

Time to renew outdated strategies

Current State of the Peace Process in Myanmar

By Christina Grein

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After almost seventy years of civil war and armed conflict the peace process is considered to be the centerpiece of a future peaceful coexistence of the various ethnic groups in Myanmar. Peace negotiations under the former Thein Sein government led to the so called Nationwide Ceasefire Agreement signed by 8 ethnic armed organisations out of approximately 21. The initiation of the Panglong Peace Conferences by the succeeding National League for Democracy government aroused high hopes among ethnic minorities. Meanwhile, frustration over the faltering negotiations is growing. In December 2017 Christina Grein met with Dr. Sai Oo, Director of the Pyidaungsu Institute, to talk about the current situation of the negotiations and the challenges ahead.

How did the Pyidaungsu Institute come to be founded?

Back in 2013, the Pyidaungsu Institute was set up in Chiang Mai, Thailand, because we couldn't set up an office inside Myanmar. The director has been involved in the democratic movement, the ethnic and federal movement for many years. The idea of setting up this institute came up during the establishment of the Myanmar Peace Center for the Union-wide peace negotiations. The ethnic groups realised that the negotiations were solely under the government's control. There was neither a forum for the eth-

nic minorities nor an understanding of their positions.

What was the role of the institute in the beginning?

During the last 5 years it has been a stony path in the peace process. Initially, we only provided technical support for the armed ethnic organisations (EAOs). In the early phase of the peace process, we had a nationwide ceasefire agreement (NCA). Here, we assisted the leaders of the EAOs with negotiating and the formulation of common principles and goals. We played

quite an important role in the drafting process of the NCA. We were also involved in drafting the political dialogue framework, which is to be followed after the signing of the NCA. An informal working group has been designing the framework. There have been a lot of consultations and the whole process took about 7 or 8 months. In 2015, we moved with our head office to Yangon in order to work more closely with political parties and civil society organisations, but we still keep a small office in Chiang Mai.

What changed after the Pyidaungsu Institute moved its head office to Yangon? To what extent did this benefit your work?

As time passed, we developed a close relationship with political parties and EAOs. As a member of the Union Peace Dialogue Joint Committee, we work closely with various key stakeholders in the peace process. This body governs and manages the peace negotiations and the political dialogue. Our staff is also working in the Joint Ceasefire Monitoring Committee. Instead of providing assistance, we have been asked to represent the EAOs and to negotiate for them. That makes us very busy. On the one hand, we are not that independent anymore. But on the other hand, we have the advantage to better understand the debate and ongoing discussions and to get first-hand information. We aim to understand the gaps and needs in the negotiations, for example the knowledge gaps. We are not necessarily taking the EAOs positions. There are many groups involved and their positions can be very diverse and sometimes also disputed.

Negotiating with and for the diverse ethnic groups must be an interesting but also tough job. I presume that your personal background is somehow associated with the democracy movement in the country. Can you tell us more about that?

Back in 1988, during the democratic movement in the country, I was a young man to begin my university studies. I also had been involved in the anti-government movement and protest. That was a very rough time and many of us were imprisoned. I managed to escape and joined one of the EAOs in the northern Shan State. In 1989 and 1990, I lived in Namkhan in the jun-

gle. It is all gone now, but this territory was then controlled by the Burmese Communist Party. After two years, the situation changed when General Khin Nyunt initiated ceasefires with the EAOs. I ended up as a refugee in Thailand for a while and later on got a scholarship to study in Australia. I went there to study for some time but regularly visited Thailand. After completing my studies, I worked at the University of Western Sydney and in the Government of New South Wales. But there was something missing in my life. In 2013, I decided to come back to Myanmar. So I took the opportunity to work with the Pyidaungsu Institute. That was a very personal choice and a matter close to my heart.

To date, two Panglong Conferences have been held, and the third round is due to follow very soon. What is your assessment of the current state of the peace process?

The situation is getting increasingly complicated because of the many different interests of the EAOs. The military is still very powerful in the negotiations. The election victory of the National League for Democracy (NLD) created a lot of expectations. After a while we all realised that the NLD still has many things to learn in order to fulfill its role as the government. It is still in a quite weak position. Under the previous government, the peace process had a slightly better position because there was a kind of informal dialogue. Under the NLD government, the military treats the peace process as a security issue. That is a significant change. According to the NCA, the stakeholders have to sign the ceasefire agreement first. After that, there will be a political dialogue with discussions about constitutional change et cetera. Currently, we are making no progress because the situation got more complicated. There is a number of organisations that didn't sign the NCA yet: the heavily armed and powerful Northern Alliance¹, which is in control of a large territory, and the United Nationalities Federal Council² (UNFC), which originally has been at the forefront of the NCA negotiations but then somehow withdrew.

