

The Deadlocking Factors in Myanmar's Peace Process

Gum San Awng, Mi Aye Khine, and Nyan Tun Aung
Edited by Radka Antalíková, PhD



Abstract

Myanmar is a country with one of the world's longest-running civil conflicts. Myanmar's successive governments have been trying to end these decades-long conflicts, and the current peace process plays a crucial role in the country's development. However, Myanmar's peace process is moving forward very slowly with little progression. For instance, only 10 out of 18 government recognized ethnic armed organizations have signed the Nationwide Ceasefire Agreement thus far. It appears then that the peace process is blocked over some issues and it is necessary to identify problems first before seeking solutions. This research examined significant factors delaying the current Myanmar peace process, so that concerned parties can consider the ways forward after recognizing these blocking factors.

Qualitative methodology was applied and in-depth interviews with four high-level members of ethnic armed organizations were conducted.

The proposed formation of a single army and commitment to non-secession, different interpretations of the text of the Nationwide Ceasefire Agreement, non-inclusion of some ethnic armed organizations, the role of the Joint Ceasefire Monitoring Committee, the absence of national-level political dialogue in Shan and Rakhine States, and the lack of unity among ethnic armed organizations were identified as deadlocking factors of the current peace process in this research. To be able to move forward, these factors need to be addressed.

According to the results, stakeholders need to develop trust-building strategies and open way for inclusiveness among the key players in the peace process. Moreover, to build trust and unity among ethnic armed organizations, they need to hold informal gatherings and conferences to discuss and decide on common objectives.

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Introduction

Myanmar is a multi-ethnic country with a long history of armed conflict between the military (Tatmadaw) and different ethnic armed organizations (EAOs). The origins of this conflict date back to the failure to implement the *Panglong Agreement*, which was signed in 1947 by General Aung San and ethnic national leaders from the frontier areas (Shan, Kachin, and Chin). In the agreement, the ethnic leaders agreed to accept independence from the British and to form the democratic Union together. Therefore, it was the Panglong Agreement that gave birth to the present Myanmar, granting ethnic minorities their rights, self-determination, and even the right to secede after a ten-year period (Sakhong, 2017). Unfortunately, the head of the Panglong Agreement General Aung San was assassinated on 19th July 1947 and the Panglong Agreement was never implemented.

Myanmar gained independence from the British in 1948, after which a parliamentary system of government was set up. Yet, within only four months of achieving independence, armed conflicts between the then Burma Communist Party and some ethnic groups broke out, particularly the Karen revolutionary group (Walton, 2008). In 1962, citing armed conflicts and state instability, General Ne Win took power in a military coup. Under Ne Win's military dictatorship, the promises of the Panglong Agreement were neglected and ethnic groups were politically, socially, and economically marginalized. This is one of the main reasons numerous EAOs emerged and have been fighting with the government for decades.

In 2010, after decades of oppressive military rule, the political transition from dictatorship to democracy began and the military-backed Union Solidarity and Development Party won the general elections, though there were many accusations of electoral fraud. On 18th August 2011, the president of the quasi-democratic government U Thein Sein formally offered peace talks to EAOs in a nationwide peace dialogue, and between 2011 and 2013, bilateral agreements between the government and 15 different EAOs were signed (Min Zaw Oo, 2014). In November 2013, the Nationwide Ceasefire Coordinate Team was formed as the main EAO negotiating body, at that time comprising of 16 EAOs, that drafted the text of the *Nationwide Ceasefire Agreement* (NCA). The NCA was signed by the

government and eight EAOs on 15th October 2015; two more EAOs signed the NCA in 2018.

The NCA is not only a ceasefire agreement, but also a framework under which the current formal peace process has been driven. The goal of the NCA is "to end decades of violence between ethnic armed groups and the Myanmar army and to pave the way for political dialogue that will eventually lead to peace and reconciliation" (Kipgen, 2015, p. 409). In general, the text mentions ending armed conflicts, holding a political dialogue, and finding political solutions by forming a democratic federal union (National Reconciliation and Peace Centre, 2015). In accordance with this, the Union Peace Conference (UPC), also known as the 21st Century Panglong, has been held three times. The UPC aims to unite all ethnic nationalities and find solutions in order to build a democratic federal union through dialogue. The three rounds of the UPC have so far resulted in agreement on a total of 51 principles, covering political and economic issues as well as social and land rights. However, key political and security concerns have been excluded from the agenda of the UPC, such as equality, self-determination, and non-secession from the union.

