



## **Briefing on deadlock over the non-secession clause at UPC**

The 2<sup>nd</sup> Union Peace Conference–21<sup>st</sup> Century Panglong, that was organized May 24-29, 2017 under the current government in Nay Pyi Taw, was concluded with the concrete outcome of progress: 37 basic points<sup>1</sup> of agreement in four thematic sectors – politics (federalism), economics, social, land and environment – got ratified and signed into a segment of the formal Pyidaungsu (Union) Accord. This is the first time for the actual Union Peace Conference to have made such important agreements, which is unprecedented. Process-wise, the agreement and ratification of these basic principles can be considered as significant steps taken towards advancing the cause of federalism in the Union of Myanmar. The ratification of principles did not include the security sector as there is no mandate for the conference to make formal agreements, contrary to the other four sectors. Though no decision was made, at least there was a meaningful exchange of perspectives over national security and defence taking place among the representatives of the government, Parliament, Tatmadaw (Myanmar Armed Forces), ethnic armed organizations, and political parties.

Since the beginning of ceasefire negotiations, there are many unexpected issues becoming stumbling blocks in the Myanmar peace process, and the issue of a non-secession clause is one of them, which almost led the recent conference to a total collapse. From the time President Thein Sein undertook the peace process in August 2011, this issue of secession right has been off the table. The government is open to negotiation for any issue except for matters that can affect the territorial integrity of the Union. In fact, the ethnic armed organizations (EAOs) have already agreed to the three national causes: non-disintegration of the Union, non-disintegration of national solidarity, and perpetuation of sovereignty. A direct interpretation of this non-disintegration of the Union is the pledge to non-secession from the Union. Without this promise to the non-secession commitment, the government of Myanmar would never have negotiated with ethnic armed organizations, and that there would not have been peace process as such. Strictly speaking, Myanmar does have this ongoing peace process because all ethnic armed organizations have agreed to consolidate the territorial integration of the Union of Myanmar. Despite this non-disintegration of the Union commitment by all stakeholders including EAOs, why did this phrase of non-secession clause suddenly became a hotly contested issue to the extent that the whole conference almost hit a deadlock?

Interestingly enough, out of the six national-level political dialogues already held, four national-level dialogues proposed the non-secession clause to be included as one of the basic federal principles for Myanmar. They are Pa-O national-level dialogue, Shan, Bago and Tanintharyi regional dialogues. The federalism paper of Tatmadaw that was submitted to the working committee for politics did not contain the non-secession clause. The fact that four out of the six national-level dialogues included the non-secession clause in their federalism proposals, members of the working group for politics could not ignore, but include it in their compiled principles of Myanmar federation, which was submitted to the Union Peace Dialogue Joint Committee (UPDJC). Exercising its full mandate of decision-making power, legitimate representatives from the government, ethnic armed organizations, and political parties

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<sup>1</sup> A total of 41 points, which were agreed on at the UPDJC meeting on May 12, were submitted to the Union Peace Conference–21<sup>st</sup> Century Panglong for ratification. However, only 37 got finally ratified at the Union Conference. For politics, there are 5 key basic principles with 12 points of agreement; for economics, there are 11; for social, there are 4; and for land and environment, there are 10 points of agreement.

who attended the Union Peace Dialogue Joint Committee on May 12, adopted the non-secession clause as one of the basic principles for the Myanmar federal system.

According to the agreed framework for political dialogue, the decision of UPDJC should be presented to the plenary Union Peace Conference for ratification. However, the recent conference could not ratify this non-secession clause as proposed by UPDJC. Raising its concern over the explicit stipulation of non-secession clause as one of the basic principles for Myanmar federalism, and the fact that there was no national-level dialogue held for Shan peoples, the Restoration Council of Shan State (RCSS) issued a statement on May 21, stating that they will not sign any agreement at the Union Peace Conference. The oppositions to including non-secession clause in explicit term is growingly joined by many ethnic political parties and groups. When the actual conference came, the non-secession issue became problematic. The government of Myanmar – especially Tatmadaw – insisted that non-secession clause must be included, whereas a majority of the representatives of ethnic armed organizations, in particular, object to such inclusion. They debated back and forth trying to find a way forward, but they could not reach a middle ground.

Because of the failure to reach agreement on this non-secession clause during the recent conference, Tatmadaw turned down some of the most important as well as substantive basic principles of federalism that ethnic national minorities have long demanded. The most obvious ones include the right of ethnic national minorities to self-determination and its five sub-clauses, and the right for member states (federating units) to draw up their respective state constitutions without contradicting the national constitution. As Tatmadaw negotiated with the EAOs in a package deal for their federal demands, the EAOs were not able to get any of those important federal principles during the recent conference, as they were not able to agree to the explicit writing of the non-secession clause.

Between now and the next Union Peace Conference–21<sup>st</sup> Century Panglong, the most salient political issue facing the formal peace process is this non-secession question, which can no longer be ignored no matter how sensitive or difficult it becomes. As much as it is very difficult for some of the ethnic nationalities to accept the non-secession clause, it is equally difficult for Tatmadaw to do without it, especially following such hype, tension and passion built around this issue. As it stands, no non-secession clause can mean a collapse of the entire peace process. The stake is too high with inaction. The question is, “can all stakeholders of the peace process find a negotiated settlement to this non-secession debacle?” Before the next round of actual negotiation over this non-secession clause between the government and the representatives of ethnic national minorities, there needs to be a free, frank, and real debate within and among each stakeholder: ethnic armed organizations, political parties, government, Hluttaw, and Tatmadaw. The time and circumstance surrounding the peace process demand key actors to provide a decisive leadership for the entire nation, and no action is not an option anymore.