

PRIMACY OF UNIVERSAL NORMS OVER PARTICULAR NORMS: CRITICAL CONSIDERATION ON NATIONAL SECURITY IN MYANMAR*

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Abstract

International politics is changing by giving priority from sovereign state with national boundary to the global village without national boundaries. It is clearly seen that the international legal personality of the States seemed to minimize whereas the roles and norms of non-state actors become maximize in many aspects. The particular norms namely “sovereignty”, “state rights”, “national security” and “self-determination” which are important for a sovereign state, are now set at the back of the universal norms such as “humanitarian intervention”, “human dignity”, “human rights”, “collective security” and “preventive diplomacy”. Similarly, the precedence of taking legal actions on the states’ leaders against universal norms and conventions is at the alarming rate and many leaders who prioritized their national security started to quit from universal agreement. Myanmar, as a member of the family of nations, observes strictly universal norms as crucial for human beings. It is dilemma for Myanmar, especially in the case of Rakhine State when Myanmar government and its people prioritize state rights and citizen rights within the realm of national security and sovereignty. Humanitarian interventions as universal norms are negatively harmful impact on citizen rights or particular norms of Myanmar. The primacy of universal right over particular rights is difficult to prevent as the impact of globalization forced on all countries. When insistence on universal norms over particular norms is serious for Myanmar in every corner of its international relations, it is just like a creation of unsafe environment for Myanmar community at their back door. When Myanmar held its first democratically election in 2010 in line with universally accepted democratic norms, she was applauded by international community. It was not long for Myanmar when communal clashes broke out in the Rakhine State in 2012. Also right of self-determination and autonomy claimed by some ethnic nationalities, serious articulation on formulation on federal army by some ethnic armed groups (EAOs) are now a serious threat to national security and national interests. Although Union Peace Conference – 21st Century Panglong shad-lights the importance particular norms, peace, unity, equity and equality to reach to sustained peace agreement, some EAOs strongly opposed the integrity of state and importance of national security, the vital interests of a state, which is more

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concerned with wider scope of particular rights. The research question is to answer why Myanmar is important to consider its national security in the course of initiation of universal norms by international organizations in critical domestic national security concerns.

Keywords: universal norms, particular rights, national security, self-determination, human rights.

Introduction

There are a numbers of turning points in international and domestic political arenas, particularly in the age of globalization. Once sovereign countries in international context are now challenged by many ideas of civil society, international norms and regulations. These irregularities from the point of sovereign nation can be observed in political, economic and socio-cultural context. Such conflicting nature can be seen in the forms of state actors versus non state actors, national security versus human security, human rights versus citizen rights, heavy foreign direct investment in natural resource extraction versus environmental conservation, all-inclusiveness versus federalism, self-determination versus national reconciliation, freedom versus personal integrity, and free trade versus national safe guard tariff measures.

Even though, the world is moving forward to more integration, more interdependent and more globalized trend, the clashes between two opposing stands or normative assumptions can be significantly seen in many international events such as “China Dream 2050” against “peaceful rise of China” by Chinese leaders, “America First Policy” by the President Donald Trump against “Liberal America” idea inherited by founding fathers of America, “Briexit” from the European Union against European integration concept by Britain in 2016, “Fighting the Force of Evil” by the Philippines President Rodrigo Duterte against Christian faith in mercy by the grace of God and Japan’s slap over US freeze beef export against World Trade Organization (WTO) regulations. These prominent examples show how to safe guard the one’s own national interests amid of international norms.

In context of international relations, liberal political assumptions in politics, economic and social areas have been dominant especially under the labels of liberal trade and liberal democracy. However, there are some defects and failure in post conflict countries or developing countries practicing liberal

idea of internationally designed state-building in transitional period. Typically, African countries like Angola, Democratic Republic of Congo, Sudan, Liberia and Sierra Leon, some Eastern European countries like Moldova, Macedonia, Albania and some countries in Middle East like Yemen, Tunisia and Lebanon had had bad experiences of democratic transition backed by liberal idea on state building in the post cold war. Such kind of transitional experience was carefully observed by international community after 2010 general elections in Myanmar.

