

# Peacemaking in Myanmar

## Progress to date and challenges ahead

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While the 1 April by-elections that resulted in Daw Aung San Suu Kyi taking up her seat in Parliament have been taken as the clearest sign of political reform in Myanmar, the fresh approach taken to resolving the decades-long ethnic conflict that has plagued the country has even more far-reaching significance.

Since gaining independence in 1948, Myanmar has struggled to manage its ethnic diversity. The country has been ruled almost exclusively by leaders from the Burman majority despite the fact that perhaps 30% of the country's population is made up of a diverse range of other ethnic minorities. Independence leader General Aung San, Daw Suu Kyi's father, negotiated the Panglong Agreement with three major ethnic groups (the Chin, Kachin and Shan peoples) which accepted "full autonomy in internal administration for the Frontier Areas". This agreement was never implemented. Chafing against being ruled from the centre, most ethnic groups took up arms against the Government and have periodically fought insurgencies for the past 60 years. In the 1990s, then intelligence chief Khin Nyunt negotiated ceasefires with most of these armed groups, stemming violence but failing to tackle the political issues which underpinned ethnic grievances. Little effort was made to bring economic development to Myanmar's seven ethnic states. Indeed, ceasefire areas were ravaged by highly exploitative industries such as mining and logging as well as drug production and their consequent environmental damage.

A year ago the Government began a dialogue with armed groups to agree or renew ceasefires, indicating a greater willingness to discuss political issues than had existed under any other recent government. Conditions imposed under former leader Senior General Than Shwe's rule, such as the insistence that armed groups disarm or join a military Border Guard Force, were dropped as part of the latest dialogue process.

More recently, President Thein Sein has put the ethnic issue firmly on the national agenda, outlining a three-step peace roadmap in Parliament on 2 March 2012<sup>1</sup>. Remarkably, he held open the possibility of amending the constitution, a key demand of ethnic groups. The President went on to say that peace would be sought "based on Panglong spirit" (see above), a critical historical reference point for ethnic groups. To overcome the deep distrust of armed groups, the Government has needed to go the extra mile, sometimes literally. The Minister of Railways, U Aung Min, spent two days travelling to the Karen National Union headquarters to help demonstrate his willingness to engage them on their own turf. The leaders of armed groups have also taken political risks of their own to take a chance on the Government.

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1. President Thein Sein's three step roadmap was announced as follows: "Our government has adopted three steps to realize eternal peace. The first step is to hold the dialogue at state level. In this level both sides must stop all hostilities, stay only at the agreed areas, not to hold any arms in other places except from those agreed areas, open liaison offices in the mutually agreed places, and fix the venue, time and date for Union level dialogue. No political dialogue is included in this level. A sincere and genuine wish for peace is the only requirement to complete this level. The scope of the level is just to make an agreement for dialogue after terminating all hostilities. The Second step is the Union level. The points to be discussed at this step are to secede from the Union by no means, accept Our Three Main National Causes, cooperate in economic development tasks, cooperate in elimination of narcotic drugs, take part in political process following setting up of political parties, discuss at length with other national races at Hluttaw (parliament) and amend the constitution, and coordinate existence of only a single armed force in accord with the constitution. After both sides reach agreement, we will enter third step. At the third step, agreement will be signed at the Hluttaw comprising all main political players like the government, national race leaders, political parties and political forces and people's representatives. We must make resolution wholeheartedly to keep undying peace in the Hluttaw. In doing so, we need to bring peace in order that the government, national races and all citizens can achieve a goal by way of three pillars – mutual understanding, equality and development. It is required to amend the constitution by common consent so as to address our needs." *New Light of Myanmar*, 2 March 2012.

As dialogue moves from brokering ceasefires to addressing fundamental political issues, the process of institutionalising the peace process within government has begun. The Government is in the process of reorganising its peace committee, which will now be chaired by Vice President 2 (Dr. Sai Mauk Kham, an ethnic Shan) with three vice-chairs working with him. This will help bring greater coherence to the Government's approach to armed groups, which had suffered from a lack of clarity as different Government representatives took varied approaches in their negotiations with armed groups.