Obstacles to Achieving Peace

According to Nyan Hlaing Lynn (2017), there are seven obstacles to achieving peace in Myanmar and the biggest one among them is persuading all ethnic armed groups to sign the NCA. Indeed, despite continuous peace talks, most of the strongest armed groups are still non-signatory, and armed clashes continue in many ethnic regions. Moreover, even though the non-signatory EAOs were allowed to attend sessions of the 21st Century Panglong Conference as observers, they were forbidden from participating in the talks and decision-making. Since inclusive participation of all ethnic armed groups is vital for a successful peace process, bringing the non-signatory groups to the formal peace negotiation table remains a great challenge for the government.

Another significant obstacle to achieving peace is the issue of establishing a single national army, followed by the principle of non-secession and the right to self-

determination for ethnic minority groups, that make up a 'package deal'. In principle, EAOs accept the idea of a single army, but its structure and responsibility need to be discussed before full agreement. Instead, it appears that "the Tatmadaw has urged them [EAOs] to accept the basic principles without knowing the full extent of the conditions of the proposed single army" (Nyein Nyein, 2018). The issue of non-secession, proposed by the Tatmadaw and related to self-determination, also remains unresolved.

The above factors are the most explicit and most frequently discussed in previous literature on Myanmar's peace process. However, there is reason to believe that there are also some implicit peace-delaying factors. For the peace process to be successful, it is necessary to identify both implicit and explicit problems before seeking solutions. Therefore, this research paper will explore how various stakeholders involved in the Myanmar peace process see the deadlocking factors and the ways forward.

Methodology

Qualitative research methodology was used in this study. Data was collected through semi-structured interviews: because this study aimed to get in-depth information on the perspectives of different peace actors, being able to follow up immediately with relevant questions was crucial. Another reason why the researchers chose the interview method was due to the diverse and high positions of the respondents; it would have been very difficult to organize for all participants to be present at the same time and place. Since the research respondents were from different backgrounds and organizations, three separate interview guides were created: one for signatory groups, one for non-signatories, and one for peace scholars. Each interview guide included 15 open-ended questions in total, organized into three sections.

The interview questions were formulated based not only on literature sources but also on updated information from both press and social media. For the questions to properly reflect the current peace process, the researchers had to review and analyze the NCA text as well; in fact, most questions were created based on the NCA. After the main interview questions were drafted, the researchers discussed these with research mentors, peer researchers as well as outsiders who have a lot of experience in research and are strongly committed to and involved in the current national peace process. After several rounds of editing, the questions were finalized and translated from English to Burmese. Next, a small pilot study was done by conducting an interview with a senior officer who works for an NCA signatory EAO office. After the pilot study, the researchers further developed the interview

questions by considering more follow-up questions and re-structuring.

Participant Selection and Procedure

For this research, the researchers purposely selected four participants from four different entities that occupy important roles and have a unique position in the peace process. In the sample, top leaders from both NCA signatory and non-signatory EAOs were included. These respondents included one participant from the New Mon State Party, one from the Kachin Independence Organization (KIO), and one from the All Burma Students' Democratic Front. To include an independent stakeholder, the researchers also interviewed a well-known scholar from a civil society organization called Myanmar Institute for Peace and Security who has been involved in the Myanmar peace process. Hence, a stakeholder sampling strategy and an expert sampling strategy were used in this study.

The interviews lasted around 1.5 hours on average. Before conducting the interviews, the researchers sent an invitation letter, informed consent form, and a research concept note to the participants. The researchers also asked for permission to use each participant's name, organization, position, and to publish the analysis of the interview in a research paper. At the beginning of the research interviews, the researchers spent some time building trust with the participants before starting the conversation. After the data collection was finished, the researchers restated the information that the participants had given to confirm understanding and avoid misinterpreting data.