It is evident that a broad range of internationally designed state-building practices benchmarked by the universal norms, such as transparency, accountability, anti corruption and extractive industries transparency initiative (EITI), could not afford to bring the countries in transition to follow such norms alone. With the failure of such designs in nation-building, counterpart state actors became the victims of failure for internationally designed state-building which is usually initiated by international experts or consultants fixing eyes on international norms only.

It is necessary to understand the state-building nature of “one size, fits all” model which is not exactly fixed on the other country’s development model and national reconciliation. For instance, transitional justice model in South Africa and retribution in Indonesia could not be pursued in Myanmar since circumstances in Myanmar political development together with its significant political culture and national identity are quite different from backgrounds of Indonesia and South Africa where one of the competing groups was the foreign settlers and the other was the native people. In this scenario, transitional justice in Myanmar could only be channeled through forgiveness with no retaliation or revenge as quoted by the State Counsellor in the annual event of Peace Conference with ethnic groups in October 2016, that is “Let by Gones, Be by Gones”.

Myanmar is now in transition to democracy and is facing some defects from international pressures against its own domestic circumstances. Two prominent cases are to be observed in this research. Such cases are human security versus national security or human right versus citizens rights implying the case of Rakhine State, federalism concept of ethnic minorities versus all-inclusiveness in national reconciliation in the case of Union Peace

Conference - 21st Century Panglong and self-determination rights versus national reconciliation in claiming separate or autonomous state rights in amending the constitutional in the future.

Primacy of Universal Norms over Particular Norms: Human Rights versus Citizens Rights or Human Security versus National Security

Incidents in the Rakhine State have been the most typical example of two opposing stands on universal norms against particular norms. Communal violence in the Rakhine State, the western part of Myanmar is a critical national security issue for Myanmar while international actors or organizations, especially, the United Nations Secretary's Special Rapporteur and members of Organization of Islamic Cooperation/Council (OIC) assumed it as a total ignorance on human security or discrimination against on what they termed as Rohingya people upon which Myanmar side persistently rejected this term and demanded international community to describe these people as Bengali settled from other country for their survival. In the perception of Myanmar people, the peculiar case of the Rakhine State is now the attempt of many international actors by placing universal norms over particular norms. It is clear that in the eighteen century political thought, Fredric Hegel suggested that code of conduct or regulations among men could not be applied to relations among members of nations in international system. It means there are particular rights or citizens' rights as a legitimate right for own citizens are not necessarily concerned to universal rights or human rights.

Before 2011, situation in the Rakhina State was not much emphasized by the UNSG even though the United Nations Human Rights Commission (UNHCR) annually released the human rights situation in Myanmar. Between 1988 and 2010, UNHCR Reports and attention placed on child labor, child soldier, violations of women's rights and discrimination against women in the ethnic armed conflict areas such as in the Shan State and Kachin State. Much of the attention focused by the human rights activists and international organizations attention were on refugee camps along Myanmar – Thai border. Since 1994, Myanmar started to accept the repatriation of 250,000 Bengali through UNHCR for the first time and it was the very first incident that caused protracted communal violence in the Rakhine State in 2012 and its subsequent years. Of five UNSG's Special Rapporteurs to Myanmar, UNSG Special

Rapporteurs Mr. Razarli Ismail, Mr. Thomas Oley Quintana and Ms. Yang-hee Lee were assigned to observe human rights situations of Bengalis in Myanmar between 2009 and 2016. Mr. Gambari and Mr. Viji Nambia as UNSG Special Rapporteur or Special representatives emphasized on women rights and child rights development in Myanmar. Myanmar government decided to terminate the investigation conducted by Ms. Yang-hee Lee after she forcefully urged Myanmar government to accept UN Fact-Finding Mission in July 2018 though Myanmar has persistently provided her missions to the UN.

Each of these UNSG Special Rapporteur pressured Myanmar government to legalize these repatriated Bengalis into citizenships which is totally illegitimate under 1982 Citizenship Law of Myanmar. Under this pressure, the Secretary of the Joint Bill Committee prepared and proposed a bill to amend the 1982 Citizenship Law in September 2016 which was critically discussed by 24 Members of Parliament (MP) including Defense Service Representatives at the second regular session of Pyithu Hluttaw. It was the first case of NLD-led government which lost the vote in amending the 1982 Citizenship Law at the NLD dominated legislative chamber, Pyithu Hluttaw. Major pressure of the UNSG Special Rapportures to Myanmar government is the need to consider the legal status of these repatriated Bengalis living in refugee camps for long time on the ground of humanitarian concern. It is obvious that such kind of institutional design to amend the strong legal provisions is totally contradictory to the national sovereignty at the expense of citizen's rights of Myanmar.

