

## **CIVIL-MILITARY RELATIONS: A COMPARATIVE STUDY OF MYANMAR AND THAILAND SINCE 2011\***

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### **Abstract**

The civil-military relations (CMR) refers not only interactions and balance of power between the elected civilian politicians and military leadership but also relations between the military as an autonomous institution within the state and other non-military apparatus of the state, as well as civil society. For a country in transition from military to civilian government, CMR plays an important role in the consolidation of democracy. Civil-military dynamics are shaped by historical, cultural, political, societal and international factors. With the military's power embedded in the 2008 constitution and 2017 constitution, the military plays a critical role in shaping the civilian government pathway in Myanmar and Thailand. Although both countries are practicing democracy by the civilian governments, the military remains as a central role in politics. To achieve a consolidated democracy, it is necessary to have healthy CMR with civilian control over the military. Because of such circumstances, this paper aims to analyze the interactions and balance of power between the civilian and the military from the comparative perspective of Myanmar and Thailand. Upon the CMR in Myanmar and Thailand, the research question focuses on how Myanmar and Thailand establish their CMR towards democratization and democratic consolidation and what the similarities and differences on CMR are in Myanmar and Thailand during the transition from military to civilian governments.

**Keywords:** Civil-Military Relations, Myanmar, Thailand, Democratization.

### **Introduction**

Western countries establish the military as a coercive organization that is democratically controlled and has oversight from the civilian government. In many developing countries like Myanmar and Thailand, by contrast, military had been taking the role of government in Myanmar politics for years and in Thailand, military occasionally takes governing role when it is necessary. Consequently, military in both countries acquires the highly influential role. Moreover, these countries are in the stage of transition from the military governing to the civilian governing. Myanmar is the challenging transition from military to democratic government while Thailand is the vicious cycle of civilian government and military rule.

The model of objective civilian control requires the civilian leadership to make policy decisions while the military plays only an advisory role in the security domain and implements the government's decisions. The term CMR refers broadly to the interaction between the armed force of a state as an autonomous institution, and the other sectors of the society in which the armed force is embedded.

The purpose of this paper is to analyze the similarities and differences of Myanmar and Thailand civil-military relations since 2011 and to examine how Myanmar and Thailand establish in civil-military relations so as to consolidate democracy. This paper is covered with five folds. The first section will review theoretical perspectives on civil-military relations (CMR). The second section will examine the civil-military relations in Myanmar. Then, the third section will study the civil-military relations in Thailand. The fourth section is going to analyze the civil-

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military relations by comparing three partners of the military, the political elites and the citizenry between the two countries.

### **1. Theoretical Perspectives on Civil-Military Relations (CMR)**

For a country in transition from military to civilian government, CMR plays an important role in democratization and democratic consolidation. There are several theories of CMR. Samuel P. Huntington's separation theory describes the separation of civilian and military institutions, non-involvement of the military in domestic politics and the subordination of the military to the civilian authorities as it occurs in the United States and suggests that it is the ideal model for other nations to emulate. The theory prescribes separation as the best deterrent to domestic military intervention for nations throughout the world. The military remains separate from civilian political institutions in order to prevent domestic military intervention. By contrast, Rebecca L. Schiff offers another theory of CMR, known as concordance theory that argues that three partners—the military, the political elites, and the citizenry—should aim for a cooperative relationship though it may not necessarily be democratic. If there is the concordance or agreement among three partners with respect to four indicators (the social composition of the officer corps, the political decision-making process, recruitment method, and military style), then domestic military intervention is less likely to occur. The theory of concordance highlights accommodation, dialogue, and shared values or objectives among the military, the political elites, and society. Unlike the separation theory, concordance theory encourages cooperation and involvement among the military, political institutions, and society at large. Consequently, the concordance theory is a partnership or integration model.

According to Huntington, the CMR is “subjective civilian control”, which is maintained through maximizing the power of the civilian groups in relation to the military. Subjective civilian control has been identified with maximizing the power of particular governmental institutions, social classes, or constitutional forms. Subjective civilian control is potential in the absence of a professional officer corps and a lack of democratic principles in governance. However, according to Huntington, the other form of CMR— the model of objective civilian control can be achieved by maximizing military professionalism, which involves the recognition of not control military area within government and distribution of power and responsibilities between the military and civilians.

