

Building a Federal Democratic State in Myanmar

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Abstract

As a multi-ethnic country, the formation of a federal state has long been the vision of all ethnic groups in Myanmar since the days of struggles for independence. However, it has been unsuccessful so far. Successive Tatmadaw governments thought that federalism would lead to the disunification of the country. On the other hand, armed ethnic groups are focused on self-rule and building a federal army rather than forming a federal Myanmar. As for Myanmar, if it wishes to develop and prosper peacefully along with the other countries of the world, it must strive to introduce a federal government. However, as there are various types of federalism practiced throughout the world, ethnic groups have difficulty in finding the one that suits Myanmar and knowing whether Myanmar can build said system successfully. The other question is to what extent the NLD government has accomplished the goal of building a federal democratic state. In this paper, the normative theory is used to discuss concepts such as federalism and democracy. Federal systems are discussed in general and suggestions for the most suitable federal form for Myanmar as well as the process of building federal democracy are also argued. This is a qualitative research paper stressing on archival research that provides an insight into why the holding-together-federalism would be suitable for the present situation of Myanmar and why the central government should be conferred enough authority to deal with the complicated issues of the modern world. The paper concludes that while the NLD government is still struggling to implement its dream of a federal democratic state, the task of building a democratic federal state is not a short-term process but a long-term one that requires patient compromises and negotiations among various ethnic groups of Myanmar.

Key Words: Myanmar, Federal state, EAOs, Holding-together-federalism, Tatmadaw, 21st Century Panglong

Introduction

At present, Myanmar is trying to change the 2008 constitution to become a federal one with amendments. To do so, the NLD government is convening one 21st century Panglong peace conferences after another. The idea is that the representatives of the military, the ethnic armed groups, the parliament, and the government officers meet, discuss and negotiate on the peace process and national reconciliation, and amend the 2008 constitution with the resultant agreement to become a federal state. Up to now, there have been three 21st century Panglong peace conferences. In these conferences, the participants have generally agreed that Myanmar needs to change its state system from a unitary system to a federal one to end decades' long internal conflicts. In so doing, there are some important questions such as “How would a federal state system help end long-lasting ethnic conflicts in Myanmar?” “What kind of federal model is suitable for Myanmar?” and “To what extent has the NLD government accomplished the goal of building a federal democratic state?”

To answer these questions, this paper firstly discusses the normative theory, the challenges and opportunities of a federal system, types of federal systems around the world, and a brief history of Myanmar federal background. Then it analyses how Myanmar can build the most suitable form of federalism successfully. Finally, it discusses the activities of the NLD government on federal formation. In conclusion, this archival research explains that building a federal democratic nation is a long-term process of continually striving for compromise among the nationalities.

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Literature Review

Concerning the federal democratic state in Myanmar, Min Zin¹ discussed in his article “Process, Sequence, and equilibrium in Myanmar’s federal Democratic State Formation: Tentative Proposals”² that Myanmar’s efforts to build a federal democratic state requires a negotiation process that involves careful sequencing of steps along with mutual accommodation by actors, and reaching an equilibrium in their demands rather than a predetermined federal model. His article analyzed important four factors – competing visions of federalism; structural elements, such as socio-economic and demographic aspects; institutional designs, such as the conditions necessary for a successful ethno-federal state; and the incentives for leaders – to address challenges of Myanmar’s federal state formation. Moreover, he also provided some tentative proposals for building a federal state. The other article on federalism in Myanmar is “Nation-building and State-building in Diverse and Divided Societies”³ by Min Khin Maung Yin.⁴ He discussed the different opinions of the key stakeholders of Myanmar’s nation-building and state-building and argued that Myanmar needed to be restructured by holding together ethnic federal states instead of coming together with the federal one.

Another interesting article is Pau Sian Lian’s “An Analysis of Myanmar’s Readiness for the Consociational Model of Federalism: Relative to the Federal Models of Switzerland and Bosnia-Herzegovina.”⁵ He believed that Myanmar, Switzerland, and Bosnia-Herzegovina are comparable because they have divided societies and cultural diversities. He offered an illustrative analysis to determine why Myanmar cannot build a suitable federal governmental system like Switzerland in general, and what particular arrangements should be in place similar to the federal models of Switzerland and Bosnia-Herzegovina. His examination was based on Lijphart’s theory of Consociationalism and he also explored why Consociationalism failed in some countries.

