

Research Article

Coup D'état or Coup de grace: Whither Myanmar?

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Abstract

The Pandemic Covid-19 was not more ferocious for the people of Myanmar than the developments that unfolded after the coup d'état staged by the military junta on 1 February 2021. It dislodged a sitting democratic government led by the 1991 Nobel peace laureate Ms. Aung San Suu Kyi and did not allow her a second innings despite her party's landslide victory in the November 2020 elections in the country. Justifying the coup through a frivolous allegation of election fraud, it belied its role as a democracy promoter. Thus, the country plunged into uncertainty. It gave rise to a condition like 'state of nature' where the murder of people, repression of dissent, torture, and detention of the protesters became commonplace. That provoked international condemnation of the arbitrary act of the military officially called 'Tatmadaw', followed by sanctions. Against this backdrop, this paper analyses the present conditions of democracy, human security, federalism, and military rule in that Southeast Asian state; while exploring the prospects of a new Myanmar. Thus it looks into the challenges and discusses their possible solution. This paper, therefore, makes a critical, descriptive contribution to our understanding of this country that is making a difficult transition from an authoritarian regime to democratisation.

Keywords: Human Security, Tatmadaw, Majoritarian Nationalism, Rohingya, Coup d'état

Introduction

Failing all predictions, Myanmar plunged into uncertainty following a coup d'état staged by the Tatmadaw (the official name of the country's army) in February 2021, dislodging a democratically elected government. The only *raison d'etre* of military action has been election fraud. The army thereby came to active power ending its decade long role of acting behind the scenes since 2011. It has somewhat stalled the process of democratic transition that started with reforms in 2011 and the participation and electoral victories of the National League for Democracy (NLD) led by noble laureate Ms Aung San Suu Kyi in 2012, 2015, and 2020 national elections. The coup-aftermath has released a scenario that is regarded more ferocious than the on-going Covid-19 pandemic. Murder of the protesters, repression, detention of legislators including the incumbent President and State Counsellor, the censorship of the press, etc., have become the order of the day. Despite international attention, sanctions, and concern, the military seems to be unabated in its design. History is replete with the facts that the military coups that replace the democratic governments beget new dictatorships.

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Against this backdrop, the paper wishes to discuss four crucial aspects of 'whither Myanmar'. The four aspects are the future of military rule, democracy, human security, and federalism. All these, in some way or the other, are related to each other and impact each other. The reflections of socio-cultural and historical factors are also noticeable in all of these aspects.

Methodology

Before going to discuss these four aspects, this section hints at the methodology followed in this paper to drive the reader home in appreciating the integrity of the research outcome. First, it is a piece of qualitative research; however, care has been taken to ensure the quality of information so that inferences drawn would be relatively more factual and reliable. Second, the data used in this paper are collected purely from reliable secondary sources (such as books and research articles, etc.) however quality pieces of evidence have been stressed upon. The tools used are website articles, online portals, and high indexed research journals published by reputed publishing houses such as Routledge, Cambridge University Press, and SAGE, etc. In a sense their findings are samples. These data have been gathered very purposively in the tune with the objectives of this paper so that the analysis could be done in a better way to predict and suggest future trends.

1. Militarism and the future of Military Rule in Myanmar

The sway of the Tatmadaw (the name used for the armed forces in Myanmar) over the country's politics, economy, culture, and society is a known fact. From 1962 till now, things have happened in Myanmar as the Tatmadaw desires. At one point, there were global approbations, especially since 2011, as the military paved the way for democratic transition in the country with reforms introduced or undertaken. But in reality, directly or indirectly, the presence of the military and its grip over the top slice of administration at Naypyitaw is conspicuous. The consolidation of military prowess and authoritarianism remains at the core of a 'disciplined democracy' (what the Tatmadaw has envisioned) (Huang, 2020, p.i). The 1 February 2021 coup d'état and the imposition of a state of emergency for one year sufficiently prove that thesis. Let's discuss the related concepts, their applicability to Myanmar, and the future of military rule in the said country.

1.1: The Concepts of Militarism and Majoritarian Nationalism

As Heywood (1997, p.408) describes it, Militarism is the achievement of ends by military means; or the spread of military ideas and values throughout civilian society. The three essential means the military uses almost everywhere to establish its rule are staging coup d'état; promoting majoritarian nationalism; and establishing a façade constitution. Coup is the most important means used by the military, and the other two sustain it. Coups are an internally orchestrated effort by the military or one group leading other elites in a state to unseat the sitting government by unconstitutional means (Powell and Thyne, 2011). Coup is necessitated by the prevailing conditions of anarchy or political instability. Therefore, the coup is seen as something positive (Miller, 2011) that could facilitate a prerequisite for political liberalisation (Thyne and Powell, 2014) and finally, democracy. Such coups are regarded as good coups (Marinov and Goemans, 2014) that users a phase of democracy. However, various studies show that

these coups lead to the establishment of democracy occasionally. In contrast, these are followed by new authoritarian regimes that resort to more repression and violence (Derpanopoulos et al., 2016).