Besides Huntington and Rebecca L. Schiff theories, the book on “Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-Communist Europe”, written by Juan J. Linz and Alfred Stepan has to be studied to achieve a consolidated democracy. The authors emphasized the five areas that are necessary for the consolidation democracy— rule of law, state bureaucracy, political society, economic society and civil society.

### **2. Civil-Military Relations in Myanmar under USDP and NLD Administration**

Before 2011, the military played a highly significant role in key political structures and institutions. Since the new civilian government came to power on March 30, 2011, Myanmar has experienced a process of political transition that is changing the pattern of CMR which could lead eventually to full-scale democratization. It can be viewed that CMR has played a decisive role in the democratic transition of Myanmar.

Ending more than two decades of direct rule by the military, on 30<sup>th</sup> March 2011, Myanmar's ruling government, the State Peace and Development Council (SPDC), handed power to the Union Solidarity and Development Party (USDP) government headed by President U Thein Sein. The USDP's leadership was almost entirely made up of former military. The USDP administration which is all administrative and legislative bodies – both at the central and local levels - was commonly controlled by members of the military-backed USDP.

During the USDP administration, the twenty-five percent military representation in the Pyidaungsu Hluttaw started off with a majority of young and junior officers. The Pyithu Hluttaw in the USDP years had three colonels, fifty majors, thirty-nine officiating majors, and eighteen captains as the military representatives. Although the military is no longer directly involved in the day-to-day administration of the state, the pattern of civil-military relations enshrined in the constitution allows for the military significant influence over civilians.

Since the NLD-led government came to power on 30<sup>th</sup> March 2016, there were high expectations for further steps including CMR towards democratization and democratic consolidation. In February 2016, the military issued its first defence white paper. The military's defence white paper release could be a signal to the NLD-led government that the military intended to defend the security of the nation and remained the institution controlling security policy.

When the NLD came to power in March 2016, national reconciliation and the peace process, constitutional reform, and better living standards were the top priorities highlighted in the inaugural address of President U Htin Kyaw. The constitutional reform was one of the top priorities because the military has remained the most politically influential actor in Myanmar politics with a significant share of seats in parliament that is impacted CMR.

However, the NLD-led government gradually realizes for the time being to have suspended its efforts to change the pattern of civil-military relations through a constitutional amendment. In other words, the NLD is prepared to accept the pattern of civil-military relations outlined in the constitution. The NLD will undermine the military's leading national political role by avoiding the latter's participation in the government's policy process. Additionally, the NLD administration commonly realizes not to minimize the military's political role because it requires the military's cooperation in dealing with important issues including the civilian government's peacemaking efforts. Therefore, it can be evidently seen that healthy CMR is important for Myanmar's democratic federal union, especially in peace and national reconciliation.

Under the NLD administration, the relations between the civilians and the military can illustrate as an example of a Myanmar way of patronage. The CMR is being built through a specific way of patronage that is situated within the new realities of Myanmar's political landscape. It can be found that the military is not yet ready to accept any structural changes that will minimize the military's leading role in national politics.

### **3. Civil-Military Relations in Thailand**

After taking over power in May 2014, Thailand was governed by the National Council for Peace and Order (NCPO), a military junta that represented the army, navy, air force, and national police, led by General Prayut Chan-o-cha, Commander of the Royal Thai Army. The Royal Thai Armed Forces (RTAF) has been at the forefront of Thai politics since 1932. Thailand was mostly

ruled by military leaders. The NCPO government's leadership was made up of retired military officers. The NCPO administration which was all legislative, executive and judicial power was controlled by members of the military-backed NCPO.

In Thailand, the military intends to intervene in cabinet formation and policy decisions whenever it deemed necessary for its own benefit or to defend the nation and monarchy. For instance, military leaders helped bring down a pro-Thaksin government in 2008, cobbled together another multiparty coalition under Democrat Party leader Abhisit and acted with deadly force against anti-government protesters of the pro-Thaksin "Red Shirts" in 2010.