Historian and former history professor, Dr. Kyaw Win published a book on Myanmar Federal formation. His book, “*Building a Federal Democratic State*,”⁶ mainly discussed the federal background of Myanmar history in detail and explained federalism in general. The other interesting book “*What is Federalism?*”⁷ is written by U Tun Myint (Shan State). In his book, U Tun Myint aired grievance of the Shan people and presented the federal model that the Shans want. Additionally, he talked about “true federalism” to which he meant the federal system of the United States. He desired a federal Myanmar in which the federal government has limited legislative power while the federating states retain the remaining power. The present research tried to search a suitable federal form for Myanmar and also evaluated the efforts of the National League for Democracy (NLD) government for the federal formation.

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² *Myanmar Quarterly Journal* (မဟာဗျူဟာနှင့် မူဝါဒလေ့လာရေးဂျာနယ်), Vol.1, No. 2, Yangon, Yangon School Press, February-March, 2017, p. 63

³ Ibid., p. 227

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⁵ Pau Sian Lian, Waseda University, Japan, “An Analysis of Myanmar’s Readiness for the Consociational Model of Federalism Relative to the Federal Models of Switzerland and Bosnia-Herzegovina” <<https://www.ipso.org/events/congress/wc2018/paper/myanmars-readiness-federalism-relative-federal-models-switzerland-and>>

⁶ Dr. Kyaw Win, *Building a democratic Federal State* (ဒီမိုကရေစီဖက်ဒရယ်ပြည်ထောင်စုနိုင်ငံတည်ဆောက်ခြင်း) Yangon, Khit Pyataik Publishing House, 2016

⁷ U Tun Myint’s (Taung Gyi), *what is Federalism?*, First Edition, Yangon, Nayyiyi Publishing House, 2013

Federalism

Federalism is the theory for dividing powers between member units and common institutions. Unlike in a unitary state, sovereignty in federal political orders are non-centralized—often constitutionally—between at least two levels so that units at each level have final authority and can be self-governing in some areas. The central feature of federalism is a sharing of sovereignty between central and peripheral institutions. This means that neither level of government can intrude on the powers of the other. Federal systems are based on a compromise between unity and regional diversity as well as between the need for effective central power and the need for checks or constraints on that power. In contrast to the unitary system, in the federal system, citizens have to follow the rules and regulations of the federal government and those of the local state government. Likewise, they get protection and help from both institutions. This characterizes share-rule and self-rule of a federal system. The division of power between the member unit and center may vary—since the center typically has powers regarding defense and foreign policy—but member units may also have important roles. The decision-making bodies of the member units may also participate in central decision-making bodies.

Concerning federalism, there are two unique types of the federal process. One is a federal state in which some independent small states are united as a state because they don't have enough capacity to take care of their security and economic development. They usually give up some of their sovereignty to the central federal government while keeping the remaining powers of controlling and managing local affairs for themselves. This type of the federation is called “coming-together federal political order.” It limits the power of the central federal government and tries to prevent the influence of the majority group over minority groups. Some examples of this federation can be seen in the governments of the United States, Canada, Switzerland, and Australia.

The other type is “holding-together federal political order.” This type of federalism was used to be seen in the former unitary states. It arises when a unitary government is faced with armed conflicts and insurgencies of the ethnic groups or when the demand for secession from the union. The unitary government devolved power and it results in some authorities such as language and culture being given to local government while crucial authorities are kept.¹ Some good examples of this federation are India, Belgium, and Spain.

Another common form of federalism is a non-territorial federation in which the divisions of federal states are not based on the territory limits but the similarity in culture, language, nationality, religion or other characteristics. There is also Consociational practice which is used in a country which has major internal differences along ethnic, religious, or linguistic lines, but none of the groups large enough to be a majority group. Nevertheless, they manage to remain stable through sharing power among elites of different major social groups with an agreed formula or mechanism.² In such a form of federalism, minority groups get exclusive protections and decision making is based on unanimity.

Research Questions

1. Is the federal system suitable for the newly democratic Myanmar?
2. If so, what kind of federalism will be suitable and applicable for Myanmar?
3. How can Myanmar successfully build a federal democratic state?