Majoritarian Nationalism is a boastful feeling of superiority of a majoritarian community (majority ethnic group) vis-à-vis the other communities in that state. That feeling or attitude stands in the way of patriotism. The former believes that a state must be organised based on the majoritarian nation; thus it would crave to have cultural homogeneity or cultural assimilation. However, patriotism stands for a shared feeling of all people residing in that state who have solidarity for the common causes of all inhabitants. Sometimes, majoritarian nationalism promotes ethnic cleansing.

1.1.1: Literature and the research gap

Though Myanmar is a multi-ethnic state, the nation-building process assumes that a Burmese is a Buddhist (Houtman, 2000). Buddhism is regarded as synonymous with Myanmar culture (Gravers, 2015). Thus the national identity is formed around the dominant Burman ethnic group and the Buddhist faith (Akins, 2018, p.1). But there remains a good chunk of the non-Buddhist minority in the country that consists of 6.2 percent Christians, 4.3 percent Muslims, 0.5 percent Hindus, and 0.8 percent animists (Republic of the Union of Myanmar 2016). As majoritarian nationalism overshadows the other identities, the democratization process has resulted in many anti-Muslim and anti-Rohingya operations (Akins, 2018, p.1). Therefore, in 2017, the army launched a deadly crackdown on Rohingya Muslims, even the symbol of Human Rights; Aung San Suu Kyi (the de facto ruler of Myanmar then) remained in an alleged silence endorsing such crimes (Lubina, 2021, 2). Even in November 2019, she contested the genocide charges against the army at the International Court of Justice (ICJ) in The Hague as an apologist of the Tatmadaw (Huang, 2020, p. 146).

However, the literature on the relationship between military rule and majoritarian nationalism; the future of the military rule, and the prospects of a democratic Myanmar is in a minority. These aspects are being less discussed.

1.2: Militarism and Majoritarian Nationalism in Myanmar

Militarism and Majoritarian Nationalism are synonymous in Myanmar. Militarism or authoritarianism is a characteristic feature of the country. The Tatmadaw has been ruling the country for over sixty years since 1962 directly or indirectly by abusing its legitimate functions and usurping the responsibilities usually shouldered by civilian politicians. Crucial government posts are either held by them or they pull the strings behind the scenes (Heywood, 2005, p.171) by allowing civilian political leaders such as the National League for Democracy (NLD) leader Aung San Suu Kyi to be the de facto head of the state as it happened from 2015 to 2021. The 2008 Constitution of the country has been instrumental in consolidating the hold of military on government and legislation. It has reserved a quarter of seats in the legislature of the country as well as that of the legislatures of the ethnic-minority States and Regions for the serving military personnel. Unlike other countries, the three most crucial non-civil ministries of the government viz., defence, border, and home affairs are manned by the recruits of the Tatmadaw who are active in military service. The provisions in the Constitution (for example, the chief ministers of the

state and regions will be selected by the President first to be approved by the respective councils; or the union decides the budget of the state and regions; and, the conferment of citizenship based on citizenship law of 1982, etc.) are made which would never be conducive to federalism or to resolve the ethnic identity issues. Any attempt to amend such provisions are being blocked by a provision in the said Constitution that states that no amendment can be carried out without the support of more than 75 percent of the legislators in the national parliament. Since military representatives occupy 25 percent of seats; nothing can be amended without their consent. Besides, the military-backed proxy parties also participate in the elections (for example, the Union Solidarity and Development Party (USDP) has been contesting elections since 2010). Hence, no civil government having whatsoever majority will be able to embarrass the military. It has been proved after the latest February (2021) coup that unseated the sitting National League for Democracy (NLD) government that won a landslide victory in the November 2020 elections to resume its second innings in government the same month. The head of the Tatmadaw General Min Aung Hlaing has justified the coup alleging election fraud indulged by the NLD. The order of the day is repression, detention, riots, civil strife, murdering of people, press censorship, etc.

