

# Why does the 2021 Military Coup happen in Myanmar? A way to move forward for constitution\*

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## Abstract

Due to the conflict of civil-military relations based on the 2008 constitution, the military took the power from an elected government in February 2021. Furthermore, it seems that the clash has been between the military which does not have the willingness to leave the politics and the civilian politicians who seem giving pressure the military in order to remove from the politics. It is really important how we think about the role of the military as the military took part in politics since late 1958. However, the political and constitutional crisis which started in the 20th century might not be solved with the political result and political scenarios from the 21st century only. What Myanmar needs is a constitution based on the Panglong spirit with the agreement of all ethnicities and with solemn consideration for the needs of the ethnicities.

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# Why does the 2021 Military Coup happen in Myanmar?

## စာတမ်းအကျဉ်း

၂၀၂၁ခုနှစ် ဖေဖော်ဝါရီလတွင် မြန်မာနိုင်ငံတွင် အရပ်ဖက်-စစ်ဖက်ဆက်ဆံရေး မပြေလည်မှုများကြောင့် စစ်တပ်မှ အာဏာသိမ်းမှု ထပ်မံဖြစ်ပွားခဲ့သည်။ ထို့အပြင် စစ်တပ်က နိုင်ငံရေးမှ ထွက်ခွာလိုမှု မရှိခြင်းနှင့် အရပ်ဖက်က စစ်တပ်နိုင်ငံရေးမှ ထွက်ခွာရန် ဖိအားပေးမှုများအကြား အကျပ်အတည်းဆိုက်ခဲ့ခြင်း ဖြစ်သည်။ မြန်မာနိုင်ငံ လိုအပ်နေသည်မှာ ပင်လုံကတိကဝတ်ကို အခြေခံသည့် လူမျိုးစုအားလုံး လက်ခံနိုင်သော ဖွဲ့စည်းပုံအခြေခံဥပဒေတစ်ခုရရှိနိုင်ရန် ဖြစ်သည်။ တပ်မတော်မှာ ၁၉၅၈ခုနှစ်နောက်ပိုင်းတွင် နိုင်ငံရေးတွင် ထဲထဲဝင်ဝင်ပါဝင်လာသောကြောင့် ၎င်း၏ အခန်းကဏ္ဍကို မည်ကဲ့သို့ ထည့်သွင်း စဉ်းစားမည်မှာ အဓိကကျပါသည်။ သို့သော် ၂၀၂၁ခုနှစ်ကတည်းက စတင်ခဲ့သည့် မြန်မာ့နိုင်ငံရေးအကျပ်အတည်း တနည်း၊ ဖွဲ့စည်းပုံအခြေခံဥပဒေ အကျပ်အတည်းကို ၂၀၂၁ခုနှစ် နိုင်ငံရေးရလဒ်နှင့် အခင်းအကျင်းတစ်ခုတည်းအပေါ် မူတည်၍ ဖြေရှင်းနိုင်မည် မဟုတ်ပေ။

**Keywords:** Military coup, Constitution, Panglong Agreements

## Introduction

As the military staged a coup in 2021 again with the reason of election fraud, the real reasons behind the coup are needed to find out more. As there are a lot of phases such as the misunderstanding between the civilian government and the ethnic groups, the reasons could be understood more.

Furthermore, this paper also highlights the importance of the necessity of the constitution to solve the problems of Myanmar's politics. Moreover, it is necessary to consider the importance of Panglong promises, commitments, spirit, and the historical factors of ethnics in the constitution.