Fake or alleged news disseminated by some international social media namely the Guardian Online and news items of Hong Kong exaggerated the incidents in the Rakhine State into more critical concerns between two communal groups which turned into mutual distrust among two communities instead of establishing reintegration through interfaith dialogue attempted by the NLD-led government and religious leaders in Myanmar. There were some foreign reporters together with ex-top security official for UN, went to the villages where alleged killings by security forces. U Tun Myint, ex-top security official for UN, who pointed out the weak response of Investigation

Commission on Rakhine State, replied to Myanmar reporters asking about alleged killing of mother of five children who fled to Bangladesh as follow,

“We as well found the news in foreign online media, ... foreign media descriptions vary in three kinds... we interrogated them (villagers of Kyetyoepyin village) whether there were 5 children and a mother and a father and 5 children killed in the arson attack, they replied ‘No’. By seeing this obviously description in foreign media was wrong. This is their actual statement”

In fact, in terms of demographic figure, in the Rakhine State, dominant population, especially in Buthidaung, Maungtaw and Rathedaung township, is about 94% of Muslim Bengali where only 4% Buddhist Rakhine people are living in that area. When 2013 Population Census was conducted, Bengalis asked for Immigration authorities to list them as Rohingya in census taking. It was officially denied by Myanmar government that there is no national race named as Rohingya in any part of Myanmar based on factual and historical references. Such self-claimed population was not counted in 2013 Census, if they wished to be stick on the stand of self-claimed Rohingya. It shows the ineffectiveness of rule of law in Rakhine State and the then President U Thein Sein government failed to take legal action on such groups who were asking for legal citizen rights while opposing existing nation's laws and regulations.

Besides, in international media and social media, there were discriminations of majority Buddhist Rakhine against Muslim Bengali minority. Spill-over effect was the distrust which extended to Kaman ethnic people who devoted in Islam and lived in the Rakhine State together with Buddhist Rakhine for centuries. According to MP of National Development Party (Kaman Party), Kaman ethnic people thought they became marginalized in the communal violence of Rakhines and Bengalis in the same areas.

The State Counsellor was trying to keep a neutral stand in the Rakhine incident before the 9 October 2016 attack against Myanmar security forces in Maungtaw, Rakhine State. It was identified by Myanmar government as the terrorist attacks on Myanmar Police Force (MPF). No public comment of State's Counsellor on Rakhine issue has, however, been blamed by both domestic nationalist sentiment groups of Rakhine and foreign-based human rights activists including the youngest Nobel laureate Ms. Malala in 2016. The

State Counsellor requested to former UNSG Dr. Kofi Annan to lead the Advisory Commission on Rakhine State when one of the ASEAN members, Malaysia seriously defamed Myanmar in handling Bengalis (so called Rohingyas in their official writings). Unusually, the State Counsellor invited the Foreign Ministers of ASEAN to Yangon on 7 January 2017 to explain the real situation in Rakhine State. It is the first defect in ASEAN experience for its stand on non-intervention in internal affairs of other ASEAN member based on consensus principle.

The NLD led government since 2015 has been in the tug of war between national security paradigm clearly articulated by the groups of nationalist sentiment and human security paradigm prioritized by international actors. As soon as terrorist attack against Myanmar security forces in the outpost of MPF in Maungtau Township, the Rakhine State Investigation Commission headed by Vice President U Myint Swe has been formed on 1 December 2016 by Notification No. 89/2016 to investigate the separate but sequential terrorist attacks on 9 October, 12 and 13 November 2016. It was attacked by Bengalis terrorists trained by foreigners and extreme Islamic leaders to the outpost of joint forces of Defense Service and Myanmar Police Force along Myanmar-Bangladesh border. Minister of State for Foreign Affairs U Kyaw Tin, at the High Level Segment of the 34th Session of the Human Rights Council held in Geneva on 28 February 2017, clearly underscored that

“Human Rights Council should be promoting and protecting of the rights of all people in the manner of impartiality and the interests of all states. Any deviation from such inclusive, equal and non discriminatory approach will affect the confidence in the work of council by the member states of the UN.”