Thailand has seen periods of elected civilian governments frequently replaced by military coups. The last coup, in May 2014, removed elected government of Prime Minister Yingluck Shinawatra from power and paved the way for the instalment of a military-led transitional government headed by General Prayuth Chan-ocha. Consequently, the 2014 coup marked the end point of a rollback of Security Sector Reform (SSR) in Thailand which started in early 2000. Officially, the coup d'état of May 2014 was justified as a means to safeguard the monarchy and to seek a way out of the country's ongoing crisis.

According to 2017 constitution, Thai politics reflects a new power-sharing in which the military explicitly establishes its major role, both in the legislature through the senate (by a military-appointed assembly as well as a military-appointed legislature dominated by active and retired military officers) and in policies through the enforcement of the Twenty-Year National Strategy (2017-2036). Moreover, the civilian government of Thailand has no interest in deeply and thoroughly institutionalizing civilian control over the military.

It can be found that Thailand's military not only defends the nation against foreign occupation and internal insurgencies as a coercive actor but also provides a basis to claim the right to become a political actor that could involve itself in domestic matters. As a result of the lack of a clear pathway to institutionalize CMR in the democratic consolidation period, the military can use democratic means to regain its power.

#### **4. Comparative Study of Myanmar and Thailand in CMR**

Civil-military dynamics are shaped by historical, cultural, political, societal and international factors. The primary driving forces—the strength of civilian leadership, military cohesiveness, and civil society—shape CMR, most importantly during the transition period. The CMR can be established through different possible patterns. These patterns might provide different answers to the questions of who controls the military and how the degree of military influence for a given society and in a given polity.

Concerning civil-military relations, there are similarities and differences in Myanmar and Thailand. Myanmar is the challenging transition from the military to the democratic government while Thailand is the vicious cycle of civilian government and military rule.

##### **4.1 The Military**

Western countries establish the military as a coercive organization that is democratically controlled and has oversight from the civilian government. In many developing countries like Myanmar and Thailand, in contrast, military sometimes takes governing role when it is necessary in Thailand and military had been taking the role of government in Myanmar for years.

Moreover, the military in Myanmar and Thailand can govern the country relatively easily, despite the democratic transition and consolidation periods. Accordingly, the military acquires the highly influential role in both countries.

Thailand's military has been a socially and politically autonomous actor and has claimed the role of guardian over the state. The military's activities were also focused on the broadly defined internal mission of furthering national development and safeguarding internal security. Likewise, Myanmar's military activities were given attention to internal security, national defense and national development. Myanmar's military has also been an institutional autonomy actor and the role of guardian of the state and the military remains a pivotal political actor and a powerful veto player.

Myanmar experienced two military coups (2<sup>nd</sup> March 1962; 18<sup>th</sup> September 1988). By contrast, Thailand experienced nineteen coups d'état and twelve of them were successful. On 22<sup>nd</sup> May 2014, the Royal Thai Armed Forces, led by General Prayut Chan-o-cha, launched the 12<sup>th</sup> coup d'état. This coup returned to Thailand military authoritarian rule. The military coups remained a threat to vulnerable democracies in Thailand. Thailand has all experienced military-backed regimes in its modern histories. Thailand provides the considerable role of the military in its governments. Therefore, General Prayut Chan-o-cha's premiership brought back the old model of "bureaucratic polity" in which military and the bureaucracy cooperate to dominate politics under the auspices of the monarchy.

Significantly, Myanmar's military was able to initiate a top-down transition in which it carved out political autonomy, veto powers and considerable policy prerogatives. Moreover, the enigma of durable military rule lay in the ability of military elites to create a well-organized and united military institution, maintaining respect for hierarchy among officers and solving believable commitment problems between military factions.

