

The Fourth Conference on National Dialogues, 11—12 June 2019
The House of the Estates, Helsinki

The Challenge of Addressing Diverse Demands for Self-Governance in Federalism Negotiations

Objective of the session

This session investigates how negotiations framework can accommodate the complexity of asymmetrical federalism. The objective of the session is to learn from the past processes and explore the key characters of successful federal negotiation frameworks.

Background

Over the past 20 years peacemakers and mediators have faced difficulties in their attempts to assist parties in Sri Lanka, Yemen, Afghanistan, Iraq, and more recently in Myanmar to address diverse minority groups' demands for autonomy and self-governance. Following long civil wars trust levels were low and minority groups insisted on political guarantees and sufficient autonomy from the dominant groups or governments. The challenge is that most federal states evolved over decades. For example, in India's case, we witnessed 104 changes to their constitution over a period of 50 years – the latest addressing the Naga realities. There is currently no “model” or existing dialogue framework that points to how such complex systems can be negotiated in a relatively short period of time between 10 to 50 different stakeholder groups -- each representing diverse and competing realities and demographics.

Asymmetrical *federalism* evolved as a framework to resolve complex and multifaceted conflicts related to the issues of self-determination and self-governance. In asymmetrical federal models all substates have the same constitutional status, but one or more of them have considerably more autonomy than the others. At its best, asymmetrical federalism can address the conflicting demands for autonomy and unity in fragmented and multi-ethnic states where economic and political realities within different regions are diverse. It is highly unlikely, however, that the existing normative models of federalism could produce successful results in new contexts and countries. Existing “best practice models” may look impressive but are impossible to reproduce. More attention needs to be given to the contextual realities that compel and mold the frames for the change opportunities.

In Myanmar the different demands, aspirations and needs of various ethnic states has been introduced in the Political Dialogue. It is clear, that major differences exist among the ethnic stakeholders in terms of basic objectives for federalism and their diverse expectations for autonomy. With significant different economic, natural resource, governance, geographic, demographic, and security realities between different ethnic states and regions it is unlikely that the final structure of the Myanmar Federal Union will be symmetrical. The current political dialogue has not been able to accommodate the complexity of

Myanmar's federal negotiations. At most, the current framework will allow the stakeholders to negotiate broad principles of federalism and sovereignty issues. It is irrevocable that a more comprehensive framework for asymmetrical federalism negotiations needs to be developed to address the structural shortcoming of the current political dialogue. Similar needs can be identified in multiple peace processes globally.

Key questions

- How to develop a negotiations framework that can accommodate the complexity of asymmetrical federalism?
- What needs to be taken into consideration and how it should be developed?

Composition of the session

- Dr David Williams, Executive Director, Center for Constitutional Democracy
- Mr Victor Biak Lian, Operations Manager, Euro-Burma Office
- Mr Upendranadh Choragudi, Program Development Advisor, Bayda Institute
- Ms Maysaa Shuja al-Deen, Researcher, the American University in Cairo
- Mr Hannes Siebert, Senior Adviser, Felm, Joint Peace Fund and Common Space Initiative

- *Moderator: Mrs. Kristiina Rintakoski, Director of Peacebuilding and Advocacy, Felm*