In this paper, information and data from various published books, papers, articles, reports, and government announcements are included as resources in order to support the paper. The timeline for the paper is from 1947 to 2021. Moreover, the paper also intends to give a quick understanding of past events which should be known.<sup>5</sup>

## **1. Literature Review**

### **1.1 Panglong Agreement and Spirit**

Ethnic groups in Myanmar have been fighting for equality, self-determination, and autonomy. There are two things that ethnic groups wanted before independence: (1) Federal, and (2) Democracy (Kyaw Win, 2010). Historians assume that Myanmar built a new nation as it got independence in 1948. However, the decisions made to gain independence have become a problem in present days. One of those is writing

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<sup>5</sup> The convoluted and complicated political processes are the challenges to analyzing Myanmar's politics. This paper was based on documented facts and data. However, considering the undocumented facts, some meaning in this paper may be disputable.

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the 1947 constitution that triggered the prolonged civil wars. Soon after independence, the infant state encountered socialism and communism ideological conflicts. Although there were ideological conflicts, the 1947 constitution reflected the parliamentary democracy system. As a result of the 1947 constitution, monarchy (including ethnic monarchy systems) was limited in the country. After the 1962 military coup, these almost vanished in official status.

The initial point to building the new nation was the Panglong agreement which is truly influential for political historic events for the long period.<sup>6</sup> The Panglong agreement led to the writing of the 1947 constitution and the gaining of independence.<sup>7</sup> If they had not included respective ethnic groups in the Panglong agreement, only states under the Burmese government would have gotten independence (Rel et al., 2018). Hence, ethnic group leaders and General Aung San comprised

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<sup>6</sup> Only the Panglong cannot be enough if we study the Panglong agreement. Different perspectives would be known if the report from the Frontier Areas Committee of Enquiry (1947) and the 1947 constitution are studied along with the Panglong agreement. Dr. Lian Hmung Sakhong (Panglong Commitments, Criticism of the Union of Ethnic Nationalities signed the Panglong Agreement, 2013)

<sup>7</sup> There were structural imperfections in the 1947 constitution related to the division of power and financial issues between the central and state level. The Principle of Genuine Federal (Shan Principle) was to amend this 1947 constitution. To create a Burmese state, equal authority to Hluttaw(Central), giving residual power to the states, to write the state's constitution, and autonomy were included in this draft. Dr. Lian Hmung Sakhong (Panglong Commitments, Criticism of the Union of Ethnic Nationalities that signed the Panglong Agreement, 2013)

because of the Panglong spirit. Historians said that ethnic leaders signed the Panglong agreement as they had faith in General Aung San, by taking risks (Zin, 2019). However, when he was assassinated unexpectedly, the facts in the Panglong agreement were neglected by the military and Bamar predominant political parties. (Myint (Taunggyi), 2016). Consequently, trust issues occurred between majority Burmese and minority ethnic groups, as well as political fractionation and conflicts. At that time, the important organizations which fought for independence like the Anti-Fascist People's Freedom League (AFPFL) had encountered a political split because of ideological differences and personal-based politics. The Panglong agreements, self-determination, and self-administration have faded away and are also diminished (U Sein Win, 1989). The worst thing is that the military broke the Panglong agreements and after the 1962 coup they feared that federalism might lead to the secession of the states. Thus, this is the reason for the prolonged internal conflicts (Kyaw Win, 2012). Abolishing the 1947 constitution and enacting the 1974 constitution caused problems much worse such as utter lack of trust in Bamar by minority ethnic groups and ceaseless internal armed conflicts. The breaching of the Panglong agreements is a long-standing political fraction in Myanmar.

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### **1.1. Brief political transitions from 2010 to 2015**

Political transition in 2011 was assumed as the successful bloodless transition from a military regime to a civilian hybrid regime. The Union Solidarity and Development Party (USDP) won the 2010 general election in which the National League for Democracy (NLD) did not run in the election. U Thein Sein led the government and top positions in the parliaments (Hluttaw) were selected by Senior General Than Shwe (Ye Htut, 2020). Then, President U Thein Sein and Daw Aung San Suu Kyi met first on 19<sup>th</sup> August 2011 and the NLD won the 2012 by-election. By this time the NLD had gained seats in the Hluttaw and some necessary changes had begun. (Ye Htut, 2020).