Bamar (Burman) ethnic group (Buddhists) is the highest in the country having 68 percent of the total population of Myanmar. They are followed by ethnic groups such as Shan, Karen, Rakhine, Mon Kayah, and Kachin. The military rulers have promoted 'Burmanisation' through 'one religion, one culture, one language and one identity' policy. The indigenous and other ethnic groups were asked to shed their ethnic identity and culture and to join the dominant group. They regard Muslims, especially the Rohingyas, Chinese, Hindus, and other ethnic minorities, as immigrants or foreigners. Accordingly, the Citizenship Law of 1982 was enacted that recognizes 135 national races for citizenship entitlements. It has also fixed an 1832 threshold for such communities meaning that those who were there before that year would be only eligible for the status. This incited the excluded minority ethnic groups to become rebellious and the anti-Muslim riots of 2012-13 and the 2017 Rohingya crisis were its repercussions.

The military instead thrives on those feelings of majoritarian nationalism. It too exploits this feeling of nationalism and emphasises national unity and solidarity among the 'national races' for the unity, survival, and sovereignty of Myanmar.

1.3: The future of the military rule

History is a witness that force alone can't sustain military rule for quite an extended period. Then a natural question follows: what about the Tatmadaw in Myanmar, which is ruling the country directly or indirectly since 1962 (?). This shows it has been successful in securing some measure of consent from the governed. The consent perhaps is obtained from its promulgation of constitutions; initiation of the process of democratisation through the introduction of reforms; conduct of elections to the representative bodies at national, and, in states and regions; and, its recruitment mainly from the major ethnic group (i.e., Bamars), etc. The military is seen as the promoter of Theravada Buddhism; or the representative of the major ethnic group against other smaller ethnic minority groups.

However, at the same time, the military rulers must not forget that their actions may backfire at times. The people in Myanmar have braved military repression to demonstrate their support for democracy

several times in the past, for example, the students-led protest in 1988 (called 8888 revolution) and the 2007 Saffron Revolution. The military had to accommodate some changes. However, now the 1 February 2021 coup has stimulated an oppositional culture in the country. Millions of people had come down the streets to demonstrate against the military's arbitrary decision. Hundreds of thousands of protesters are now ready to fight with the military. Protesters are mulling over forming a guerrilla force or a Federal Union Army to face the military. Protesters are given training in the country's jungles on how to use firearms and hand grenades. This is not a good sign for the military. It has to amend its behavior, or else it has to come under civilian control.

2. Democracy and its future in Myanmar

'Democracy' as a form of government and a way of life is still a distant dream in Myanmar as the reality is somewhat different. It is the country where elections are being held, but to no avail. Out of 73 years of its existence as an independent state, the people have tasted democracy as a form of government only for 7 to 12 years. As a way of life, democracy has been lost in the protracted ethnic strife and persecution of ethnic minorities in the name of national culture. Against this brief background this section seeks to explain the concept, practices in the country and its future course.

2. 1: The Concept of Democracy

The humanity has chased the 'rising sun' called democracy since the late 18th century (Baechler, 1998) as that would secure a life of freedom and dignity. Democracy as a political system combines the twin principles (Beetham and Boyle, 1995, pp.1-2) of popular control over collective decision-making and equality of rights in the exercise of that control. However, it is a relative concept as the two aspects differ in degree from one to another. Defining it, Schumpeter (1947) and Dahl (1971) have given the features of an 'ideal type'. Schumpeter gives a minimalist view on democracy that it is a method by which people elect representatives in competitive elections to carry out their will for the common good. That act of voting legitimises the actions of the representatives. Dahl talks about seven institutions and five processes to evaluate democracy, such as free and fair elections (institution), effective participation(a process), etc. However, Wells (2021) argues that it is inevitably open-ended and does not have a taken-for-granted meaning. Schaffer (2016) believes that the meanings of democracy would vary in different linguistic, cultural and political contexts. In the same vein, Huntington (1991) justifies how countries, after being democratised revert to authoritarian regimes on such grounds. Such difficulties are more inherent in the deeply divided societies for which the transitions from an authoritarian regime to democracy are quite challenging (Horowitz, 1993, p. 25).

In the context of Myanmar, democracy needs to be understood as a political system that guarantees individual rights such as right to life, dignity and community; freedom of opinion and press; freedom of religion; periodic elections and civilian control over administration; universal adult franchise; rule of law; an impartial judiciary; a rational citizenship law; toleration of dissent; and, federalism etc.

