



Institut für Föderalismus  
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**IFF Working Paper Online No 44**

## **SUMMER UNIVERSITY 40<sup>th</sup> ANNIVERSARY CONFERENCE: Federalism and Conflict**

**Conference Proceedings**

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December 2024

Citation: Institute of Federalism, Summer University 40<sup>th</sup> Anniversary Conference: Federalism and Conflict - Conference Proceedings, IFF Working Paper Online No 44, Fribourg, December 2024.

<https://doi.org/10.51363/unifr.diff.2024.44>

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The IFF Working Paper Online series and other publications of the Institute of Federalism, Fribourg are available on the IFF website [www.unifr.ch/federalism/en/research/](http://www.unifr.ch/federalism/en/research/).

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DOI: <https://doi.org/10.51363/unifr.diff.2024.44>

ISSN: 2813-5261 (Online)

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## Abstract

The inaugural panel of the IFF's 2024 Summer University Conference explored the intersection of federalism and conflict, examining both contemporary and endemic conflicts. The panel investigated how federalism and conflict resolution might address modern conflicts, particularly focusing on cases where federalism could have been implemented but was not, potentially exacerbating violence or prolonging conflicts. Case studies included Ukraine, Myanmar, Spain, and Ethiopia, each illustrating diverse dynamics of decentralization and federalism.

Presentations highlighted how federalism has influenced these conflicts: in Ukraine, decentralization bolstered local governance amid the Russian invasion; in Myanmar, the coup revitalized federal debates among opposition forces; in Catalonia, limited decentralization frustrated demands for greater autonomy; and in Ethiopia, federalism's challenges in recognizing minorities complicated societal integration. The panel underscored the complex relationship between federalism, democracy, and conflict resolution, revealing how federal structures can either stabilize or intensify conflicts, providing valuable insights into their role in contemporary political dynamics.

## Keywords

Federalism, Conflict, Violence, Myanmar, Ukraine, Ethiopia, Spain

## Foreword

In August 2024, the Institute of Federalism (IFF) of the University of Fribourg in Switzerland organised its 30th Summer University on Federalism, Decentralisation and Conflict Resolution. To celebrate this milestone, a two-day conference was integrated in the Summer University, which dealt with the question: Is Federalism Still a Viable Governance Tool in Times of Crisis? The conference consisted of three thematic panels:

- Federalism and Conflict
- Federalism and Democratic Backsliding
- Federalism and Resource Tensions

And two panels presenting research results of two ongoing study projects that deal with a similar question:

- Federalism and the Pandemic (The Role of Parliaments, Public Participation and Minority Rights during Crises): from EU Horizon project LEGITIMULT
- Power-Sharing: Solution or Challenge? Insights from Lebanon, Syria, and Iraq: from the SNIS project Power-sharing for Peace?

The conference proceedings of the three (thematic) panels will be published as a three-part series of papers. The summary of the first panel on Federalism and Conflict is presented in this paper.

## Introduction

The inaugural panel of the IFF's 2024 Summer University Conference addressed the nexus of federalism and conflict, encompassing both contemporary violent conflicts and those that are endemic. The objective of this panel was to investigate the potential for federalism and conflict resolution to contribute to the resolution of contemporary conflicts. In particular, we sought to understand how federalism could have been implemented in practice but was not, and whether this has resulted in violence or contributed to the prolongation of a conflict. For illustrative purposes, we considered examples such as Myanmar, Ukraine, and Spain.

Four speakers were invited to present on related topics they have worked on or are currently carrying out research on. Oleksandra Keudel holds a PhD in Political Science from the Free University of Berlin and studies democratic transformation and societal resilience in hybrid regimes, specifically in Ukraine's subnational politics. Mireia Grau Creus, a doctor in Political and Social Sciences from the European University Institute of Florence, works on intergovernmental relations, federalism and multilevel governance, particularly in relation to territorial conflicts within Spain and Catalonia. Nejat Hussein is a doctoral student at the University of the Western Cape in South Africa, where she investigates the role of constitutional design in divided societies, particularly Ethiopia. Paul Anderson is a Senior Lecturer in Politics at the Liverpool John Moores University in the UK, whose research largely focuses on territorial politics within the context of the United Kingdom, but also has worked extensively on the federal debate in Myanmar.