What were the reasons for the withdrawal of the UNFC?

I guess there are a lot of reasons. One main issue is that the UNFC didn't want to give legitimacy



*Kachin Independence Army cadets in Laiza, Kachin state
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to the semi-civilian government under Thein Sein. Each organisation has some radical forces in their circle. These forces say: “We have been oppressed for so many years. Why are we negotiating now? None of the things that we want is guaranteed”. Some people also want to have the answers before they go into negotiations. That is understandable. They have been deceived many times. Despite many ceasefires with the government/military, nothing has changed. But there are also some groups that are more pragmatic and see the peace process as an opportunity. These groups gave up their arms and agreed to participate in the political dialogue. They don’t want to keep fighting forever.

What role does the Northern Alliance play in the peace negotiations and what is their stance towards the NCA?

The Northern Alliance controls a large territory but it is situated in a remote area and has very little access to the international community. But it has a close relationship with China. Let’s take a closer look at the political argument: so far, the Northern Alliance doesn’t accept the NCA approach of the government. It wants a new approach, but so far it hasn’t demonstrated yet how this new approach looks like. A better option would be to try to push for additions in the current NCA. Since the NCA is nationally recognized, it is impossible to replace the whole agreement. Besides, there is a further problem concerning the alliance. The Tatmadaw (armed

forces of Myanmar) distinguishes between officially recognized groups and the so called “unlawful associations”. It is ready to negotiate with groups like the Kachin Independence Army, but will refrain from discussions with the Myanmar National Democratic Alliance Army, the Ta-ang National Liberation Army and the Arakan Army. It is complicated by historical developments. The Myanmar National Democratic Alliance Army, a Kokang group, has been the very first to break away from the Communist Party of Burma and to agree to a ceasefire with the government in the 1990s. At that time it had a very good relationship with the government. The region underwent an economic boom with both Myanmar National Democratic Alliance Army and Tatmadaw troops making profits especially with opium and heroin. But in 2009, the army split in two factions, when government troops forced it to transform in Border Guard Forces.³ One faction was willing to transform and got the exclusive control over the Kokang self-administered zone. The other faction went underground and disappeared for a long time. In 2015, this group emerged and tried to retake this area. There were lots of casualties on the side of the Tatmadaw. It got very upset. The Arakan Army and Ta-ang National Liberation Army were supporting the Myanmar National Democratic Alliance Army in its attack. The Kachin Independence Army was also accused of lending a helping hand but they denied any involvement. From the Burmese perspective the attack was a territory issue, an invasion.

Last year the members of the Northern Alliance together with three other EAOs established a new committee to hold collective talks with the government. Can you tell us more about the role of the United Wa State Army in this committee?

It is the leader of the Federal Political Negotiating and Consultative Committee, a coalition of seven armed groups including the members of the Northern Alliance. This committee demands to negotiate with the government as a coalition rather than as individual members. It is a difficult task trying to bring the United Wa State Army into the peace talks. In former times, the Wa people and their territory were kind of separated from the rest of the country without any formal relationships. They had support from China's Communist Party. And when Burma's Communist Party broke down, they then became a nationalist organisation. They still have a very close relationship with China. For example, the children go to school in China, they use Chinese currency and mostly speak the Chinese language (Mandarin). Most of their leaders cannot speak Burmese. They were trained by the Burma Communist Party, which was aiming to turn Burma into a communist country. The good thing is that the Wa still want to be part of the country. But the Tatmadaw is behaving in the same old fashion: beat them, divide them and then talk with them.

What are the biggest challenges of the peace process?

The Tatmadaw needs a much clearer strategy. Its approach has always been to weaken your enemy's military position first before talking to them. It still prioritizes military solutions with expensive and very hard tactics. That is one picture. The Tatmadaw is not familiar with the political game yet. One of the UNFC's demands is unconditional ceasefire for a certain period. But the Tatmadaw rejected. The ethnic groups expect the government to become more clever in the political game with the Tatmadaw. Because ethnic groups think that they share a lot of common ideas with the NLD government. The government needs to learn to change the game. So far, it has not been able to do that. There are also challenges on the side of the ethnic armed groups. Because of the diversity of groups in the coalitions, it is difficult to reach certain agree-

ments since the understanding of the peace process and the needs vary. For the EAOs, the main focus points of the negotiations are federalism and changing the constitution. But just a few members of these groups have lived in federal countries at some point. So they don't have any experiences with a federalist system.

Another ongoing challenge is getting the non-signatories involved in the peace process and to negotiate concerning the NCA. The military persists in its position. Currently, there is some talk about this issue, but it has not reached any results yet. The demands on both sides are so far away from each other and the Tatmadaw is still using the divide and rule tactics, adopted from the British, against the EAOs. The result of that is a growing mistrust. They even use that strategy on the negotiation table. They would say "I only talk to you, but not to your friend. I cannot sit together with both of you. I will talk with your friend in a separate way". The Tatmadaw sees itself as the guardian of the constitution. I think it has a wrong idea of its role.

