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PANDEMONIUM

The Conscription Law and Five Negative Potential Consequences

When a nation collectively chooses the path of securitization and militarization, it inevitably incurs an opportunity cost in the development and productivity of the nation impeding for generations to come.



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Events

The State Administration Council (SAC) declared the enforcement of "the People's Military Service Law"*, which is commonly known as the conscription law, on February 10, 2024, which requires all male citizens aged 18 to 35 and all female citizens aged 18 to 27 to perform mandatory military service in the junta armed forces. Despite the absence of active warfare with other nations, in light of the junta's unprecedented losses amid post-coup conflict, the declaration of this conscription law has fueled panic among the country's 14 million youth and their families. On February 13, the SAC established the Central Body for Summoning People's Military Servants (the central recruitment body) to oversee implementation of the conscription law, revealing plans to commence in April, with each cohort comprising 5,000 recruits and a total of 60,000 annually. The "Reserve Forces Law," which mandates the recall of retired soldiers for service, was also proclaimed effective on the same day.

Preliminary Analysis

A three-part analysis can be done regarding the SAC's recent activation of the conscription law. The first part highlights the necessity for the Myanmar military to implement the mandatory military service law, primarily driven by the need to recruit soldiers in response to their depletion and the inefficacy of previous recruitment methods, compounded by diminishing public support. The second part of the analysis focuses on how the SAC will implement the law. The third part examines the five negative potential consequences following the implementation of the conscription law in the conflict-prone Myanmar:

- More widespread human rights violations under increased oppression;
- 2. Increased corruption and extortion at all levels of the regime;
- 3. The possibility of mass migrations;
- Escalating divisive tensions along racial, religious, and regional lines, as military recruitment will target rural and impoverished Burmese and tribal youth in regions where no ethnic armed organization present;
- 5. The likelihood of youths, especially in conflict regions and nearby, joining Ethnic Armed Organizations (EAOs) or the People's Defense Forces (PDFs).

ISP-Myanmar's research reveals that military leaders have sought to increase Myanmar's Armed Forces (MAF) size to approximately one per cent of the country's population since the reign of Snr. Gen. Than Shwe in the early 1990s. With a population of over 50 million, the objective is to collect over 500,000 troops. An ideal battalion was to be

^{*} More details about the law are discussed in the later section of this OnPoint.

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made up of about 720-750 (814-857) in the early days) troop members including 30-60 officers. However, no battalions were fully formed as planned since then. When the target was not achieved, each battalion was ordered to recruit at least ten new soldiers every month. At that rate, the combined army, air force, and navy, consisting of over 800 battalions, would require to recruit at least 8,000 new soldiers per month. Again, this goal was never realized. During the years 2000 to 2020, an average of approximately 1,000 recruits were enlisted per month. With voluntary enlists declining over time, these low recruitment numbers were mainly achieved through forced conscription and buying and selling by army recruiters. Meanwhile, among the recruits, the desertion rate averages around 400 individuals per month, resulting in a net of only 600.

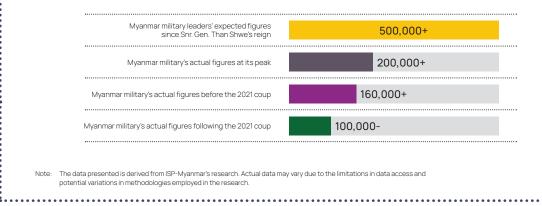
The Office of Adjutant General determines the deployment of the newly recruited troops after their training is complete. The battalions may not automatically end up filling their recruitment quotas with the new soldiers they recruited. The Office of Adjutant General prioritizes requirements for battalions with fewer than 200 soldiers, indicating that average military battalions aim to hold at least 200 soldiers.

Additionally, each battalion under the command of Light Infantry Divisions (LID) is expected to maintain around **350** soldiers to reach full force capacity. After that, battalions under Regional Military Commands (RMC) are aimed to fill with around **300** soldiers. New recruits who finished middle school level (eighth grade in public education) are often selected and reassigned to the technical and non-combatant support corps as needed.

