institutions by increasing public support (Barnes & Albrecht, 2008).

2.2.5 Civilian Supremacy

Broadly speaking, civilians can be defined as actors of various democratically-elected authorities, the appointed judiciary as well as media and civil society organizations (Born, 2002). The idea of civilian control over the military emerged from the United States Constitution in 1788 and is still powerful when it comes to democratic governance for national defence and public security systems (Yarmolinsky, 1974). According to DCAF – Geneva Centre for Security Sector Governance (2008), civilian control is when

civilian authorities have control over the military’s missions, composition, budget and procurement policies. Military policy is defined or approved by the civilian leadership, but the military enjoys substantial operational autonomy in determining which operations are required to achieve the policy objectives defined by the civilian authority (p. 2).

Civilian control oversight of the armed forces has clear benefits. According to DCAF – Geneva Centre for Security Sector Governance (2008), these are that:

- “The political supremacy of the democratically elected civilian authorities is respected;
- The rule of law and human rights are safeguarded;
- The armed forces serve the interests of the population and enjoy popular support and legitimacy;
- The policies and capabilities of the military are in line with the country’s political objectives and commensurate with its resources; and
- The military is not misused for political purposes” (p. 3).

In every democratic transformation and SSR, governance is a vital component. To implement and practice the principles mentioned above, security sector governance (SSG) must be discussed in parallel with SSR during the negotiations of Myanmar's peace process. SSG can be generally defined as "structures, processes, values and attitudes that shape decisions about security and their implementation" (DCAF – Geneva Centre for Security Sector Governance, 2009, p. 1).

Hence, to restore civilian supremacy in SSG, every structural reform, every implementation process, and attitudes of every security institution need to be based on the idea of civilian supremacy. In the context of Myanmar, there are some key structural aspects to SSG when it comes to civilian supremacy, such as the existence of a national security council, state-level security councils, and the separation of national and public security in the country's peace process.

2.2.6 Separation of National and Public Security

Most post-conflict and conflict-affected countries do not have clear division of labour between national and public security; yet, this division is necessary in both theory and practice. National security refers to security against external threats, for example, foreign invasion or war against other countries. Usually, this is the responsibility of the highest level of government, managing federal-level institutions, and the armed forces (Chattopadhyay, 2016).

Public security actors are concerned with law enforcement and maintenance of public order, which is practiced in different ways in different federations. For example, in Switzerland, policing is controlled entirely at the cantonal (regional) level, whereas federal government takes the responsibility for national defence (Roché, 2011).

Similarly to post-conflict and conflict-affected countries, law enforcement agencies (i.e. military and police forces) in post-authoritarian states have also often overlapping missions and functions. Mostly, militaries control or request the assistance of police in their operations, even though the two institutions are typically trained with different methods, codes of conduct, and directions for the use of force. For instance, in the context of Latin America, the power of military is overwhelming in comparison with other administrative and political institutions.

The militaries there also stand as leading institutions and guardians of national values. Subsequently, they perceive themselves as sole initiators of development and peace. At the same time, when dealing with public, they are usually not very gentle; quite the opposite, violations of human rights seem to be the usual behaviour of these 'militarized service-providers' (Withers, Santos, & Isacson, 2010). Overall, there are two reasons to the separation of national and public security; to avoid human right violations and to ensure and consolidate democratisation. In order to do so, constitutional entrenchment of separate missions and functions of military and law enforcement agencies is needed.

This has been done, for example, in the constitutions of Argentina and Chile, both of which are post-authoritarian states. Legal arrangements are indeed necessary to achieve the separation of national and public security in such contexts (Withers, Santos, & Isacson, 2010).

2.3.7 Gendering National and Public Security

Historically, military theorists tended to focus on physical factors of security architectures, such as the size of militaries and their weaponry. Later on, however, conceptual and moral factors have become more essential when attempting to eradicate human rights violations and ensure wider participation of the public in security institutions.

After the declaration of Resolution 1325 by the United Nations Security Council (2000), approaches and doctrines of security institutions were changed to be in line with the Resolution's commitments. Specifically, adding and promoting the gender dimension in SSR has been argued to guarantee peace, end gender-based violence, increase women participation in security sector as a whole, and create security policies in accordance with international standards (Egnell, 2016).

Indeed, women and children often suffer the most from conflict and violations; therefore, their voices and rights are very important in the SSR process. When women participate in this process more, there are some distinct advantages:

- Women's participation in security institutions noticeably decreases human rights violations in transitional countries (Valasek, 2008);
- Women's involvement promotes citizen participation, which can lead to participatory security; and
- Women's participation gives strong legitimacy and support to the security forces (Heinecken & Soeters, 2006).

Especially in post-conflict and transitional contexts, conceptualizing SSR with the gender dimension is the most crucial element when enhancing public security and preventing the re-occurrence of conflict. Therefore, the integration of the gender dimension into national security policies, peace agreements, institutional and municipal policies needs to be ensured in future security systems. Without such sensitive policies, sustainable peace can only hardly be achieved.

