Federalism and Burma

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Despite the fact that Burma has a highly centralized unitary government system, the issue of federalism has been a major source of debate for decades. Ever since the formation of the independence movement, the various ethnic groups in Burma have wanted to transform the country into a federal union based on equality. The Panglong Agreement\(^1\) provided the basic foundation for this, but post-independence Burma did not become a federal union in spite of the urgent need for this.

The non-Burman\(^2\) ethnic groups in Burma have not given up their demands for federalism. Most of them are still engaged in insurgency movements against the central government,\(^3\) which has been dominated by Burmans since 1948. The ethnic insurgency movements emerged as a result of the government’s failure to deal with the demand for federalism peacefully. The non-Burman movement for federalism and political equality (the ‘Federal Movement‘) has consistently tried to resolve the issue peacefully. The non-Burman ethnic groups even participated in the 1990 elections, with federalism as their main motive. In the elections, the UNLD (United Nationalities’ League for Democracy, the alliance of ethnic parties in Burma) occupied the second largest number of seats after the NLD (National League for Democracy). However, federalism does not mean anything to the non-Burman groups unless the right to self-determination, including the right to secession, is part of it.

Following the second military coup in 1988, the democracy activists (mostly Burmans) joined the non-Burman insurgency movements in their struggle to restore democracy and human rights. The non-Burman groups managed to convince Burman politicians and activists that the only solution to Burma’s ethnic conflicts and civil war is the creation of a federal system of government. Hence the issue of federalism is no longer limited to ethnic groups, while at the same
time the NLD has expressed a willingness to accept it—even though most non-Burmans see the NLD as a Burman party. So far, however, no NLD manifesto has been specific about ‘federalism’ and Daw Aung San Suu Kyi has been criticized by ethnic leaders who consider her too reluctant to use this word. The problem is that one cannot yet freely use it as many people in Burma still have a poor understanding of the issue and would consider it as disintegration. This is mainly due to military propaganda: the junta is dead against federalism. But most opposition politicians in Burma are ready to go for federalism as they consider it the most reasonable solution to the ethnic conflicts.

**Military Versus Federalists**

The issue of federalism has become a major political problem in Burma because the successive military governments have failed to address the issue properly. The junta has always maintained that federalism leads to disintegration of the country and mentioned the existence of the Federal Movement as the main reason for the coup of 1962. Many Burmans, especially young people, tend to believe the junta’s propaganda. This makes it difficult to educate people regarding the real aspects of federalism. Constitutional principles proposed by the junta include two major points against federalism. First, the junta’s constitutional principles do not favour the division of power between the national government and the respective state governments, which is an essential aspect for any federalism. Although several artificial arrangements were made to show that constituent units were given a certain amount of power, in reality there is complete centralization of power at all levels. Second, the junta does not want to reduce the privileges of the Burman majority group. Because there are many constituent units for the Burmans alone, they are over-represented in the legislature. The junta should come closer to the views of the opposition to give federalism a chance.

**Federation or Federalization**

The non-Burman groups want a federation in which the federal government is not superior to but rather a partner of the state governments. The states should be independent with the right to secession. The power of the federal government should be fairly limited. The powers of the constituent states of a federation are, in principle, derived from the people of the respective states. A federation is formed when a number of states agree for some reasons to live and work together under one flag. Because there is an agreement among the member

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states to band together as equal partners, there arises a need for another level of government to handle matters of common interest. Accordingly, this federal or national government is given some powers by the member states. In federalism therefore, the federal or national government is not a superior government that holds all power. The various powers held by the member states are spelled out clearly in their respective constitutions. It might also be said that there are two ‘sovereignties’ which are intertwined, yet separated. Hence, in federalism there are two constitutions. If an existing country is divided into constituent units, these units cannot become independent. This could only be possible if they were to some extent independent prior to the creation of the federal union, for example in Australia and the United States of America.4

In contrast, ‘federalization’ is applied to transform an existing country into a federal union. The member states in this system cannot determine the role of the central government. Instead, the central government determines the roles of the member states. Limited powers for the states are granted by the federal government. Hence, the emerging federal union is the result of a strong central government. The various ways in which a federal union can be created form the basis of the conflicting ideas on federalism in Burma.

