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POLICE REFORM IN BURMA (MYANMAR): AIMS, OBSTACLES AND OUTCOMES

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Executive Summary

Despite all the publicity that Burma has received since the inauguration of a hybrid military civilian parliament in 2011, and the laun that ambitious reform program by President Thein Sein, there are some important issues which seem to have escaped serious study. It has become clear, for example, that the new government wishes not only to reinvigorate plans to expand and remodel the Marinolice Force (MPF), but also to give it a more distinctive civilian style and ethos, and see it take greater responsibility for some key aspects of the countryternal security. Indeed, such steps will be essential if Burma is to strengthen the collaw and make an orderly transition to a genuine and sustainable democracy

The armed forces <code>T(atmada)</code> will remain responsible for external defence and for counter insurgency campaigns against armed ethnic groups. However, it seems to be envisaged thatas part of the broad democratisation process, the MPF will assume a greater role in terms of law enforcement and the maintenance of internal order. Already, there are more blue uniforms than green uniforms on the streets protecting VIPs and standing state guard outside diplomatic missions. The police can also be expected to play a larger part in quelling civil unrest, with the army only called upon to provide aid to the <code>civil</code> <code>power</code> during emergencies, as occurred in Arakan (Rakhine) State in 2012 and Meiktila in 2013.

To this end, the MPF is being expanded, restructured and modernised. It is already larger and more powerful than it has been since the colonial era, but the goal is a force of over 100,000 men and women, with 34

Authors Note

After the Burmese armed forces crushed a nation production product uprising in September 1988, Burms official name (in English) was changed from its-plast4 form, the Socialist Republic of the Union of Bupthack to the Union of Burms which had been adopted when Burma regained its independence from the United Kingdom (UK) in January 1948. In July 1989 the new military government changed the country name once again, this time to the inon of Myanmaco at the same itne, a number of other place names were changed to conform more closely to their original pronunciation in the Burmese language. In 2008, after promulgation of a new national constitution, the countrys official name was changed yet again, this time to Republic of the Union of Myanmaro

The new names have been accepted by most countries, the United Nations and other major international organisations. Some governments and opposition groups, however, have clung to the old forms, largely as a protestine and opposition groups, however, have clung to the old forms, largely as a protestine and opposition groups, however, human rights abuses and its refusal to introduce a genuinely democratic system of government. In this paper the betternown names, for example urmainstead of Mangorpand Inrawaddy instead of Ayeyarwady ohave been retained for ease of recognition. Quotations and references, however, have been given as they originally appeared. Also, formal titles introduced after 1989 have been cited in their current form, such and yanmar Army cand Mayanmar Police Forces such usage does not carry any political connotations.

The armed forces have ruled Burma since 1962 but, from 1974 to 1988, they exercised power through an ostensibly electrodian parliament. On taking back direct control of the country in September 1988, the armed forces abolished the old government structure and created the State Law and Order Restoration Council, which ruled by decree. In November 1997, apparently on the advice of a United-Stated public relations firnthe regime changed its name to the State Peace and Development Council. In 2008, it held a constitutional referendum, which was followed by elections in 2010. The resulting national parliament, consisting of both elected officials and non elected military officers, first met in January 2011. A new government was installed under President Thein Sein in March that year.

After the UK dispatched troops to the royal capital of Mandalay and completed its three-stage conquest of Burma in 1885, Rangoon was **moneti** as the administrative capital of the country. It remains the commercial capital, but in October 2005 the regime formally designated the newly built town of Naypyidaw (or Nay Pyi Taw), 320 kilometres north of Rangoon, as the seat of BusngavernmentWhen they appear in this paper, the termsRangoon regimeor in some cases simpRangoonpare used as shorthand for the central government, including the military government that was created in 1962 and reinvented in 1988. After 2005, the government referred to as the Naypyidaw regimeor simplyn D\S\LGDZO WR UHIOHFW WKH DGPLQLVWUD took place that year.

Another term used in this paper Tatmadaw OLWHUDOO\ nUR\DO IRUFHO WKH YHUIRU % X Use No ice Var Med forces. In recent years, this term has gained wide currency in EnglishODQJXDJH SXEOLFDWLRQV RQ % XUPD : KLOH WKH WHUP refers only to the armed forces, it is sometimes used in a wider context to refer to the armed forces, the nation as ROLFH IRUFH DQG WKH PpOF & RKQLppHUQJ we

from 15 s16 March 2013. It draws on research currently being conducted for a major VWXG\RI %XUPDoV SROLFH IRUFHV VLQFH WKH FRORQLDO S benefited from the generous assisce of the Griffith Asia Institute, and from personal contributions by Dr Nicholas Cheesman and Dr Nicholas Farrelly, both of the ANU. I am also grateful to the convenors of the 2013 Myanmar/Burma Update Conference for helping me commission translations several Burmese language documents and websites, and to Thein Than Htay, Myat Khet Nyo and Ma Khin Mar Mar Kyi for the translations