There was some political intensity while making changes. Some were the Myint-sone Dam case, peace process, Letpadaung Taung Copper Mining protest, Rakhine conflict, religious conflict, demonstration related to education reform, and labour. During 2010 and 2015, power tension occurred in the USDP party because of a lack of leadership within the party and solitary. The party was weakened as relations between the government, Hluttaw, and the USDP party and checks and balances were not done carefully (Ye Htut,2020).

A lot of necessary changes were made in the U Thein Sein regime and political downsides also occurred. Especially, political tension between Thura U Shwe Mann-led Hluttaw and

U Thein Sein-led executive government, one of the cases of the conflict is the resignation of members of the constitutional tribunal for the first time. However, there were good results such as suspension of the Myint-son Dam project, signing the Nationwide ceasefire agreement (NCA Agreement), acceptance of federalism by the military, settling the international debt, building good relations with the international community, the central bank less government control, led the establishment of Yangon Stock Exchange, starting of educational reforms and meeting with Daw Aung San Suu Kyi and President U Thein Sein, that freshens the federal democracy union dream of the public.

## **1.2. Brief political transactions from 2016 to 2020**

NLD won a landslide victory in the 2015 general election and formed the government in 2016. Daw Aung San Suu Kyi also became the State Counselor. During her official term, two Presidents were appointed one after another, to show the stability and check and balance of the government. Moreover, the Myanmar Sustainable Development Plan (2018-2030) was drawn and enacted the long-term development policies to reduce inequalities between the grassroots community and the upper class.

The whole public including minority ethnic groups and different political groups voted for the NLD party in the 2015

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election, with the attitude of not voting for the candidates but for the party as they believe that winning the NLD party in the election can hinder military dictatorship.

The NLD government did not achieve that much of its goals since it drove the bureaucracy apparatus to fix its pathway. For the aim of national reconciliation, the union ministers were appointed from other parties as well as the vice president was also appointed from Chin ethnicity. However, they were out of contact with ethnic parties which led to the discontent of ethnic parties and there were ethnic affiliated political campaigns for the 2020 general election (BBC Burmese, 2020). Besides, political groups dissatisfied with the NLD's performance formed political parties to compete with the NLD party in the 2020 general election.

The NLD government faced an economic decline, a lagging peace process, the Rakhine crisis, and the COVID-19 crisis. However, during this period(2016-2020), there was an influence on the government and the Hluttaw by the NLD party made the NLD party stronger.<sup>8</sup> Moreover, the NLD party won a landslide victory in the 2020 general election. However, the military accused the NLD that there was election fraud and that the election lacked justice. The NLD government assumed that

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<sup>8</sup> There was criticism of this influence from the point of democracy. The Union Solidarity and Development Party did not manage to influence the government during its term. Thus, the party's chairman, Thura Shwe Mann, was terminated from the party in August 2015. (Zaung Htet, 2015)



the Union Election Commission (UEC) should tackle this case according to the 2008 Constitution whereas the military assumed that the government should handle this case.<sup>9</sup>

## **2. Challenges for the amendment of the 2008 constitution**

The 2008 constitution was drawn by the military following the holding of a national convention. After the 2010 general election, the debating constitutional issue was whether to draw a new constitution or to amend the current one. Although there was a lot of criticism, the NLD government decided to amend the 2008 constitution. They contested in the 2012 by-election and became members of the parliament. As a result, the main political groups had common ground temporarily. However, the government, the military, and the ethnic parties needed to have a common agreement on what points were required to amend.

The NLD party and the NLD government wanted to amend the 2008 constitution with democratic norms and values. Mainly to reduce the share of the military representation or representatives in the Hluttaw, year after year. In contrast, the military wanted to amend the 2008 constitution for a guarantee

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<sup>9</sup> Senior General Min Aung Hlaing said to Popular News Journal that “*we said that we can accept the result of a free and fair election. But we need to be cautious now. We just want to warn to be careful.*” as a comment on the Union Election Commission’s performance on November 4, 2020. There was public concern on the aspect of the military since this tends to mean that the military does not want to accept the 2020 general election’s result.