3.

Myanmar's Security Institutions

Since 1962, politics in Myanmar has been overwhelmingly influenced by the military. Even though they retreated somewhat from politics in 2011, the military still controls government institutions and bureaucracy in the country both formally and informally. The military maintains this superior position in the executive and legislative branches at every layer of the government and national politics through the 2008 Constitution.

The government system is composed of elected civilians and military personnel directly appointed by the Commander-in-Chief. Moreover, “Active and former military officers occupy positions of authority across all branches of government, within the civil service and judiciary, and in many state-owned enterprises” (Human Rights Council, 2018, p. 24). Additionally, according to the 2008 Constitution, the military has supreme power over three key ministries – Defence, Home Affairs, and Border Affairs – to the extent that not even the President has any authority over those ministries.

In addition, the composition of the National Defence and Security Council is also dominated by the military, and this governance structure has control over the entire security apparatus, including the defence forces, police, intelligence units, and paramilitaries. Article 338 of the 2008 Constitution states that “all the armed forces in the Union shall be under the command of the Defence Services” (Government of Republic of the Union of Myanmar, 2008).

Moreover, at the sub-national government level, the Chief Minister appoints Minister of Security and Border Affairs only with the nomination of the Commander-in-Chief. In particular, the Article 262 of the Constitution stipulates that “the Chief Minister of the Region or State shall request a list of suitable Defence Services personnel nominated by the Commander-in-Chief of the Defence Services to assign responsibilities of Security and Border Affairs” (Government of Republic of the Union of Myanmar, 2008).

Therefore, in the current situation, it can be claimed that democratically elected representatives like the President and the Chief Ministers have limited power to administer these three ministries at either the union or sub-national level, and must negotiate or coordinate with the Commander-in-Chief when making important decisions.

The existing hierarchy in the security system is undemocratic, as the military is independent of elected civilian oversight, acts with impunity, and inevitably, has a highly centralized command structure. Consequently, this has a negative impact on other professional security forces, influencing the effectiveness of the rule of law as well as the efficiency of law enforcement agencies and public administration as a whole.

3.1. The Tatmadaw (Myanmar Defence Forces)

Tatmadaw means ‘armed forces’ in Burmese and the name is widely recognised even beyond Myanmar’s borders. Since Myanmar gained independence from the British in 1948, army officers have taken up leading roles in politics, public management, defence, and state security affairs. The Tatmadaw has been responsible not only for defence against foreign aggression (of which there has been none) and internal security challenges, but has also served to oppress democracy movements and restrict public freedoms for many decades.

According to Maung Aung Myo (2009), the Myanmar military is the most important actor in the protection of Myanmar’s sovereignty and the upholding of the rule of law. In addition, military leaders self-define themselves and the Tatmadaw as the only legitimate institution with sufficient capacity to govern the country effectively.

The origins of the Tatmadaw date back to 1945, when the Kandy Agreement combined ethnic armed forces, Patriotic Burmese Forces, and former British Burma Army into one, integrated army. Since this integrated army was composed of ethnic battalions (Karen, Kachin, Chin, Burma, and Gurkha), the former officers of the Patriotic Burmese Forces regarded the former British Burma Army officers not to be patriotic forces but mercenary forces of the British government. This racial point of view and the difference in political backgrounds created a divide between the majority Bamar and minority ethnics since the inception of the Tatmadaw (Callahan, 2003).

After the outbreak of civil war, some of the traditionally ethnic battalions mutinied and turned into revolutionary forces. Since that time, the involvement of non-Bamar ethnics in the recruitment and formation of the battalions was no longer guaranteed; instead, an army dominated by one ethnic group has been preferred.

More concretely, the Tatmadaw currently includes 4,500 non-Bamar ethnic, out of the total of 406,000, active military personnel (GlobalFirePower.com, 2019). According to Sen. Gen Min Aung Hlaing, the highest rank achieved by an officer with a minority ethnic background is one of the lieutenant colonels (VOA Burmese, 2014). At the same time, a number of ethnic armed groups are still fighting for their territorial rights and autonomy.

Following its introduction of the 2008 Constitution, the Tatmadaw changed its approach from direct control to constitutionally-granted interference in public administration and security affairs. However, in December 2018, the National League for Democracy government transferred control of the all-powerful General Administration Departments from military to civilian officials.

Notwithstanding the fact that the political system has changed to a quasi-democratic system, the military has shown no willingness to transfer its institutional autonomy to the elected civilian government or allow civilians any authority over security forces, as is the case in other democracies. Moreover, the Tatmadaw continues to claim that the three ministries under its control are of key national interest and hence, that they have the right and authority to ‘defend’ them.