Glossary

ABRI

Angkatan Bersenjata Republik Indon (trada) nesian National Armed Forces)

AFP

2. The Police in Burma

% HIRUH FRQVLGHULQJ WKH FXUUHQWrce, Wits Drefloxin RI % XUPDoV (program and the areas where it is likely to encounter the greatest challenges, it is necessary briefly to look at its antecedents. For, as David Bayley has written:

The characteristics of contemporary police systems, such as their structur manner of control, and image, change very slowly; they show a striking persistence over time. Events as supposedly formative as major wars, political revolutions, and social and economic transformations affect police systems surprisingly little?

At one level, this is certainly true of Burma. It is more than 150 years since a constabulary police force was established in the then province of British Briteniain a number of areas it is possible to identify strong continuities between the edicanial police forces and the MPF.7 KDW VDLG WKHUHLV QR HVFDSLQJ WKHID military coup in 1962 completely changed the status of the police force in Burma and had a major impact on the way it has operated over the past 50 years.

4. Obstacles to Reform

Lookingback over the past 15 years, the MPF can claim to have achieved a number of successes. The force has become larger, more modern and, in some respects, more capable. To a degree, at least, it has acknowledged corruption and human rights abuses in its ranksand, after a fashion, attempted to address its poor relationship with the wider community. It has also become more engaged in international efforts to combat transnational crime. It is clear, however, that the MPF still faces a number of serious problems. These may be easier to tackle, now that a new wind is blowing through 1 D\S\LGDZ DQG 7 KHLQ 6 HLQoV UHIRUPV DUH EHLQJ ZLGHO\ZHO the country. Even so, the transition from a highly militarised police force used to wielding unbrided power in support of a repressive regime, to a more professional and civilianised force observing the rule of law, answerable to an elected government and respected by the people, is not going to be quick or easy.

This has certainly been the case **tineo** post authoritarian states, notably Indonesia. 6 X F F H V V L Y H % X U P H V H J R Y H U Q P H Q W V K D Y H O R R N H G W R , Q G R Q development, in particular how to legitimise the political role of the armed forces. More recently, Naypyidaw has sough D N D U W D o V K H O S L Q n R Y H U K D X O L Q J W K H 7 D V W K H F R X Q W U \ o V Z L G H These Hodrine the two states deen overstated, and in important ways the modern histories of the two states deen their police forces s have been quite differt. F 7 K H L Q 6 H L Q o V R I I L F H K D V G H Q L H G W looking at any particular country for a policing model, but Indonesia can offer a number of useful lessons in the area of security sector reform. As its experience over the past decade has shown, some of the oblems currently being faced by the MPF can be tackled at the political and institutional level. Others, however, are more complex and need to be approached at the psychological and societa entering the properties of the two states and their political and institutional level. Others, however, are more complex and need to be approached at the psychological and societa entering the properties of the two states and their political and institutional level. Others, however, are more complex and need to be approached at the psychological and societa entering the properties of the two states and their political and institutional level.

Unsurprisingly, the key challenges to reform of the conformed in Burma are closely related sindeed, most overlaps but six broad categories can be identified

Structure and Resources

Reflecting both its colonial antecedents and the more recent influence of the Tatmadaw, the MPF is a strictly hierarchicalganisation with a strong central administration at MPF + 4 LQ 1D\S\LGDZ DQG VXERUGLQDWH HOHPHQWV LQ %XUPDoV also separate municipal forces in Naypyidaw, Rangoon and Mandalay. At a lower level, there are currently ,256 po O L F H V W D W L R Q V V S U H D G W K U R X J K R X W % X U P I townships and 16,000 villages As the MPF grows, becomes much more diverse and

managed carefully, to avoid exacerbating political, racial and religious tensions. However,

Since 2011, Special Branch has taken full responsibility for the collection and

institution in the country. The 2008 constitution guarantees the armed forces a privileged position in national affairs, particularly in the security arena, and the government includes several serving and former generatarting with the president himself. At the parliamentary level, all national, State and Regional assemblies are stacked re e

effectively offered sanctuary from the civil law. Soldiers responsible for human rights abuses have rarely been charged or prosective flavor fewer have been punished. If WKH nUXOH RIODZO LV WR SUHYDLO DQG WKH SROLFH IRUF situation cannot continue.