The most difficult task for the Burmese federalists will be the demarcation of the constituent states. Since Burma is a multi-ethnic country, the people agree that the formation of the constituent states should be in line with ethnicity. All constitutional drafts made by the NCUB (National Council of the Union of Burma), the military junta and the NLD proposed the names of ethnic groups as the names of their respective states, but there are still different ideas in terms of demarcation. And there is the problem of the current demarcation of Burma. There are seven States and seven Divisions, all with the same rights and status. The constitutional principles as proposed by the military junta recognize the seven States for non-Burman ethnic groups, the seven Divisions would be called ‘Regions’, and there would be additional units called ‘Union Territories’.5

The basic principle for the formation of ethnic states is that in an area where the majority of the population belongs to the same group, this area can be formed into a state for this particular group. However, there are many areas in Burma where there is no ethnic majority, for example Tenasserim in the south and the Irrawaddy delta in the southwest. Although it is suggested that these regions be formed into states on a geographical basis, this idea is not appreciated by the ethnic groups as they consider such a construction too closely associated with the Burmans. In contrast, the draft constitution of the NCUB proposes new titles (such as ‘Nationalities State’) for the States with more than one ethnic group.

The advocates of the federation theory favour the idea of “One State for One Ethnic Group”. According to them, such a policy would strengthen equality.
They do not recognize the existing Divisions for at least two reasons. First, they maintain that these areas are not independent units like other ethnic areas but rather created by Burman politicians. Second, the current Divisions are inhabited by a Burman majority. Many ethnic minority groups fear that in such a situation a federation will not be based on equality.

The Role of the Federal Army

The ethnic groups do not want to see the present army as a federal army. Re-establishing a federal army with a new formula is a popular idea among the non-Burman politicians in exile. They see the present army as oppressive, as too much dominated by the Burmans, as the destroyer of democracy. A new formula for the formation of a federal army is proposed in the NCUB draft constitution. Others think that it is not the army that is suppressing the people, but militarism led by some generals, and that total reform would be necessary for the army leadership and system, not for the army itself. It is important to take into consideration the response of the present army concerning the ideas for a future federal army. The role of the federal army should be positive but it should not replace civilian rule. The army should not have a double role, it should only sustain (the transition towards) democracy. Unless there is some form of consent from the present army, any initiative for political change would be difficult, if not impossible.

The Right to Self-Determination

Self-determination in the context of Burma is more than self-government. Non-Burman groups maintain that self-determination includes the right to secession. The 1947 Constitution allowed some states of the Union of Burma to exercise the right to secede from the union. The term ‘self-determination’ also appears in the text of the NCUB draft constitution and is defined as follows, “In the Burmese context it is (...) the right of States to be able to exercise utmost autonomy in their internal affairs and freedom from undue interference from either the Federal Government or from the Governments of other Member States”. At international level, there are several other definitions. First, the established right to be free from colonial domination, or the opposite—the right to remain dependent, if it represents the will of the people. Second, the right to dissolve a State, at least if done peacefully, and to form new states on the territory of the former one. Third, the disputed right to secede. Fourth, the right of divided States to reunite. Fifth, the right of limited autonomy, short of secession, for

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groups that are either territorially, ethnically, religiously or linguistically defined, as in autonomous areas within confederations. Sixth, rights of minority groups within a larger political entity, as recognised in Article 27 of the Covenant on Civil and Political Rights and in the United Nations General Assembly 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. Seventh, the internal self-determination freedom to choose one’s own form of (democratic) government.7

In reality, the issue of secession derives from the right of self-determination and not from the federalism described by the Burmese junta. But as long as the majority of Burmans believe that federalism is the same as secession or disintegration, there is little chance for transformation into a federal union. Federalism and self-determination must be clearly distinguished. Separating these issues will be useful for understanding and accepting federalism. Another important aspect is that there should be no rivalry in the constitution drafting process. A federal constitution would be a vital part of the creation of a Federal Union of Burma. There are currently three rival constitution drafting processes, the most important one (based on federalism) being initiated by the NCUB in 1989. The second process was initiated by the military junta in 1993. The junta’s sham National Convention laid down 104 constitutional principles, none of these in favour of federalism. The third process is sponsored by the National League for Democracy. When Daw Aung San Suu Kyi was released from house arrest in 1995, the NLD called upon the junta to reform its National Convention in order to involve the NLD in the constitution drafting process. The junta refused, whereupon the NLD delegates boycotted the National Convention. So far, the NLD has not yet released any of its constitutional principles as most of its leaders have been under house arrest for long periods. It is essential to combine all three drafting processes in order to come to one federal constitution.

**Endnotes**

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1. The Panglong Agreement was signed by General Aung San—the architect of Burma’s independence—and leaders of various ethnic minority groups in Panglong on 12 February 1947. Most ethnic groups maintain that if the 1947 Constitution had been based on the principles of the Panglong Agreement, Burma would have become a genuine federal union.

2. ‘Burman’ is the designation of the ethnic majority in Burma, comprising at least 60 per cent of the population, while ‘Burmese’ refers to the inhabitants of the country as a whole.

3. For an overview of the possible approaches minority groups might adopt