#### **4.1.1 Military's Role under the Constitution in Myanmar and Thailand**

In emerging democracies in Myanmar and Thailand, constitutionalism has turned civilian control on its head, allowing civilians to superficially preside over politics while the military continues to exercise enormous influence in the shadows. Constitutions establish for a state as the legal parameters for institutionalizing political space. Myanmar had three constitutions. Conversely, Thailand had twenty constitutions including eight interim constitutions, of which nine were suspended by military coups and nineteen were promulgated under authoritarian rule. Among Myanmar and Thailand constitutions, this study intends to analyze Myanmar's 2008 constitution and Thailand's 2017 constitution.

Similarity, both Myanmar 2008 constitution and Thailand 2017 constitution were written by military-appointed committee and aimed to embed the power of the military. Consequently, these constitutions can be called "military-guided semi-authoritarianism" constitutions. With the military's power embedded in the constitution, the military plays an important role in shaping the civilian government pathway in Myanmar and Thailand.

Thailand 2017 constitution provides the military with legitimacy to intervene in politics. Myanmar's military has also the right to administer and adjudicate all military affairs itself. While the military does not have the constitutional right to intervene directly in the process of

making or breaking a government, it can indirectly exercise influence through the National Defence and Security Council (NDSC).

Concerning national defence and security, the defence services are mainly responsible for safeguarding the 2008 constitution. One of the basic principles of the constitution is for the “defence services to be able to participate in the national political leadership role of the state”. Furthermore, the Commander-in-Chief (C-in-C) of defence services has the right to take over state sovereign power if he deems it necessary in accord with the provisions of the constitution. It has the right to veto decisions of the executive, legislative, and judicial branches of the government as far as national security, defense, or military policy are concerned. Similarly, Thailand’s 2017 constitution provided the military with full control over national defense and security policy and authorized the armed forces to intervene in politics in times of national crisis. Both in Myanmar and Thailand, the security forces have become institutionalized under constitutions as a result of transitions through transformative bargains between civilians and security officials. Security forces sometimes use constitutions and decrees to institutionally prolong their political dominance.

Regarding the Commander-in-Chief, the King is the head of the armed forces according to the constitution of Thailand. However, the Commander-in-Chief of Myanmar is the supreme commander of all armed forces. The C-in-C decides upon one vice-presidential candidate, who could become president. Moreover, the C-in-C nominates and removes the military members of parliament and three ministerial portfolios - Defence, Home Affairs and Border Area Affairs. The President does not have the authority to appoint his own choices but needs to obtain a list of suitable defence services personnel nominated by the C-in-C for the three ministerial portfolios. Although the C-in-C’s position is equivalent to that of the Vice-President, he can easily undermine the authority of the President. In case the president declares a state of emergency that can cause disintegration of the union, disintegration of national solidarity and loss of sovereign power, all legislative and executive powers are transferred to the military Commander-in-Chief. Therefore, it is evidently seen that the Commander-in-Chief is the single most important power holder in Myanmar politics according to the 2008 constitution.

With regard to the constitutional amendment, amending the constitution requires military approval in Myanmar. As constitutional amendments can be carried out only with the prior approval of more than seventy-five percent of all the representatives of the Pyidaungsu Hluttaw which gives the military that controls twenty-five percent of the seats a de facto veto, the military representatives hold the veto to any structural change in Myanmar politics.

Likewise Myanmar 2008 constitution, Thailand 2017 constitution is built on iron wall; that is, it is difficult to amend, and the Senate plays an important role in the amendment process. The process consists of four steps. First, a motion for amendment needs to be passed by at least a fifth of the members of the House of Representatives or of both houses combined who are present at the time of the vote. Once the motion is endorsed, the draft amendment needs approval in principle from at least half of the members of both houses who are present. It also requires the support of a third of the members of the Senate. The next step is to vote for the individual amendments, each of which requires a majority vote in parliament to pass. The final approval needs to receive a “yes” vote from half of the members of both houses present at the time of voting. However, the “yes” vote must also meet two other criteria: firstly, it has to come from twenty percent of the members of all political parties whose members do not hold the positions of

prime minister, spokesperson of the House of Representatives and its deputies; secondly, it must also be from one third of the members of the Senate present at the time of the vote. Considering these requirements, any amendment to the 2017 constitution will be near impossible especially when the Senate is under the influence of Thailand's military-backed parliament.