2.1.1: Research Gap

On democracy in Myanmar, literature primarily focuses on Buddhist impact on Democracy (Hayward, 2015); the importance of ethnicity (Kipgen, 2014; Asia Politics and Policy, 2014; Dukalskis, 2017; Ganesan, 2017; South, 2018; Wilson, 2018), and ethnic parties (Jap and Ziegfeld, 2020) to democracy; evolution of democracy (Barany, 2016); the influence of military on politics (Huang, 2017; Selth, 2018), and, leadership crisis (Barany, 2018; Roman & Holliday, 2018), etc.

However, very few have discussed the connection between democracy and federalism, the possible challenges to democracy in Myanmar, and the policy directives.

2.2: Democracy in Myanmar

This section would confine the discussion on elections held, governments formed, and political parties taking part in the polls. It is because the other related aspects have been dealt with separately in other sections. The 1st ever general elections were held on 6 February 1960. Sixteen political parties and some other parties and independent candidates took part in the election fray. As discussed in more detail in the section on federalism later, U Nu won the election with a thumping majority. His party [AFPFL (Clean faction), later renamed as Union Party)] won 157 of the 250 seats in the lower house of the national legislature called the Chamber of Deputies. A precedent was set as the military-run caretaker government monitored it without any interference. But it was short lived as before the government completed two years, it was dissolved through a coup d'état staged by General Ne Win in 1962.

In 1974 another Constitution was adopted, and President Ne Win introduced a one-party rule system. The next multi-party general elections were held on 27 May 1990. Initially, it was for the constitution of a new parliament, but later the military leadership declared that it was for a committee to draft a constitution. It followed a nationwide protest for democracy known as the 8888 revolution. Ninety-three political parties took part in the election that included 19 ethnic parties. The result was a convincing victory for the National League for Democracy (NLD) –a party led by Aung San Suu Kyi. It won 392 of the 492 seats. But the Tatmadaw refused to recognise the outcome. Hence, the NLD could not enter the Pyithu Hluttaw [(House of Representatives –the lower house of Union legislature (Pyidaungsu Hluttaw)].

A new Constitution was drafted in 2008, and accordingly, elections were held on 7 November 2010. Thirty-nine political parties contested the election with the exclusion of the NLD. A pro-military party viz., the Union Solidarity and Development Party won a majority of seats in the polls. Mr Thein Sein was its leader. He undertook several reforms in the country. At his instance Mrs Kyi took part in the by-election in 2012.

The next general elections took place on 8 November 2015. The NLD got a supermajority in the national as well as state/ region legislatures. Even 21 seats out of 29 seats for ministers of ethnic affairs went to the NLD. Mrs. Kyi was made the State Counsellor (the facto ruler) as the 2008 Constitution did not allow her to become the country's president as she was married to a Briton. It was for the first time a non-military party completed a full term in government.

The latest general elections were held in Myanmar on 8 November 2020. The NLD repeated somewhat bettered its old performance. However, on 1 February 2021, the military staged the coup de tat on the allegation of election fraud.

The above account shows how a party not backed by the military stays in power in the country. As per the 1982 citizenship law, several ethnic minority groups have been debarred from becoming citizens. The Rohingya Muslims became stateless as the said law restricted citizenship to 135 ethnic communities under eight broad categories of national races.

2.3: Future of Democracy in Myanmar

Democracy transition has had a chequered history in Myanmar. The party system and the electoral process have been in flux. From 1962 till 2010, political parties were silenced by the military juntas. Therefore, like other new democracies, Myanmar has been characterised by low-information environments (Birbir, 2007; Lupu and Riedl, 2013), meaning neither the political parties know the voters' wishes nor the electorate knows the party manifestoes.

Ethnic discrimination and subjugation have prompted the growth of many ethnic parties, but their performance at the polls has not been satisfactory (Jap and Ziegfeld, 2020, p.1). However, it is a good trend that the performance of NLD has been bettered from time to time. In 1990, the ethnic parties expressed their support towards the NLD to form the United Nationalities League for Democracy. The National Unity Government formed in exile following the 1 February 2021 coup is trying to form a kind of national coalition that includes almost all small ethnic parties. The unity and consensus reaching amongst all political parties is also a good sign. The people in the deeply divided country have now forged a rare unity responding to one clarion call: the coup is everybody's enemy. The civil society space is getting enlarged day by day. This will augur well for democracy in the country.

3: The future of human security in Myanmar

The Rohingya imbroglio of 2017 exposed the appalling human security situation in Myanmar to the world. That gives credence to allegations made against states that states could be a source of security threat to their people (Diez, Bode and de Costa, 2011, p.193). Few other ethnic minority communities, too, have suffered similar difficulties in that state. In response to the state action, as Buzan (1991, p.16) calls it, the 'identity struggles' are going on in the country, resulting in the longest ever civil war in the world. Murders, recurrent displacement of people, and repression have brought the world's most persecuted minorities (Trihartono, 2018, p.1) into that country. Having said this, let's discuss the concept of human security first to be followed by its status in Myanmar and its future.