¹ Stepan, Alfred, "Federalism and Democracy: Beyond the U.S. Model", *Journal of Democracy*, October 1999 <https://www.researchgate.net/publication/236712455_Federalism_and_Democracy_Beyond_the_US_Model>

² *Ibid.*,

4. To what extent has the NLD government accomplished the goal of building a federal democratic state?

Research Material and Methods

This is archival research that uses an analytical method to answer the above-mentioned research questions. The necessary data were collected from open literature on federalism and Myanmar federal history. This paper critically discussed what form of federalism would be suitable for the fledgling democratic Myanmar.

Findings and Discussion

(a) Challenges and Opportunities of Federalism

According to the normative theory, there are three structural and institutional questions and challenges to think about if federalism is practiced in Myanmar. First and foremost, Myanmar has to decide how many states and regions will be in the new federal Myanmar. Second, Myanmar needs to consider how to share executive, legislative, and judiciary powers among the central government and the federating states and regions. For example, should the states and regions have autonomy? Or what would be a better alternative? It must also decide on the symmetric and asymmetric sharing of power for the federating states. Lastly, Myanmar must dictate the sharing of the central government's power with the federating states and regions. Simply put, we must decide on the representatives of federating states and regions that are allowed to participate in the central decision making bodies of Myanmar. For instance, how many seats should be saved for the representatives of the states and regions in Pyithu Hluttaw and Amyotha Hluttaw? And how will the decision be made?

In addition to the above-mentioned questions, there are at least five more things for Myanmar to think about. The first one is to consider the stability of Myanmar because states usually face trust issues when they begin to practice federalism. Sometimes, states lead to disarray as federating states attempt to secede. In another scenario, the state system can shift into a unitary one due to the excessive centralization. Therefore, Myanmar needs to consider not only its federal design but also the loyalties of the nationalities to their respective states/regions and the federal Union. The second issue is the division of power between the federal government and federating states. Myanmar needs a constitution in which separation of power between the federal government and federating states are written. It also needs an independent constitutional tribunal to impartially decide constitutional disputes. Although federalism objects equal division of property, Myanmar faces a third issue which is distributive justice.

Fourthly, it needs to think of the harmony of the federalism with the democratic principles. Sometimes, federalism contradicts with the democratic theory due to the complications of the federal process. In federalism, it is difficult to fully perform with transparency, accountability and open discussions due to the symmetric and asymmetric distribution of power and resources among the federating states. Moreover, all the federating states and regions possess equal and exclusive powers whether they are majority or minority groups. In this way, federalism contradicts with "majority rule" or "general will" practiced by the democratic system.

As for Myanmar, should it allow the influence of the minorities' wishes over the majority's decisions? Since federalism consents equal seats to big states and small states, smaller states are sometimes favored over big states and decisions of the majority are subject to veto by the representatives of the minorities. The principle of equal rights between the majority and minority groups also openly violates the political equality and one-person-one-vote principle of the democratic theory. So federalism leads to an important normative question of why political power should be shared equally among the different states and regions instead of

equal power-sharing for the individuals. Besides, as the federalism prioritizes minority groups over majority groups, this allows minority groups to influence the decisions of the majority, leading to "identity politics" and political instability.¹ The federating states may ask for more and more autonomy, weakening the attachment and unity among ethnic nationalities of Myanmar. Therefore, if Myanmar wants to grow into a stable and highly legitimate federal state, citizens must be loyal not only to their nationalities but also to Myanmar as a whole.

However, there are many benefits to federalism as well. Federalism allows states and regions to self-rule, giving them a free hand to some extent. In this way, the local authorities can solve the local issues immediately and effectively in their ways. Through federalism, Myanmar will be able to decrease conflicts and tensions among the ethnic nationalities. Moreover, federalism will lead to the division of labour between the central government and local authorities. In the book "Democracy in America,"² Alexis de Tocqueville states that as the federal government hands over the secondary/local affairs to the local/regional authorities, it can concentrate on the primary affairs of the nation. Moreover, nations sometimes have to allow self-rule for the states and regions using federalism to avoid internal conflicts. Since Myanmar is composed of groups with different cultures, religions, and languages, federalism is the only way to guarantee national unity and harmony.

