

# Myanmar's ground-breaking peace process

**Adam Cooper**, Centre for Humanitarian Dialogue

More progress has been made in Myanmar's peace process over the past four years than at any period since independence in 1948. The country stands at the brink of signing an historic Nationwide Ceasefire Agreement (NCA) which would pave the way for a political dialogue that has the potential to resolve one of Asia's longest-running civil wars. How did we get to this point, which seemed so unlikely just a few years ago? What can those who engineered Myanmar's peace process teach us about forging agreements in difficult contexts with multiple armed groups? And what challenges are there to addressing the fundamental political drivers of the conflict?

## Building confidence through breaking taboos – using the f-word

When President Thein Sein issued a call in August 2011 inviting ethnic armed groups to ceasefire talks, many of them did not know what to make of it. Years of distrust had bred scepticism and it was not initially clear whether the government would take a different approach to resolving the country's longstanding conflicts compared to its predecessors. There are over a dozen major armed groups and many smaller ones, spread over seven ethnic (non-Burman majority) states in Myanmar's border areas. The previous regime had pressed the ethnic armed groups to transform into Border Guard Force (BGF) militia aligned with the government, an offer that only very few groups accepted. The 1990s saw a mix of direct conflict between military and ethnic groups as well as bilateral ceasefires with some groups but, critically, no prospect of negotiating political concessions that would devolve power towards ethnic communities.

In early stages of the process, government negotiator U Aung Min sought to distance himself from his predecessors through both gestures and policies. He travelled to the headquarters of ethnic armed groups to see them on their own turf, giving rise to the nickname 'Minister without Borders', and made clear that the BGF policy had been dropped. He showed greater empathy for the political grievances that motivated many of the ethnic groups, agreeing that their states should be largely self-administered and committing to a future political dialogue. Certain moments illustrate a deeper shift in attitude: upon bidding farewell to one ethnic armed-group leader after a meeting very early in the process, U Aung Min saluted him, with the commander saluting back – a gesture of mutual respect and implied parity.

Bilateral ceasefires were agreed or renewed with more than a dozen ethnic armed groups in the year-and-a-half that followed the President's announcement. During that time, the word 'federalism' became increasingly woven into government rhetoric on the peace process, breaking a longstanding taboo on a word which had inspired fear of secession. Ethnic armed groups have long sought greater autonomy within Myanmar, and while the form of federalism still remains to be negotiated, the fact that it is even a policy option constitutes a major step forward.

As much as this progress was due to the government changing tack, these agreements could not have been made without the courage and diplomatic skill of ethnic armed group leaders. Many leaders were well aware of the risks of joining the peace process but decided that these were outweighed by the

potential benefits, even if they could not say with certainty whether they would materialise. In most cases, ethnic negotiators had to work very hard to overcome deep scepticism within their own organisations and among constituents, who had grown wary after witnessing failed initiatives and broken promises under previous governments.

Building trust was made much harder because progress was not universal across the country. The darkest spot was Kachin State in the north, where a 17-year-old bilateral ceasefire collapsed in 2011 and was followed by an upsurge in clashes which displaced over 100,000 people. In other areas, although bilateral ceasefires had granted ethnic armed groups greater freedom of movement, many other elements of their agreements were not adequately implemented from their point of view. Ethnic groups were also anxious about increasingly public tensions between the executive and legislature, and uncertain of the extent to which government negotiators reflected the real views of the military.

Still, there was sufficient political will among both government and ethnic negotiators to keep the process alive through these challenges, and to take the process beyond mere bilateral ceasefires.

## From red lines to black text – collective negotiations towards the NCA

From the point of view of the ethnic groups, the government had historically sought to divide and rule them by rejecting collective negotiations. It therefore marked a turning point in the process when the government was willing to meet with umbrella organisations of ethnic armed groups, and eventually to negotiate with them as a bloc. Although there were tensions between different ethnic factions, it is to their great credit that these were eventually set aside at a summit of top ethnic leaders in October 2013, when they mandated the creation of a Nationwide Ceasefire Coordination Team (NCCT) to negotiate on their behalf. Their aim was to negotiate a Nationwide Ceasefire Agreement that would result in a more rigorous ceasefire and pave the way for a political dialogue to follow. The NCCT's counterpart on the government side was the Union Peacemaking Work Committee (UPWC), which brought together the executive, legislature and military. The inclusiveness of negotiating teams on both sides was a considerable challenge to manage, but it has meant that the draft agreement has a degree of buy-in, at least from the government and ethnic groups, that will make it difficult to roll back.