Even though ethnic armed groups initially maintained the position that they would only negotiate collectively, they have negotiated ceasefires bilaterally with the Government, quietly dropping some of their own preconditions for talks. To date, ceasefire agreements have been agreed with all but one of the ethnic armed groups, and there have been unprecedented levels of engagement between the protagonists, including a meeting in April 2012 between leaders of the Karen National Union and the President in the capital Naypyitaw.

However, the remarkable progress in some areas has been blighted by a number of setbacks. This is most evident in Kachin State where, after a 17-year ceasefire, fighting broke out in mid-2011 which displaced over 50,000 people. Kachin civilians have suffered attacks by small arms and mortars, while both sides have used landmines<sup>2</sup>. President Thein Sein issued an order for a unilateral ceasefire in December 2011 but it was not implemented, with both sides blaming each other for this failed initiative. Several rounds of talks since then have yielded negligible progress.

In other ethnic states where ceasefires have been agreed, breaches of their respective terms by the military (such as in the territory controlled by the Shan State Army-South) risk undermining the fragile gains made. As yet there are no meaningful ceasefire monitoring mechanisms in place to address such problems when they inevitably arise. Although the goodwill growing between most armed groups and the Government makes a return to fully-fledged conflict seem unlikely at this time, monitoring mechanisms could help to prevent minor violations from escalating should relations deteriorate in the future.

The problems faced to date are likely to seem small in comparison to the challenges that lie ahead, particularly as dialogue moves from ceasefires to political reality and implementation. President Thein Sein's roadmap outlines a way forward in only the most general terms and, for political dialogue to succeed, a clear and shared understanding of the root causes of the conflict is needed. In the past the Government has thought of the problem in economic terms, prescribing greater development as the solution. While it is true that a lack of development has led to a sense of exclusion among ethnic communities, the core grievances of armed groups are fundamentally political in nature, focusing on political autonomy and administrative devolution. While development is essential, particularly in areas that have been cut off from the modern economy for decades, it should be seen as a partner to, rather than a substitute for, peacemaking.

## Structuring dialogue

One of the critical challenges will be structuring the political dialogue, particularly agreeing on the most appropriate forum for negotiations. Suggestions that Parliament be used as the main arena for discussions have not been well received by armed groups, since they cannot enter Parliament before the 2015 elections and remain worried about the military's appointed representatives in Parliament acting as spoilers. Discussions on critical political issues clearly cannot wait until 2015, which means that the Government and armed groups must agree in the near future on which issues need to be discussed outside Parliament, and which can be deferred until armed groups transform themselves and enter into formal politics in 2015.

2. Human Rights Watch, *Untold Miseries: Wartime Abuses and Forced Displacement in Burma's Kachin State*, March 2012, at <http://www.hrw.org/fr/node/105665>

Some have floated the idea of a second national conference in the mould of the Panglong Conference of 1947, although such a one-off event risks widening the political divide if it has not been preceded by extensive dialogue, both among armed groups themselves and between armed groups and the Government.

Views differ on whether political issues should be discussed bilaterally with each armed group or collectively with all armed groups. Most ethnic groups prefer collective negotiations, believing that they are weaker when dealt with separately, while the Government prefers bilateral talks for the same reason. One way around this difficulty might be to more clearly distinguish between collective *dialogue* and collective *negotiations*. The Government may be open to an informal exchange of views with multiple armed groups on the understanding that formal agreements are made elsewhere.

Even if the Government showed greater openness to collective discussions, a key challenge would be managing a mix of ethnic groups with varying agendas. Groups like the Karen National Union (KNU) or New Mon State Party tend to be more political while others, such as the United Wa State Army (UWSA), combine narcotic and criminal interests with a political agenda. Their geopolitical alignments differ. The Wa will do little without the blessing of the Chinese government while the KNU, with a strong presence on the Thai border, have had much more exposure to the West. The military strength of armed groups also varies enormously. The Chin National Front has a tiny armed force compared with the 20,000 troops of the UWSA. Some ethnic groups, like the Rakhine, have no sizeable armed wing at all, and should not be penalised or left out of the discussion as a result.

Attempts to consolidate an effective umbrella group for ethnic armed groups to convene among themselves have so far failed. This is both because of the Government's reluctance to engage with such a body and the fact that existing umbrella groups, like the United Nationalities Federal Council<sup>3</sup>, do not include the largest armed actors like the UWSA and Shan State Army-South.