However, Government of Myanmar continued its cooperation with UN Special Rapportuer Ms. Yang hee Lee to facilitate the discharge of her HRC mandate. In July 2017, the HRC passed the resolution at 34th Session which called for the dispatch of international fact-finding mission to Myanmar. It also asked for free travelling of stateless Bengali people within Myanmar without any constraints and granting of citizenship for those undocumented Bengali fled to Bangladesh during riots. On 21 July 2017, Government of

Myanmar released press statement in responding to the 34th Session HRC Resolution and terminated the cooperation with UN Special Rapporteur. Paragraph 2 of the Press Release of Myanmar Government is stated as follows:-

“The Resolution was based on unsustainable allegation. Additionally, the establishment of the fact-finding mission would do more to inflame rather than resolve, the complex and challenging situation that the country. Myanmar, therefore, dissociated itself from the HRC Resolution as a whole”

It is clearly obvious that such universal norms as human rights and refuge repatriation together with granting of citizen scrutinizing cards demanded by UNHRC and its Asia Human Right Council (AHRC) severely marginalize the concept of sovereignty and national security of Myanmar which are the particular norms and vital national interest of Myanmar citizens. More prominent difference can be found after a series of terrorist attacks by Arakan Rohingya Salvation Army (ARSA) against the Myanmar Police Stations and some other security outposts located in Maungtau Township on 25 August 2017. Although the ARSA attacks were implicitly defined as terrorist attacks against security forces of the Government of Myanmar and caused instability and serious alarm to general public, such terrorist attacks were portrayed as liberation movement of the most oppressed stateless Bengali on the world described by some international organization after nearly 700,000 Bengalis who fled to Bangladesh after Maungtau clashes. Primacy of universal norms over particular norms became a controversial in Myanmar national security. The UN Security Council through UN Human Right Council decided to dispatch the fact-finding mission sent by UN Human Rights Council to Rakhin State of Myanmar while the Government of Myanmar was trying to solve the Bengali issue in Rakhine State with the advice of former UNSG Kofi Anna, popularly known as Kofi Annan Commission.

Although Myanmar was trying to solve her own domestic issues, at the annual meeting of UN Human Right Council, without voting among Council's members, the Council decided to send Fact-Finding Mission to Myanmar to investigate the reality of Rakhine State on 13 March 2017. Myanmar

government clearly stated that it will dissociate with the Council's decision and Myanmar will not issue visa for the members of Fact Finding Mission which has more controversial impact in the Rakhine issue. Immediately, the National Security Advisor (NSA) U Thaung Tun has been appointed to handle this issue and NSA reconfirmed that Myanmar will pursue exactly 30 points suggestions advised by Dr. Kofi Annan in his interim report. The NSA U Thaung Tun quoted the State Counsellor's interview with BBC News on 5 April 2017 that there is no evidence of ethnic cleansing or genocide as accused by international media, Muslims are killing Muslims who seemed to be engaged and cooperated with official authorities in the areas. On 6 August 2017, Vice President U Myint Swe, Chairman of Investigation Commission on Maungtau in Rakhine State responded the allegations as follows:

“there was no possible evidence indicating crime against humanity or any act of ethnic cleansing in support of the UN Office of the High Commissioner for Human Rights (OHCHR)...Sadly we found that OCHER report fails to describe the brutal acts and murders by terrorist organization against member of security forces in the first instance in Maungtau areas in October last year, or the indiscriminate killing and intimidation of natives and Muslims villages, or the terrorist trainings by terrorist organizations, or the arrival of domestic and international assistance to Maungtau villages”

When the US Ambassador to the UN Ms. Nikki Haley called on Myanmar to accept the Fact-Finding Mission on 11 July 2017 at the UN in New York, the National Security Advisor reaffirmed the Myanmar stand, that is “dissociation” as follow -