In theory, giving citizens an opportunity to participate and manage their societal affairs increases the political participation of the people. John Steward Mill once said that regional organizations are where the citizens are educated about politics. By allowing states and regions to self-rule, Myanmar citizens will possess basic democratic knowledge, skills, and experiences such as participating and deliberating the society's affairs, deciding on the majority's desire, learning from each other, and choosing representatives. In federal Myanmar, local authorities take care of numerous local issues such as basic education management, local health issues, appointing manpower for the local administration, carrying out municipal and regional affairs, and so on while the federal government focuses on primary issues concerning the whole nation.

(b) Myanmar's Federal Background (Panglong Agreement)

Since the days of struggles for independence, building a federal state was the ambition of the ethnic nationalities. During that period, the British colonial government insisted in the Aung San-Attlee Agreement on the basis that if Myanmar wanted the Frontier Areas as part of independent Myanmar, it needed the free consent of the peoples of the Frontier Areas. That is why the Panglong Agreement had to be signed by both General Aung San and leaders of the Frontier Areas. During the colonial period, Bamar, Kayin, Mon, Rakhine and other ethnic peoples were living in the territories of the Burma Proper administered by the Executive Council of the Governor of Burma. The British government designated Kayinni/Kayah as an independent region and permitted the Shan Hill and Kachin Hill to be ruled by Sawbwas and Duwas. However, Chin Hill was administered separately. Panglong Agreement was, therefore, signed by General Aung San, the representative of the Executive Council of the Governor of Burma, and representatives of Shan, Kachin and Chin Hills totaling 24 people. Panglong Agreement recognized nine agreements including basic principles of the federal system such as the formation of the States and Self-rule, financial independence, basic democratic rights and political equality for all states.

¹ Federalism, Stanford Encyclopedia of Philosophy, revised edition on 7 June 2018, <<http://platoStanford.edu/entries/federalism/>>

² Alexis de Tocqueville, *Democracy in America*, Penguin Classics, and Published on 24 April 2003 (first published 1835) <<http://www.gutenberg.org/ebooks/815>>

(c) What Type of Federal System would be Suitable and Applicable for Myanmar?

Myanmar is an ethnically diverse nation. Since the days of striving for independence from the British, establishing a federal nation had been the goal of the ethnic groups. However, after General Ne Win came to power in 1962, he ruled the country with authoritarianism and federalism that installed into the country's name only. On 18 September 1988, the Tatmadaw retook power in the country. After that, successive military governments practiced authoritarian rule. They saw federalism as the path that would lead toward nation breakdown. Although the 2008 constitution stated in its Article 8 in Chapter 1 that "the Union is constituted by the Union system",¹ the meaning of a union system is not clearly described in the following articles. Some of the federal scholars and the Tatmadaw government who created the 2008 constitution believed that federal concepts are already in the 2008 constitution.² On one hand, the armed ethnic groups were demanding for the formation of a federal army and regional autonomy rather than asking for the formation of a federal nation.

After Tatmadaw seized power in 1962, successive governments such as the Revolutionary Council government, Burmese Socialist Programme Party government, State Law and Order Restoration Council (SLORC) government, and State Peace and Development Council (SPDC) government all strived to lessen ethnic differences and diversification. The goal was to eliminate ethnic diversity and develop a form of a unitary state by mixing ethnic groups. However, it failed and only lengthened the civil war. Interest in federalism sparked again during the 2012 U Thein Sein era and reached its peak when Daw Aung San Suu Kyi's NLD party came to power. The main benefit of creating a federal system is that more groups and individuals hold the power to make the decision which prevents an authoritarian government. Since the general public can have representatives in both the state and regional Hluttaws, the state and regional governments can govern for the good of the people as in a truly democratic system.

Currently, the government, Tatmadaw, ethnic armed groups, civil society organizations, and political parties all agreed on establishing a federal nation. However, there is still disagreement on what type of federal nation would be established. The ethnic armed groups want the "coming together federal system" which was generally agreed upon in the 1947 Panglong Conference while the government, the majority Barmars, and Tatmadaw want to create a peaceful Myanmar with a "holding-together federal system" which shares power from the central government to the federating states through devolution.

At present, 30 countries that make up 40 percent of the world's population practice federalism.³ A question arises as to which type of federal system that Myanmar should emulate. According to research, India's federal system is a good model for Myanmar as India's history matches that of Myanmar. India has been successfully practicing its federal system since achieving independence, and nowadays it is clear that India's governmental structure is leaning toward the unitary state system. Similarly, other countries that practice the federal system are gradually leaning toward centralization. The central government should be provided the power necessary to create uniform administrative standards, ease regional cooperation, lead social and economic sectors, and protect the country from foreign invasions as well as local destructive and subversive groups.