The four case-studies presented distinct conflicts: the situation in Ukraine following the Russian invasion, Catalonia's push for independence, the tensions and conflicts in Ethiopia, and the coup d'état in Myanmar. In each of these scenarios, decentralization and federalism play a role, but not

necessarily in the ways one might expect. For example, in Ukraine, decentralization has actually strengthened local governments and enhanced the country's capacity to respond to the invasion. Conversely, in Myanmar, the coup has profoundly reinvigorated the federal debate and engendered closer cooperation between coup-opposition forces. In Catalonia and Ethiopia, divergent interpretations of federalism have exacerbated existing conflicts.

In Spain, while decentralization is significant, it applies to only a limited number of areas, leading to increasing frustration among Catalans. The high level of decentralization does not compensate for its lack of extensiveness. In Ethiopia, federalism continuously challenges the integration and definition of new official minorities, which must not remain static while still being recognized. These issues highlight the different ways in which federalism can either reinforce or undermine states.

One of the critical findings was that it is crucial to understand that federalism and democracy are not analogous, linear processes. Indeed, conflict can weaken one aspect while surprisingly strengthening the other. Federalism and decentralization remain central to discussions on conflict resolution, as they profoundly influence identities and minority groups. Each unique conflict provides valuable insights into the role of federalism in contemporary issues.

## **A) Decentralisation and resilience in an interstate war: the case of Ukraine fighting off the Russian full-scale invasion since 2022** *Oleksandra Keudel*

### **1. Decentralisation reforms in Ukraine and the competencies of local self-government before and during the Russian full-scale invasion**

The 2014 decentralisation reforms created a **system of local self-government authorities (LSGs)** in Ukraine with relative autonomy and resources for public service provision in municipalities ('hromadas').<sup>2</sup> First, ca. 12'000 small administrative units were amalgamated into 1'470 more capable hromadas, creating incentives for using economies of scale to improve the efficiency of governance of the municipal territory and property ([Figure 1](#)). Second, these hromadas have directly elected mayors and councils who jointly appoint executive bodies, accountable to them. This provides hromadas with relevant autonomy in designing local economic and social development according to local needs.<sup>3</sup> Finally, LSGs received a guaranteed share of national tax revenues and incentives to increase their own revenues; so that even under wartime, state transfers constitute only about a quarter in local budgets.<sup>4</sup>

*Figure 1 Administrative organisation of Ukraine*

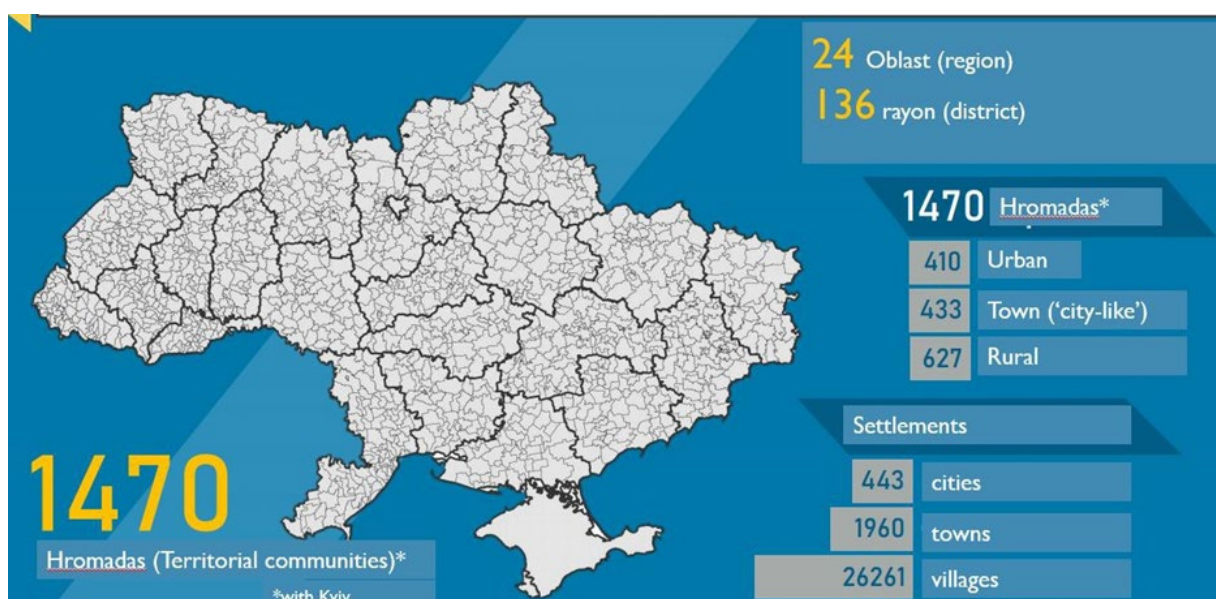
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<sup>1</sup> Free University of Berlin

