

Epilogue

Senior General Than Shwe

Senior General Than Shwe was the mastermind of Myanmar's transition to democracy. The 2008 constitution was his brainchild. Under the 2008 constitution, the Tatmadaw does not play a leading role in day-to-day executive or legislative matters, but it serves as a gatekeeper for the constitution. This role is ensured by the twenty-five per cent of seats in all *hluttaw* filled by non-elected military officers, ensuring that the constitution cannot be amended without their agreement.

Than Shwe laid down the seven-step road map to democracy and created the political space in which the major players in Myanmar's politics—political parties, the military and ethnic armed organizations—can work together and build trust with each other. Than Shwe always said if all the stakeholders were able to build trust, they could amend the constitution in the future. However, few believed his road map would bring a bloodless democratic transition to Myanmar.

Than Shwe created the Union Solidarity and Development Association (USDA). Later, as the Union Solidarity and Development Party (USDP), it served as a political machine to implement his road map. He also ordered the construction of many infrastructure projects throughout the country, including the future capital, Naypyitaw. Than Shwe, however, paid very little attention to institution building. The only institution he prepared to serve the new political landscape was the Tatmadaw. Even the USDP lacked the concrete foundation of a true political party, being united only by his authority.¹ When Than Shwe left the political scene, the USDP collapsed because of factionalism.

Than Shwe selected loyal and humble Thein Sein to lead the transition. He believed Thein Sein would never overstep his power but would dutifully

implement the reform according to the 2008 constitutional framework. But Than Shwe made a mistake in selecting the very ambitious Shwe Mann as deputy chairman of the USDP and Speaker of the Pyithu Hluttaw. He underestimated Shwe Mann's ego and bitterness. If Shwe Mann had been president and Thein Sein Speaker of the Hluttaw, Thein Sein would never have plotted against Shwe Mann.² If Than Shwe had asked Shwe Mann to retire with him and Vice Senior General Maung Aye and had appointed Htay Oo (secretary of the USDP) as Speaker, the clash between the executive and the Hluttaw would never have materialized.

Than Shwe made another mistake by allowing Shwe Mann to keep the two powerful posts as USDP deputy chairman and Hluttaw Speaker.³ When the other two deputy chairmen, Tin Aung Myint Oo and Tin Aye, became vice president and chairman of the Union Election Commission, Shwe Mann was the sole individual to run the USDP, and he misused his power. If Than Shwe had kept Shwe Mann as patron of the USDP in accordance with his original plan, the conflict between Shwe Mann and Thein Sein would have been averted.

When the power struggle between President Thein Sein and Speaker Shwe Mann intensified, other USDP leaders approached Than Shwe and pleaded with him to intervene, but Than Shwe refused to do so.⁴ Than Shwe replied that if they refused to listen to his advice, he would lose face.⁵ But this may not be the real reason for his refusal to intervene. Than Shwe wanted to punish Thein Sein for bringing Aung San Suu Kyi and the NLD into the Hluttaws. This damaged the USDP's chances for victory in the 2015 election. Later, Than Shwe said Thein Sein was weak, Shwe Mann was a traitor, and Soe Thane and Aung Min acted as CIA agents.⁶

Than Shwe clearly had a vision and strategy for Myanmar's transition to democracy, and for the military's role in future politics. However, he misjudged Shwe Mann and failed to build strong institutions, which led to the USDP's defeat in the 2015 election.

President Thein Sein

The man who implemented the democratic transition under the 2008 constitution was President Thein Sein. Than Shwe's selection of Thein Sein surprised everyone. However, Thein Sein's democratic reforms generated even greater surprise. From his outward appearance, Thein Sein gives the impression of being a desk-bound general staff officer. In

reality, from the time he was a second lieutenant to the time he became a lieutenant colonel, he saw the battles against Communist Party of Burma insurgents with the elite Nos. 77 and 99 Light Infantry Divisions. He led the No. 109 Light Infantry that recaptured the strategic Myanmar-China border town of Panghsai (Kyu-Hkok)⁷ on 6 January 1987. As commander of the Triangle Regional Command—responsible for the golden triangle area—he commanded operations against drug lord Khun Sa along the Myanmar-Thai border.