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to make them stronger. For example, if Article 261 (appointment of the chief minister of the region and state) is amended, it will need the vote of the 25% of the military members in the Hluttaw as in the appointment of the union ministers. There were also different perspectives from the ethnic parties. The Rakhine party (Arakan National Party), which has full public support from the Rakhine state, agreed to this (Article 261) amendment. According to the Article 261 amendment, there are worries about the control of the military and the military-backed parties in the region and state level Hluttaw with given 25% if there is no majority voting to one party in the state Hluttaw as in the case of the Shan State. (Sai Kyaw Nyunt, 2019).

Even between the ethnic parties and ethnic groups, there are different views on amending the 2008 constitution. However, their common goal is to form the federal democratic constitution which fulfils the Panglong agreements.

### **2.1 Change of Political Groups**

Most ethnic groups wanted a federal country with sufficient autonomy after independence (Kyaw Win, Mya Han & Thein Hlaing, 1990). The military coup in 1958 was due to intense armed conflicts and again the 1962 military coup because the military assumed that amending the 1947 constitution with federal values can create secession and the split of the country (Kyaw Win, Mya Han & Thein Hlaing, 1990).

After these military coups, the main actors to negotiate for federalism and democracy have become the military, the ethnic groups, and the elected government.

After imposing the 2008 constitution, although the ethnic groups wanted a federal country that could vest the power of the state, limitations were widespread. A lot of Ethnic Armed Organizations (EAOs) leaders mentioned that they want to build a country that guarantees equality, equity, autonomy, and self-determination.

The most changing group related to the federal democratic process after the 2000s is the military. The military accepted some federal concepts by analyzing the 1962 coup and the occurrence of the 1988 uprising. They started to assume that Myanmar needs a multi-party system and Federalism, not Unitarianism (Kyaw Win, Mya Han & Thein Hlaing, 1990). Hence, the 2008 constitution was included with federal system features, though which are not genuine in terms of norms and values. U Thein Sein government might intend to build the country with a peace agreement accepted by all political groups. The negotiation between the ethnic groups, parties, and the military, led to the pathway of the building of a federal democratic country.

The ethnic groups encountered difficulties during the negotiation as the military gave verbal coercive, and militarily pressure, creating tense relations. Ethnic people started to feel

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the “putting together” concept and not the “coming together” concept, suffering the pressures of these military actions. The military also did not delegate necessary authority to other political groups, especially in the drafting of the constitution, instead, they wanted to keep this country under their sole guidance (Min Aung Hlaing, 2020).<sup>10</sup> They (Tatmataw) believe that their institution is the strongest support for the country, especially after it became a powerful institution post-1988.

### **2.2 NLD’s conference’s Scenario**

Demonstrations and frustration for democracy have existed in the country since before independence, along with the competing forces of communism and socialism. However, the collapse of the one-party socialist system in 1988 revealed the 1988 uprising of the people’s hunger for democracy. Because of the people’s desperate want for democracy evident in the uprising, the military agreed to establish a multi-party democratic system. Even so, the military limits the political, legislative, and judicial power through the 2008 Constitution while those powers cannot be controlled back to the military.

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<sup>10</sup> Office of the Commander-in-chief of Defence Services  
<https://cincds.gov.mm/node/8747>

Nevertheless, the 1988 uprising could be recognized as the starting point of Myanmar's democratic journey.