In reality, the term ‘safeguarding the three national causes’ has been used by the Tatmadaw to legitimize previous military coups. Successive Myanmar governments have failed to respect the cultural differences of minority ethnic groups and have instead tried to promote only Burmese (also known as Burman or Bamar) culture as the national culture:

Myanmar’s military dictatorship is widely seen by ethnic people as aggressively chauvinistic, the military attempting to impose Burmanization or Burman uniformity for many decades and neglecting or rejecting the differences and the high level of diversity in the country (Saw Chit Thet Tun, 2018, p. 22).

As a result, national ethnic groups have challenged these Burmese-centric governments by demanding the right to self-determination through armed movements over many decades. Nowadays, the Myanmar army ranks as one of the largest militaries in Southeast Asia and operates in a complex strategic environment, with armed groups active in all its frontier states (Selth, 2018). Tatmadaw leaders have carried on in the belief that a standard army with modern weapons would sufficiently deter threats.

However, due to wide-ranging problems with its structure, doctrine, weapons and facilities, and human resource capabilities, defence analysts have argued that it is questionable to recognise the Tatmadaw as a world-class military institution (Selth, 2018). Significantly, the Tatmadaw has been accused of committing very serious human rights violations (including ethnic cleansing) against minority groups and political activists by the United Nations and other international organisations, not to mention its own ethnic nationalities (Selth, 2018).

3.2. The Myanmar Police Force

The police force in Myanmar was for the first time organized after World War II by integrating of the former colonial armed police forces into the Union Military Police under the 1945 Police Act. In 1974, it was transformed into the People’s Police Force and, in 1995, reorganized as the Myanmar Police Force (MPF; Captain Hla Shwe, 2018).

Historically, the policing system in Myanmar is accustomed to functioning as subordinate forces of military rather than an independent security institution (Selth, 2013). MPF has also been regarded as reserve force of national defence. During the military rule in Myanmar, the military extended their power by posting hundreds of military officers into civilian administration services. Selth (2012) states that the MPF was one of the key organizations providing public control and law enforcement in order to buttress the survival of the military regime. As previously mentioned, the military has to this day direct control over the Home Affairs Ministry, which deals with day-to-day public management and security.

Since police forces are under the Ministry of Home Affairs, many ex-military officers still serve there in senior roles. It is common knowledge that the police and the Special Branch are units for repressing student protest and anti-government activities under the direct instruction of military personnel. Police are also being used in surveillance of elected parliamentarians in some areas, a direct challenge to the rule of law.

From an administrative perspective, MPF is not only influenced by the military, but is itself also a highly centralised institution. Every state and region has its administrative unit-based police forces, but these are not under the command of the respective regional governments; instead, they are accountable to the regional commanders and the Union Government Ministry.

According to the Deputy Minister of Home Affairs, there are only 15,000 police officers in the MPF, which accounts for only 48 percent of total personnel, while the police to population ratio is 1:650 (Nanda, 2019). It is widely believed that many police officers are corrupt, act with impunity, and are independent of civilian oversight.

Specifically, according to Selth (2012), the MPF are incompetent, corrupt, guilty of human rights abuses, and have poor public relations with communities. Public trust in the MPF has been shown to be rather low as well (Thura Aung & Win Win May, 2019). All these issues highlight the need for police reform; the police need to become more professional, increase both their capacity, efficiency, and, most importantly, as public servants, their accountability to the democratically-elected government.

3.3. Intelligence Units

Intelligence is a vital part of any security system, providing information, data, and analysis to relevant ministers. In a democratic society, intelligence services make important contributions to adopting good policy and practice for public security, good governance, and effective government. Intelligence can be categorized into two groups; security intelligence and foreign intelligence.

Security intelligence concerns internal affairs, such as law enforcement and stability. To protect the state and its citizens from multiple threats, internal intelligence units work closely with other law enforcement agencies, collecting data and information to uncover any plots and activities of enemies of the state or potential threats. This should help elected civilian authorities to administer public affairs smoothly and maintain public order and safety (DCAF – Geneva Centre for Security Sector Governance Intelligence Working Group, 2003).

Foreign intelligence relates to external security affairs. The duty of the external security services is not only to gather information about potential risks and challenges, but also to develop networks with other friendly powers. Thus, the role of foreign intelligence is central to the formation of appropriate foreign policy towards different countries in order to promote and safeguard national and international security and interests (DCAF – Geneva Centre for Security Sector Governance Intelligence Working Group, 2003).

From 1962 to the end of 2010, the intelligences services were the main pillar of the dictatorship regimes in Myanmar, as admitted by Khin Nyunt, Former Director of Military Intelligence, in his autobiography (Khin Nyunt, 2015). There are four intelligence organizations in Myanmar:

1. **Military Security Affairs:** Military Intelligence Agency (MIA).