Unlike other senior military leaders, Thein Sein was very gentle and a good listener. He patiently taught subordinates and never harshly punished them when they made mistakes. He allowed them to correct themselves. He is remembered by local people for his kindness. As commander of the Triangle Region Command, Thein Sein was known as “less cruel” than other men who had held the same job. Indeed, he was the commander that the people hated the least, according to Khuensai Jaiyen, an editor of an organization that reports news about the Shan ethnic group.⁸

He never built his own clique in the army and thus had no military power base. He never tried to place his own people into important positions. No senior officer felt he belonged to Thein Sein. Even when he became president, he never used his power to try to build his own network within the Hluttaw, the business community, the civil service or civil society. His only network and powerbase was his cabinet ministers, even though some ministers felt that they owed Than Shwe and Shwe Mann more for their careers in the military.

This is in stark contrast with Shwe Mann. After he became chief of staff of the Tatmadaw, he worked hard to promote his own people as division and regional commanders. After the downfall of intelligence chief General Khin Nyunt in 2004, Shwe Mann placed his people in government ministries.⁹ When Shwe Mann became Hluttaw Speaker, he recruited retired military officers, civil servants and ambassadors to the Pyithu Hluttaw's Legal Affairs and Special Issues Assessment Commission. He also used his legislative power to win over the business community, civil society and the media.

Thein Sein tried to avoid confrontation and debate. He was reluctant to force his decisions on others. After the political crisis over the impeachment of the Constitutional Tribunal, he avoided a further crisis with the Hluttaw. As an officer who abided by the laws and regulations, Thein Sein was always concerned about being accused of wrongdoing.

He not only wanted to protect his integrity but also his family. Shwe Mann understood Thein Sein's character well and threatened him with impeachment. Even though Amyotha Hluttaw Speaker Khin Aung Myint assured him that the Amyotha Hluttaw would never support an impeachment resolution,¹⁰ Thein Sein always recalled Shwe Mann's and his supporters' threats. Thein Sein admitted that he never enjoyed the presidency, and that 2013 was the worst year of all.¹¹ He even decided to resign in late 2013 and wrote a letter of resignation, but his close associates persuaded him not to submit it.¹²

Thein Sein's proclivity to follow all rules and regulations became his liability in dealing with Shwe Mann. The constitution forbids the president from taking part in party activities, and Shwe Mann used this prohibition to sever all connections between Thein Sein and the USDP. However, there were means by which the president could have connected with USDP leaders. Since all USDP leaders were members of the Hluttaw and most of them were chairmen of Hluttaw committees, Thein Sein could have invited them for discussions and thus guided them on legislative issues. But Thein Sein thought to do this was contrary to the constitution, and he refused to create these opportunities. He was also concerned that Shwe Mann would accuse him of breaching the constitution and arrange his impeachment. Thus he left all legislative issues to Shwe Mann, and thereby lost his remaining influence over the USDP.¹³

Thein Sein is not an ambitious man. He merely tried to do his best whether he was a platoon leader or division commander or the President of the Republic. Even during military training, he never contested for the top spots. He did his best and happily accepted the results.¹⁴ As president, he avoided populist policies. He never decided a policy for the sake of political popularity. There were many opportunities where he could have used the image of General Aung San, Myanmar's national hero and Aung San Suu Kyi's father, such as on currency notes,¹⁵ or attending the Martyr's Day ceremony.¹⁶ For Thein Sein these were not strategic interests related to his reform programme, so he did not use them for his political advantage. He did not want people to criticize former USDP leader Than Shwe by making decisions contrary to his old leader. Thein Sein was grateful to Than Shwe for allowing him to implement the democratic reform process and for not interfering in his work.¹⁷ As his own personal decision it was correct, but as a consequence, politically, Thein Sein lost opportunities to enhance public support for himself and for the USDP.