3.1: The concept of human security

Human security is a catchword these days. The United Nations is leading from the front to promote it, followed by donor entities, the human rights advocacy groups, etc. On the global stage, human-centred security thinking started with adopting humanitarian laws such as the Genocide Convention of 1948 and the UN Declaration of Human Rights (UDHR) on 10 December 1948, etc. However, the 1994 Human

Development Report (United Nations Development Programme (UNDP), 1994. Freedom from want and fear became its essence. It clearly states that the security of a human being requires: none is in poverty; and, without food, health care facilities, good environment, protection to one's body, culture and ethnic group, etc. The United Nations High Commissioner for Refugees, Mrs. Sadako Ogata (Ogata, 1999), clarified it further. She stated that security to a person is freedom from fear (that nobody will be killed, persecuted, or abused), freedom from want (that nobody would be humiliated being in hunger and poverty), and the availability of choices to lead life. Booth (2007) argues further that security is not mere survival but 'survival plus.' It (plus) means freedom from life-determining threats; and availability of choices. In this connection, a distinction between the terms human development and human security is pertinent. The former is a long-term process that augments the latter; the latter demands immediate protection of the affected human beings. Another concept that has added to its meaning is the responsibility to protect (RtoP). Now the protection of the civilian population in any part of the world is regarded as a duty of the concerned state and international society. This RtoP has brought to light the tension between state sovereign rights and human rights (Chandler, 2012). In the name of the responsibility to protect (means, to protect human rights), 'humanitarian intervention' strategies have been adopted by the powerful states. These, some allege, have served their vested interests (McCormack, 2011, pp. 99–113; Turner et al., 2011, pp.83–96), and, in a sense, to securing the dominance of the global North on the global South (Duffield, 2010).

3.1.1: **Research Gap**

In the context of Myanmar, the majority of the studies on human security are Rohingya based (Jacob, 2014; Mithun, 2018; Trihartono, 2018; Hossain, 2019 so on and so forth), and therefore, the plight of other smaller ethnic minority groups has not received due focus. The role of civil society organisations and the agenda of the National Unity Government do not find sufficient attention from the researchers.

3.2: **Human security in Myanmar**

Myanmar is a party or signatory to several human rights-related treaties, declarations, and conventions such as the UDHR, the Genocide Convention of 1956, the International Covenant on Economic, Social and Cultural Rights (ICESCR); and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). The 2008 Constitution, which is effective now, grants freedom of religion or belief to its entire people.

But it is found that the state often falls back from its commitments. Instead of listening to their difficulties, the state, on many occasions, has resorted to repression and violence. Therefore, resentment of the people against the government has resulted in protracted fighting against the state's defence forces. Several ethnic groups are also fighting among themselves. The root cause of these identity struggles is the discriminatory treatment meted out to the ethnic minorities and indigenous communities by the pro-majoritarian governments. The victims are indigenous peoples mostly from the Kachin, Chin, and Shan communities; and ethnic minorities such as Rohingya Muslims, Hindus, Chinese, etc. The latest enacted citizenship law in 1982 exacerbated their difficulties further. As per that new law, only 135 ethnic groups classified as eight national races (taingyintha) are eligible to become citizens. The

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excluded ethnic groups or races are now either stateless or waging a civil war in the frontiers. They also confront a forced assimilation policy wherein they have to shed their own ethnic identities and accept any ethnic groups enlisted by the state.

The outcomes of such ethnic strife are large-scale displacement, forced labour, sexual exploitation, violence, and torture in those conflict areas. Ceasefires have taken place occasionally, but those do not include all such factions. The instances of the indigenous people losing their lands to the state on the pretext of economic development are very usual. The legitimacy of such acts done by the government comes from enacting such laws as the Vacant, Fallow, and Virgin Lands Management Law (VFV Law) and Forest Law, etc. Such rules and acts have converted more than 50,000 indigenous households into illegal dwellers. The government has crushed any protest with iron hands. Bribery and toleration are the only means left for these people.

The same citizenship law has rendered many Rohingyas, staying in the country for centuries stateless. The excluded communities are persecuted, tortured, forcibly stranded, and sometimes killed. Many of them are refugees in other countries, internally displaced and stateless. There have been accusations of ethnic cleansing and genocide against the government. For their survival, they are fighting against the state forces in many states like Rakhine and Karen, etc.