<sup>2</sup> OECD, *Maintaining the Momentum of Decentralisation in Ukraine*, OECD Multi-Level Governance Studies, 2018, <https://doi.org/10.1787/9789264301436-en>; Romanova, V. & Umland, A., "Domestic and International Dimensions of Ukraine's Decentralization: Kyiv's Local Governance Reform and Post-Soviet Democratization", *Demokratizatsiya: The Journal of Post-Soviet Democratization*, 31 (3), 2023, 363-389.

<sup>3</sup> Congress of Local and Regional Authorities, *Roles and Responsibilities of Mayors and Local Councillors in Armenia, Azerbaijan, Georgia, Moldova, Ukraine and Belarus*, Council of Europe, 2016, 95-102.

<sup>4</sup> Portal Decentralization, *Аналіз місцевих бюджетів за січень-квітень 2024 року*, 24 June 2024. Accessed at: <https://decentralization.ua/news/18256>



Source: *Monitoring of the reform of local self-government (original in Ukrainian)*. Accessed at: <https://decentralization.ua/uploads/library/file/690/10.02.2021.pdf>, p. 3.

The introduction of **martial law**<sup>5</sup> due to the full-scale Russian invasion had **implications for the operations of LSGs in hromadas but did not diminish their autonomy**. The need to consolidate defense effort, naturally in the war of such a scale, gave impetus to fiscal and administrative centralizing: local state (military) administrations received overlapping competencies to those of LSGs in provision of social services in hromadas that are (were) under occupation or in territories of hostilities,<sup>6</sup> while regional military administrations (RMAs) increased their leverage over municipalities, where LSGs depend on state transfers;<sup>7</sup> the government reduced the LSGs' tax revenue share by withholding personal income tax (PIT) of military personnel. Overall, in 2024 compared to 2022, more LSGs perceive their ability to influence strategic decisions and the responsiveness of central authorities to their feedback as limited.<sup>8</sup>

<sup>5</sup> Decree of the President of Ukraine No. 2102-IX (2022) on the introduction of martial law in Ukraine (in Ukrainian). Accessed at: <https://zakon.rada.gov.ua/laws/show/64/2022?lang=en#Text>

<sup>6</sup> Law of Ukraine No. 2193-IX (2022) on the introduction of changes to some laws of Ukraine regarding the provision of social services in the event of the introduction of a state of emergency or martial law in Ukraine or some of its localities (in Ukrainian). Accessed at: <https://zakon.rada.gov.ua/laws/show/2193-20#Text>

<sup>7</sup> Darkovich, A. & Hnyda, O., *(De)Centralization? Trends in the Interaction of Local Self-Government and State Authorities at the Local Level in Ukraine*, Centre for Sociological Research, Decentralisation and Regional Development at the Kyiv School of Economics, 2024.