The Big Gap

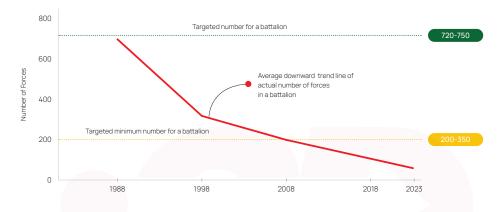
Expected and Actual Figures of Myanmar Armed Forces (MAF)

ISP-Myanmar's research reveals that military leaders have sought to strengthen the MAF to approximately one percent of the country's population since the reign of Snr. Gen. Than Shwe. With a population of over 50 million, the objective is to collect over 500,000 troops. However, the military only had over 200,000 forces even at their peak, and the number dwindled before the 2021 coup, reaching around 160,000 soldiers. Following the coup, the military's strength could decrease to less than 100,000.



Deteriorating Size of the Myanmar Armed Forces Battalions

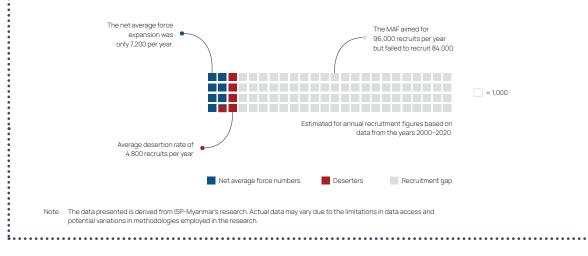
After expanding the MAF in the 1990s, the military leaders sought to recruit an average of **720-750 forces (814-857** in the early days) per battalion. As this goal was never met and recruitment declined, attempts were made to maintain a minimum of **200** troops in each battalion, **350** in each battalion under the Light Infantry Divisions (LID), and **300** in each battalion under the Regional Military Commands (RMC). However, leaked information in July 2023 revealed that the Light Infantry Battalion (LIB No. 144) only listed a total of **132 troops** for the entire battalion. Similarly, during the Operation 1027, LIB (129) surrendered in Laukkai with only **126 soldiers**, and LIB (125), which surrendered in Konkyan, had only **93 soldiers**.



Note: The data presented is derived from ISP-Myanmar's research and Dr. Maung Aung Myoe's (2009) book, "Building the Tatmadaw: Myanmar Armed Forces Since 1948." Actual data may vary due to the limitations of data access and possible variations in methodologies employed in the research.

Estimates of Annual Recruits

After expanding the Myanmar armed forces (MAF), various recruitment methods were employed to meet the targeted recruitment goals. The primary objective was for each battalion to add ten soldiers per month, with all battalions collectively recruiting 8,000 per month and 96,000 recruits per year. However, this target was not achieved, and from 2000 to 2020, the average annual recruitment was around 12,000 new soldiers. Taking into account an average desertion rate of 4,800 people per year, the net average force expansion was only 7,200 troops.



Despite using various recruitment methods, ISP-Myanmar's research found that the Myanmar military had only over 200,000 forces at its peak. This number dwindled even before the 2021 coup, reaching around 160,000 soldiers.

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The force's number further declined after the coup due to casualties, health problems, desertions, and joining the Civil Disobedience Movement (CDM), resulting in fewer than 100,000 troops. For the army to replenish this depletion and regain its previous military strength, approximately 100,000 new soldiers are needed. An additional 400,000 soldiers are required to meet their original goal. The enforcement of mandatory military service is notable against the backdrop of the military's lack of public support and failures in recruitment. The SAC said they aim to enlist 5,000 new recruits monthly, starting in April 2024, and thus 60,000 yearly. Examining this, it appears that the objective is to restore the military's strength to pre-coup levels within the first year of recruitment.