Given the long military rule in the country, the supportive measures that promote human security, such as policies for poverty alleviation, education, and health, are only lip service paid by the state. As per an assessment made seventeen years back, about 30 percent of households had insufficient consumption expenditure to cover their food and non-food needs. The improvement in that condition of living has been a little. Unlike welfare states, social security measures are almost non-existent in the state. The defence sector budget eats away the other sectors, which could have augmented the human security deficit.

The recent coup d'état in February 2021 has aggravated the state of insecurity of the people. It has resulted in large-scale murder, detention, and displacement. Since the coup, more than a thousand people are being murdered; over 8000 people have been detained (including high profile political leaders such as the State Counsellor Aung San Suu Kyi and President Win Myint, etc.); and over 230000 people are being internally displaced. The prices of essential commodities such as food, medicine, and fuel have soared to an alarming high to be affordable by ordinary men. The February 2021 coup and the 2019 pandemic have resulted in the closure of industries and workplaces, hence rendering many jobless.

The picture fits into the so-called Dark Age.

3.3: Future of human security in Myanmar

The state of human security in Myanmar has its first and foremost handicap in the state's role. As the military primarily controls it, the dictates of the Tatmadaw are taken for granted and followed. Its strength lies in the miseries of the people. In other words, it thrives on the fear and agonies of the people. Therefore, to secure security for the insecure, the state needs to be ruled by the people's

representatives. There has been tremendous international pressure on the military junta to restore the outcome of the November 2020 election, whereby the NLD won a thumping majority. The National Unity Government (NUG), formed in exile following the February 2021 coup, has been recognised as the legitimate representative of the people/ government of Myanmar by several governments such as the European Parliament and France, etc. It has been formed by parliamentarians, leaders of ethnic minority communities, supporters of democracy, anti-coup protesters, etc. Its historic position paper has pledged several assurances to the persecuted Rohingya community (Choudhury, 2021), regarding them as full citizens and a native community in the Union of Myanmar. It too pleads for their justice and human rights. Reuters (2021) reports that it too has floated the idea of giving autonomy to several ethnic groups in a proposed democratic federal structure while creating a federal army.

In this connection, the role of the community-based organisations, local non-government organizations (NGOs), and International NGOs in Myanmar is crucial. The presence of such groups in quite a large number (for example, more than 214,000 CBOs) in the country is encouraging. Their services in the conflict-prone areas in the country have been handy in compensating state's primary duty. They have connections with the ethnic groups for which they have successfully facilitated ceasefire negotiations on many occasions between such groups and the government forces. A few INGOs work on human development sectors such as environment, health, education, livelihoods, the rule of law, advocacy, civil society capacity building, etc. Such self-help groups need to be strengthened by the donor agencies and countries from without; and, people in Myanmar from within. A large number of think tanks have also come up in the country that promotes human rights advocacy. The more robust and more extensive presence of such groups would promote human security in the country.

4. Federalism in Myanmar and its future

In the previous section, some hints are there on how to make Myanmar a democratic federal state. The idea of a federal structure dates back to an agreement (called Panglong Agreement) reached between the leaders of the freedom movement and the representatives of indigenous peoples, mainly from the Kachin, Chin, and Shan, in 1947. The freedom struggle in Burma (renamed as Myanmar since 1989) was in full swing then. Federal structure and the guarantee of their due place in the independent State – were the assurances given to the indigenous communities. But the government did not keep the promises. Till now, it has remained elusive. This section, therefore, discusses the concept of federalism first and its practices, next, the situation in Myanmar, and its future.

4.1: The concept of federalism

Federalism implies a specific political structure that makes a happy blending of two mutually opposing aspects –the autonomy of the units (self-rule) and the unity of the whole (shared-rule). But the geneses of all federal states are not the same. Therefore, federalism has several variants. Heywood (2005, p. 240) has distinguished them as classical federations and states having federal features. He further classifies federal states into presidential and parliamentary types. Stepan (1999) calls the US (United States) type as ‘coming together’ (as the independent units got united) in contrast to the ‘holding together’ type (such as India). In a similar vein, there are arguments for a pure form or a mixed form. The pure ones grant

equality to both levels of government, whereas the mixed ones favour a robust federal government keeping the governments at the unit level below it.

But these share certain standard features. These are the form, framework; and, accommodative and representative character, etc. The essential elements of a federal state are the presence of two levels of government (one at the national level and the other at the unit level) having assigned or demarcated powers; a written constitution; linking mechanisms that facilitate collaboration between the center and the units; and, an impartial arbitrator. Its ideological basis is 'unity in diversity.'