<sup>8</sup> Congress of Local and Regional Authorities, *Survey on the Needs and Priorities of Local Authorities of Ukraine. The Provision of Services in Times of War and Post-War Recovery*, Council of Europe, 2023, 35; See also 2024 resilience survey by KSE (<https://kse.ua/kse-research/resilience/>).

## 2. The interstate war and contribution of local self-governments to Ukraine's resilience in the asymmetric war: advantages and limitations of decentralisation reform

As a result of reforms, LSGs have gained trust of their communities,<sup>9</sup> which turned out helpful during the first shocks of the Russian full-scale invasion. LSGs have become the backbone of Ukraine's resilience as a state, because they were able to coordinate and consolidate local resources for crisis response allowing the provision of public services despite war circumstances. Beyond immediate relief efforts, LSGs also **focused on building long-term hromada resilience** through the establishment of resilience points and emergency response frameworks. While, indeed, they still have significant capacity gaps in strategic planning, finance and project management and chronic lack of human resources, this ability to connect to local communities is an asset for responding to war-related crises. Specifically, **three core mechanisms** – which we derive from the polycentricity theory<sup>10</sup> – support crisis response in Ukraine as a decentralized state:

- (1) Ukrainian local authorities facilitated *knowledge* flows that empowered the community to respond to war-related crises. The knowledge has been transmitted in three ways: through informing strategies to establish the knowledge flow; engagement strategies to source knowledge; sustaining reoccurring communication channels by formalizing the advice and demonstrating responsiveness. LSGs fostered conditions for local horizontal exchanges and directly sourced people's skills outside the authorities to solve war-related crises.
- (2) Empowered LSGs, not least due to the decentralization reforms, made *co-production* meaningful for crisis response. LSGs acted as points of reference, for whom residents, entrepreneurs, NGOs, and other Ukrainian and international municipalities were partners in problem-solving. Pre-existing personal acquaintance often enabled co-production, pointing at an advantage of polycentric governance that favours networks, initiative, and horizontal ties as opposed to hierarchy and subordination in monocentric systems. In some cases, mobilization of volunteers compensated for the lack of local government capacity.
- (3) Decentralized governance system compensated for high vulnerability and lack of preparedness through social *innovation and experimenting*: municipalities independently anticipated upcoming challenges in the short term or elaborated ad-hoc reactions. Pre-existing digital tools and local practices for certain problems were creatively adapted to resolve new challenges associated with the war. Unorthodox solutions to crises, developed by a trial-and-error approach, were spread across the system through personal communication networks.

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<sup>9</sup> Arends, H. et al., "Decentralization and Trust in Government: Quasi-Experimental Evidence from Ukraine", *Journal of Comparative Economics*, 51 (4), 2023. <https://doi.org/10.1016/j.jce.2023.08.002>. Although trust levels may look low in absolute numbers, their positive dynamic indicates an important shift for a society, where distrust to state institutions is entrenched.

<sup>10</sup> See full argument elaborated here: Keudel, O. & Huss, O., "Polycentric Governance in Practice: The Case of Ukraine's Decentralised Crisis Response during the Russo-Ukrainian War", *Journal of Public Finance and Public Choice*, 39 (1), 2023, 10-35. <https://doi.org/10.1332/25156918Y2023D000000002>

### 3. What needs to be addressed for the decentralized governance during the interstate war

- (1) During times of war, there is a tension between the need for rapid decision-making and the preservation of democratic principles. One potential solution is to clearly delineate security and military competencies from other governance functions, allowing for the creation of parallel civilian and military governance structures.
- (2) Another significant challenge arises from balancing respect for the principle of subsidiarity with the shrinking human capacity caused by factors such as trauma, migration, army mobilization, and loss of life. Rather than resorting to centralization, efforts should focus on upscaling local capacities. Possible strategies include fostering municipal cooperation for project design, implementation, and service provision, as well as adopting data-driven policymaking to optimize resources and decision-making processes.
- (3) A third tension exists between the need to control resource distribution and maintaining the autonomy of local self-governments (LSGs) when dealing with foreign aid. To address this, it is crucial to localize anti-corruption and integrity measures required by donors in ways that do not inadvertently promote centralization.<sup>11</sup> Some potential solutions include establishing local aid agencies,<sup>12</sup> encouraging municipal cooperation, and fostering international municipal partnerships to ensure aid is managed effectively at the local level.