In the 1990 general election, General Saw Maung held the election with the promise that whichever party won the elections could form a new constitution. However, the junta failed to transfer the power to the winning party, NLD. According to the fact that the Constitution had to be written by the winning party by holding the convention, it seems that the NLD party did not have a concrete plan for a constitution and federal policy. This could see misunderstanding with the ethnic groups when negotiating in the peace process. When the NLD party won a landslide victory in the 2015 general election, the peace conference was held under the new name of the Union Peace Conference (21<sup>st</sup> Century Panglong). (Myint, 2016) Under the NLD government, there had been ignorance on ethnic affairs because of the landslide victory of winning the election in ethnic regions except for the Rakhine and Shan states. That NLD ignorance has led to the misunderstanding between the ethnic groups and the NLD party and the collapse of long-term relationships with ethnic groups.<sup>11</sup> The NLD seemed to underestimate the misunderstandings because they have a long-

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<sup>11</sup> There are two perceptions of why the ethnic parties lost belief in the NLD government. First, there are very few ethnic ministers in the union cabinet after the 2015 general election. Secondly, state ministers have not selected from Shan and Rakhine parties by using the 2008 constitution although they got a majority vote in their respective states. (Win Htain, 2018)

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term relationship with ethnic groups fighting democracy.<sup>12</sup> On the other hand, the NLD party attempted to establish good civil-military relations with the military under the national reconciliation policy of Daw Aung San Suu Kyi and decrease the percentage of military representatives in the parliament. However, there was a deterioration of the state's image as the military committed genocide upon the Muslim community in Rakhine State.<sup>13</sup> As a result, the relationship between the NLD and the military has especially led to the decline of trust. Countering the removal of the military disparate influence in politics by the NLD party, the military staged a coup on 1<sup>st</sup> February 2021.

With the military coup of Feb 2021, there have been many frictions between democratic ways and federal ways among the various political groups. There has also been friction between ethnic groups for pathways to a federal democratic union: (i) one is the ethnic groups that support the building of a federal democratic union based on the Nationwide Ceasefire

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<sup>12</sup> One of the top leaders of the NLD party, Han Thar Wadi U Win Tin commented that “*the NLD party won the 1990 election with the majority vote. At that time, the party’s leaders thought that they can continue without needing the collaboration of student parties and ethnic’s parties. And they are going to do it alone*”. Moreover, he said, “*the NLD party should regard it as the united force in boycotting the 2008 constitution, the amending it and compromise, like the catalyst in terms of chemistry.*” (U Win Tin, 2015)

<sup>13</sup> There was even the threat to withdraw the Nobel Prize from Daw Aung San Suu Kyi because of her silence on this crisis.

Agreement and 2008 constitution. (ii) another one is the ethnic groups that follow the NLD-led group of the complete end of the military regime and building of the federal democratic union. (iii) a third ethnic group has attempted to possess political self-determination and equality.

### **2.3 Civil-military relations (2016-2020)**

The huge victory of the NLD party in the November 2020 general election put great pressure on the Myanmar military, taking a main role in the peace processes, for peace processes and developments. Although the military is in undeniably good relations with the USDP party, ways to improve relations with the NLD party have been narrow. The military tried to improve its connection with the winning party from the National Defence and Security Council but the NLD did not accept it. The NLD response is directly linked to the fact that there is no hint of the military leaving politics. Another factor may be the perception that the military is controlling the ruling party in parliament more than necessary. Moreover, after the confrontation between the two principles of cooperation and the amendment of the constitution, the thinking on constitutional amendment between Tatmataw's and NLD party were different and rival, straining the relationship between the two forces.

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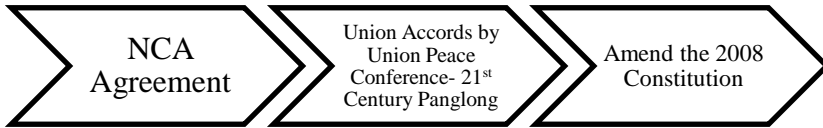
### **2.4 The NCA Agreement**

Until 2010, the Tatmadaw's position was that the disarmament of ethnic armed groups was a sign of peace. The military prioritized the disarmament process to prevent possible secession. From the point of view of ethnic armed groups, if they did not take up arms, they would not be able to demand what they wanted. In this context, the Nationwide Ceasefire Agreement (NCA) emerged under Thein Sein's government, which might be able to resolve political issues through political means, even armed. However, there were tensions in the peace conferences under the NLD government because of the claim of the military, and the promise and agreement of non-secession from the Union if they wanted to draft their state constitutions. (Nyein Nyein, 2020)

NCA is the first agreement that includes political purposes after the Panglong agreement was signed between the government, Hluttaw, and ethnic armed organizations (EAOs). The NCA is not just a ceasefire agreement. There is a mechanism and path to solving the political issues that could implement the Panglong pledge.