However, it is preferred chiefly or suitable to a heterogeneous or deeply divided society as a form of government structure. It is relied on as a contrivance or mechanism to address minority problems (Stepan, 1999; Kymlicka, 2007; Lawoti, 2010; Anderson, 2013) in many countries. But accommodating the minorities in such a state structure has not been easy, and it is not uniform everywhere. Therefore, Kymlicka (1995) talks about ethnic federalism, whereas Brown (2007) advocates for a territorial type. The former is possible where the units are on ethnic lines, and, in the case of the latter, it requires territorial fragmentations that are blind to ethnic coherence or unity. But all federal states face the challenge of balancing the centrifugal and centripetal forces.

Asia has been regarded as a laboratory for the experimentation of several variants of federalism, keeping India in the middle. Many states in the region look upon federalism as a panacea for ethnic conflicts and challenges. To name a few, Sri Lanka, Nepal, Myanmar, etc., are such countries in Asia. However, the specific conditions and causes that urge a state to accept a federal structure to accommodate the aspirations of the minority ethnic groups have not been agreed upon (Bertrand and Laliberte, 2010). In this context, Breen (2018, p. 4) argues that some measures of democratisation, violence as a mode of state formation, minority commitment to human rights, religion, and the role of international actors are necessary conditions for that. However, Breen makes an outright rejection of the consociational path to federalism in the case of the states mentioned earlier. He instead has developed a concept called the Asian federal system to justify how the conditions are ripe for these states to tread on the path of federalism.

4.1.1: **Research Gap**

Given the popularity and potential of the mechanism called federalism to manage diversities, the literature in this regard has been relatively less (Breen, 2018, p.3) in Asia. Since Myanmar is not yet a federal state, very few research works have looked into that aspect. What interest the scholars and researchers the most in Myanmar are the military rule, human security and, Rohingya crisis, etc. Hence this research would throw some light on this aspect which can sort out the issues for which several ethnic groups are involved in a protracted conflict in the country.

4.2: **Federalism in Myanmar**

Given a long period of military rule; protracted civil war for autonomy and identity, federal arrangements in independent Myanmar are underdeveloped and crippled. But there are still some substantial traces of federalism in the country.

The people of Myanmar have come across three constitutions. The first one was drafted in 1947 (just a year before its independence); the second came in 1974, and the third one has been in operation since 2008. However, there were two phases when the then-military rulers suspended the Constitution. The two phases were; from 1962 to 1974; and from 1988 to 2008. A careful glance at these constitutions reveals that Burma (Myanmar) from the beginning has been envisioned as a 'union' but not as a federation. However, there were federal kinds of provisions and structures. Such structures and provisions were conspicuous in the 1947 Constitution, for example, five dedicated units for ethnic minority groups (the Shan State Council, the Kachin State Council, special division for Chins etc.); constitutional division of powers between the Union and Units (as per Schedule-3, List-I and II); the representation of units in the upper chamber of the Burmese Parliament called Chamber of Nationalities; a dedicated civil service for each unit; and, the rights of the units were protected by the amendment procedure (Article -209). There was also a provision in the same Constitution allowing every State the right to secede (Article-201). But that arrangement favoured the Majority Barmars and a few ethnic minorities. Therefore the ethnic minorities such as Rakhine, Mon and Kayahs, etc., felt deprived and took the civil war route. Some other groups (Communist factions) too joined the rebellion, and the then Prime Minister U Nu [the leader of the Anti-Fascist People's Freedom League (AFPFL)] was on the verge of facing a no-confidence motion. Hence, on invitation from Mr. Nu, the Chief of Staff of the Armed Forces (Tatmadaw) Ne Win became the head of a caretaker government to tide over the crisis. Some describe it as a 'constitutional coup'. Meanwhile, elections took place in February 1960 in which the Clean faction of the AFPFL (later renamed as Union Party) led by U Nu won a convincing victory and came back to power in April 1960. But the process of federalism received a jolt when on 2 March 1962, general Ne Win staged a coup d'état. He suspended the 1947 Constitution till 1973.

