

Still a Chance for Peace in Myanmar?

Has Myanmar's peace process been derailed by the armed forces' expulsion of Rohingya from northern Rakhine State? Or is there still a chance for peace?

We argue that any federal bargain is implausible as long as Myanmar has two un-coordinated "branches" of government, one civilian and one military. Yet the Nationwide Ceasefire Agreement (NCA) from 2015 does provide a chance for laying building blocks of peace in ceasefire areas, and the 21st Century Panglong process has the potential to become a platform for Ethnic Armed Organizations (EAOs) and political parties to develop a federal reform agenda.

Brief Points

- The Myanmar peace process had already stalled before the calamity in northern Rakhine.
- The armed forces (Tatmadaw) have stepped up military operations against Ethnic Armed Organizations (EAOs) in Chin, Kachin and Shan State.
- The government is paralyzed by its two-headed structure, with a civilian and a military leader operating side by side in an uneasy state of neither conflict nor coordination.
- The 21st Century Panglong process may bring some positive change in the ceasefire areas.
- The government's openness to the possibility that ethnic states may have their own constitutions could stimulate the EAOs and political parties to develop an agenda for federal reform.

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NB: The abbreviations used in this brief are explained in the list of acronyms on the final page.

A Nation in Denial

Since August 2017, the majority ethnic Bamar, as well as most of Myanmar's other ethnic groups, have been in a state of denial concerning the atrocities committed by the Tatmadaw against the Rohingya population. The fact that 270–280 villages were burnt down in northern Rakhine in August–September 2017, the heart-breaking stories told by the more than 680,000 refugees, and the international outcry against these crimes have received little coverage by the media in Myanmar. Most people seem to accept the official story that an attack by Muslim “terrorists” on the security forces led to clashes, whereupon panic spread in the Muslim villages, provoking an exodus. The immense state brutality has not led to any protests inside Myanmar. The Tatmadaw has done similar things in the past, and this time the victims were a group that are widely perceived as “Bengali” immigrants.

The only dissonant voices have come from liberal groups with international connections. The Thailand-based Karen Women's Organization condemned “the actions of the Burmese military against Rohingya civilians”. A recognition that the Tatmadaw had done something sinister also followed in a carefully worded statement by the KNU itself, the main ethnic armed organization among the ten signatories of the NCA. It said that the handling of the “Rakhine crisis” brought the memory of what the Karen people had experienced “through various forms of aggressive military operations” in the 1970s and 1990s “that caused over 200,000 Karen people to become internally displaced persons and over 150,000 to become refugees”.

The KNU's statement thus compared the treatment of the “Rakhine Muslims” with that of the Karen in the past, and emphasized that although the KNU had signed a ceasefire with the government in 2012, some 100,000 Karen refugees still live in camps in Thailand.

The KNU was concerned that the peace process could be derailed. However, the peace process

had already stalled before the expulsion of the Rohingya in August 2017 due to renewed armed fighting in several areas not covered by the NCA.

Increased Fighting in Chin, Kachin and Shan States

The Rohingya were not the only targets of military operations in 2017 and early 2018. The Tatmadaw engaged in clashes with several EAOs, notably the KIA in Kachin State and northern Shan State, and the AA in its base area in southern Chin State. Paradoxically, many more Tatmadaw soldiers have been killed in clashes with the Buddhist AA than with the Muslim ARSA. By contrast to ARSA, AA is well connected inside Myanmar. It recruits fighters among Rakhine migrant workers in the jade mines of Kachin State, who receive military training from the KIA. The AA headquarters are still at Laiza, the KIA's capital near China.

When the KIA formed a Northern Alliance in 2016 together with several other EAOs along the China border, the AA also joined – although its homeland is in the west. The big challenge for the AA has been to establish a presence in Rakhine State. The Tatmadaw has given priority to crushing the AA before it gains strength. The AA has established itself in the hills of southern Chin State, near Rakhine State. Both before and after the violent attacks on the Rohingya in the Maungdaw, Buthidaung and Rathedaung townships of northern Rakhine, the Tatmadaw was involved in a number of clashes with the AA in Palewa of southern Chin.

The Tatmadaw has also engaged in offensives against the KIA with the apparent aim to take control of territories that were not recognized as KIA-controlled in the 1994 ceasefire agreement between the KIO and the former junta. The Tatmadaw may also aim to reduce the KIO's ability to tax trade in jade, amber and timber.

The main targets of Tatmadaw's military operations are now the four members of the Northern Alliance: KIA, AA, MNDAA, and TNLA – all of whom get support from Myanmar's largest EAO, the UWSA, who is keen to ward off any possibility that the Tatmadaw gain sufficient control of the China border to directly threaten its autonomous Wa zone.



Commander-in-Chief Min Aung Hlaing is seen by many as Myanmar's real leader, with the ambition to take over as President after the 2020 elections. Photo: Indian Navy/Wikimedia Commons.