**Figure 1: Concept of NCA Pathway**



Source: Nationwide Ceasefire Agreement (October 15, 2015)

The special fact of the NCA agreement is that the Union Peace Conference which was held through the route of the NCA Agreement might provide results that have the power to amend the 2008 constitution beyond the boundary of the Hluttaw by signing the Union Accords. This treaty was the first agreement to draft an all-inclusive constitution. If we view this point, we could recognise this as an attempt in political ways to solve the political problems throughout centuries. But when the military took over the nation's power in 2021, important future processes such as the NCA treaty, Union Accord, establishment of the federal democratic state, drafting of the state constitutions, and the 2008 constitutional amendment became uncertain.

### **3. Tatmadaw's Coups**

The years in which Tatmadaw staged a coup are 1958, 1962, 1988, and 2021. According to former Prime Minister U Nu, the 1958 military coup was based on the split of the AFPFL

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and was perpetrated by the leaders of the Te Myal AFPFL. He also warned that asking for the military's help in politics was tantamount to a political noose. (Nu, 2012) Therefore, the 1958 coup looks like creating the military to become a strong institution.

After 10 years passed by practising the 1947 Constitution, the ethnic groups have been attempting to build the federal democratic state according to not only the principles of the constitution with Prime Minister U Nu's agreement but also to Myanmar's national leader General Aung San had instructed at Panglong (Kyaw Win, 2016). In this attempt, Shan ethnics took a lead and presented the draft to amend the constitution which is known as the Principle of Genuine Federal or Shan Principle.

The concern of the military during the 1962 coup is only one, the concern that the ethnic groups might take up the right of secession from the 1947 constitution. Now, the military desires the ethnic armed organizations (EAOs) to disarm before the political discussions due to this their own rationale. The Tatmadaw seems to think that the disarmament of EAOs is the solution to the federal democratic union. (Oo, 2016) The clear desire of the ethnic EAOs was to build a federal democratic union based on the promises of Panglong. In the 1962 coup, the 1947 constitution, and the parliament and the government were

replaced by a one-party socialist system following the 1974 constitution.

Because of the 1988 coup, the country has suffered a lot in various ways. Therefore, the people protested with an uprising to abolish a one-party socialist system and build a democratic country by holding a multi-party general election. But no political agreement was reached among the political leaders during the 1988 uprising. Even though the military agreed to hold the election and held the election later, they did not accept the results of the 1990 general election. After this, the military implemented multi-party democracy with the 2008 constitution which was written under the military regime.

### **3.1 Military coup in 2021**

There are various assumptions related to the 2021 coup by the military. From the military side, they have to declare a state of emergency because vote fraud allegations have taken place. From the side of the NLD, the coup took place with the personal aim of Senior General Min Aung Hlaing. Moreover, there are various assumptions out there by the critics. They are many such as the crisis of civil-military relations as a reason, the perspective of the military upon the amendment of the 2008 constitution, not having the desire in the military to remove from the politics, no negotiation between the military, the ethnic

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armed organizations and the government in the peace process, and the desire of the military to replace the proportional representation electoral system. Whatever the reasons are, not having the desire for the military to remove from the politics vested by the 2008 Constitution and the desire of ethnic armed organizations and democratic groups to remove the military from the politics to build a federal democratic system with the promises of Panglong might be the reasons.