Although the conscription law has been activated, its implementation process will take time. While the central recruitment body was formed within days of enactment, lower-level committees are yet to be formed, and detailed by-laws and procedures are yet to be declared and enforced. Preparation time is needed to identify the list of eligible individuals who fit the enlisting criteria for military service. Additionally, establishing institutions at the central, region/state, township, and ward/village levels to compile the recruits, and establishing a new directorate within the military to oversee training and assign duties to the conscripted individuals are also parts of the preparation process. Interdepartmental cooperation is also needed, as well as additional defense budget must be allocated for the new recruits. Therefore, the SAC spokesperson mentioned that the training of the first cohort will be conducted after the Myanmar New Year Water Festival (Thingyan Festival) in April. The next steps after completing the list will be summoning through conscription notice letters and conducting medical checks, which could take around two months. Therefore, the first cohort might commence training as early as June and as late as August. If the training duration can be considered four to five months, the training for the first cohort will conclude either in November, December 2024 or in January 2025.

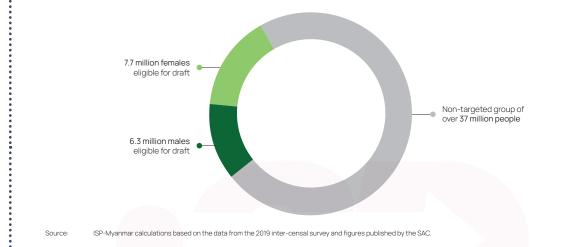
Scenario Forecast

For Myanmar's Armed Forces (MAF), which is facing humiliating defeats in recent conflicts, solely relying on recruiting new personnel without contemplating reforms in the leadership and strategy of the security sectors will not work. The entire national security and defense policy and the whole vision of the military will need to be restructured. A comprehensive political framework that instills belief in democracy and a federal vision for all citizens has yet to be established. Without these policies and framework in place, the forced conscription of citizens could potentially strain the relationship between the whole >



14 Million Eligible For Conscription

The SAC announced that 14 million Myanmar citizens (6.3 million males and 7.7 million females) are eligible to be called to serve for the military service. This total figure constitutes over 27 per cent of Myanmar's over 51 million total population. In other words, one in four persons can be called to serve for the SAC. Based on the inter-censal survey conducted in 2019, there are 11.3 million males between 15 to 44 years of age and 8.8 million females between 15 and 34 years of age.



Myanmar society and the MAF to a point where it is completely irreconcilable.

The first potential consequence of implementing the conscription law during the peak of the civil war is widespread human rights violations. Such violations are likely to occur throughout the recruitment, training, and deployment phases. Individuals may face oppression and discrimination based on factors like place of residence, age, ethnicity, faith and religion, economic status, and gender orientation. Currently, there are reports of the military abducting people and forcibly recruiting in certain areas. While the SAC has dismissed some of these reports as false information, the conscription law could legitimize such incidents.

A second potential consequence is that this law will open avenues for bribery and

corruption at all levels within the regime, affecting the entire society. Incidents of bribery between individuals seeking to evade military service and civil-military authorities may become widespread. There is no sustainable way to curb such corruption in Myanmar. In other countries, cases of corruption often arise during the process of determining individuals unfit for military service or in attempting replacements.

A third potential consequence is the mass migration of working forces to neighboring countries, leading to brain drain. Individuals with the financial means and access to opportunities are seen massively leaving the country within days of the law taking effect. The Royal Thai Embassy in Yangon has announced that it can only process 400 visa applicants per day as massive applications rush in