Significantly, Prime Minister Prayut had stated that Thailand needs a strategy that will improve and strengthen the Thai economy and overcome the middle-income trap. So, the government intended to shape the policy framework for Thailand by embedding the Twenty-Year National Strategy (2017-2036) into the constitution. The National Strategy covers six aspects, including security, competitive enhancement, human resource development, social equality, environmentally green growth, and readjustment and development of the public sector. According to the Twenty-Year National Strategy, any new government will be required to announce its policies to parliament and allocate the budget. Therefore, it can be assumed that the Twenty-Year National Strategy cause to retain the military's power and the military intends to influence Thailand's future governments' policies and politics.

Concerning the military's role under the constitution in Myanmar and Thailand, it is evidently seen that Myanmar's military positions and privileges are guaranteed by the constitution, the supreme law of Myanmar. The military enjoys enormous privileges and exercises substantial influence in Myanmar's politics through 2008 constitutional provisions. There is no mechanism for meaningful civilian oversight of the military. The military is entrusted with the task of guardian of the constitution and is the role of guardian of the state, not simply the guard, and they hold keys to important aspects of government and legislature. Obviously, the constitution reserves parliamentary representation and reflects the self-interests of the military. The 2008 constitution makes Myanmar guided democracy that is the military dominant transition. Thailand 2017 constitution has also been important retainers of legal influence for the Thai military and police and has enabled them to maintain political influence. Thailand 2017 constitution has guaranteed the military seats in the executive and legislative branches. Therefore, it can be viewed that Thailand 2017 constitution is the military-backed constitution and Thailand's political system is under the control of the military through the appointed Senate.

#### **4.2 The Political Elites**

The role of political elites is one of the most important factors in moving a country from authoritarianism to democracy. Myanmar practises genuine, disciplined multi-party democratic system. Thailand also adopts a democratic regime of government with the King as Head of State. Thailand has a parliamentary system of government with the Prime Minister who heads the Cabinet or Council of Ministers. However, Myanmar has a presidential system of government with the President as Head of State. The President is not politically accountable to parliament, but unlike in other presidential systems, is indirectly elected by the Assembly of the Union.

Thailand is a constitutional monarchy. The monarch is the symbol of the Thai nation. The monarchy achieved a "position of paramountcy over the institutions of modern democracy, parliament, constitution, and rule of law". The King exercises power through the National Assembly, the Council of Ministers and the Courts. Thailand has bicameral National Assembly consisting of the House of Representatives and the Senate.

The Republic of the Union of Myanmar is a unitary state with a presidential system of government. All executive power is vested in the president. Legislative power is vested in the

Assembly of the Union (Pyidaungsu Hluttaw), which consists of the Upper and Lower House in Myanmar. The fourteen ethnic states and regions have unicameral state legislatures and appointed chief ministers. In April 2016, the Union Parliament appointed Daw Aung San Suu Kyi to the official government role of state councilor, allowing her to contact ministries, departments, and other organizations and individuals in an official fashion.

In both houses of the Pyidaungsu Hluttaw (Union Assembly), the Tatmadaw occupies twenty-five per cent of the seats; 110 for the Pyithu Hluttaw (House of Representatives; lower house) and 56 for the Amyotha Hluttaw (House of Nationalities; upper house). Therefore, a total of 166 military representatives sit in both houses. There are also 222 military representatives in fourteen states or regions. Military Members of Parliament (MPs) are required to uphold the Three National Causes (non-disintegration of the union; non-disintegration of national solidarity; and perpetuation of sovereignty), as a national political duty. As such, they hold the belief that they are carrying out their national (political) duty in their parliamentary role, and not taking an opposition role, even though there may be differing attitudes in discussions or debates. The ultimate decision-making authority is still the Hluttaw.

Thailand's bicameral National Assembly consisted elected House of Representatives (500 members) and an appointed Senate (250 members). The House of Representatives' term is four years, while the Senate's is five years. Comparatively, both houses of the Pyidaungsu Hluttaw's term are five years in Myanmar.