“We dissociate ourselves from the decision because we found that it was less than constructive...The decisions of the other countries – including China and India – to join Myanmar in distancing themselves from the resolution was a “Principle Stand” ”

Although NLD-led government tried to solve Rakhine issues through international advisors and domestic experts by forming a numbers of commissions, there is a disagreement from some self-identified nationalist groups led by Buddhist Sanghas and Rakhine nationalists. Two camps to boycott the government efforts on Rakhine issue were opened in Yangon and Mandalay on 2 August 2017. After a numbers of formal requests from the State Sangha Maha Nayaka Council, camp in Mandalay was forcefully shut down by authorities on 5 August 2017 and camp on Yangon was terminated voluntarily. It is clear that the Maungtau issue in the Rakine State is a very sensitive issue that can destabilize political development of Myanmar and cause disintegration among all works of Myanmar people. Regional Director Mr. Phil Robinson of the Asia Human Rights Watch (AHRW) severely criticized the Report of Investigation Commission on Maungtau and asked to accept Fact Finding Commission of the UN.

The Government of Myanmar decided to terminate cooperation with some international organizations whose resolution spoiled the integrity of Myanmar. However, the State Counsellor initiated to form the Advisory Board for the Committee for Implementation of the Recommendation on Rakhine State chaired by Dr. Surakiart Sathirathai. Myanmar also accepted the official appointment of UN Special Envoy Ms Christine Schraner Burgener. Myanmar also signed MOU with UNDP and UNHRC to repatriate Bengalis after legally scrutinizing the Bengalis who settled along Myanmar-Bangladesh border. In 2017, Myanmar accepted the UNHRC Chief Commissioner Mr. Filippo Grandi to visit Maungtau and permitted four groups of international media and journalists to observe the arrangement of repatriation of Bengalis fled to Bangladesh.

In this scenario, there are two sharp different stands between national security and human security. For Myanmar, serial attacks against security forces stationed along Myanmar-Bangladesh border since 9 October 2016 is simply the terrorist attack like breach of national security. For the UN Human Rights Council together with OIC, terrorist attacks against Myanmar security forces were not mentioned as national security concerns in their discussions and decision. But the Council highlighted the case only the violation of human rights and ignorance of human security which calls for desperate international

humanitarian assistance since most of the Bengalis villagers including fugitive criminals fled to UNHCR Camps. However, the Council persistently emphasized the serious human security concerns articulated by international actors. Primacy of human security over citizen security has been the defect in handling the national security concern of Myanmar.

Primacy of Self Determination-based Federal Propositions versus National Reconciliation

Another clash between universal norm and particular norm can be observed on the self determination which is clearly outlined in the UDHR and other important UN Conventions like Convention on Elimination of All Forms of Discrimination against Women (CEDAW) and Convention on Child Rights (CRC). The idea of self-determination was a potential driving force in uniting the Myanmar people and regaining the independence from colonial rule. It became a popular idea among Myanmar nationalist leaders under the leadership of General Aung San during independence movement. Wider perspective on self-determination among nationalities was a motivating factor for strong nationalist movement with patriotic spirit which was an effective instrument for national unity among different nationalities living in the different geological locations of Myanmar. It became a uniting force in 1948. Divide and rule of British policy was terminated due to self-determination of all national races in claiming self rule administration.

Constitutional provisions under unitary nature did some points in 1974 and prohibited the formation of separate or autonomous states within the Union but the two federal constitutions paved the way for limited autonomous areas for ethnic minorities of Myanmar. In 1947 Constitution and 2008 Constitution, prominent provisions for nationalities have been specifically promulgated. The 1947 Constitution with federal characteristics also reflected the importance of ethnic affairs and it also provided the two legislative chambers, namely Chamber of Deputies and the Chamber of Nationalities. There was no provision for specific state constitutions for eight major ethnic groups under 1947 Constitution. Under the 1974 Constitution, which was a unitary nature, the Special Chin Division was constituted. Typically under the 2008 Constitution, there are 11 self-administered zones and self-administered areas designating the specific ethnic nationalities residing in Myanmar. It is

true that 2008 Constitution is composed of many flaw factors in consideration on ethnic nationalities affairs though it has been drawing on federal character in nature.