2. **The Bureau of Special Investigation:** Founded in 1951 to focus on corruption (allegations against government officials) and business crimes (inappropriate trading and tax evasion), it now assists the Anti-Corruption Commission.
3. **Special Intelligence Department (Special Branch):** The duties of the Special Branch include investigating and collecting information on political organizations and individuals, movements and activities of national and international non-governmental organizations, and embassies and foreigners that have the potential to threaten state security as well as issuing passports.
4. **Crime Investigation Department,** which focuses on the investigation of civil crimes.

The Special Intelligence Department (Special Branch) and Crime Investigation Department are sub-units of the MPF, while the Bureau of Special Investigation exists as a specialized intelligence agency for financially related issues. These organizations operate under direct administration of the Ministry of Home Affairs, the chief minister of which is nominated by the Commander-in-Chief of the Tatmadaw. This means all internal and external security units operate under the command of the military, and therefore any scrutiny by the elected civilian government over them is severely limited.

3.4. Border Guard Forces and People's Militia Forces

The Border Guard Forces (BGF) and People's Militia Forces (PMF) are alternative units of the Myanmar national armed forces; they operate under the direct administration of Tatmadaw, but they have a certain degree of organizational independence in their regions. In 2009, the military regime initiated the BGF and PMF program, designed to integrate several ceasefire groups into the formal structure of the Tatmadaw and its direct control.

However, this Tatmadaw-led security integration program has had only limited success. Specifically, even though 23 BGF battalions and dozens of MPF units have been founded, large ethnic armed groups like the United Wa State Army, Kachin Independence Army, New Mon State Party, and Democratic Buddhist Karen Army (5th Brigade) rejected the integration efforts and, subsequently, an almost two-decades-long ceasefire agreement between the Burmese military and the three latter EAOs was broken.

The BGF appears more formal than the PMF; similar to a regular army with a clear military structure, they wear the same uniforms as other Tatmadaw units and include some 3% of their officers. Each BGF battalion has 326 personnel. The role of the BGF is to assist with Tatmadaw-led military operations, patrolling in their assigned area, and providing local security in cooperation with government security forces.

The BGF also acts as a proxy or buffer unit against non-ceasefire groups in ethnic areas. In terms of geographical positioning, the BGF has their limitations; for example, the Karen BGF can be deployed only in their designated area or within Karen State.

As an attempt to ensure the loyalty of ethnic BGF leaders towards the Tatmadaw, in early May 2014, a number of ethnic BGF officers from Karen and Kayah States were promoted into mid- and higher-rank gazetted officers, such as colonels, lieutenant colonels, and majors, even though they did not

meet all the standards specified for a gazetted officer (Buchanan, 2016). Yet, reports from mainstream media and many organizations consistently show that the BGF has been involved in drug trafficking and human rights violations in local communities (Keenan, 2013).

Similar to BGF, PMF also play a key role in Myanmar's armed conflict and security arrangements, since the use of large-scale citizen participation in combination with formal defence forces is a feature of the national defence strategy described in the 2015 Myanmar Defence White Paper (The Republic of the Union of Myanmar, 2015).

First introduced in 1964, this strategy is rooted in the development of a military doctrine, which has been based on the idea of 'people's war' and used to fight external attacks as well as to implement counter-insurgency operations during internal armed conflict. The term 'militia' can in this context be defined as a paramilitary or a group of alternative security service providers operating in a particular area. Many of these groups' members splintered from various EAOs, and thus the militias have their origins in respective geographical zones.

Throughout history, numerous militia groups have been purportedly set up by the Tatmadaw to fight against foreign invasion and insurgency (Buchanan, 2016). Since 1989, the Tatmadaw has tried to reach ceasefire agreements with several armed groups by providing them with economic opportunities and some degree of territorial autonomy. These militia groups vary in size, with some being large and well-equipped, but without any meaningful political platform.

PMF support the Tatmadaw in many ways, including providing intelligence related to EAO movements and operations, and acting as guides for Tatmadaw troops in their area. Nevertheless, in the eyes of local communities, the PMF threaten the security of people in ethnic areas under their control: "The militia groups are proud of their role as security forces but their main interest in providing security is to protect their illegal businesses", said Mai Myo Aung, Secretary of the Ta'ang National Party's Muse Township Branch (Kyaw Lin Htoon, 2018).

4. Challenges for Myanmar's Security Sector

4.1. Security Sector Reform or Disarmament, Demobilization, and Reintegration?

At the first UPC, position papers on the security sector were presented; the EAOs proposed new security arrangements in accordance with democratic and federal principles, whereas the Tatmadaw proposed a security system following the provisions of the 2008 Constitution. The EAOs' proposal includes some basic principles for SSR as follows:

- National security policy shall be based on the concept of human security;
- Elected civilians shall administer and oversee security affairs and the armed forces;
- Civilian administration and law enforcement agencies like the police force must be separate from defence forces;
- National security forces shall be independent from any particular person, political party, or group, since the armed forces ensure the security of every citizen as well as state sovereignty;
- Discrimination due to differences in gender, religion, and ethnicity in the security forces must be eliminated;
- Sub-national level security forces shall be formed separately (as in other federal states) and operate under the supervision of the state governor; and
- Democracy, human rights, and federal subjects shall be taught in security training schools, such as the defence academy, police academy, and so on.