You mentioned that federalism is a crucial issue for the ethnic groups. What does federalism mean for the EAOs and what role does it play in the political dialogue?

Their understanding of federalism is still very abstract, even though the ethnic groups on the Thai-Myanmar border have been studying and delved into that issue for a long time. They have good ideas of how federalism could shape the future landscape and they exchange about different forms and features. But they have grown up in a very centralized government system, so it is difficult for them to completely move away from that concept. That means that there are a lot of limitations. The understanding of the federal negotiations needs to be broadened. But the ethnic groups don't have enough resources, human as well as other necessary resources. This will exhaust them in the long term.

There are discussions underway on the issue of resource federalism. The current negotiations include five topics: politics, security, economy, social aspects, natural resources and environment. They will discuss issues like whether the Union or the federal government will get the authority over land management issues and how to



Wa State,
Northern
Shan
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manage the revenues. But to really work on a policy, the constitution would have to be changed or amended. The current constitution gives the state governments the possibility to collect taxes, but these are far too low. A policy on revenue sharing should be based on the needs of each state. If you look at the state governments, they have a very small budget and no capacity.

Is there a good relationship and exchange between the various EAOs?

They regularly meet for discussions and negotiations. Each organisation sends two to three delegates. But many delegates are inexperienced or are not well prepared. That is a big problem within the EAOs. In order to achieve successful negotiations, we need the decision makers or key negotiators at the table. People, who can respond quickly and have a good understanding of the issues. Unfortunately, political negotiation is a new game for EAOs. They have mastered skills in fighting with arms in the jungle but have very limited capacities in political negotiation.

The states of the ethnic minorities are rich in natural resources but with poor infrastructure, a lack of education facilities and job opportunities. Is economic development an issue in the negotiations?

The current negotiation includes issues of economic development, but that is talk about a future federal Union. The NCA mentions the de-

velopment of local communities that has to be implemented in the interim period. I guess the government was thinking that if they support development in the ethnic regions everything will get better. But that is not the case. Development alone won't bring peace. Previously (1990s), the government used a particular ceasefire-model. If the ethnic groups under-signed a ceasefire agreement, they would be free to engage in the development of their respective regions and to support local businesses. That was a kind of incentive. But in the end, the army generals and some organisations enriched themselves personally. There was the attitude "just take what you can", for example in the timber industry. And within 20 years, a huge part of Myanmar's forests has vanished.

China's economy is steadily growing, so whatever you can sell, China will take it – timber, rubies from southern Shan State, Jade from Kachin State and other mining products. But Chinese businesses are not supporting a responsible development. China now provides cash crops for export to China. The most popular crops are watermelon (for chinese new year), banana and corn. In the past, the local population played an important role in Chinese businesses activities, as work force for example. But since they switched their focus on high-tech agriculture, they are in need of personnel with specialized knowledge. They don't hire local farmers anymore. So an increasing number of Chinese workers are brought in to work on the plantations. These kinds of investments are not

official, so they can easily play by their own rules.

What kind of economic development could possibly contribute to the promotion of peace?

Economic development is urgently needed. We need to improve the living standards of the local people. Poverty and the lack of education are the most important push factors for the local people to join the resistance. But investment has to be responsible. We need different forms of introducing local development. We need a focus on local participation and a maximum return to locals. Besides, the business activities should be adapted to their skills. It would be the best way to announce a moratorium on the extraction of natural resources, at least for now. Because in most cases, the profits don't go to the locals. During the ceasefire period, the local people suffered the most. Although they sit next to the rich jade or ruby mines, they are poor. In

addition, a number of ethnic communities suffer from the side effects of the black economy, like a high rate of drug abuse and human trafficking. The former government's management of natural resources was flawed but the current government seeks to promote a more responsible management. They banned the cutting and selling of timber and announced that all remaining jade mining licenses will expire in 2018. This is a good step but let's see how it goes. They now have to renew some of the licenses, because there is a lot of debt to be paid to China.

Notes

- 1 Members of the Northern Alliance: Kachin Independence Army, Myanmar National Democratic Alliance Army, Ta-ang National Liberation Army, Arakan Army.
- 2 Members of the UNFC: New Mon State Party, Karenni National Progressive Party, Lahu Democratic Union, Arakan National Council.
- 3 Border Guard Forces are militias, created by the Tatmadaw in 2009 and 2010. They consist of former insurgent groups under the instruction of regional Tatmadaw commands.

The Author

Christina Grein is coordinator of the Burma-Initiative, a project of the Stiftung Asienhaus.

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