However, strict sense of self-determination among ethnic nationalities led to cession rights and claim for formation of federal army among ethnic nationalities groups which emerge as a source of limitation in national reconciliation, especially at the holding of 21st Century Peace Conference in February 2017. Outspoken voices on equality, self-determination and individual rights were the principal demands claimed by nationalities. Ethnic nationalities groups constantly blamed on Myanmar Chauvinism, camouflaged federalism under 2008 constitution, limitations on self-determination and individual rights for ethnic nationalities which led to the failure of trust building between government and ethnic minorities since independence. To remedy these deep rooted pains, there came out a historic decision at the Union Political Dialogue Joint Committee (UPDJC) Meeting on 12 May 2017 to draft the state and region constitutions as a supportive measure to self-determination and individual rights of ethnic nationalities. However, it is still unclear for drafting the respective state and region constitutions under the 2008 Constitutions which is composed of flaw points to complete federal nature in essence which is severely criticized by constitutional experts. In fact, there are many vague factors to draft the state and region constitutions since the Nationwide Ceasefire Agreement (NCA), the only means to building peace and political dialogue failed to attract the non-signatories ethnic armed groups. Of 7 signatories, only 5 ethnic armed organizations wished to continue political dialogue through NCA in June 2017.

National security is the continuation of domestic stability, especially peace process. Even though the United Nationalities Federal Council (UNFC) and UPDJC are asking the ethnic armed organizations to sign NCA, fighting had broke out between Myanmar Defense Forces and Arakan Army (AA), Myanmar National Democratic Alliance Army (MNDAA) and Ta'ang Palaung National Liberation Army (TNLA) in the Kachin and Shan States since April 2015. In short, lawful freedom and legitimate self-determination are the two appropriate means to move forward the current peace process

based on NCA. Deadlock in peace process brought instability and expended the more mutual distrust among ethnic nationalities, Myanmar Defense Forces and government.

In this context, for its national interest, China emerged as a key player in national reconciliation effort of Myanmar, especially in the Union Peace Conference – 21st Century Panglong. China clearly took the key role in the Union Peace Conference which was held on 24 May 2017 to which China brought leaders of ethnic armed organizations and non-signatories to NCA. It is clear that Myanmar-China relations became closer after NLD led government won 2015 elections. China expected to cooperate with Myanmar government which laid down anti-corruption as the core principle for national development. It is coincided with President Xi Jinping's anti-corruption campaign in PRC. Besides, for China, Myanmar is the strategic access to Indian Ocean and is located on President Xi's Belt and Road (BRI) though Myanmar is not included in 21st Century Maritime Silk Road.

Moreover, PRC attempted to establish party-to-party relations apart from China's role in national reconciliation effort of Myanmar. Mr. Song Tao, Head of the International Liaison Department of the Communist Party of China visited Myanmar on 5 August 2017. During two days visits, Mr. Song Tao met with senior and important persons of NLD Party including NLD Party Patron U Tin Oo. There was no significant claim to lift suspension for Myitson Dam construction from China side even though frequent state visits were multiplied between Myanmar and China in 2015-2016.

Conclusion: National Security Considerations

Myanmar government officially stated that the incident in Rakhine State was the terrorist attacks on security forces or law enforcement agencies and the deterioration of rule of law. However, implementation of suggestions in the interim report by Dr. Kofi Annan was delayed due to tough stand of ethnic Rakhine people who opposed the international intervention in Rakhine affairs. On the side of international actors, especially UNSG Special Rapporteur on Myanmar did rarely suggested possible engagement to settle the problem rather than bluntly blamed on government in failure of protecting human rights on Bengalis living in the IDP camps for long time. More

international interventions in Rakhine State minimized the role of state and threatened to the government efforts for national reconciliation.

It is important for Myanmar government not to lose sight on national security rather than human security. In other word, Myanmar agreed the idea of human rights as a state responsibility but it will not be acceptable unethical claim of human rights at the expense of its national security. It can also be noted that human rights and citizen rights are two separate entities with own identities in legal context so that primacy of human rights over citizen rights further undermines the state sovereignty and national security concerns. Besides, it is necessary to send out intelligent Myanmar diplomats who can response alleged accusation of International Organizations with sharp but smart tones timely. In fact, every individual citizen is the ambassador of one's own country and it is import that all citizens must have sound knowledge on political development and political culture of own country.