### B) Federalism, decentralisation, self-rule in Spain: fuelling or appeasing territorial conflicts *Mireia Grau Creus*<sup>13</sup>

Elaborating the territorial organisation of power in Spain is a risky task. The question of whether one considers it to be a federation (or federal system), a quasi-federation, or simply a decentralised system revolving around the hierarchical position of the central government provides a significant indication of whether one considers the institutional setting (federation/decentralisation) to have been a success or failure. Internal debates among academics, predominantly Spanish, have been particularly intense over the past decade, with discussions largely reflecting the prevailing political alignments on the matter. However, a key question remains unanswered: on what basis can one assess the success or failure of this system? If we were to use the term failure, one would need to consider the question, failure of what?

If the measure of success is the implementation of a decentralised system, starting from scratch, 50 years ago, it is quite evident that the rate of institutional success is high – although it has its

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<sup>11</sup> See more here: Keudel, O. (2024). *Advancing anti-corruption capacity in Ukraine's local self-government*. CMI Institute U4. <https://www.u4.no/publications/anti-corruption-capacity-in-ukraine-s-local-self-government>

<sup>12</sup> See here: Keudel, O., & Myerson, R. (2024). *Supporting Ukraine's Democracy Bottom-Up: Proposed Mechanism for a Decentered but Coordinated Donor Assistance to Ukraine's Recovery*. Perspectives for Ukraine's Economy: Ukraine Recovery Conference side event, Berlin. <https://www.fes.de/index.php?eID=dump-File&t=f&f=125295&token=cecf4f9f442397c0ebc193f081bf7fdebdebe03e>

<sup>13</sup> Institut d'Estudis de l'Autogovern, Spain



limitations. However, the implementation of the system clearly did not succeed in accommodating the territorial demands for which the system was initially set up in the late 1970s, namely, the Catalan and Basque political demands. This raises the question, whether the failure in fulfilling its initial objectives is related to an inadequate original institutional design (a so-called “default” problem), or to the capacity of the implemented system to generate political demands that exceeded the original model.

The initial institutional response to the political demands for autonomy that emerged in the late 1970s was the establishment of self-rule based on bottom-up demands, whether historically rooted or politically promoted. Thus, federalism as an instrument was the classical initial response. Could this approach be considered as one of the factors that fuelled further territorial tensions? In fact, the initial problem of the system was that it was not clear in emphasizing that the bottom-up perspective would lead to the establishment of a general system of decentralization, as the constitutional provisions seemed to implicitly promote. In other words, the emphasis of purely bottom-up approaches could mean that in the lack of bottom-up perspectives, the system would end up as a complex asymmetrical system. Thus, a top-down perspective was required to boost the generalisation of the system as a means to avoid the complexities of the asymmetries that came about in the early 1980s after a political agreement between the two main state-wide parties. There is an academic and political “convention” that insists on establishing a relation between this generalization of decentralization and the dissatisfaction towards the system expressed by the Catalan parties that considered that it would dilute their relevance. In this sense, thus, any political measure addressed to implement federalism/quasi-federalism could be interpreted as a measure that would provoke almost automatically dissatisfaction and secessionist movements. In this sense, thus, the capacity of the system to generate further demands seems to lie at the root of the problem.

However, although it is clear that the generalization of the system did actually water down the expectations of institutional asymmetries, one of the key aspects of the early 1980s party agreement is that it explicitly defined the low degree of tolerance regarding policy diversity that the system, in general, would allow and the broad degree of unity that the central government would pursue. The interesting point is that such a restrictive perspective on the capacity of the system to generate diversity – what I usually call the level of intensity of self-rule – departed from the open and ambiguous compromise established in the Constitution. The agreements involved a long-standing commitment to strongly tame policy diversity, diluting both the expectations of the political relevance of the Catalan government but even more the capacity of self-rule to generate policy diversity.