Findings and Discussion

This research confirmed that the current Myanmar peace process is mainly deadlocked over the issues of establishing a single army, non-secession and self-determination, which have been mentioned previously. At the same time, this research found other important factors that are delaying the current peace process; namely, different understandings of the NCA, the unclear role and responsibility of the Joint Ceasefire Monitoring Committee (JMC), the exclusion of some EAOs in the formal peace process, and the inability to conduct national political dialogue.

One interesting thing that all participants mentioned during the interviews was that although the NCA is not a perfect ceasefire agreement, it is the greatest achievement so far in the history of Myanmar's peace process: "It is the NCA that allowed us to talk about the word federal, which was a taboo in the past during the military regime. Even in the Panglong Agreement, the word federal was not included", said Min Zaw Oo, Executive Director of Myanmar Institute for Peace and Security. He added, "The NCA is not the problem, it is pretty good in principle. But, the problems occur because the peace negotiating parties do not follow the principles of the NCA during the implementation process". Therefore, the problem is not due to the principles themselves but their implementation.

Formation of a Single Army

In principle, EAOs agree that there should only be one army in a federal country; the question is, however, how this army should be formed: "EAOs are not against the idea of a single army. They have already accepted it in principle. They just want to know what principles will it be based on" said Min Zaw Oo during the interview. He added, "The key problem is how to reform the security sector. The Tatmadaw urged EAOs to disarm first and negotiate about political issues [afterwards]. But EAOs' concern is that if they disarm, will the Tatmadaw step back from its political roles?" Hence, it seems that EAOs and the Tatmadaw have different approaches to what should be done first, disarmament of EAOs or the Tatmadaw's going back to the barracks. Regarding security sector reform, Nai Ong Ma Nge, Executive Committee member of the New Mon State

Party, suggested that "it is too early to discuss the issue of disarmament, demobilization, and reintegration/security sector reform at the moment. It should be discussed later, only when EAOs and the Tatmadaw begin to trust each other more; then we can work it out".

Non-Secession

Another major blocking issue is non-secession from the union. The Tatmadaw asked EAOs to guarantee that they would not secede from the union; only after that, the right to self-determination would be granted to the ethnic groups. However, EAOs refuse this proposal, reasoning that it deviates from federal principles and is not included in the text of the NCA either. With respect to this, Min Zaw Oo said,

"In fact, it is not necessary to discuss the issue of non-secession anymore, because the signatories already agreed on the three national causes in the NCA Chapter 1 (A): non-disintegration of the union, non-disintegration of the solidarity, and perpetuation of national sovereignty. In return, the Tatmadaw agreed on federalism".

Another respondent, Nai Ong Ma Nge said, "If the Tatmadaw had not raised the issues of non-secession and single army, the peace process would have reached far by now".

Different Understandings of the Text of the NCA

During the interview, All Burma Students' Democratic Front's Central Committee member Mi Su Pwint said, "from the beginning, EAOs and the Tatmadaw have had different understandings and concepts. Now, this is creating a deadlock, because they did not conciliate each other's understanding". Nai Ong Ma Nge added,

"When we were planning to draw the political framework in the second step [of the NCA], the concepts and definitions from each side became different. And, the concepts and definitions of a 'federal union' and the words 'federal

democracy' and 'democratic federal union' became controversial. So, the deadlock started when defining these terms".

In fact, the basic principles of the NCA's first article are still controversial. These principles are the Tatmadaw's three main national causes of non-disintegration of the union, non-disintegration of solidarity, and perpetuation of sovereignty, as well as EAOs' proposal of federalism, equality, and self-determination. Specifically, the Tatmadaw has proposed non-secession but some EAOs cannot accept it. However, the Tatmadaw has argued that the three main national causes that are already included in the NCA's basic principles do, in reality, mean non-secession. This suggests that the Tatmadaw and EAOs did not have a clear understanding of these issues before adopting the NCA, which has led to a deadlock in the current peace process.

