

# A Federal Model that Fits

*There are many forms of federalism in the world, but only one really matches Myanmar's needs*

By BERTIL LINTNER

**T**here is a reason why peace talks between the government and Myanmar's ethnic resistance armies are not going anywhere: The two sides are fundamentally at odds over what they hope to achieve.

What the government wants is a "nationwide ceasefire" first, after which it will be up to the individual groups to convert their respective organizations into political parties, contest elections and then, if elected, discuss political issues in Parliament.

The non-Bamar ethnic groups, for their part, want a political dialogue to begin before they sign any nationwide ceasefire agreement. Even more importantly, they see the peace process as the first step towards re-establishing the federal structure Myanmar had before the military seized power in 1962 and abolished the 1947 Constitution.

However, the military—which stands behind the government—sees federalism as a first step toward disintegration of the country, and, therefore, unacceptable. Certain political issues can be discussed in Parliament, but "non-disintegration" of the country is one of six basic principles enshrined in the 2008 Constitution.

On the other hand, the ethnic resistance groups have not articulated their demand for federalism either. What kind of federal union would they want Myanmar to be? How should power be divided between the states and the central government? And what exactly is the "federal army" some of the groups have begun talking

about? Unless those issues have been made clear, there is little or no hope of the military changing its mind about federalism.

Many models have been mentioned: the United States, Canada, Germany, and even multi-ethnic Malaysia. The United States has a federal system, but it is not based on ethnicity, which is what Myanmar's ethnic groups are demanding. There is no Anglo-Saxon,

Irish, Polish, Mexican, Chinese or Italian state in the US. The states there are purely geographical entities where a multitude of different peoples live.

Canada has a province with a French-speaking majority, Quebec, and the country has two official languages, English and French. In 1999, the predominantly Inuit-speaking parts of the Northwest Territories became a new territory, Nunavut, and there are other autonomous areas in Canada. But, by and large, Canada, like the US, is a country made up of various groups of immigrants and it is not a federal state based on ethnicity.

Malaysia is multi-ethnic, but there is no Malay, Chinese or Indian state in that federation. Malaysia's federalism is based on the traditional Malay sultanates and some former British colonies and protectorates. But there are different ethnic groups living in all 13 Malaysian states. This is similar to the Federal Republic of Germany, which is made up of old kingdoms and principalities that were united in the late 19th century, except that the



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resulting nation-state was, and still is, overwhelmingly German in its ethnic composition.

There are, in fact, very few federations that are—or rather were—based along ethnic or linguistic lines. One was the former Soviet Union, which was dissolved in 1991. Another was Yugoslavia, which fell apart in the 1990s following bitter wars between the country's different ethnic groups. A third would be Belgium, which has only two major ethnic groups—the Dutch-speaking Flemish people and the French-speaking people of Wallonia—and a smaller German-speaking community in the east. But even with such few ethnic groups, Belgium has had immense problems maintaining its unity, let alone forming functioning central governments.

So are there any successful models Myanmar could follow? There seems to be only one: India. India has 28 states and seven union territories, and although the Indian constitution does not mention “federation” or “federalism,” the basic structure of the

country is federal. India's constitution has three lists that empower the union and the states to legislate on various matters. For instance, each state has an elected legislative assembly, its own official language and its own police force. But defense is the responsibility of the central government. India has ethnic units in its armed forces, but it is not a “federal army”; it is all under central command. Any other model would be unworkable. The third list contains issues where both the union and the various states can legislate. It is a fine balance, but despite all India's internal ethnic conflicts, it is working. Unlike the Soviet Union and Yugoslavia, India has not fallen apart, nor is at as dysfunctional as Belgium.

But if Myanmar is going to follow the Indian model, be prepared for all the problems that would entail. There is not a single state or region in Myanmar that has only one ethnic group. There are frictions between Shans and Kachins in Kachin as well as Shan State; the Pa-O rebellion in Myanmar broke out in the 1950s, not against the central government but the dominance of the Shan sawbwas. The United Wa State Army, which is active in northeastern and eastern Shan State, wants a separate state for its people. And while there is a Mon State, the Mon people are perhaps the most assimilated of Myanmar's many ethnic groups.

Myanmar's 1947 Constitution, its first, could serve as a basis for discussion, but little more. Its most controversial clause is in Chapter X: The Right of Secession, which said that “every State shall have the right to secede from the Union” after 10 years of independence from British colonial rule. But other clauses stipulate that this right does not apply to Kayin or Kachin states, so it was only Shan State and Kayah State that could, at least in theory, secede from the Union. In any case, the clause was not meant to be exercised, but was put there to make the then proposed Union of Myanmar more palatable for the non-Bamar peoples to join. The Mon, Chin and Rakhine states were not established until 1974, and therefore not covered by the 1947 Constitution.

Nor did the new constitution that was adopted in 1974 have any provisions

for federalism or regional autonomy—all that had disappeared after the 1962 military takeover. The 2008 Constitution is not federal in nature either. There is no difference between the states and the regions, and regional and state hlttaws do not have nearly as much power as, for instance, India's state legislatures or those of non-ethnic federations such as the United States or Canada.

So what could a federal Myanmar look like? When the government embarked on its peace plan in 2009, the ethnic resistance armies were invited to become “border guard forces”—but that was a very ill-conceived idea. Border security in nearly all countries is the responsibility of the central government. In India's northeastern states, adjacent to Myanmar, border security is in the hands of the paramilitary Assam Rifles, which is under the control of the Ministry of Home Affairs in New Delhi. There are also other centrally controlled border guard forces, and sometimes local police may assist but not be responsible for border security.

On the other hand, Nagaland, Manipur, Mizoram and other Indian states have their own armed police forces that are under the command of their respective state governments. If that system was adopted, the Kachin Independence Army or the Shan State Army could be absorbed into a Kachin State or Shan State Armed Police Force, but not into locally commanded “border guard forces,” which could easily degenerate into bands of border bandits and smugglers.

The Myanmar government and the country's armed resistance groups need to find a model that works, and the most viable solution would be to study the Indian model. It is also important to remember that when the Shans, the Kachins and the Chins signed the Panglong Agreement with U Aung San on Feb. 12, 1947, it was clearly stated that “full autonomy in internal administration is accepted in principle.” That was the principle upon which an independent Myanmar was founded, and it is still the only solution that would satisfy the aspirations of the country's non-Bamar ethnic groups. ■



, Kachin State, in November 2013.