After seven rounds of formal negotiations between the UPWC and NCCT since November 2013, they reached agreement on a draft text of a Nationwide Ceasefire Agreement on 30 March 2015. If and when it is formally signed, it will be the most comprehensive and wide-ranging ceasefire agreement that has been forged in the country's history. While the UN and China have served as observers at some meetings, the agreement itself has been forged without any external mediation or facilitation. To their great credit, the parties have shown a remarkable capacity to bridge their differences over a relatively short time.

Just as the process by which the NCA was negotiated differed from the bilateral ceasefires, so does the substance. The bilateral ceasefires agreed previously had very few detailed provisions, whereas the NCA is much more rigorous, containing commitments to establishing joint monitoring mechanisms and a military code of conduct, albeit on terms that will also require fleshing out. But it is the political aspects of the NCA that will prove most significant in the long term. It commits all parties to establishing “a democratic and federal Union of Myanmar”, a remarkable concession from the government side given its historical opposition to federalism. Critically for the ethnic groups, it outlines how the peace process will develop beyond the ceasefire stage: after the NCA is formally signed, a “framework for political dialogue” will be negotiated, after which the political dialogue will begin.

The negotiators still need to cross the finishing line on the NCA. It is being put to a summit of top ethnic leaders for their input and approval. There is still a risk that the NCA may not be formally signed, but if ethnic leaders do give the go-ahead, the soonest that a formal signing could take place is June. This is

much later than many had hoped for but still represents a remarkable achievement given the pace at which peace agreements elsewhere are negotiated.

## Turning paper into peace – making the NCA a reality

The government and ethnic leaders are the first to acknowledge how difficult it will be to simultaneously implement the NCA and transition to the next stage of the peace process. Given that relatively thin bilateral ceasefires have, in the past, been poorly implemented and Myanmar has never had a functioning ceasefire monitoring system, implementing a much more ambitious system will be difficult, particularly given the large number of armed groups and the different conflict dynamics in each of their areas. The broad terms for monitoring have been set but detailed implementing guidelines still need to be drawn up, and mechanisms established at both state and national levels.

Such mechanisms have the potential to limit levels of violence but are unlikely to lead to the cessation of conflict overnight given that clashes continue in parts of the country. There are also questions about how thoroughly the NCA can be implemented in areas controlled by armed groups which have only notionally participated in the process, or where the conflict parties have an interest in maintaining the status quo.

## Forging peace as an election nears – laying the foundation for political dialogue

For perhaps the first time in decades, there is recognition across most of the political spectrum that a dialogue that goes beyond security affairs to address the political grievances of ethnic communities is needed. The terms of that dialogue, however, are inherently controversial and have yet to be formally discussed. Critically, such a dialogue will need to include not only the government and ethnic armed groups, but also the political parties, most importantly the National League for Democracy led by Daw Aung San Suu Kyi.

Most political parties look forward to joining a process which they have not been part of so far, as the NCA process included only the government and ethnic armed groups. However, both the politics and the mechanics of managing their participation in a political dialogue will be difficult. Much as some would like to shield the peace process from broader political dynamics, it cannot be separated from ongoing debates on other aspects of democratic reform and the election due later this year. The politicisation of the peace process is inevitable.

According to the draft NCA, the government, ethnic groups and political parties are supposed to negotiate the framework for political dialogue within two months of the NCA being formally signed. Each party to the negotiations has already prepared its own framework, and there is some overlap between them. But meeting this deadline to negotiate the terms of every aspect of the political dialogue looks increasingly unrealistic as the election nears, which is expected in early November. Decisions on which representatives should participate in a political dialogue, for example, might best be taken once the political landscape is clearer after the elections. It will also be vital to define clearly the scope of the political dialogue in relation to other institutions (notably Parliament), which are likely to acquire greater democratic legitimacy in 2016.

The parties to the conflict are under no illusions about how far they have to go before a lasting resolution is reached. Upon signing the draft NCA, one ethnic leader remarked that “today we graduated – but just from pre-school”. Larger questions about forging an inclusive national identity or the appropriate balance of power between ethnic states and Naypyitaw will be wrestled with for a generation. But for the first time in recent memory, there is a viable path forward towards that goal.