Non-Inclusion

Although the NCA is nationwide, many EAOs are still not formally included in the NCA process. Therefore, having them sign the NCA and including them in the current peace process is still seen as one of the major challenges:

"To make an estimate, the power of signatory EAOs may be only 25 percent of the power of 11 non-signatory EAOs. So, how much does it matter if we get Pyidaungsu Accord in the NCA, if we build the union state without the consent of the KIO, United Wa State Army, National Democratic Alliance Army, Arakan Army, and other non-signatories, the deadlock will happen again", said Naing Ong Ma Nge.

For instance, the KIO, one of the strongest armed organizations, has not signed the NCA because armed organizations whose territories are located closely to its own were not allowed to sign the NCA by the U Thein Sein government. If the KIO had signed the agreement without its neighbors, it would have been difficult to solve conflicts over territory in the north. General Sumlut Gun Maw, the Vice President of the Kachin Independence Council, explained the KIO's reasons for not signing the NCA further:

"The text of the NCA is not perfect yet and the monitoring mechanism has its weaknesses. And, both sides have a different understanding of the basic concepts. For instance, without discussing and negotiating a clear understanding of disarmament, demobilization, and reintegration/ security sector reform or political mapping, it is difficult to implement the NCA after signing it".

Hence, there are some EAOs who still need to sign NCA, and as long as there are non-signatories, this NCA peace process cannot be successful in the nationwide sense.

The Role of the Joint Ceasefire Monitoring Committee

The JMC was formed in accordance with the enactment of the NCA agreement. However, even though the JMC is responsible for implementing and monitoring troop-related provisions and the military code of conduct and ceasefire-related rules and regulations, according to the interviewees, the JMC cannot fully carry out its responsibilities and duties yet. For instance, Mi Su Pwint said that

"There is recurrence of conflicts due to the incapability to set ceasefire territories. Consequently, the Karen National Union and the Tatmadaw accuse each other of crossing over to each other's territory and shooting at the other. Bystanders (monitoring committee) find it difficult to say who is trespassing, because there are no ceasefire-related territories".

General Sumlut Gun Maw also pointed out that "there is no clear definition of military matters and ceasefire-related territories. Rules and regulations are not exactly written in the code of conduct".

The constant occurrence of conflict among NCA signatory EAOs as well as between them and the Tatmadaw points to the weakness of the JMC in implementation and monitoring. Some participants said that clashing on the ground affects the political dialogue. Therefore, the participants suggested that to overcome the deadlocked situation, the JMC must become a strong mechanism

to implement and monitor troop-related provisions, the military code of conduct, and ceasefire-related rules and regulations. As Nai Ong Ma Nge concluded, “People only see the NCA as a deadlocking factor, but they do not see that the problem of the JMC is the problem of the NCA”.

Absence of National-Level Political Dialogue in Shan State and Rakhine State

To be able to hold the UPC – 21st Century Panglong, the Union Peace Dialogue Joint Committee has the responsibility to propose issues that come out from national-level political dialogues. Even though the UPC has been held three times, there are still some NCA signatory EAOs like the Arakan Liberation Party and Restoration Council of Shan State that are finding it difficult to hold national-level political dialogues. For instance, in 2018, Shan public consultation meetings were blocked by the Tatmadaw. Mi Su Pwint said,

“Because of this controversy, the Shan did not give any advice or comments on federal principles, because they could not hold a national-level political dialogue. They said that since they did not hold a national-level political dialogue, they could not give any comments. So, the political dialogue has been receiving proposals only from the Karen, Pa-O, and Chin national-level dialogues. Therefore, it has become difficult to move the political dialogue forward and wait for them, because the Rakhine and the

Shan have not had the chance to do it yet. And then, the Tatmadaw makes excuses that situation in Rakhine is unstable”.

Most of the participants said that the Tatmadaw is worried that if some ethnic-based political dialogues are held, some of the EAOs would have a better relationship with their ethnic people and would be able to do more military recruitment. Furthermore, the participants stated that the Tatmadaw’s worry is that some ethnic people would call for independent states to be built. Nai Ong Ma Nge suggested that if the Tatmadaw and the government were suspicious of the national-level political dialogues, they should participate in them, watch, and record them. Regardless of the reason, as long as Rakhine and Shan people do not have the chance to hold public consultation meetings for the national-level political dialogue, the current peace process will continue to be deadlocked. Therefore, the national-level political dialogue must be inclusive of all signatory EAOs.