History of Myanmar's Conscription Law The Conscription Act of 1959 The People's Military Service Law The Reserve Forces Law Enacted on Mar 11, 1959; Enacted on Nov 4, 2010; Enacted on Nov 4, 2010; Amended twice in 1962. enforced on Jul 8, 1962. enforced on Feb 10, 2024 enforced on Feb 13, 2024 Who Can Be Enlisted? Eligibility Male Female Youth Age 18-35 Age 18-27 Experts Age 18-45 (medical doctor, engineer, technician, Age 18-35 and other skilled professionals) Military service personnels are bound by the provisions of The Defence Service Act. 1959. If they face disciplinary measures under this Act, they are required to fulfill their service obligations at the end of receiving punishment. Military Service Terms Normal eligible person for military service 2 years The MAF holds the authority to classify an individual MAF Technicians and Experts as a technician The SAC extended the state of emergency by During state of emergency 5 years another six months on January 31, 2024 Who Can Be Exempted? Who can be exempted? Individuals (temporarily) unfit for military service Religious workers (only for Buddhists, Christians, and Hindus) as decided by the MAF Medical Unit Married women Students enrolled in universities, colleges, or divorcee with child(ren) or schools of science recognized by the SAC Individuals with (lifelong) physical disabilities Sole caregivers of elderly parents Individuals (permanently) unfit for military service

Individuals undergoing drug rehabilitation

Deferred individuals must serve the full period of service after deferral even if they are overage

as decided by the MAF Medical Unit Exempted individuals announced by the Central Recruitment Body



(Thailand is the immediate or temporary popular destination for people from Myanmar). In addition to leaving the country through this avenue, some individuals may opt for illegal means to leave the country and considering that the law also applies to expatriate citizens, some may even go so far as to permanently leave the country. Myanmar's mass migration combined with current nearly five million conflict refugees may pose a threat to regional stability.

Based on the 2019 inter-censal survey, Myanmar has around 1.6 million people employed overseas (accounting for over three per cent of the nation's population). Among these, two thirds opted for Thailand as their destination. As per the World Bank's report in 2017, five per cent of Myanmar's population has migrated abroad, making it one of the highest outbound migration rates in Southeast Asia. In a report published by the International Food Policy Research Institute (IFPRI) in March 2023, it was revealed that 3.6 million people in Myanmar, equivalent to 6.5 per cent of the country's population, relocated during the six months under examination. Among these, more than 604,000 fled due to conflicts, while over two million relocated in pursuit of employment.

Data from ISP-Myanmar's monthly socioeconomic survey covering 110 townships across the country also indicates similar trends. In 2023, 85 townships out of the 110 townships studied across the country (approximately 77 per cent) reported a consistent outflow of migrant workers seeking job opportunities abroad. Concurrently, the number of internally displaced persons (IDPs) due to conflict has been pushing to five million (as of January 2024). Among these displaced individuals, a significant portion comprises young labor forces. Consequently, the implementation of the conscription law might potentially exacerbate the country's labor shortage problem due to increased emigration and evasion abroad. This could severely impact Myanmar's already weakened economic production sectors, and the substantial migration and departure from the country may lead to significant capital outflows and negative repercussions for the weak economy of the country.

The fourth potential consequence is that recruitment will target primarily young people in rural areas, potentially affecting impoverished youth more severely. At the same time, it could also target Burmese and minority youths from areas with no significant insurgency groups and armed conflicts. Therefore, coercing these young people into military training and deploying them to the battlefield risks exacerbating societal divisions and animosities based on class, race, religion, and region throughout the country. Here, it is worth considering the enlistment of new recruits by certain ethnic armed groups in northern Shan State in addition to the recruitment efforts by the SAC. The Arakan Army (AA) and Ta'ang National Liberation Army (TNLA) principally recruit based on ethnicity, whereas the Myanmar National Democratic Alliance Army (MNDAA) recruits individuals from its territory without regard to ethnicity or religion.



Recruitment Policy of Some EAOs in Northern Shan State

thnic armed organizations (EAOs) operated in northern Shan State annually recruit civilians from the region, based on the policies of "One person per household is obligated to shoulder the ethnic duty" and "One should serve the civic duty". The recruitment systems vary among different groups: some groups recruit solely based on ethnicity, while others are not limited by ethnicity nor religion. The Ta'ang National Liberation Army (TNLA) exclusively recruits Ta'ang ethnic people, whereas the Myanmar National Democratic Alliance Army (MNDAA) recruits individuals without regard to ethnicity or religion.