From this perspective, the analysis of the Spanish case is warranted: The success or failure of self-rule, decentralisation, and federalism as mechanisms to accommodate the demands of the Catalan and Basque regions should be gauged according to the extent to which the system fosters and regulates policy diversity. Consequently, rather than attributing the promotion of secession to federalism or decentralisation in general, it may be more productive to focus on the extent to which the system facilitates diversity and the degree to which this influences the actions of political actors.

## C) **Divorce without separation: internal secession in Ethiopia's constitution**

*Nejat Hussein*<sup>14</sup>

Federations are dynamic entities from their inception and are prone to experiencing shifts in internal boundaries over time. They are based upon territorial divisions that are organised into political states, provinces, or regions known as constituent units (CUs).<sup>15</sup> Consequently, many federations incorporate provisions within their constitutions pertaining to the alteration of subnational boundaries, the division of existing states, and the establishment of new ones. However, the Ethiopian Constitution differs from its counterparts by elevating the demand for the creation of new CUs to the status of a constitutional right. The Ethiopian Constitution, established in 1995, introduced a system of ethnic federalism aimed at addressing the “question of nationality” by affording ethnic groups the right to internal self-determination, including the right to form their own states. This federal structure was intended to decentralise power and provide greater autonomy for ethnic groups, thereby reducing conflict and institutionalising ethnic identities within the political framework. In this regard, the ability of ethnic groups to break away from the states in which they are found, is accorded significant legal status. Article 47 (2) stipulates that ‘Nations, Nationalities and Peoples within the States enumerated in sub-Article 1 of this article have the right to establish, at any time, their own states.’ The Nations, Nationalities and Peoples (NNPs) in this context refer to the various ethnic groups that inhabit Ethiopia.

A further distinguishing factor of the Ethiopian Constitution is that the right to internal secession is exclusively granted to ethnic groups and is not accessible based on alternative criteria such as territorial, economic, or administrative claims. Moreover, according to the procedures outlined in Article 47(3), it appears as though the Federal government and State councils are not empowered to play a decisive role in the internal secession process. According to Fessha and Ayele, this represents a significant departure from procedures outlined in other federal jurisdictions, as they impose limitations on the creation of new constituent units by allowing federal parliaments and/or other concerned constituent units to participate in the process.<sup>16</sup>

The application of federalism in Ethiopia has had mixed results. On the one hand, it has provided a constitutional framework for ethnic groups to assert their rights and seek autonomy, which can be seen as a success in terms of recognising diversity. However, the system has also led to significant challenges, including ambiguity in the constitutional provisions regarding the process of internal secession, which has resulted in tensions and conflicts among ethnic groups. The lack of clarity about the roles of federal and state governments in the secession process has created opportunities for power struggles and has exacerbated ethnic conflicts, undermining social cohesion. Indeed, the recent influx of demands for internal secession in Ethiopia, most notably from the southern region, has underscored the challenges inherent in enshrining internal secession as a constitutional right and the procedures involved in its realisation. Thus, while the federal structure

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<sup>14</sup> University the Western Cape, South Africa

<sup>15</sup> Anderson, L., “Ethnofederalism: The Worst Form of Institutional Arrangement?”, *International Security*, 39 (1), 2014, 165-204. [https://doi.org/10.1162/ISEC\\_a\\_00164](https://doi.org/10.1162/ISEC_a_00164)

<sup>16</sup> Fessha, Y.T. & Ayele, Z.A., “The Law and Politics of Internal Secession: The Ethiopian Experience in Comparative Perspective” in M. Belov (ed.), *Territorial Politics and Secession. Constitutional and International Law Dimensions*, Palgrave Macmillan, 2021, 265-287. [https://doi.org/10.1007/978-3-030-64402-4\\_13](https://doi.org/10.1007/978-3-030-64402-4_13)

aimed to promote peace and stability, it has also directly contributed to ongoing ethnic tensions and violence.