¹ Constitution of the Republic of the Union of Myanmar 2008, Article 8, Chapter 1, <<http://www.asianlii.org/mm/legis/laws/cotrotuom2008bv734/>>

² Marcus Brand, *A Bird in the Hand*, the Federal Pattern of Myanmar's 2008 constitution, forum of Federation Myanmar Country Office, 2006

³ "Local Levels in Federalism", The Asia Foundation, <[asiafoundation.org](http://asiafoundation.org/wp-content/uploads/2018/08/Local-Levels-)> wp-content > uploads > 2018/08 > Local-Levels->

Depending upon the current situation, holding together federal political order would be most suitable for Myanmar so that while the states and regions hold their separate power to make their own decisions, the central government would have enough power to manage the development, prosperity, and security of the whole nation. There are two factors to think for Myanmar in creating a successful holding together federal political order. The first factor is related to secession. If the ethnic groups that wish to secede have strong influence and power, Tatmadaw might seize control as history has shown Myanmar people. Willingness to compromise is necessary among Tatmadaw, government, majority Barmans and minority ethnic groups for federalism to work.

The second factor is associated with the division of autonomy and natural resources. Federal nations in the early days had central governments with restricted autonomy and federal states which managed their important regional affairs. Due to the Industrial Revolution and the development of transport and telecommunication infrastructure, regions have become more connected and problems become transnational. To deal with issues such as regional and global trade, transportation, industrial and economic policies, connecting banks, setting interest rates, exporting, facing transnational issues such as terrorism, drug trafficking, human trafficking, global warming and environmental degradation and global epidemics such as SARS, Bird Flu and the COVID-19, the central governments have had to create uniform policies and perform immediate responses for the whole nation. Long-standing federal nations such as India and America have had to increase the central government's authority to efficiently deal with complicated issues and problems of the contemporary world as well as to catch up with other growing economies.

In India, the central government has to take care of social welfare programmes for the whole nation. For this reason, central governments in federal countries such as India and America have controlled more money than needed. Central governments usually hold important financial resources while federal states take care of their regional expenditures. Federal states take responsibility to operate their judicial system, ensure law, order, and peace, and provide public education, healthcare, and social welfare. To do so, the central governments in India and America provided the federating states with funding. In India, the central government provides "grants-in-aids" to federal states. Constitution framers in India understood that the central government should have increased autonomy to deal with possible future crises. The US federal government distributes about \$700 billion to federating states and localities each year which is nearly 25 percent of these state governments' total revenues. It is also about 17 percent of the federal government budget. In 2017, about 65 percent of the US federal funds were dedicated to health care.¹ That is why if Myanmar wants federalism to work, a strong central government and enough revenue will be needed to allocate to the federating states.

(d) NLD Government's Actions for Building a Federal Democratic State

After winning the 2015 general elections over USDP by a large margin, the NLD party prioritized internal peace, ethnic reconciliation, and establishment of federal democracy. At the Union Peace Conference (UPC) held on 12 January 2016 in Nay Pyi Taw, Chairperson of the Committee for Rule of Law and Tranquility in the House of Representatives, Daw Aung San Suu Kyi announced that achieving peace was the priority for the NLD government and political seminars based on the spirit of Panglong would be held to cease internal conflicts. On the Myanmar New Year Day of 2016, Daw Aung San Suu Kyi said in her first nation-wide

¹ *Tax Policy Center Briefing Book*, the State of State (and Local) Tax Policy, Urban Institute and Brookings Institution, <<https://www.taxpolicycenter.org/briefing-book/what-types-federal-grants-are-made-state-and-local-governments-and-how-do-they-work>>

announcement that she would lead the process of getting the remaining EAOs to sign the NCA and practicing real federal democracy. In May 2016, Daw Aung San Suu Kyi formed the Union Peace Dialogue Joint Committee (UPDJC) with 18 committee members and took the lead position. The government decided to allow the political parties with at least one seat at the Hluttaw to represent at the National Peace Conference. At the UPDJC conference of May 26, 2016, only federalism and security issues were discussed out of the five national debate areas and remaining issues such as language policy were left out which dissatisfied the EAOs. On the other hand, representatives of 17 EAOs met in the Kachin Independence Organization (KIO) controlled the Mai Ja Yang area on 26-30 July 2016 to hold a summit about federalism. At the summit, the paper, “Key Principles and Characteristics for a Federal Union of Burma (Draft),”¹ which showed the general federal opinions of the EAOs was submitted by the United Nationalities Federal Council.