### **3.2 The changes of Tatmadaw's stand**

The military which took power in 1958 and 1962 has been changing its stand since the 1988 coup. After 1988, the involvement of the military in business was widespread. Myanma Economic Holdings Public Company Limited<sup>14</sup> and Myanmar Economic Corporation and other groups were run by the military conglomerates. In this way, the military took part not only in state-building and nation-building but also in the business sector. Before 2010 under military rule, almost all authority over business licenses had been taken away to their closed families, with the emergence of an elite class in Myanmar.

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<sup>14</sup> Myanmar Economic Holdings Limited was changed to the public limited according to the 2017 Myanmar Companies Act.

### **3.3 The military principles for the union**

The basics principles of the military could be seen in chapter 1 of the 2008 Constitution mentioned clearly below:

6(a) Non-disintegration of the Union;

6(b) Non-disintegration of National solidarity;

6(c) Perpetuation of sovereignty;

6(d) Flourishing of a genuine, disciplined multi-party democratic system;

6(f) Enabling the Defence Services to be able to participate in the National political leadership role of the State. These are five principles that could let the military take part in politics. However, the emergence of the first three basic principles is because Myanmar was colonized before according to Senior General Min Aung Hlaing (Hlaing, 2019).

### **3.4 The Nationalist Politics of the military**

The military might assume that they had the responsibility to replace the one-party socialist system with the multi-party democratic system because people protested the one-party socialist system. Therefore, to establish multi-party democracy, the 2008 constitution was created. However, the

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military might not have the trust in the politicians by taking examples from the history of political battles within several groups of AFPFL factions between the AFPFL. They might assume that they need to set the system by including the sectors which could vest to them. Therefore, the nationalist political ideology of the military might be the assumption of the necessity of the military to drive the democratic system with limited authority to the politicians and the elected government.

The reason behind the 2021 coup could be assumed as the benefits of the military rather than the benefits of the state. Moreover, the military does not run for only defense as in previous times. The idea that the high-level military personnel and their family are rich beyond enough has already been widespread because the military takes part in the business sectors. The stand of the military seems inclined to the benefits of their family and elites rather than the defense sector because of the above-mentioned facts.

#### 4. Myanmar moving forward for new constitution

**Table (1) The comparison of the principles of the organizations/institutions for the constitution**

<b>Organizations/Institutions' Principles</b>		
<b>Military</b>	<b>Ethnic groups</b>	<b>Democratic groups/Parties</b>
Non-secession	Federal Democratic System built with Panglong Promises, Commitments, and Sprit	A political system that is appropriate with democratic principles
The Three Basic Principles	Principle of Genuine Federal	The removal and non-participation of the military in politics
The Nationalist Politics	Self-determination	
The role of the military and Single Army	Self-administration	
Protecting Religion (Buddhism)	Equal Rights (Basic Rights, Human Rights, Gender Rights, Democratic Rights, Minority Rights) & Opportunities	
	Right of Secession	
	Non-Religious Based Political System	
	No Discrimination, Cohesion, Diversity, Collective Leadership	
	State Constitution	
	Power Sharing, Resource Sharing, Revenue Sharing, and Subsidiarity Principle	
Federal Army		
Parliamentary System, Federal		

Source: Panglong Agreement (1947), Federal Democracy Charter (2021)

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Although different power holders have different political views and ideas in the Myanmar Politics, a common requirement for all is to write a new constitution that needs to be accepted by the respective political institutions and all ethnicity. The basic pillars of drafting the new constitution are the principle of Federalism and Democracy, accepted by the various groups. The NCA and Union Accord (parts - 1, 2 &3) have already been signed. But the main point to note is that there are various methods for building up the constitution.

The military, they do not want to reduce the role of political leadership but the democratic forces do not desire the military-led union. On the side ethnics groups, they demand the state government in a stronger form than the central government under the Coming Together Model. While these factors are difficult to negotiate, there are many possible scenarios for the mutually accepted model in practical situations. A new constitution is needed to be accepted by all ethnic groups. If not, that constitution will not last long. The drafting of a mutually accepted constitution can only proceed through political dialogue.