In contrast, in the Tatmadaw's proposal for the security sector, its role follows the provisions of the 2008 Constitution and the 2015 National Defence White Paper (The Republic of the Union of Myanmar, 2015):

- Only a single army will be allowed to exist in Myanmar as is common practice in other countries (Caballero-Anthony, 2010);
- National security policy shall be based on the three national causes: non-disintegration of the Union, non-disintegration of national solidarity, and perpetuation of sovereignty;
- The main armed force for the defence of the Union will be the Defence Services;
- All the armed forces in the Union shall be under the command of the Defence Services;
- The Defence Services shall lead in safeguarding the Union against all internal and external threats;
- With the approval of the National Defence and Security Council, the Defence Services shall have the authority to administer the participation of the entire people in the Security and Defence of the Union; the strategy of the people's militia shall be carried out under the leadership of the Defence Services;
- The Defence Services shall render assistance when calamities that affect the Union and its citizens occur in the Union; and
- DDR and SSR programs must be conducted in a short period of time.

Based on the above, it appears rather challenging to find common ground when it comes to EAOs' versus the Tatmadaw's proposals. Indeed, the discussion about the security sector has been a contested issue in the ceasefire negotiation process. Specifically, the position of the government and Tatmadaw on security reintegration means DDR, whereas EAOs have consistently demanded a holistic approach which would include law enforcement agencies such as police, intelligence, and the judiciary. It can be argued that such broader consideration of SSR would enhance safety and security of civilians in daily life and improve the effectiveness and efficiency of security forces.

Since DDR is one of the most essential and challenging aspects of the peace process, it needs comprehensive political settlement through dialogue between EAOs and the Tatmadaw. In theory, DDR is not only about integrating non-state armed groups, but it also implies re-sizing or re-structuring the national armed forces once conflict is over.

In fact, DDR and SSR are interconnected and DDR can be considered a component of a wider SSR program. Specifically, DDR is designed to achieve immediate results within a short period of time (approximately one to three years) to protect the fragile peace and stability of the country after the end of armed conflict (Dyck, 2016).

Additionally, to improve security and stability across the country, the DDR process has to be carefully designed and implemented with clear objectives based on the outcome of negotiations. Yet, as mentioned previously, the Tatmadaw-initiated program designed to integrate ceasefire EAOs into the BGF and PMF system was rejected by a number of EAOs, since it lacked any meaningful political agreement or settlement. Instead, the fighting has resumed and armed conflict has since then escalated.

This demonstrates clearly, if evidence were needed, that security integration needs democratic reform and political agreement among and between conflicting parties. Another issue is that the Tatmadaw offered economic

incentives to those who accepted the BGF/PMF deal, enabling them to maintain influence. These groups now function as small warlords in their respective territories, even though they may have changed their uniform and command structure.

To sum up, the Tatmadaw-led security programming has not been successful, as large EAOs had declined their proposals and resumed fighting, while political dialogue and agreement was not sought. Furthermore, EAOs who accepted the integration gained economic and political benefits which sometimes threaten the survival and security of local communities, and even the Tatmadaw has limited trust towards some of these groups (e.g. the Karen BGF, converted from the Democratic Karen Buddhist Army), as they are unstable and unreliable.

4.2. Federal versus State Security System

The 70-year-long armed conflict has resulted in distrust between Burmese and ethnic people, while those living in areas that have suffered armed conflict are traumatized and feel insecure. Most soldiers from the government military are Burmese and do not always respect the culture, beliefs, and language of their deployed territories.

People from ethnic minorities inevitably tend to sympathize more with EAOs rather than the Tatmadaw. In order to provide a better security system for local people, broad consideration of local language, customs, and culture as well as democratic accountability mechanisms are needed. To achieve this, the future security system should be divided into at least a federal and state level.

In order to design Myanmar's security sector based on federalism, the idea of self-rule and shared rule needs to be discussed. In fact, these concepts were the basis for the constitutional draft of the FCDCC drafted by EAOs. Moreover, state-level security arrangements can be seen in draft state-level constitutions which have been developed by EAOs, ethnic political parties, and ethnic civil society organizations. In these state constitutions, types of state security organizations, governance, and provisions are described as follows:

- State security forces are the fundamental units to provide security for its own people (disasters and rule of law);
- The heads of state security forces are elected civilians and have full authority to oversee the state armed forces;
- The state parliament plays a law-making role for the security forces including budgeting;
- In some states, a state security council has power to oversee and make important decisions for security affairs;
- Officers of government security forces must be apolitical and they are restricted from participating in politics while they are serving in the security institutions; and
- The state security forces are first responders to disasters (natural and man-made) and federal forces are allowed to deploy only upon the state governor's request.