From 31 August to 4 September 2016, the Union Peace Conference 21st Century Panglong was held for the first time in Nay Pyi Taw. Government officials, Hluttaw, military officers, armed ethnic organizations (EAOs), political parties, and political activists were all invited to the conference. Among the fifteen EAOs; the Nation-wide Ceasefire Agreement (NCA) was signed by eight EAOs in October 2015. They were the Karen National Union (KNU), Karen National Union/Karen National Liberation Army (Peace Council) (KNU/KNLA-PC), Democratic Karen Buddhist Army (DKBA), Chin National Front (CNF), Restoration Council of Shan State (RCSS), Pa-O National Liberation Organization (PNLO), Arakan Liberation Party (ALP) and All Burma Students’ Democratic Front (ABSDF). The Government invited the EAOs to present their opinions in the conference. However, not a single decision was made in the 21st Century Panglong Peace Conference.

On October 15, 2016, the NLD government announced a 7-point road map to achieve ethnic reconciliation and national peace. These 7-points were —

1. To review the political dialogue framework
2. To amend the political dialogue framework
3. To convene the Union Peace Conference—the 21st century Panglong— under the amended and approved political dialogue framework
4. To sign union agreement— the 21st century Panglong Conference Agreement— based on the results of the 21st Century Panglong Conference
5. To amend the constitution under the union agreement and approve the amended constitution
6. To hold the multi-party democracy general elections under the amended and approved constitution
7. To build a democratic federal union by the results of the multi-party democracy general elections.²

The NLD government strived to include all the EAOs in the second 21st Century Panglong Peace Conference. Since only the EAOs that signed the NCA were allowed to attend the conference, the representatives of the United Nationalities Federal Council (UNFC), the main organization that didn’t sign the NCA, and Dr. Tin Myo Win, the president of the Myanmar Peace Center (recently changed to National Reconciliation and Peace Center - NRPC) discussed the signing of NCA. Civil society organizations also held a national-level political

¹ “Key Principles and Characteristics for a Federal Union of Burma (Draft)”, Presented To Mai Ja Yang Summit on 26 to 30 July 2017, 2016 (Henceforth: Key Principles and Characteristics for a Federal Union, Mai Ja Yang)

² “The government’s roadmap for national reconciliation and union peace,” *Global New Light of Myanmar*, 16 October 2016, <<http://www.globalnewlightofmyanmar.com/the-governments-roadmap-for-national-reconciliation-and-union-peace/>>

seminar or Civil Society Organizations' forum on the federal topic. However, they did not submit any paper at the second 21st Century Panglong Conference.

The second 21st Century Panglong Peace Conference was held for six days on May 24-29, 2017 at the MICC-2 in Nay Pyi Taw. Over 1,400 participants attended the conference, about 700 of whom are representatives of the EAOs, political parties, and the parliament and about 120 of whom are political observers and representatives of the civil society organizations. Apart from the EAOs led by KNU which already signed the NCA, the unsigned seven groups of Northern Alliance led by the United Wa State Army (UWSA) also attended the conference. Although representatives of the seven groups of the Northern Alliance left before an agreement was made, they agreed to come to the future conferences. At the second 21st Century Panglong Conference, the 41 policy proposals regarding political, social, economic, land and environmental categories were discussed. These proposals were already generally discussed on national political seminars based on ethnicities and regions. They were also already verified by their relative working committees and UPDJC.

The discussion of "establishing a federal nation and separating power" under the category of politics sparked disagreement due to the statement that no piece of land would be allowed to secede from Myanmar. Likewise, there were misunderstandings due to the misuse of language under the category of security despite agreeing that there will only be one Tatmadaw. Due to unclear language, some people thought that the Tatmadaw would be under the democratic government, some thought that the Tatmadaw would safeguard democracy and federalism and other thought the Tatmadaw would exist independently.