His humble, patient and consensus-building leadership style was his strength in building national reconciliation, but it was a weakness in dealing with his cabinet ministers. His reaching out and listening to other peoples' opinions before he made decisions was interpreted by others as indecisiveness. He never forced ministers or chief ministers to implement his policy; he wanted them to cooperate with him on their own volition. Ministers familiar with Than Shwe's style of governing did not fear Thein Sein, although they regarded him as a good leader. They understood that Thein Sein would not ruthlessly punish them for their disobedience. Thein Sein was always reluctant to remove or discipline his cabinet ministers. Sometimes he waited nearly a year to take action against them.¹⁸ When his tenure ended in March 2016, there were draft orders to remove three cabinet ministers for alleged corruption on Thein Sein's desk, but, in consideration for their previous contributions to the country, he allowed them to serve until the end of his tenure.¹⁹

Corruption was an issue on which Thein Sein failed to take the initiative. Thein Sein was clean and not personally corrupt. Nor were his three daughters involved in business. Thein Sein acknowledged that corruption was a major challenge for his reforms in his first address to cabinet, and he set up an anti-corruption committee led by one of the vice presidents. Later, he worked with the Hluttaw for an anti-corruption law in 2013. People who saw and suffered from widespread corruption, nepotism and cronyism under the military welcomed these initiatives and hoped to see strong action from the president, but he failed to deliver it. There were constraints on Thein Sein's anti-corruption drive. First, corruption was deeply rooted after two decades of military rule. Retired senior military officers and their families—including Than Shwe and Maung Aye, current USDP leaders and their families including Shwe Mann, Tin Aung Myint Oo and Aung Thaung—had been involved in many suspicious business deals in the past, and Thein Sein had to be very careful of a backlash from them. Second, Thein Sein did not want to publicize disciplinary action against corrupt officials. He removed some ministers and senior officials because of their corruption, but he failed to publicize these actions because he wanted to protect their families. He never believed in naming and shaming others. But these people paid the president back for this by attacking him after their forced retirement. Sometimes Shwe Mann recruited them to his camp by appointing them to Hluttaw special commissions and USDP organizational activities. He

even allowed two former ministers to contest as USDP candidates in the 2015 general election.

Thein Sein believed the split in the ruling hpa hsa pa la (Anti-Fascist People's Freedom League; AFPFL) party in 1958²⁰ that led to the military caretaker government (1958–60) provided a valuable lesson for civilian politicians.²¹ He tried hard to keep the split with Shwe Mann within the party. When the USDP Central Executive Committee (CEC) removed Shwe Mann as acting party chairman on 12 August 2015, some USDP leaders, including some chief ministers from regions and states, urged Thein Sein also to arrest Shwe Mann and remove him from the Hluttaw Speaker's post or force him to resign voluntarily. Thein Sein turned down their requests.²² Shwe Mann had anticipated and prepared for possible arrest²³ after 12 August, knowing what he would do were he in Thein Sein's position.

Thein Sein never dreamt of becoming a politician. He had no ambition to become president or commander in chief. It was his destiny to lead the democratic transition. Thein Sein's vision for the presidency was as a means to public service, and he tried his best for the people and the country. Thein Sein was not ruthless like Than Shwe, a smooth operator like Shwe Mann, or a charismatic individual like Aung San Suu Kyi. President Thein Sein is and was too nice to be president amid Myanmar's turbulent politics. This was his strength and also his weakness during Myanmar's transition to democracy.

The Cabinet

The team that implemented the president's reform programme was the Union Government, in particular the cabinet. According to the constitution, the Union Government is composed of the president, vice presidents, Union ministers and the attorney general.

The success of the president's reform programme depended on the unity of the cabinet, but Thein Sein's cabinet was anything but a united one. Some ministers thought they owed their positions to Than Shwe, and some sat on the fence waiting for the day when Shwe Mann became president.

The majority of the cabinet members were former senior military officers who never understood the changing political and media environment. They did not behave like politicians or consider public opinion. Rather, they

behaved as if they were under the State Peace and Development Council (SPDC) military government.²⁴ They were arrogant, not only with civil servants but also with the public. They allowed their children and relatives to be involved in business activities connected with their ministries, despite the president forbidding this. Their families led extravagant lifestyles with big mansions, luxury cars and foreign shopping trips. People knew of this from the newly opened media and Internet. Their Sein continuously warned about these things, but most of the cabinet members did not heed his admonitions. They knew the president would never take action against them. They respected him, but they did not fear him.