However, when we consider the proposal from the Tatmadaw, it is in direct disagreement with the EAOs' ideas, with the Tatmadaw proposing a highly centralized model with no provision for civilian oversight of the armed forces,

no accountability, and military control over all security professionals and forces. In contrast, in any federal democratic society, all security organizations including the defence forces should exercise their functions and services under the control of elected civilian governments at union, state, and local levels.

The Tatmadaw's proposal of a single army and non-secession is the main issue currently keeping the peace process deadlocked (Gum San Awng, Mi Aye Khine, & Nyan Tun Aung, 2019). Actually, resolution of this issue is a precondition for further dialogue. Given the situation and history of Myanmar, most EAOs have rejected a single-army system under the control of Tatmadaw without having the necessary political and security guarantees.

Moreover, even NCA-signatory EAOs have different interests depending on the individual organizational capacity, political history, and number of troops and size of control area. In fact, after the 10 NCA-signatory EAOs agreed to the establishment of a single army in line with international practice on 16th October 2018, this agreement actually led to the weakening of the cohesion among and even within the signatory groups.

The Tatmadaw was not fully satisfied either with the condition that the army should be in line with international practices and, as a result, the proposals have not progressed; the Karen National Union and Restoration Council of Shan States declared temporary suspension of their participation in the peace process.

The single army demand is the critical factor in the DDR/SSR discussion between the Tatmadaw and EAOs. Article 6 of the Nationwide Ceasefire Agreement states that “we shall negotiate and implement matters regarding troop recruitment by the Ethnic Armed Organizations in accordance with the implementation of this Nationwide Ceasefire Agreement and the security reintegration process” (National Reconciliation and Peace Centre, 2015).

4.3 Applying the Principles of Federalism, Democracy, and Human Rights

In the current peace process, there are two crucial political documents: the NCA and the Union Accord. Both of these documents stipulate that Myanmar's future will be federal and democratic; therefore, all Myanmar's institutions should be based on such principles. In order for the security sector to consolidate unity, sovereignty, democracy, and federalism in the future, key federal and democratic principles for this sector should be explored and examined in preparation for Myanmar's transition.

First, in our multi-ethnic nation, managing or balancing **diversity** becomes a crucial task in policy-making and politics. Until today, most ethnic states have their respective EAOs whose doctrines are based on protecting their homeland. These arise from a lack of representation, broken political promises, and human rights violations by the military and governments of Myanmar for many decades. Thus, the integration of the security system certainly needs to guarantee ethnic representation across all three levels of the security system integration framework (Heinecken & Soeters, 2006).

Besides, reintegration should also consider wider visions for non-ethnic citizens, such as those with Indian or Chinese origins (Wang, 2015), and other language and religious minorities, as they account for more than five percent of the total population of the union (Mratt Kyaw Thu, 2018), which is more

than Kayah, Kachin, and Chin minority populations combined. In the new security system, these groups deserve an equal right to participation and representation as well as the possibility to support national and public security.

Second, as there is no **civilian oversight** of the military in Myanmar, the previously mentioned benefits of civilian supremacy in the security sector are currently not enjoyed in the country. Quite the opposite, the 2008 Constitution guarantees the power of armed forces over civilians. Besides the three core ministries (Home Affairs, Border Affairs, and Defence) reserved for military officials, five of eleven members of the National Defence and Security Council are military officials, and another council member position, one of the vice presidents who is also nominated by the military.

Moreover, the Tatmadaw hold legally powerful internal and financial authority over military affairs and parliament without civilian oversight. In order to sustain genuine democracy, the role of the military has to be reduced and civilian control over the armed forces has to be restored; the prerequisites are SSR and designing of a federal democratic union. In addition, since Myanmar is both a conflict-affected and post-authoritarian state, **participatory** mechanisms for citizens and civil society in SSR and policy-making processes need to be created as well.

Third, to consolidate peace, law enforcement, and democracy in the country, it is important to ensure the **separation of national and public security**. Currently, the Constitution and the administrative system in Myanmar do not guarantee this division. Quite the opposite, the security system in Myanmar is not dissimilar to other conflict-affected countries; namely, one dominant force is controlling other security institutions at every level.

For example, even though the MPF is only responsible for maintenance of public order, it is run as a part of the military. In border security, the Border Guard Police is a unit of the MPF operation, even though BGF also exist. In addition, the transfer of military officers to police positions is common, while a military commander is simultaneously also the Minister of Home Affairs.

In fact, the United Nationalities Federal Council has already proposed shared responsibilities between national and state governments; namely, that a Federal (or) National Security Council should be formed on the principle of inclusiveness (i.e. it should include representatives from the state level; United Nationalities Federal Council, 2016).