A Two-Headed Government

Myanmar's peace process has also been hampered by government incapacity. At present, Myanmar has two top leaders, who run the country side by side with only a minimum of co-ordination, while refraining from openly criticizing each other. Senior General Min Aung Hlaing has the constitution and the army on his side; State Counsellor Aung San Suu Kyi has the popular mandate and her ancestry (daughter of the nation's founding hero) on hers. As commander-in-chief, Min Aung Hlaing takes all decisions deemed to concern national security. He controls three ministries (Defence, Borders and Home Affairs) and one of the two vice presidents, appoints 25% of the members of all elected assemblies and has full budgetary autonomy. He does not take orders from State Counsellor Aung San Suu Kyi, and runs security matters on his own, while Suu Kyi concentrates on her civilian tasks, including diplomacy, and treats the President (her friend Htin Kyaw) as just a figurehead.

The result is an awkward decision-making system, which – surprisingly – has survived so far without any harrowing conflicts. This must have demanded considerable restraint from both protagonists. It seems difficult to

imagine that the system can survive if Min Aung Hlaing pursues his alleged political ambitions and aims to be elected as president by the National Assembly after the next national elections in 2020. The timing of his replacement as commander-in-chief, and how his successor shall be chosen, are also lingering questions.

The two-headed nature of Myanmar's present government provides a background for understanding the failure of the State Counsellor to criticize the military's human rights violations in Rakhine State and elsewhere, as well as the failure of the Union government to move ahead with the country's peace process. Any important step forward requires consensus between the civilian and military leader, who seem to shy away from contact with each other.

The Nationwide Ceasefire Agreement (NCA)

After a number of bilateral ceasefires had been agreed by the Union government and various EAOs in the years 2011–14, former president Thein Sein made it his aim to arrive at an NCA before the national elections in November 2015. When this proved impossible, the government decided all the same to arrange for a signing ceremony in October, together with eight EAOs who were ready to sign, but leaving the rest of Myanmar's EAOs out. Some time after the NLD had won the elections and established its government in March 2016, State Counsellor Aung San Suu Kyi embraced the NCA and made it a central aim to make it nationwide. Signing it became a pre-condition for fully joining a national dialogue under Suu Kyi's flagship catchphrase "21st Century Panglong". Although two additional groups (NMSP and LDU) signed on 13 February 2018, bringing the number of signatories to ten, the NCA remains far from nationwide. More than half of the country's EAOs have not signed, with the KIO, UWSP and KNPP as the most important ones.

When the Northern Alliance was formed in November 2016, the prospect of seeing the KIO sign the NCA seemed to dissipate. The main focus of the alliance was military cooperation. In April 2017, the four North Alliance members entered into a larger political alliance (FPNCC), where the UWSP would play a leading role. China has tried to arrange talks between the

FPNCC and the Myanmar government but Naypyidaw refuses to talk with it collectively. While the Tatmadaw already has a bilateral ceasefire agreement with the UWSP and is opposed to signing any agreement with the smaller FPNCC members (AA, TNLA, MNDAA, NDAA and SSPP), it might again negotiate with the KIO.

By far the most important of the EAOs that have signed the NCA is the KNU, which fought against the Union Army from 1949 to 2012, when it signed a bilateral ceasefire agreement, thus laying the foundation for joining the NCA in 2015. The table of armed fighting in Myanmar has turned since 2011. While north-eastern Myanmar had ceasefires in the period of pure military rule, allowing the Tatmadaw to focus on its fight against the KNU and other EAOs in the southeast, Myanmar's political opening from 2011 led to ceasefire agreements in the southeast and renewed fighting in the northeast. The zone of conflict thus shifted from the border region to Thailand to the border region to China.

Today, the future of the NCA does not depend primarily on getting more EAOs to sign but on whether or not the south-eastern populations will see more sustainable and locally controlled economic development under the NCA than the Kachins did when they had ceasefire during 1994–2011. The Kachin ceasefire became deeply unpopular among the local population because the Tatmadaw and KIO leaders used it to enrich themselves by exploiting natural resources in collusion with Chinese companies. Both the KNU and the Tatmadaw and other signatory groups in the southeast now need to learn from the failure of the north-eastern ceasefires and provide for sustainable development in close consultation with the local populations.

The NCA is not just a ceasefire agreement but also a curiously half-baked seven-chapter draft roadmap for arriving at a comprehensive political agreement. The NCA is therefore seen as central to the peace process as a whole. While this might have been a good idea if the NCA were really nationwide, it has instead served to shut out the non-signatory groups from the national dialogue, and made the issue of who is allowed or willing to participate an overriding concern. What was meant to be inclusive has instead become exclusive.

The 21st Century Panglong

State Counsellor Aung San Suu Kyi's 21st Century Panglong process is named after her father Aung San's famous conference at Panglong in the southern Shan States in 1947, which hammered out an ethnic compromise prior to Burma's independence from British rule. The first 21st Century Panglong conference was held in August 2016, and the second in May 2017. The third is planned to be held in late April or early May of 2018. The first one led to much ado about who would be present, for how long, in what capacity and with how much honour. It consisted mainly in written statements being read out by representatives of various groups, and there was little that could be called dialogue. The May 2017 conference was more productive and led to the signing of 33 agreements on various issues. The exchange of views at the first two conferences provided an overview of the expectations and major concerns of the many participating armed and unarmed organizations and parties, which is likely to be useful for the further peace process. A decision was reached to organize the national political dialogue between three main stakeholders: the government, EAOs and political parties. The role of the political parties has been limited so far but may increase as Myanmar approaches its 2020 national elections.