There was no effective coordination between cabinet members. Each minister emphasized his or her ministry's interests and sometimes their own personal interests. They never felt that their ministries were part of the reform strategy.²⁵ At the end of 2012, the government and development partners adopted a "Framework for Economic and Social Reforms: Policy Priorities for 2012–15 towards the Long-Term Goals of the National Comprehensive Development Plan", or FESR. The FESR was an essential policy tool for the government to implement the country's short-term and long-term development objectives. But very few ministries based their decisions on the FESR in setting their public policy priorities and budget. They only paid lip service to the president's reform programmes. Many felt that the liberalization of government procedures would interfere with their authority, especially when instructions to do so came from President Office ministers. They used all bureaucratic means to delay or divert reforms. Sometimes they sought Shwe Mann and Hluttaw assistance to disrupt changes.

The situation was the same at the regional and state government levels. Thirteen of the fourteen chief ministers were former military officers. They ruled their respective governments like state and regional SPDC chairmen before 2011. They were involved in many controversial businesses, as well as land seizures and government contracts. As regional government policies directly affected people's daily lives, their behaviour damaged the president's image.

In the end, many Union ministries, as well as regional and state governments, failed to implement the president's reform strategy effectively. The cabinet failed to promote the government's image and deliver reform dividends to the grass-roots level. Because of a dysfunctional cabinet, administrative and private sector reforms were stalled if not derailed.

When newly elected President Thein Sein delivered his first policy speech to the cabinet on 31 March 2011, he warned them that the people would judge the performance of the government on their experiences in daily life, and his cabinet failed the test.

Union Solidarity and Development Party (USDP)

Senior General Than Shwe formed the Union Solidarity and Development Association (USDA) as a social organization in 1993. The USDA became the USDP in 2010 in order to contest the 2010 general election. The USDP was to be a political machine to implement Than Shwe's seven-step road map, but it never became a strong and effective institution.²⁶ When the USDA was transformed into the USDP, all of the CEC members, Central Committee members and regional leaders were selected by USDA leaders who were ministers in the SPDC government. They lacked mandates from the grass roots. When the USDP selected candidates for the 2010 election, many retired military and civil servants became candidates without having participated in any USDA organizational activities or having any knowledge of their respective constituencies. Even Shwe Mann and Tin Aung Myint Oo were involved in USDA affairs only at the regional level as patrons of the regional USDA. They were never involved in the USDA policymaking process, nor did they understand the dynamics of the organization. This created friction among latecomers (Moekya Shwe Ko) of USDP leaders and MPs and local USDP leaders who actually knew and lived with the voters.²⁷

After the election, all the top leaders of the USDP became government ministers or Hluttaw members. According to the constitution, government ministers could not be involved in party activities. Hluttaw members were busy with legislative issues, capacity building for the Hluttaw and Hluttaw committee work.²⁸ Thus the USDP neglected party organizational activities from the Union level to the ward and village levels²⁹ and was not able to use the party machine to promote the president's reform programme at the grass-roots level. During the USDA days, CEC members (ministers and deputy ministers) tightly controlled their respective regions. This practice was carried over to the USDP, and elected Hluttaw members were controlled by former ministers in the Hluttaw. When Shwe Mann and powerful leaders like Aung Thaung³⁰ turned against President Thein Sein, the USDP-controlled Hluttaw served the interests of these persons rather

than following the party manifesto and policies. If the USDP leadership had been united, the party organization would have been mobilized to support the reform programme both in the Hluttaw and at the grass-roots level.³¹ But the absence of intra-party democracy combined with institutional weakness resulted in the party being unable to prevent conflict between the USDP government and the USDP-controlled Hluttaw.

In early 2014, five USDP CEC members who were concerned about the 2015 election wrote a personal letter to Shwe Mann. They said that if Shwe Mann wanted to be president (which he had openly said since 2013), first the USDP would need to win the election. They warned Shwe Mann as follows:

1. The party was becoming the victim of a power struggle between the government and the Hluttaws.
2. Shwe Mann has neglected party organizational work and is paying more attention to legislative matters in order to control the president and government. Party grass-root organizations are in disarray and have lost confidence in the party leadership.
3. Party members are concerned about relations between Shwe Mann and Aung San Suu Kyi. Shwe Mann must conduct his relations with Aung San Suu Kyi in a transparent manner. Party grass-root members cannot accept an alliance with the NLD, as it has always attacked the USDA and Tatmadaw leaders in the past.
4. MPs who are close to Shwe Mann have exhibited strong criticism of the president and of the government. This has gone beyond the need for checks and balances and is hurting the image of both the party and of the government.
5. Shwe Mann must work for unity between the government, the Hluttaws and the Tatmadaw and set aside his personal interests. This would be the only means for a USDP victory in the 2015 election.