If Thein Sein truly wants to civilianise the MPF and make it more independent, as befits a police force in a democracy, he will also need to support efforts by the MPF to develop

EDFNLQJ ZHDOWK\ JRYHUQPHQW rensition for the state of law in the absence of clear orders from above, they were unable to textieive action.

EXW VHULRXVO\ XQGHUPLQHV WKH JRYHUQPHQWoV UKHWRULF the rule of law?

For the reform of the MPF to be successful, the distion between a military and civilian approach to policing will have to be much clearer. The police battalions will need to be imbued with the same basic ethos and outlook as other police officers. This argues for more integrated civil and paramilitary pertraining programs and a shared exposure to courses on such issues as international human rights and combourity policing. In some cases, for example at the advanced recruit and officer promotion levels, there would be real benefits in teaching somethese courses to mixed classes containing officers drawn from both the civil and paramilitary arms of the force. The battalions would still be recognised as a distinct part of the MPF, with special responsibilities and thus special training needs, blodey can also be encouraged to learn and practice a wide range of skills that are more consistent with the principles of policing in a democratic society.

Police Culture and Socialisation

For these and other reforms to have any real and lasting effed (FFF) will be required to undergo a profound change in its professional culture. There are a number of HOHPHQWV WR WKLV FRYHULQJ WKH IRUFHoV DWWLWXGH WR Burma, its understanding of its roles and responsibilities; saperceptions of the civil SRSXODWLRQ 5HIOHFWLQJ WKH SUHVLGHQWoV RZQ nWRS GRZ issued a number of directives on such matters and implemented a number of practical measures designed to encourage development of a different indeet in the force. Structural and procedural reforms, however, will only go so far in achieving the desired end. For cultural change requires a shift of consciousness at the psychological and societal levels. As developments over the past year howers, such a process is bound to be very difficult and will take a long time.

As Nicholas Cheesman has pointed out, from the colonial period through to the advent of the Thein Sein government, policing in Burma has been conceived as a regime service rather than a public service. This has encouraged militaristic, authoritarian approach to law enforcement. Some contemporary scholars have even described Burma before 1942 as being under a kind of permanent martial law, albeit enforced by the police, rather than the armed forces: 'XULQJ WKH ZDU ZLWK WKH DVVLVWDQFH RISROLFH IRU Kahnpetalin Stibria police ruthlessly enforced compliance with , PSHULDO UXOH)ROORZLQJ % XUPDoV LQGHSHQGHQFH LQ attempted to introduce a different kind of police model but this had to take second place to the exigencies of survival, in the face of multiple insurgences QGHU 1H:LQoV 1958 s nFDUHWDNHU JRYHUQPHQWo WKH PLOLWDU\ FKDUDFWH consobusly reinforced: After the coup two years later, they became standard practice.

Since 1962, the police force particularly Special Branch and the paramilitary battalions s have supported the Tatmadaw inaintaining security and public order. They have 10073>353.95 664itc

WKUHDWHQLQJ 7KH 03) oV FKDOOHQJH XQGHU 7KHLQ 6HLQoV behind that way of looking at the country and embrac completely new style of policing, one that is in keeping with a more civilian, democratic regime in which open dissent is accepted as normal and legitimate. The MPF needs to see itself as the protector and servant of the community, not of the armedofes or the government. Unless it can do that, increase its performance in the areas of law enforcement and the maintenance of orderand increase its professionalism at both an institutional and individual level, then it will not ti3()-10(i)419G3()3(-46(a)-3(r)--3(t)5(ss)-5u5(i)4(t)5(u)-r))6(t c5()-94(o-15(p)-1))6(t c5()-94(o-15(p)-1)6(t c5()-94(

Ultimately, police reform in Burma will depend on a high level of public trust, something which at present is sadly lacking. This is likely to be the case for some time. Symbolic and superficial measures are a good start, but substantial austainsed changes are UHTXLUHG QRWDEO\LQ WKH IRUFHOV SURIHVVLRQDO FXOWX SDUWLFXODUO\LPSRUWDQW DW WKH ORFDO OHYHO)RU DV 'F performance of mundane duties that the role of thotaige can have the greatest impact LQ HLWKHU VWUHQJWKHQLQ® ARdJ those Greatest Foldow greater GHPRFUDF\o effort by local police to connect with their neighbourhoods. For only then will there be a real shift in community attitudes. By the satroleen, as policemen live and work among the civil population, their faults are on display for all to see. Continued reports of police

5. The Police and Political Reforms

W LV GLIILFXOW WR HQYLVDJH WKH UHIRUP RI %XUPDoV SROL

lead in turn to increased government revenues and more resources available for

6. Conclusion

Over the past decade, a broad consensus has developed about what democratic policing looks like. Analysts haidentified seven basic principles: that the police force operates in accordance with the law, is regulated by a professional code of conduct, protects life by minimising the use of force, is accountable to the public, protects life and property through poactive crime prevention, safeguards human rights and dignity, and acts in non discriminatory manner. Other observers have condensed these seven principles to just three: the police force must adhere to international standards of human rights, it must maintain effective internal and external accountability, and develop a partnership with local communities to achieve public safetyMeasured against all these benchmarks, Burma has made some progress since the late 1990s, and perhaps even since the advent of new government in 2011, but it still has a very long way to go.