However, the Tatmadaw continues to back the 2008 Constitution and its National Defence and Security Council, which is defined in the Defence White Paper (The Republic of the Union of Myanmar, 2015). As long as there is no agreed definition of national security, it is difficult to configure the composition of a national security council.

Similarly, the functions and authorities of a national security council need to be negotiated. In a condition when states have power with respect to national state security (army, navy, air force, etc.), these states would also like to have the decision power in a national security council as members in accordance with the state-level law.

Finally, since Myanmar belongs to the category of transitional or post-conflict countries, it is also necessary to study the role of patriarchy in its security sector; that is, **gender** must be taken into account, especially in terms of personnel roles. Women personnel in security institutions are discriminated against due to structural barriers, while the advocacy and voices of women in civil society are neglected (Hedström & Senarathna, 2015).

There is a huge representation gap in the government and the military; not enough is done to encourage representation of women in senior positions and hence policy change is needed at every level. Hence, security sectors institutions, such as military, police, and intelligences, should consider gender inclusion and integration as an opportunity for reform and reconstruction of the national security system (Heinecken & Soeters, 2006).

In the current security system specifically, the gender gap can be seen, for instance, in the police force. In 2016, the number of male officers was 7945, while there were only 802 female officers, accounting for only eight percent (Central Statistical Organization, 2017). In order to reduce these kinds of gaps in security agencies, Myanmar's SSR process needs to set a gender-responsive and inclusive policy that would consider gender norms and relations, make accommodation for specific needs of women, address the problem of gender-based inequities, and foster progressive changes in security.

On the whole, Myanmar's SSR should promote the role of women in communities through public consultation processes. The voice of women leaders in civil society should be respected and the participation of women in every institution should be guaranteed.

5.

Conclusion

Undoubtedly, the security sector is the most sensitive subject in the Myanmar peace process and has been the hottest issue of the UPC. To achieve sustainable peace and improve the security system, it will be necessary to entirely reform the security sector in Myanmar.

However, the current situation is that EAOs have proposed basic principles in accordance with democracy and federalism including civilian oversight of the armed forces, whereas the Tatmadaw keeps demanding a single army in accordance with the provisions of the 2008 Constitution, in which their interests and power are embedded.

Even though the Tatmadaw's position has been criticized by the international community and ethnic populations, it maintains popular support among majority Burmese, Buddhist, and nationalist groups.

Intelligence units operate under military command through the Home Affairs Minister (Lt. General level) and Police Chief (transferred from the military) and there is no clear reporting mechanism between elected government representatives and military-appointed ministers. Many BGF and PMF units are oriented towards economic interests rather than providing reliable security service for local people.

So far, the Tatmadaw has neither considered other ministries or professionals when formulating the national security policy nor integrated security programming for protection from multiple security challenges, including traditional and non-traditional threats from inside and outside of the country. According to past and present experience, the Tatmadaw has no willingness to reform or restructure SSG other than in terms of localized security sector reintegration for EAOs.

In order to move the peace process forward, the Salween Institute makes the following suggestions to the stakeholders:

5.1 Structural Recommendations

When it comes to national defence, it may be reasonable that Myanmar maintain a single army with the following considerations for restructuring:

1. Civilian supremacy over the military: President (elected by the people) should be the Commander-in-Chief of the national army.
2. Conditional command structure: Since the main goal of the national army is to defend the country from external threats, the army should not be commended for use in internal security matters.
3. A system of ethnic and gender diversity should be maintained in the national army officer corps.
4. A multi-lingual army should be established, with Burmese as a lingua franca.
5. The current curriculum of the Defence Services Academy as well as of other Officer Training Colleges should be revised in order to ensure that a common historical narrative, reflective of the spirit of national reconciliation, is taught across these institutions.

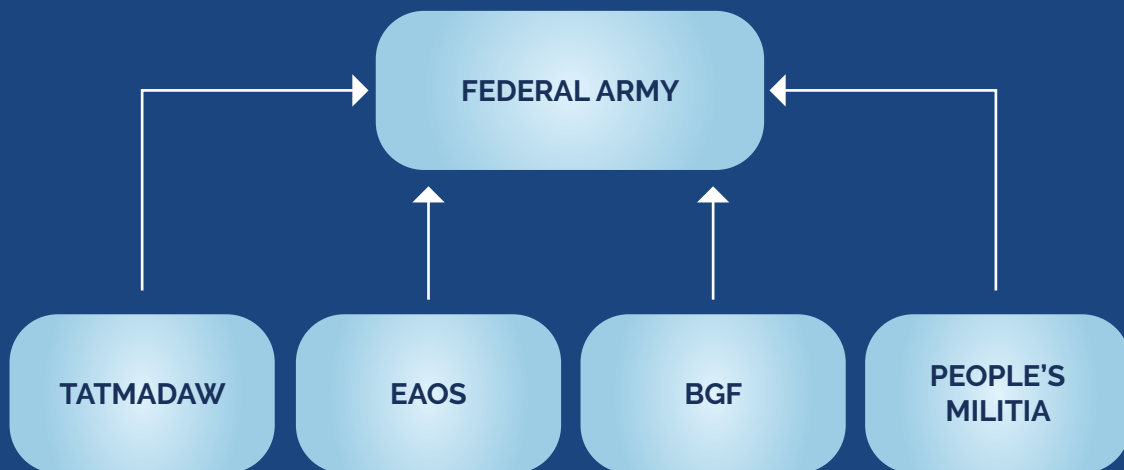
6. Demobilization of the national army: Commands stationed in ethnic states should be proportionate to the assessment of potential external threats in the respective areas.
7. All BGF and PMF units should be reintegrated into a single national army command structure.

