

DEED of COMMITMENT For Peace and Reconciliation

This is an historic moment as it is the first time that a President of Myanmar has formally signed a commitment to build a democratic and federal union. We are convinced that President U Thein Sein's declared commitment will further strengthen the reform process in Myanmar and create a conducive environment for the continuing efforts to reach a Nationwide Ceasefire Agreement.

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Ethnic Affairs Ministers in Nay-Pyi-Taw.



President Thein Sein signing the Deed of Commitment.

On 12 February 2015, the 68th Anniversary of the signing of the Panglong Agreement in 1947, President Thein Sein, signed a Deed of Commitment to establish a federal democratic *Pyidaungsu*, something all ethnic leaders, political parties and armed groups have been calling for since 1948 when the Republic of the Union of Burma came into being. It was a momentous and historic moment. The fact that two Vice-Presidents, the two Speakers of Parliament, 16 Union Ministers, 55 political party leaders, 29 Ethnic Affairs Ministers, and three Lieut-Generals also signed, amounted to an incredible show of support for federalism.

This is momentous, considering that for the last 53 years, the word *federalism* was a taboo that could earn anyone using it, let alone advocating it, a lengthy prison sentence. General Ne Win seized power from the democratically-elected government of Prime Minister U Nu in 1962 claiming that federalism would lead to the break-up of the country. President Thein Sein has reversed history by making it a key part of his government's reform agenda.

The Deed of Commitment also called for the signing, as soon as possible, of the Nationwide Ceasefire Agreement (NCA), building a new culture of dialogue to resolve problems rather than using force, completing negotiations on a *Framework for a Political Dialogue*, and convening an inaugural conference for a political dialogue before the next general elections.

The Deed should give new life to the NCA negotiations which have been stalled since Sept 2014. In fact, all five points committed to by the government were already agreed by both sides in the draft NCA. However, the ethnic armed organizations (EAOs) were wary and wanted a firm commitment from the government before proceeding with the NCA. This is the first time that the government has committed on paper to negotiating a *Framework* with all stakeholders, and holding an inclusive political dialogue to resolve political problems. The last point in the Deed called for a reduction in hostilities and the use of legal instruments (such as Articles 17/1 and 17/2) to restrict and intimidate dialogue partners.

Chairman Saw Mutu Sae Poe signed on behalf of the KNU. General Yin Nu signed on behalf of the K/K PC (a breakaway group from the KNU), and General Moshe signed on behalf of the DKBA (another KNU breakaway faction). Considering that the KNU has been wracked by internal dissent in recent years, the fact that three Karen armed organizations were able to agree and act together for the future well-being of their people is a very significant achievement. Chairman Sao Yawd Serk signed on behalf of the RCSS/SSA-S.

The President agreed to the Deed of Commitment on 10 Feb and government Ministers led by Soe Thane and Aung Min proposed the signing of the Deed on 11 Feb to the delegates of the ethnic armed organizations that had arrived to celebrate Union Day. All agreed in principle but they had not come with a mandate to sign anything. The UWSA, NDAA and SSPP asked for time to consult with their headquarters. The ABSDF, ALP, CNF, PNLO, and NMSP felt that the Deed should be discussed in-depth before signing. The NSCN-K did not speak but it is understood that they want a Greater Nagaland straddling India and Myanmar.

The Commander-in-Chief, Senior-General Min Aung Hlaing was away in Malaysia and arrived back in Nay-pyi-taw only on the evening of 11 Feb. Initially, the President and the VPs and Speakers were only to act as witnesses, not sign the Deed, so it was not necessary for the Commander-in-Chief to be present. President Thein Sein surprised everyone by signing the Deed himself and others had to follow. But while Min Aung Hlaing did not come to the signing ceremony, he had personally negotiated the wording for the Deed after he arrived back. So as was arranged initially, he assigned three top Lieut-Generals involved in NCA negotiations to represent the Tatmadaw. They were given direct orders by him to sign.

The Deed is a commitment, an expression of intent. It is not an agreement, let alone a Nationwide Ceasefire Agreement. The commitment was made to enable the NCA to be signed by building confidence and trust. It is not meant to supersede the NCA as some fear. NCA negotiations have been stalled since Sep 2014. The concern was that since no progress had been made in 5 months, the talks might breakdown completely as conflicts increase. The Deed commits all signatories to sign the NCA as soon as possible.

The Deed was initiated by the EAOs, not the government, contrary to suspicions that this is another attempt to divide the EAOs. The Deed is not an agreement binding all stakeholders. Those who do not sign will not be left behind or penalized. President Thein Sein has stated clearly that those who are not ready, can sign at a later date: It is an *Open Book*.

There is nothing in the Deed that is new. All five items in the Deed have been discussed numerous times in NCCT-UPWC negotiations. They are also the least contentious items in the NCA. Both sides have already agreed to the 5 items. But since the NCA has not been signed, they were not 'official'. The Deed now makes them official and explicit.

Without a bilateral ceasefire or an NCA, there was no mechanism to stop the fighting such as started in Laukkai on 9 Feb. Both sides could launch attacks and counterattacks. The Deed should make it easier to sign the NCA and the NCA in turn could help moderate such outbreaks of violence. Without the Deed and without an NCA, the Tatmadaw could be free to attack the KIO, TNLA, AA and MDNAA who have not yet signed any ceasefire agreements.

The political significance of the Deed of Commitment cannot be underestimated. But now, the NCCT and UPWC must decide on the NCA. The future is in their hands – Peace or War!