The recruitment method employed by the EAOs involves compiling a population data of the towns and villages within their active, dominant, and controlled territories, and recruiting young people aged 15 to 16 years and older. Young men within a certain age range are summoned either through draft notice letters or by deploying troops from the recruitment department to bring them from their homes. Additionally, a system is in place whereby if an individual evades recruitment, their father or another family member is apprehended and only released when the evader enters service. Certain exemptions from military service exist for individuals who are the sole caregivers for their parents, religious workers, those actively engaged in education and healthcare for their community, or those with family members already serving in the respective EAOs.

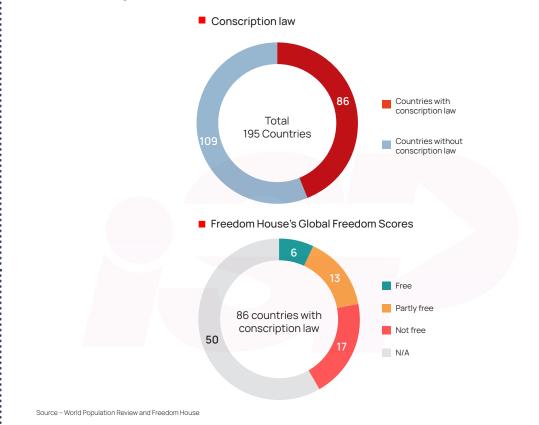
Additionally, individuals pursuing higher education are often granted temporary exemption from military service. In normal situations, this model is followed. However, in urgent situations where there is a need to quickly fill the army with new recruits, the recruitment process may involve directly ordering villages to provide a certain number of recruits by certain deadlines, or by randomly arresting young people found on the streets and forcing them for conscriptions. Typically, new recruits undergo three months of basic military training and are required to commit to serving for a minimum of two years. Following the completion of basic military training, they are not only assigned to combat duties but also other various departments within the organization. Some recruits may be stationed in their own communities to serve as part of the people's militias. Upon the conclusion of their service periods, they are not allowed to dissociate from the organization. Attempting to escape from the military service is treated as "unauthorized absence," which may result in potential arrest and punishment. Those who flee with weapons and ammunition may face the death penalty.

Note: EAOs do not usually disclose their recruitment policies. Only during Operation 1027, has TNLA disclosed their recruitment policy and rules, which have been employed since July 2017. ISP-Myanmar delineates the recruitment patterns experienced by civilians in northern Shan State over the past decade.



Countries with Mandatory Military Service

Of 195 countries around the world, 86 (44.1 per cent) have a conscription law for mandatory military service. Myanmar's neighboring countries, China, Laos and Thailand, and other regional countries: Indonesia, Singapore and Vietnam, have enacted such law. According to Freedom House's rating on individual freedoms, which are generally defined by people's access to political rights and civil liberties, among these 86 countries, six are considered free, 13 partly free, and 17 not free. Freedom House's list did not include data for the remaining 50 countries.



A system is in place whereby the father or another family member of an individual evading recruitment is apprehended. Those who desert the military can face re-arrest and punishment while fleeing with weapons and ammuni-tion could lead to the possibility of the death penalty. The Shan State Progress Party (SSPP) conveyed a message through social media in Shan language (an ethnic language) that safeguarding a territory requires adequate military strength, urging locals to enlist in their army.