Shwe Mann never responded to this letter.³²

The USDP became a victim of power politics by Shwe Mann. Shwe Mann, instead of building a strong institution, used the USDP as a tool in a tug of war between the Hluttaw and the executive. Because of Shwe Mann, Thein Sein and ministers neglected the party and never tried indirectly to support the USDP, and as a result the party was weakened. This was in stark contrast to how Aung San Suu Kyi and the NLD government

indirectly supported and coordinated with the party at the policy level. Even the military established a distance from the USDP because of Shwe Mann and USDP representatives in the Hluttaws who were openly against Thein Sein on many occasions.

These factors contributed not only to the USDP 2015 general election debacle but also to the failure of Thein Sein's reform agenda.

President Thein Sein had great opportunities to lead the Myanmar transition to democracy between 2011 and 2016. He started reforms beyond every expectation but lost opportunities to deliver what the people anticipated. However, on the positive side, President Thein Sein was able to transform Myanmar into a more transparent and dynamic society, to bring Aung San Suu Kyi and other opposition activists into the political process, to initiate a peace process that led to political dialogue with many ethnic armed organizations, to reintegrate Myanmar into the international community after five decades of isolation, to rectify the exchange rate and encourage foreign investment, and, most importantly, for the first time since independence was regained in 1948, enact a peaceful transfer of power from one elected government to another. That is the positive legacy of President Thein Sein and his democratic reforms.

Notes

1. Interview 010.
2. Interviews 030, 044, 026 and 050.
3. Interview 026.
4. Interviews 004, 007, 026, 044 and 050.
5. Interview 030.
6. Interviews 010 and 020.
7. Chinese-backed CPB insurgents captured Panghsai (Kyu-Hkok) on 20 March 1970. Later, the CPB designated Panghsai and Mong Ko region along the Chinese border as the Northern Bureau.
8. "A Most Unlikely Liberator in Myanmar", *New York Times*, 14 March 2012.
9. In 2010, out of the five director generals in the Ministry of Information, four, including myself, had served under Shwe Mann in the army and were transferred to the MOI on his recommendation.
10. Interview with Khin Aung Myint, 13 November 2016.
11. Interview with Thein Sein, 20 November 2017.
12. Interviews 014 and 033.
13. Interviews 003, 019 and 020.

14. Interview 010.
15. Prior to 1990, all Myanmar currency notes featured General Aung San's portrait, but the military government had this removed from all new notes after Aung San Suu Kyi emerged as the main opposition leader.
16. Martyrs' Day is a national holiday observed on 19 July to commemorate the assassination of General Aung San and seven other leaders of the pre-independence interim government on that date. Successive military leaders, including Ne Win and Than Shwe, did not participate in the ceremony from some time in the 1970s, thus downgrading its visibility and importance.
17. Interview with Thein Sein, 20 November 2017.
18. Interview 010.
19. Interview with Thein Sein, 20 November 2017; Interview 003.
20. Pasapala leaders brought internal party disputes into the government and parliament, resulting in a military caretaker government. That government handed back power to one of the Pasapala factions, that of Nu, after eighteen months.
21. Interview with Thein Sein, 20 November 2017.
22. Interview 020.
23. Remarks by Shwe Mann at a discussion with the Pyinmana Book Club members, 11 May 2018.
24. Interview 017.
25. Interviews 019 and 020.
26. See chapter 3 in this volume on the Union Solidarity and Development Party.
27. Interview 070.
28. Interviews 030, 044 and 050.
29. Aung San Suu Kyi apparently learned a lesson from this and some NLD CEC members did not contest in the 2015 elections.
30. Former minister of industry and Mandalay region USDA leader before 2011.
31. Interview 030.
32. Interview 070. The author personally saw a copy of this letter.