It is suggested that Myanmar government is to be careful not to deviate from communal violence to religious issue which is loudly portrayed by international media and organizations and by collecting misinformation from criminals who are taking refuge in refugee camps along Myanmar-Bangladesh border. NLD led government seems to be trapped in allegation of OCHER in international scenario on one hand and terrorist attack as well as blame of ethnic Rakhine and Buddhist Sangha in domestic scene on the other. It is very important for Myanmar not to hamper the good integrity and image of Myanmar in international context and pressure through international organizations whose resolutions and press releases were used to based on distorted and exaggerated or fake news. More importantly, public in Myanmar should also hold cultural values to avoid any kind of misinterpretation on information and not to relay such kind of misinterpretation or hate speech via social media to other community outside of Myanmar. Myanmar people must have to observe impact of international organizations on Turkey, Tunisia, Yemen and Congo in handling domestic issues.

In fact, Myanmar has the state right to deny the investigation of UNSG Special Rapporteur as did by the People's Republic of China during 2008 Tibet Earthquake, North Korean or Democratic People's Republic of Korea, Sri Lanka government in 2013, Laos PDR government and Vietnamese

government in 1999 and 2000 respectively. These governments clearly rejected to accept UNSG Special Rapporteurs for further investigations in disaster-hit areas and conflict areas. Moreover, without the prior permission of the PRC government, Special Rapporteur could not have access to traveling in the country. So, it is to recommend that NLD led government should not put the Rakhine case to international table. At the same time, it is very important to understand all Myanmar people that the OCHER attempt on Rakhine issues is a trap for Myanmar into UN Resolution to Protection Principle (RtoP). In this context, UNSC can send international forces without sovereign government permission on the accusation of government failure to protect and safeguard the lives of people residing within the national boundary as the UNSC did in former Yugoslavia in 1992-1997. It is recommended by the Myanmar Institute of Strategic and International Studies (MISIS) which is composed of senior former Myanmar Ambassadors and academic experts under the Ministry of Foreign Affairs (MOFA) that integrity building is vital important not only for nation as a whole but also individual citizen in protecting the vital national interest and nation's survival in international arena.

In the case of self-determination and federalism claimed by ethnic nationalities, it can be suggested that the most critical point to fulfill those claim is to amend the constitution. Without constitutional amendment, it is very difficult to draft state and region constitutions agreed at the UPDJC Meeting in May 2017. If so, strict claim on narrow sense of self-determination and federal army constantly highlighted by ethnic armed organizations led to disintegration of the Union. Now, it seemed to be stagnant in success of peace dialogue and fighting between Tatmadaw and ethnic armed organizations became severe in the Kachin and Shan States again. There are many criticism on defense budget for Myanmar Defense Force, especially from ethnic armed organizations. Myanmar is the lowest one in ASEAN for defense budget spending and is now in middle of Thailand and Bangladesh whose Navies are modernized with submarines and air-to-naval commands. It is necessary to consider the neighborhood policy of Myanmar neighbors, that is, China role in MNDAA attack in April 2015, India informal attempt through Hindustan Times's Perspective on internationalization of territory at the China-Myanmar-India Tri-junction border point, Bangladesh Navy attempt on show

of force during Myanmar-Bangladesh maritime boundary clashes in 2012, and the modernization of Air-to-Navy Command in Thailand since 2012. However, security sector reform through DDR (Disarm, Demobilize and Rehabilitation) is sluggish or is in bottleneck for the moment in Myanmar. In this context, legislative oversight on security sector is important for effective security reform in line with constitutional provisions. Constitutionally security sector reform only can bring domestic peace and security which can precede the continuation of modernization on national defense for Myanmar instead of federal army formation. Briefly, it can be concluded that the internalization of universal norms which is difficult to be relevant to particular norms of different countries in different situations – human security, human rights and self determination - are the critical consideration on national security and national reconciliation of Myanmar. For Myanmar, minimizing role of state in the context of liberal perception through universal norms is a big concern for national security in the context of realist assumption on particular norms, protection of vital national security interests.

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