## Promoting inclusiveness in the political process and within the ethnic groups

Effective political dialogue will require broadening the conversation, particularly to include local civil society. The needs are too great for the conflicting parties alone to address. Moreover, there is a danger of moving too quickly towards an elite pact between armed groups and the Government which does not address the demands of local communities, as well as a risk that repression by the Government is replaced by authoritarian rule by an armed group. During the preparations for a political dialogue, civil society can play a critical role in helping to shape the agenda of talks so that any eventual agreement is sustainable.

The challenge is in designing mechanisms that systematically include civil society. In some cases, notably in Karen State, civil society consultations have taken place both inside the conflict area and along the Thai-Myanmar border. A combination of local civil society actors and international observers have played a key role in organising and supporting these discussions. By including Karen who are not aligned with the KNU, these discussions helped to build broad confidence in the peace process. For its part, the Government has stressed the importance of such consultations.

However, in other areas, those leading ethnic armed groups still need to be convinced of the benefits of more inclusive consultation and are fearful that civil society might contest their legitimacy as the primary representative of respective ethnic groups. Decision-making tends to be authoritarian within most of Myanmar's armed groups. The KNU has set an example which other armed groups would do well to emulate, although not all ethnic states have as well developed a civil society as exists in Karen State.

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3. The United Nationalities Federal Council (UNFC) consists of 11 members and was formally established in late 2011.

## Framing the solution

A lasting political solution will need to involve some limited amendments to the constitution. To fulfil ethnic aspirations for greater self-rule, significant power will need to be devolved to states run by popularly elected Chief Ministers. However, in common with other Southeast Asian states, Myanmar's Government closely guards the centrality of power and is wary of creeping federalism. While the President has recognised the need for constitutional amendment, it is not yet clear whether Naypyitaw is ready to give up the kind of power that ethnic groups are demanding. The success of negotiations will depend in part on how discussions are framed and whether each side can move beyond its entrenched positions, particularly regarding the issue of federalism. Naypyitaw might consider devolving significant power to states run by popularly elected Chief Ministers but will be reluctant to grant this if it is framed as a federal solution.

## Making peace a national issue

One critical component missing from the larger context of peacemaking in Myanmar is a sufficient level of discourse between majority Burman civil society and ethnic civil society. Until recently, Burman civil society has not seen ethnic issues as directly related to its work on broader political issues. While lip service has been paid to the idea that democratisation cannot be complete without resolution of ethnic conflict, in practice the latter has only recently become a high-profile issue on the reform agenda. This lack of dialogue and understanding between Burman and ethnic civil society is mirrored on a much larger scale in the relations between Burman and ethnic communities across the country.

It is hardly likely that lasting peace will be achieved between ethnic minorities and the centre if there is only minimal engagement between the ethnic majority and minorities, which speaks to the need for a longer-term national policy on pluralism and integration. In other words, lasting peace will involve a fundamental restructuring of the state. Should other ethnic regions gain more autonomy, predominantly Burman regions could begin to ask why they too should not benefit from their own elected Chief Ministers. This argues for, perhaps, framing parts of the peace process as a process of decentralisation nationwide.

## The role of the international community

Progress to date has been achieved without significant direct international involvement, with the Government gently insisting that it will negotiate its own conflicts. Among ethnic groups there is a similar desire to resolve their problems without too much intrusion or interference. However, advisors to the Government and armed groups have played key facilitating roles. Unusually in the regional context, the parties have drawn extensively on civil society organisations to provide concrete input to the ceasefire talks and the planning of the peace process. These groups have, in turn, invited some international observers to provide advice and support. In some cases international observers have been invited to discreetly attend talks and the signing of agreements. The Government has sought support from the international community for its ambitious peacebuilding plans and a pilot scheme is underway to assess whether funds can be used to directly reinforce and underpin agreed ceasefires.

Creating a new Myanmar in which the aspirations of ethnic communities can be fulfilled is a generational task. However, the determination with which the Government and armed groups are pursuing peace suggests that substantial progress could be made even before the next elections in 2015. What has seemed out of reach for the past sixty years is now, perhaps, within grasping distance.