### **4.3 The Citizenry**

When Myanmar held its first democratically election in 2010 in line with universally accepted democratic norms, the citizens of Myanmar have enjoyed a greater degree of freedom than at any time since the military seized power in 1962. Myanmar's sovereign power of the Union is derived from the citizens and is in force in the entire country. Thailand's sovereign power also belongs to the Thai people.

Myanmar is at the crossroads and the cooperation between all sections of society allows the country to become a full-fledged democracy. However, the majority of people in Thailand exhibit "authoritarian notions of democracy". The Bangkok middle-class people support the military despite its poor performance. The conservative middle class and its movements have helped usher the old powers, particularly the military, back on to the centre stage of Thai politics. The longer Thai society remains deeply divided, the more expansive military's power will be continued.

## **Conclusion**

The civil-military dynamics are shaped by historical, cultural, political, societal and international factors. In Myanmar, military had been taking the role of guardian of the state for years and in Thailand, military occasionally takes governing role when it is necessary. Consequently, military in both countries acquires the highly influential role in politics. Moreover, these countries are in the stage of transition from the military governing to the civilian governing, a healthy CMR plays an important role in the consolidation of democracy.

After studying Myanmar's CMR, the study found out that CMR has played a decisive role in the democratic transition of Myanmar. The pattern of CMR enshrined in the constitution allows the military significant control over civilians. During the USDP administration, relations

between the military and the civilian government were smooth. Under NLD administration, the pattern of CMR is being built through a specific way of patronage that is situated within the new realities of Myanmar's political landscape. Because of such circumstance, it is clearly seen that the military is not yet ready to accept any structural changes that will minimize the military's leading role in national politics. In order to be contributory for the consolidation of democracy in Myanmar, it is required to construct the partnership model between the military and the civilian which means neither civilian control over the military in security-related sectors nor military control over civilian. Moreover, it is necessary the civilian control over the military in decision-making areas such as public policy and elite recruitment. Furthermore, it is suggested that the military and the civilian can cooperate in the needs of Non-Traditional Security (NTS) issues particularly health security, environmental security, maritime security, economic security.

Concerning Thailand's CMR, the study found out that Thailand has seen periods of elected civilian governments frequently replaced by military coups because of the more factionalized and fluid nature of Thai politics. For Thailand's CMR, this research found out that there is no clear pathway to institutionalized CMR for the consolidation of democracy. Moreover, the civilian government itself does not have interest to institutionalize civilian control over military. The military can use democratic means to regain its power under the auspices of the King.

By the comparative study of Myanmar and Thailand, there are similarities and differences in civil-military relations. In concerning with CMR there are three common things between the two countries. Both countries military's legitimacy are embedded in the constitution to intervene in politics. The military is an autonomous institution within the state with little or no civilian oversight. Moreover, the military and the security forces in Myanmar and Thailand are well institutionalized. Consequently, there has always been the transformative bargain between the civilians and security officials during the transition period in both countries. Accordingly, the military plays a critical role in shaping the government pathway in Myanmar and Thailand. The differences, on the other hand, between Thailand and Myanmar's CMR are apparent. Evidently, Myanmar has drawn three constitutions whereas Thailand has drawn twenty so far. While Myanmar's military is headed by the Commander-in-Chief, the King in Thailand is the supreme commander of armed forces. Thailand has a parliamentary system of government with the Prime Minister who heads the Cabinet while Myanmar has a presidential system of government with the President as Head of State.

According to this study, it is evidently seen that if the interactions and balance of power between the civilians and the military construct, healthy CMR (relative harmony between civilians and the military; the effectiveness of the armed forces in executing their missions; and constitutional balance) will be established in Myanmar and Thailand. Besides, it is necessary to involve the recognition of not control military area within government and distribution of power and responsibilities between the civilians and military. Moreover, it is required to encourage cooperation and involvement among the military, the political institutions, and the society in order to prevent the military coup and domestic military intervention in both countries.

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