To improve the federal system in Ethiopia, several key issues should be addressed:

*Clarification of Constitutional Provisions:* There is a need for clearer guidelines regarding the roles of federal and state governments in the internal secession process. Additionally, establishing clear and effective conflict resolution mechanisms that involve dialogue and negotiations among ethnic groups can help mitigate tensions and prevent violence.

*Inclusive Decision-Making Process:* The federal government should ensure that the voices of all ethnic groups, including minorities, are considered in the decision-making process related to statehood and secession.

*Promotion of National Unity:* While recognising ethnic identities is important, there should be a concerted effort to foster a sense of national identity that transcends ethnic divisions, promoting unity and cooperation among ethnic groups.

*Addressing Socio-economic Disparities:* Tackling the underlying socio-economic issues that contribute to ethnic grievances can help reduce tensions and promote stability.

## **D) Myanmar Post-Coup: Hopes for a Federal Future** ***Paul Anderson***<sup>17</sup>

The debate on the prospect of a federal Myanmar has been a constant undercurrent in the politics of the state for almost 8 decades. Prior to the country's independence in 1948, discussion on securing autonomy dominated political narratives and in the aftermath of the promulgation of the 1948 Constitution continued to feature in political debate. The dominance of the military and its pro-centralist vision and authoritarian tendencies hindered prospects of federalisation, forcefully evidenced in the 1962 military coup led by General Ne Win and subsequent dictatorship. From the 2000s on, there was a softening in approach by leading military figures vis-à-vis processes of democratisation and federalisation, albeit rhetoric did not always align with actions. The signing of a National Ceasefire Agreement in 2015 by several Ethnic Armed Organisations (EAOs) to end their resistance against the government in exchange for a peace process and lasting political reforms and subsequent resounding victory for the National League for Democracy (NLD) in the November 2015 elections, reinvigorated the debate on democracy and federalism.

The Union Peace Conference was established in 2016 to facilitate negotiations between Myanmar's principal political actors – the NLD-led Government, the military and different EAOs. A key challenge that emerged during the different rounds of negotiations was the different agendas of the main reform drivers: While the NLD-government focused substantially on constitutional changes that would limit, and eventually eliminate, the role of the military in the political affairs of the country, EAO representatives were particularly focused on the implementation of a federal system. Military figures expressed support for federalism in principle, but in consonance with their long-standing hesitance to dividing power, demonstrated little commitment to enduring reform (Anderson and Keil 2024). In the aftermath of another overwhelming victory for the NLD

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<sup>17</sup> Liverpool John Moores University

in the 2020 general election, the military staged another coup in 2021. Senior figures, including State Counsellor Aung Sang Suu Kyi were arrested and the hopes of institutionalising major reforms were significantly dashed.

The coup, nonetheless, has been met with significant resistance and has reinvigorated the federal debate in Myanmar. A National Unity Government (NUG) was established to lead in preparing the country for post-military rule with a strong commitment to promoting federalism and engaging in coalition building with EAOs. In recognition of its commitment to diversity and to increase its legitimacy, the NUG created ‘explicitly pan-ethnic’ institutions, including a multi-ethnic cabinet to represent all Myanmar citizens (Kaung Myat et al, 2022: 284). Further, addressing gaps between the NLD and ethnic peoples vis-à-vis understandings of federalism, particularly the lack of concrete detail on the former’s federal vision (Breen 2018), there has been closer alignment between these different groups with the commitment to federalism featuring prominently in debate and official publications. The Federal Democracy Charter, for instance, published in March 2021 committed anti-coup forces to construct a ‘Federal Democratic Union’ (South, 2021: 448).

The 2021 coup certainly impeded concrete progress in the democratic transition and federalisation process, but it has concomitantly reinvigorated the federal debate and engendered closer cooperation between coup-opposition forces. The prospect of a federal Myanmar may seem far off in the distance, but the military coup has strengthened not weakened the federal resolve. Cautious optimism remains.

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