In any scenario, recruitments and deployments of the newly recruited for combat by various armed groups, including the MAF, may affect not only the relations among individuals of different ethnicities and geographies but also of the same populace. For instance, the SAC recently regained control of Kawlin town



from the joint seizure of the Kachin Independence Army (KIA) and the People's Defense Forces (PDF), where the National Unity Government (NUG) established administration. In this event. SAC reports narrated that the young and middle-aged villagers formed defense groups and collaborated with nearby military commands to resist the KIA and PDF forces' oppression and revolt against them. The SAC created these narratives portraying local people resisting the insurgencies and siding with the MAF. According to the provisions of the People's Military Service Law, recruits, upon completing their training, may choose to serve in the locations and regions of their preference for the specified duration. The ensuing conflicts would involve warfare among each other resulting in adverse consequences for the society, particularly for the impoverished. In this case, racial and social justice fault lines in society would likely widen.

On the other hand, there is a potential for some youths, particularly those from conflict areas, to opt for joining Ethnic Armed Organizations (EAOs) or the People's Defense Forces (PDF) groups. For instance, the youths of Rakhine, Chin and Karen ethnicities would rather join EAOs that represent their ethnicities. Youths from the dry zone and areas where the majority is Bamar ethnic would similarly rather join the nearby PDFs or Local Defense Forces (LDFs) where their close friends and acquaintances might be located. In the past, enlisting in the MAF once provided a stable life and salary without warfare. But since the coup, with a high rate of casualties,

surrender and desertion and the diminishing public support for the regime means disincentives for young men to lay their lives on the line to support its continued rule. While the SAC asserts that evading the military service law and joining other armed groups is punishable under existing laws, youth in conflict zones often just brush off these threats.

Last year marked the 75th anniversary of independence, similarly, civil war also turned 75 years. However, this year has again witnessed an escalation in conflict. The implementation of the People's Military Service Law at this juncture could potentially catalyze an expansion and impacts of conflict within society. The fact that ethnic armed forces will be simultaneously compelled to recruit and bolster their military capabilities is also significant. Without focusing on a comprehensive peace process while the military forces are expanding at an accelerated rate and subsequent expansion of conflict, Myanmar's armed conflict level is unlikely to be reduced in the foreseeable future. Being forced to serve in the military for a set duration typically at least two years - during one's youth comes with an opportunity cost at an individual level as well as at the society level. When a nation collectively chooses the path of securitization and militarization, it inevitably incurs an opportunity cost in the development and productivity of the nation, impeding the country's positive trajectory for generations to come.



Appendix (1)

Discourse and Debate Regarding the Mandatory Military Service

ven in modern Western democracies, there is some discourse on mandatory military service that argues its essential role in providing their citizens with a sense of solidarity and nationhood, traits that are considered essential to the preservation of a healthy democracy and as a means of imparting citizenship education. Presidents of the United States encouraged national military service during the Cold War and many democratic nations practiced it. However, the enforcement of the People's Military Service Law in Myanmar is a different story, since the nation is amid escalating civil conflicts and not under a democratic setting.

Proponents of mandatory national service often romanticize the citizen-soldiers as the selfless defenders capable of resisting the oppression of the dictatorship. In direct contrast, opponents claim that the military itself is a purveyor of violence and loose morals. These debates persist in the academic literature. "The military service obligation constitutes a profound restriction of the citizen's right to liberty. It is justified on the grounds that the state can only fulfill its obligation to protect basic liberties and freedoms if it is assisted by its citizens."

From an economic perspective, mandatory national service serves as a means to provide public goods at low cost, justifying collective financing of armed forces. However, the distortion of input prices through the conscript system and the resulting misallocation of production factors make inefficient production highly likely. Additionally, conscription also imposed a burden to the labor market by recruiting potential labor forces. It is therefore important to consider the opportunity cost of individuals who will be enlisted for the mandatory military service under the law. Moreover, such service could also jeopardize the national defense objectives, and eventually, the overall opportunity cost of the nation. If the individuals have to engage in inefficient production for the self-interest of a particular group, it may undermine the realization of genuine public goods.