In the future, the EAOs, political parties and NGOs may get beyond just spelling out their grievances, and engage in talks about the parameters for federal compromises between the Union government and Myanmar's many ethnic groups. There is consensus that the Panglong process aims for a *federal* solution. Yet views of what that means differ widely between the Union government and the EAOs, among the EAOs and political parties, and probably between the civilian and military branches of government. However, the main disagreement between the civilian and military authorities in Naypyidaw concerns the privileged position given to the Tatmadaw in the 2008 Constitution.

It seems impossible to design a neatly organized or easily comprehensible federal system to accommodate the ethno-political complexity of Myanmar. Any moderately successful federation will need to be a patchwork of different kinds of revenue- and power-sharing arrangements,

satisfying a diversity of local and national needs, and being open to change as new needs arise. To arrive at a satisfactory and flexible system will be a long-term process, involving compromises on many levels, constitutional change on the Union level and the writing of new constitutions for states, regions and autonomous zones. The Rohingya will also need a recognized status.

Conclusion: Still a Chance for Peace

Myanmar's peace process remains partial. Whereas it benefits from the participation of several armed groups based in southern Myanmar, new armed fighting has broken out in the west, north and northeast. It is unfortunate that the so-called Nationwide Ceasefire Agreement (NCA) has led to the exclusion of several important EAOs from the national political dialogue.

The peace process moves slowly, if at all. This is not, however, due to the brutal violence in Rakhine. The violence against Rohingya did not have much impact on the peace process for the simple reason that the Rohingya have never been included in the process.

In addition to the renewed fighting in several parts of the country, an important factor preventing further progress is the divided nature of political decision-making in Naypyidaw, with the State Counsellor and the commander-in-chief operating side by side without either conflict or coordination. This system does not allow for much progress, since any step forward requires consensus among the two top leaders.

No major breakthrough can be expected in Myanmar's peace process under the current circumstances, when the Union government has two independent heads and the EAOs are divided between those who have signed the

NCA and those who have not.

However, some positive steps have been taken. The Tatmadaw seems to be open to the possibility that the ethnically defined states can have their own constitutions in addition to the Union constitution. This may leave room for ethnic minorities to codify their aspirations. A peace process in a country with multiple armed groups can never be a quick fix but will require a drawn out negotiating process. What may be achieved at the present stage is:

- Peace building with sustainable and locally controlled economic development in the areas covered by effective ceasefire. Investment in economic development with local ownership and participation will be key to displaying the benefits of peace.
- Bilateral talks between the government and individual NGOs leading to agreement on certain measures that may stimulate peace and development.
- Co-operation between EAOs and political parties in forming an agenda for federal reform.

A federal reform program, with concrete proposals for revenue and power sharing, and perhaps focusing on the demand that State and Region Chief Ministers be elected instead of appointed from above, could stimulate the electoral campaigns of the ethnic minority parties in 2020. If these parties are seen to have realistic goals, they are likely to gain more support. If they are also able to cooperate and support each other so rival ethnic candidates do not split the votes in the most promising electoral districts, then the NLD and the USDP may also see a need to adopt more truly federal policies.

If the ethnic minorities should come to realize that they have more to gain from political campaigning and electoral alliances than from keeping up their armed struggles, then this in itself would be a step further towards peace. ■

List of Acronyms

- AA:** Arakan Army
- ARSA:** Arakan Rohingya Salvation Army
- EAO:** Ethnic Armed Organization
- FPNCC:** Federal Political Negotiation Consultative Committee
- KIO/KIA:** Kachin Independence Organization/Army
- KNPP:** Karenni National Progressive Party
- KNU:** Karen National Union
- LDU:** Lahu Democratic Union
- MNDAA:** Myanmar Democratic Alliance Army (Kokang)
- NCA:** Nationwide Ceasefire Agreement (2015)
- NDAA:** National Democratic Alliance Army (Mongla)
- NLD:** National League for Democracy
- NMSP:** New Mon State Party
- SSPP:** Shan State Progressive Party (Shan State Army-North)
- TNLA:** Ta'ang National Liberation Army (Palaung)
- USDP:** Union Solidarity and Democracy Party
- UWSA/UWSP:** United Wa State Party/Army

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THE PROJECT

'At the Fringe of Myanmar's Peace Process: The KIA and the Northern Alliance' is a PRIO project led by Dr. Marte Nilsen in 2018 with funding by Norway's Ministry of Foreign Affairs. It aims to engage stakeholders in Myanmar's peace process in discussion about the inclusion of those ethnic armed groups that have not yet signed the National Ceasefire Agreement.

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