*LYHQ WKH KLJK OHYHO RI RSWLPLVP WKDW KDV IROORZHG 7 wide ranging reform program, and the relaxation of controls on Burmese society, it is worth noting that, in every country where major police reform has been attempted, it has taken a long time. Inevitably, there will be setbacks and some problems will be difficult to resolve. A few observers have suggested, for example, that the excessive use of force by the M3) DW WKH PLQH VLWH DW /HWSDGDXQJ LQ reform process and thus the reform of the MPE is stalling. Certainly, that incident demonstrated that old ways of thinking about political dissent in Burma die hard. Yet, it can also beargued that the public apology and parliamentary enquiry that immediately followed indicates that the government is aware of the need for change and is trying to be more responsive to public concerns. It may also be trying to demonstrate that the MPF is now being held accountable for its actions.

W LV LPSRUWDQW WR DFNQRZOHGJH WKDW IRU DOO WKH 03) been recognised, a range of corrective measures has been explored and, in some cases, implemented. The final outcome, howeveil depend on factors that are out of the SROLFH IRUFHOV GLUHFW FRQWURO 7KHVH UHODWH PDLQO\

PHD(

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 Paper No. 20 (Indian Ocean Centre for Peace Studies, University of Western
 Australia, Nedlands, 1992).
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 X Q H L Q) L O H n % X U P D 3 R O L F H) R U F H o \$ X V W U D O L 3008/3/1/1, Barcode 547596.
- 99 There is already pressure on threesident to reduce defence spending to pay for VRFLDO SURJUDPV 6HH IRU H[DPSOH = LQ /LQQ n & DQ SUFDV GHIHQFH EX/AsiahH Worrtespohhthe/ht/170 December 2012, at http://asiancorrespondent.com/93789/carpresidentslashpoverty-rate-in-burma-as-defense-budget-highest/
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 103 It is understood that President Their Sein takes a personal interest in the reform of
- 103 It is understood that President Their Sein takes a personal interest in the reform of the MPF and has made a number of suggestions for further changes. Interview, Naypyidaw, February 2013.
- 104 The most senior female MPfficer is a Lieutenant Colonel.
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- 109 It has been suggested that one **sea** why the police force has always been given a low priority for the issue of modern arms, is that they are too often captured by insurgents, who can then use them against the Tatmadaw. Being poorly armed, however, isolated police stations are more validated to attack.
- 110 The CCDAC leads all drug enforcement efforts in Myanmar and oversees-10 sub committees.
- 111 8 Q G H U W K H F R Q V W L W X W L R Q D O O n D U P H G I R U F H V o L Q of the Defence Services. It is a moot point whether this specyificapullies to the 0 3) o V F R P E D W Co En Stituthohof On the Republic of the Union of Myanmar (2008), p.148.
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&KLDQJ

- 114 6 H H I R U H [D P S O H n 0 \ D Q P D U J R Y o W et/steld unit of the two of the transfer of the transf
- 115 The usual strength of a MR5mbat battalion is about 350 officers and men, with the capacity to expand to 500 during emergencies. Instead of creating new battalions, another option for the MPF would be to increase the normal strength of existing units.
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- During the 1988 pro-democracy uprising, it was claimed by the government that it did not possess tear gas, and thus had to resort to firearms to clear WKH VWUHHWV RISURWHVANS/Jahvke/ek/276JahnHaryn,19869DYHG %XUPDo at <a href="http://netipr.org/8888/interview_with_gen_saw_maung_by_asiawee}\text{That} said, the police on the streets in 2007 were armed with an extraordinary mix RIROG DQG PRGHUQ ZHDSRQV: Southphort grewless H[DPSOH n*DIRU %XUPHVH Southphort drewless H[DPSOH n*DIRU %XUPHVH NEW MINION HEAD NEW M
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December 2012, ahttp://www.bbc.co.uk/news/world asia 20650576

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- 124 See, for example The GovHUQPHQW &RXOG +: DS & CHAria&n Wille An SeeHG 7KLVoDQG (QVXLQJ \$EXVHV LQH & MAKE MURRIGIA BUND MQrk 6 WDWH 2012), pp. 24ff at

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 Management in Sydney and the Australian Federal Police College in Canberra.

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