### **4.1. 2021 Federal Democracy Charter and New Destination of Myanmar**

After the February 2021 military coup in Myanmar, ethnic political parties, ethnic armed organizations, Committee



Representing Pyidaungsu Hluttaw (CRPH), which is organized by the elected members of the National League for Democracy for the Parliament, released a Federal Democracy Charter on 31 March 2021. This is the first consensus between different and various political group assemblies except for the military since the Panglong agreement. A new constitution will be drafted according to that federal democracy charter. A study of the provisions of the Federal Democracy Charter fills not only the Panglong pledge but also the right to self-determination of the ethnics, and the right to create their destiny based on the coming together model which emphasizes on secular state and culture.

#### **4.2. 20th-century problems and 21<sup>st</sup> century Myanmar**

The Myanmar political crisis which cannot implement the pledge of Panglong till the 21st century has lasted since the 20<sup>th</sup> century. The Panglong pledge is being addressed on the 21st-century political table but the situation is very different. Although Myanmar is in the stage of developing, technology and other development reached a certain level after 2010. Generation Y & Z also carry out the democratic revolutions after the 2021 military coup in February. Difficulties that the military is facing in the 2021 spring revolutions are not only non-violent uprisings by the people but also the armed defence revolutions.

The political processes of Myanmar include many complications. There are assumptions that the lack of beliefs

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among ethnic groups was the result of the divide and rule system under the British colony or the breaking of promises invested from Panglong by the Burmese-led groups. (Kyaw Win, Mya Han, & Thn Hlaih, 1990). The demands from the ethnics, equal rights and opportunities, self-determination, and secession, if they want, have been claimed since the time before the Panglong Agreement. Therefore, General Aung San agreed to these claims of ethnicity after 10 years with two times five-year plans because of the claims of ethnicity at the National Constitutional Convention in 1947. To secede, the agreement of two-thirds of the representatives and the referendum of the people of the respected state is necessary. Even though Burmese-led governments (from 1948 to 2021) might not want the secession, these are the rights of the ethnics historically. On the other hand, even in the 1947 report of the Frontier Areas Committee of Enquiry, there was a warning that the power of the central government might be weakened if there will be a reformation of the Union to prevent secession. (Kyaw Win, Mya Han, & Thn Hlaih, 1990).

To solve the problems of Myanmar's politics, it is not enough to solve the problems by including the election results and the 2008 constitution, it is necessary to include and consider the Panglong promises, commitments, spirit, and the historical factors of the ethnic. For example, there are complications such as the Kachin borderland problem, the problem of the

administration of Shan Royal Families (Sawbwar), the problem of the determination of Kayin State, and the equal rights for Karenni State during the progress of the 1947 Constitution. Such historical rights of ethnics and complications could not be solved only with the ways of 21st-century political content. For example, the National Unity Government was founded in 2021 based on the results of the 2020 general election.

## **5. Conclusion**

The coup by the military which happened in February 2021 has created disturbances to the changes in the sector of economics, education, and the peace processes. The people's uprising, the Civil Disobedience Movement (CDM), and the opposition of the people forming the People Defence Force (PDF) have been widespread in the whole country against the 2021 military coup. Moreover, negotiations between the ethnic armed groups and the National Unity Government (NUG) could be assumed to in the process to gain the beliefs of the armed groups because of the events in history such as the breaks of promises of the Panglong Agreement. The lack of trust could be assumed not only as of the beginning point but also as an intersection in Myanmar's politics. The drafting of an agreed constitution is necessary despite the lack of trust. Therefore, the effort to build trust is the most important factor in order to build a new era in the country.

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To conclude, General Aung San spoke at the 1947 National Convention that the role of the spirit of the Panglong Agreement is the fundamental need of the Federal Democracy Union's journey in Myanmar. (National Convention, 1947)

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