At the second 21st Century Panglong Peace Conference, 12 proposals were agreed upon out of 20 under the politics category: 11 proposals under the economics category, 4 proposals under the social category, and 10 proposals under the land and environment category. Consensuses were reached for these 37 proposals¹ and were signed by government officials, parliament, the Tatmadaw, EAOs and political parties as Part-One of the Union Accord. Among these 37 proposals included the establishment of federal democracy, giving self-determination, not giving special privileges to any ethnic groups, writing regional constitutions which would be consistent with the 2008 constitution and creating their constitutions by the states and regions.² Topics such as security, power-sharing, and resource sharing were postponed for future discussion. The two challenges that haven't been resolved in the conference were "the formation of the federal army" and the "no secession" issue.

On February 13, 2018, New Mon State Party (NMSP) and Lahu Democratic Union (LDU) signed the NCA making it a total of ten EAO groups. The third 21st Century Panglong Peace Conference was held in MICC-2, Nay Pyi Taw from July 11 to July 16, 2018. It was decided that topics of federal principles related to the making of regional constitutions, autonomy, and non-secession would not be discussed at the conference. Non-secession is the main promise that the Tatmadaw is asking from ethnic group leaders. At the third 21st Century Panglong Peace Conference, 4 proposals were agreed upon under the politics category; 1 under economics; 7 under social and 2 under land and environment. These 14 proposals were signed as Part-Two of the Union Accord. Up to now, there are a total of 51 proposals in the Union Accord. One particular proposal that came out of the third conference was that there should be at least 30 percent of women involvement in every category in establishing federal democracy.

¹ "37 points signed as part of Pyidaungsu Accord," *Global New Light of Myanmar*, May 30, 2017 <<http://www.globalnewlightofmyanmar.com/37-points-signed-as-part-of-pyidaungsu-accord/>>

² Nehginpao Kipgen, "The Continuing Challenges of Myanmar's Peace Process," June 2017 <<https://thediplomat.com/2017/06/the-continuing-challenges-of-myanmars-peace-process/>>

Another proposal was that foreigners wouldn't be allowed to own land. Not a single agreement was made under the security category. The third conference yielded no important agreements.

Negotiation is still needed for the main aspects of building a federal democracy such as dividing states and regions in a federal nation, the division of legislative, administrative and judiciary powers between federating states and central government, the influence of federating states in central government's decisions, the federal army, and the sharing of natural resources. The NLD government held the 21st Century Panglong Peace Conference three times and announced that it would continue the conference once in 2018 and twice in 2019 making a total of six conferences.¹ After these conferences, the 2008 constitution would be amended based on the Union Accord that resulted from these peace conferences. The 2020 general elections would be held under the amended constitution. However, the fourth 21st Century Panglong Peace Conference could not be held in 2018. Recently, the government declared that it was planning to hold the fourth Conference in April 2020, but as it can be seen, the conference has been deterred by the COVID-19 pandemic.

Conclusion

Myanmar cannot rely on only a constitution to build sustainable peace and national unity among the nationalities. Simultaneously, Myanmar needs to build up practices such as the rule of law, respect, and tolerance of the minorities' rights, power-sharing, negotiation and compromise in society. As for federalism in Myanmar, the central government must be strong enough to ensure equality among nationalities; guarantee peace and stability in the socio-economic life of the people through effective and efficient rules, regulations and degrees; protect the country; and promote the prosperity and development of the whole nation. Moreover, federal constitution experts have said that there is no ideal federal system, but a state must think and negotiate a kind of federal form suitable with its political, economic and historical realities. Myanmar must repeatedly compromise to reach agreements on issues such as states' representation and power and resource sharing between federating states and the federal government. Still, whatever form of federal system Myanmar adopts, building a federal democratic nation is a long-term process of continually striving for compromise among the nationalities.

Acknowledgments

The author is deeply indebted to the following people without whose invaluable help, it would have been impossible for her to finish this research paper. Her heartfelt thanks go to Dr. U Sann Myint, Facilitator, TREE (the British Council), Dr. Myint Myint Htay, Professor (Head), IR Department, Monywa University and U Kyee Myaing, Head of the Department (retired), Students' Affairs Section, Mandalay University of Foreign Languages for giving her helpful scholarly and professional advice in writing this paper. Her thanks are extended to Dr. Nyo Nyo Khin, Professor (Head), History Department, Mandalay University of Foreign Languages and U Tin Aung, Parliamentarian, Mandalay Region Parliament for letting her study source materials in their possession.

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