Again a new Constitution came into being in 1974, being approved by a convention in the previous year. General Ne Win became the President, and a one-party rule system was introduced. Burma Socialist Programme Party (BSPP) formed the government. The local autonomy including that of the units (states) was kept under the central leadership (Article-28) and the Central Legislature (Pyithu Hluttaw) became unicameral called People's Assembly. The 1974 Constitution recognised the formation of the Karen State, the Chin State, the Mon State and the Arakan State. The number of such states rose to seven and there were seven divisions such as Pegu and Tenasserim Division, etc. However, all such bodies were allowed no autonomy and they came under the control of the central authority. The BSPP was dominated by the Bamar community –the majority community in Myanmar. Thus the process of an identity-based nation-building was initiated. The culture of the major community was systematically imposed on all. The disenfranchisement of the Muslim minorities was the first step and the Burmese was made the language of instruction in schools. The deprivation of ethnic minority groups and political parties resulted in the 1988 movement known as the 8888 movement (as it was held on 8 August 1988).

The 1988 movement was an expression of frustration for the establishment of multi-party democracy and federalism. The military crushed it; President Ne Win suspended the 1974 Constitution; and two military-backed councils, namely, the State Law and Order Restoration Council (SLORC) and the State Peace and Development Council, took over power in September 1988 and November 1997, respectively.

A multi-party election was held in between, in May 1990, which was not recognised by the military junta (Tatmadaw). Hence, there was no Constitution from 1988 till 2008. The 2008 Constitution has been significant in many respects. It recognises seven ethnic minority states, seven regions (inhabited mainly by the Barmars), six self-administered zones and divisions, and its capital Nay Pyi Taw and surrounding townships as a union territory. The essential provisions include a multi-party democratic system; no right to any part to secede from the union; creation of government at state and region level having assigned subjects to legislate; chief ministers of all regions and states to be a part on the National Finance Commission, etc.

However, all the provisions hint at a quasi-federal structure. The national races and national culture are attached importance. The power of selection of the chief ministers of all regions and states remains entirely in the hands of the President. The reservation of seats for active army personnel in all spheres of government at the national and state/region level is not compatible.

4. 3: Future of federalism in Myanmar

A good thing about progress towards federalism is that the National Unity Government formed in exile has announced its support to protect and promote the rights of all ethnic groups in the country. The NLD is not military aligned or an ethnic-based party and several ethnic minority parties support it. The 2008 Constitution has accommodated the ethnic demands by creating five self-administered zones and one self-administered division. Today it is clear that minority ethnic groups no longer seek secession. These groups are no more getting support from bordering countries or the international community. The army has come under severe criticism for the February 2021 coup. And, the time is now ripe that all the stakeholders would sit at the negotiation table and decide the fate of a federal Myanmar.

Summation and suggestions

Concluding the inconclusive is an arduous task. The situation in Myanmar is just like boiling vegetables in a cauldron before the curry is fully prepared. Things go on evolving without a relatively concrete shape and stability. These are the symptoms of a transition, a transition from an authoritarian regime to a democracy. All the four aspects discussed above are related to each other in some way or the other. Democracy, human security, and federalism revolve around militarism or the military regime. The 2008 Constitution has secured a substantial slice in both executive and legislative branches for the military. It is the same in the case of the sub-national Hluttaws (assemblies) and ministries. Hence, the military will remain a key actor as long as the present Constitution remains as it is. The change in the military psyche is another option. Therefore, the civil leadership in Myanmar should keep open the doors for negotiation with the military. The role of international pressure and donor agencies will also be handy in this regard. The ASEAN (Association of Southeast Asian Nations) Political-Security Community (APSC) forum, where Myanmar is a member, could indirectly support the process of ending violence in the Rakhine state (Thihartono, 2018). The ASEAN must initiate a process of dialogue and negotiation to bring an end to the crisis by bringing together all the stakeholders –the Tatmadaw, the NUG, all belligerent ethnic groups, CSOs, and the private sector, etc. Here we are reminded of the military's positive minds, which said in 1989 while renaming Myanmar (from Burma) that the name would be more inclusive.

The creation of states and autonomous bodies in recognition of or to accommodate the minority ethnic groups by successive military juntas in the past is another step in the direction of a federal republic. There is a need to capitalise on these positive aspects for making a new Myanmar. Ethnocentric emotions and majoritarian aspirations are not compatible with national unity. Political parties, the army, and the people must be initiated into a new socialisation process to become partners in the country's development, or else the coup d'état would turn into a coup de grace for all. At the same time, Myanmar is also thinking of who-after 'Aung San Suu Kyi (?) as she is in her mid-70s. She is regarded the world over as the catalyst of democratic movements and human rights in the country. The NLD leadership factor will therefore remain very crucial to the future of Myanmar. The other challenges, such as the security of the Muslim minorities and their citizenship; solutions to the protracted ethnic strife; and the dwindling economy, shall remain formidable concerns. Hence, at present, we can remain, as Steinberg (2015) observes, 'cautiously optimistic' about a new Myanmar.

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