Lack of Unity among EAOs

This study found a lack of unity not only between the Tatmadaw and the EAOs, but also between signatory EAOs. These EAOs have different backgrounds and political interests. “We still are not able to come together and find common ground until now. Regarding this, there are problems even with whom to invite for meetings. There is still a lot to be done for unity and understanding on our side”, said Mi Su Pwint.

Conclusion and Recommendations

This paper has sought to find the deadlocking factors of the current Myanmar peace process under the NCA's political dialogue framework. This was to recommend evidence-based solutions to the key players in Myanmar's peace process in order to overcome its difficulties. The present findings confirm that there are many obstacles to the current peace process: the issues of the formation of a single army, non-secession, different understandings of the NCA's basic principles, non-inclusion, the role of the JMC, lack of a national political dialogue conference, and lack of unity among EAOs. The findings of this study provide a new understanding of the power imbalance between the key stakeholders and of the lack of trust in the peace negotiations. This impacts the NCA political dialogue framework and implementation process. Based on these findings, the researchers suggest the following actions be taken by key stakeholders:

- 1/ First, it seems that the suggestions for the single army and non-secession were discussed too early; trust among the stakeholders needs to be built first and then these issues can be discussed when both sides are ready to talk.
- 2/ All keys players need to think through the meaning of the NCA rules and regulations. Thus, a common understanding of key issues of the NCA should be agreed upon.

- 3/ The peace process needs to be made inclusive. Without the non-signatory groups, the peace process in Myanmar will never achieve sustainable results.
- 4/ Unity must be built between different EAOs. Common political goals are important for the EAOs in order to have bargaining power in the negotiation process.
- 5/ The role of the JMC must be redefined. The role of the JMC is also related to trust and the power imbalance in the committee roles, because the JMC does not have clear responsibilities or authority.
- 6/ Ethnic minority groups should be encouraged to hold national-level political dialogues. The national political dialogue conference issue has been a contentious issue among the NCA signatory groups and the Tatmadaw.

Therefore, all stakeholders, especially the key players in the peace process, need to reflect on the obstacles to the process and find ways to overcome these blocking factors with inclusiveness and common goals. Further research should focus on determining different stakeholders' perceptions, including from the Tatmadaw, government, signatory and non-signatory groups, and other civil society organizations.

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About the Authors

Gum San Awng is from Kachin State. He graduated in Social Studies from Myanmar Institute of Theology and is in a process of obtaining a diploma in Political Science from the University of Yangon. Gum San Awng worked as an intern in Media, Research, and Peace and he has also volunteered with student organizations and in social work. His goal is to contribute with his efforts to the change of his country. After studying peace and conflict at the Peace Leadership and Research Institute, Gum San Awng has come to realize that injustice and inequality are the sources of conflict in every society.

Mi Aye Khine comes from Mon State. She graduated from Women Empowerment, Leadership, and Management program on the Thailand-Myanmar border, Women Intensive in Thailand, and in Organizational Development from Payap International University in Thailand. Mi Aye Khine has work experience in research on local livelihoods in Mon State, strengthening community and empowerment, capacity building, environmental awareness-raising, and advocacy from working with the Mon Youth Progressive Organization, Students and Youth Congress of Burma, and Burma Rivers Network. Currently, Mi Aye Khine is working at Oxfam in Myanmar as a Research Project Officer.

Nyan Tun Aung is from Nagaland. He holds a B.A. in English from the University of Distance Education and a B.A. in Social Studies from the Liberal Arts Program of Myanmar Institute of Theology. He has worked as a freelance researcher at different organizations and is currently working for the Nationwide Ceasefire Agreement – Signatory Ethnic Armed Organizations Office in Yangon. He is also the incumbent President of the Naga Students and Youth Federation-Yangon.

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Responsible:

Alexey Yusupov | Resident Representative

T +95 1 122 1424

<https://www.fes-myanmar.org>

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