Appendix (2)

Myanmar's Conscription Law – Five Things to Know

Historical Background

Myanmar's conscription law was enacted on November 4, 2010, by the former military leader, Snr. Gen. Than Shwe. The current State Administration Council (SAC) announced the enforcement of this law on February 10, 2024, thirteen years after its enactment. The conscription law, mandating that citizens serve in the armed forces, was enacted in 1959 by President Mahn Win Maung. It came into effect on July 8, 1962, and has undergone two subsequent amendments. Sections 385¹ and 386² of the 2008 Constitution of Myanmar also address military service of the civilians.

Here are five things to know about the newly enacted conscription law in Myanmar.

1. Who Is Eligible for Conscription?

Those subject to conscription include men aged 18 to 35 and women aged 18 to 27. Experts (medical doctors, engineers, technicians, and other skilled professionals) are bound to serve within the age ranges of 18 to 45 for men and 18 to 35 for women.

2. Exemption Criteria

Individuals eligible for exemption include religious workers, married women or divorcee with child (ren), those with (lifelong) physical disabilities, and individuals marked as unsuitable for military service by the MAF Medical Unit. Exemptions may also be granted to individuals by the announcements of the Central Recruitment Body.

Religious workers are specifically identified only within the realms of Buddhism, Christianity, and Hinduism. In Buddhism, these include monks, novice monks, and nuns holding Religious Affiliation Certificates³. In Christianity, these include consecrated individuals recognized by relevant churches, while in Hinduism, they include sannyasa and Hindu priests.

Deferred individuals include individuals flagged by the MAF Medical Unit for not meeting health conditions for a temporary period, students⁴, sole caregivers of elderly parents and individuals rehabilitating from drugs. However, these individuals must serve the full period of service after deferral even if they are overage.

¹ Every citizen has the duty to safeguard the independence, sovereignty, and territorial integrity of the Republic of the Union of Myanmar.

² Every citizen has the duty to undergo military training in accord with the provisions of the law and to serve in the Armed Forces to defend the Union.

³ To obtain a Religious Affiliation Certificate, the ward/village Sangha Nayaka Committee must submit the request to the township level Sangha Nayaka Committee. The request is then reviewed and a certificate is issued based on the recommendation of relevant township Sangha Nayaka leader, together with the Department of Immigration and the Department of Population.

⁴Students from universities, colleges, and schools of science recognized by the government.

3. Service Terms

The standard service period is set at two years. However, for those designated as MAF Technicians⁵ or Experts, this period is extended to three years. In the event of a state of emergency declaration, the service period is further extended to five years⁶.

4. Implementation Process of the law

Once the law is declared in force, certain procedural steps must be followed for the implementation. These include drafting and implementing regulations, establishing institutions at the central, region/state, township, and ward/village levels to compile the recruits, and establishing a department within the military to oversee training and assign duties to the conscripted individuals. Roughly, it might take about two months to compile data of the eligible population and conduct medical examinations. Therefore, the first cohort might commence training as early as June and as late as August. Considering the training duration of four to five months, the training for the first cohort will conclude either in November or December 2014 or in January 2025.

5. Conscription Target Population

The SAC announced that 14 million Myanmar citizens (6.3 million males and 7.3 million females) are eligible to be called to serve for the military service. This total figure constitutes over 27 per cent of Myanmar's over 51 million total population. In other words, one in four persons can be called to serve for the SAC. Based on the Inter-censal survey conducted in 2019, there are 11.3 million males between 15 to 44 years old males and 8.8 million females between 15 and 34 years of age.

The SAC is preparing to summon the initial batch of 5,000 recruits by the end of April, following the Thingyan festival. Their intention is to enlist recruits every month, aiming for a yearly recruitment of 60,000 troops. Initially, the first four training cohorts will consist exclusively of males, with females joining from the fifth cohort onward.

The SAC has assured that recruits will receive equivalent benefits in terms of salary, expenses, and rations as existing members during their training and their service which follows. A noteworthy fact is that conscripted individuals can fulfill their duties for the specified period of time in locations of their choice.

⁵ Individuals designated as technicians by the MAF.

⁶ A state of emergency has been declared and extended until July 2024.

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