Next, subsidiarizing the current MPF, **law enforcement** competency should be given to the states/regions in accordance with new federal arrangements as follows:

1. Each state/region/local should maintain its own police force and determine its command structure.
2. These state/region police forces should be independent from the influence of the national army in all law enforcement matters.
3. State/region police chiefs must be either elected directly by the people of the respective state/region or appointed by the Chief Minister of the corresponding state/region.
4. A dual police system between Union level and state level should thus be implemented.

Finally, the current national intelligence apparatus should be reformed in order to ensure that it serves under the civilian government and contributes to the security of all citizens. The main purpose of the new security apparatus should hence be:

1. To identify significant internal threats, mostly corruption, organized crime, and unconstitutional activity, which could be dealt properly with an appropriate security service; and
2. To identify potential external threats, including military and cyber-crimes, which national security forces could properly deal with.



REGIONAL MILITARY COMMAND



5.2 Recommendations to Key Stakeholders

Based on the above, the Salween Institute puts forward the following recommendations to the EAOs:

1. To analyse what the core interests and concerns of Tatmadaw are in order to rethink and reframe their negotiation strategy;
2. To prioritize core interests and values that they want to protect rather than positions;
3. To have concrete definitions of the terms and principles of their proposal and also reach common understanding among themselves;
4. To draft a federal security framework in accordance with federal democratic principles and norms; and
5. As individual organizations or groups, to develop a state security framework in detail with aims and objectives, structure, criteria, rules and regulations, duties and responsibilities, accountability, check and balance mechanisms, and provision to ensure security for their communities, including protecting culture, language, traditions, beliefs, and other values and interests.

When it comes to the government, the Salween Institute recommends:

1. To find a way to oversee the security forces to provide better security arrangements for both communities and the state, minimizing abuse of power, improving capacity and facility for upholding the rule of law through promoting different kinds of security professionals;
2. To mainstream gender and human rights in drafting proposals for negotiations;
3. To consider gender and human rights issues in its security forces (at both policy and operational level); and
4. To find a way to cooperate with the Tatmadaw to write a revised defence white paper and national security strategy.

5.3 Final Considerations

In the drafting of a state security framework, the following questions should be considered:

- What are the powers of state, district, township, and ward/village executive administrators over the security and justice services?
- Who shall propose and approve the budget and financing of security and justice services? At which administrative level?
- Who shall be able to name, promote, and/or dismiss key leadership and command positions within the security and justice services?
- How will capacity-building/training plans and programs be approved or reviewed?
- How shall broader policies and strategies be developed? What role will the elected bodies have, the broader public play, and how will they be consulted?
- What are the powers or limits of legislative bodies to draft and pass binding legal frameworks of the security and justice system?
- How will borders be managed in order to thwart smuggling and external security threats?

- What rights of information and access will be guaranteed for the media in order to channel information about security and justice system performance?
- What internal powers of investigation and punishment (administrative or criminal) will each of the security and justice services have?
- What cultural or linguistic considerations will be taken into account when decisions on territorial deployments or assignments are made?
- What administrative, policy, or logistical mechanisms/procedures will bind together or unite the distinctly differentiated service provision sub-systems to one another? What symbols or ceremonial structures can be used?
- How will the implementation of security strategies or general performance be evaluated? Who will participate?
- Will retired security and justice providers play any role in current security and justice provision?
- How will security and justice providers be protected from abusive political interference in their performance?
- How will state military and police differentiate their primary roles and coordinate their efforts?
- What precautionary mechanisms can ensure intelligence-gathering efforts do not jeopardize or infringe upon personal privacy?
- What powers will the union-level security and justice institutions retain in order to provide them reassurances?

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We believe

- that equality and the right to self-determination for all ethnic nationalities are fundamental to building a peaceful and prosperous nation.
- that cultivating a strong intellectual foundation is crucial to fostering muchneeded social cohesion among Burma/Myanmar's pluralistic communities.

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