BEYOND CEASEFIRES INITIATIVE

# Summary of First Peace Symposium

## Ceasefires and Beyond – Lessons from Comparative Peace Processes

## Introduction

The first peace symposium of the Beyond Ceasefires Initiativewas held at the Myanmar Peace Centre on 8 June 2014 on the theme Ceasefires and Beyond: Lessons from Comparative Peace Processes. The Beyond Ceasefires Initiative is the first joint project between the Myanmar government and Ethnic Armed Organizations aimed at strengthening Myanmar's peace process by drawing upon ideas and experiences from peace processes elsewhere in the world. It will enable the parties to bring in international expertise and experience as and when they feel it will help their own process move forward. More about the initiative can be found at the end of this report.

The initiative was launched by bringing in international experts to discuss the three related topics of ceasefire monitoring and implementation, negotiating economics during a ceasefire, and political dialogue. Four internationals with expertise in these areas were invited to Myanmar; Mr Jean Arnault, Ms Sarah Cliffe, Major General (retired) Shivaram Pradhan, and Mr Ian Martin. The over a hundred and fifty participants in the Symposium included a wide range of representatives of many of Myanmar's ethnic armed groups, political parties, civil society and senior officials of the Myanmar Peace Center including Minister U Aung Min. Historian Dr Thant Myint-U moderated the discussions. Other themes of the symposium interim arrangements, trust and confidence building, and the role of the international community.

Examples from around the world were used to illustrate various points, including from Afghanistan, Burundi, Colombia, El Salvador, Guatemala, Indonesia, Nepal and the Philippines. There was a special focus on Nepal's ceasefire monitoring mechanisms, which drew on Major General Pradhan and Ian Martin's experience. The symposium included discussants from the Nationwide Ceasefire Coordination Team (NCCT) member organizations and the Myanmar Peace Center. While this paper is a summary of the symposium, the experts also held closed meetings with the Union Peacemaking Working Committee, government, ethnic armed organizations and political party leaders in Yangon and Nay Pyi Taw between 7 to 10 June 2014.

Following 60 years of armed conflict, 21 Ethnic Armed Groups are in ceasefire negotiations with the Myanmar government. While about half of them have previous experience from ceasefire negotiations, none of them have ceasefire monitoring experience. Setting the scene at the symposium opening, Dr Thant Myint-U observed that "ceasefires are not new to Myanmar. There have been ceasefires in Myanmar for many decades, the challenge now is to ensure that these ceasefires lead



Photo by Nay Aung Khine (Myanmar Peace Center)

Padoh Saw Kwe Htoo Win, Karen National Union General Secretary, and NCCT Deputy Leader, speaking at the Symposium.

to a sustainable peace'. Padoh Saw Kwe Htoo Win, the KNU General Secretary and NCCT Deputy Leader, also noted that after three years of the most recent preliminary ceasefires, "we do not have in place any monitoring mechanisms and military code of conduct for both parties to follow."

In opening the symposium, Myanmar's Minister U Aung Min, head of the government's negotiating team, said he believes "our chances of success will be much increased if we learn lessons from other experiences", hear about "mistakes to avoid and creative solutions to consider". "Our peace process and our history have many special characteristics. But we also share many of the same challenges that other conflicts and other countries have experienced."

Padoh Saw Kwe Htoo Win said: "Peace is the best medicine for the long-suffering addictive disease of disunity, dissension and abusive behaviour in a country. Everyone has to support and be involved, and the support of the international community is also needed." Sofia Busch, Director of the Beyond Ceasefires Initiative, said the Initiative hopes to assist by providing "a platform for the peace process actors to meet away from the formal negotiations; a forum in which the eyes can be lifted for a moment from Myanmar, to look at how similar issues have been approached elsewhere."

A series of private discussions were also held including with senior officials of the Myanmar Peace Centre, and at the U Thant House with leaders of the Ethnic Armed Organizations including members of the Nationwide Ceasefire Coordination Team, with media leaders and with members of the Central Executive Committee of the National League for Democracy. In Nay Pyi Taw a meeting chaired by Minister U Aung Min included all nine Union-level ministers of the Union Peacemaking Working Committee and representatives of the Myanmar Armed Forces. The visiting experts also met with Daw Aung San Suu Kyi.

The June Symposium was the first of a series to be held by the "Beyond Ceasefires Initiative" over the coming year in support of the peace process.

*"We are at a pivotal moment in our peace process; bringing in top experts and those who have worked directly in other peace processes will be of enormous help.*

*Our chances of success will be much increased if we learn lessons from other experiences […] Peace is the only foundation on which we can build democracy and create a more prosperous future for our children and grandchildren. Failure is not an option. We must succeed".*

**Minister U Aung Min**

*Myanmar Government's Chief Negotiator*

Photo: Nay Aung Khine (Myanmar Peace Center)

# Ceasefire Monitoring and Implementation

*"There's a general view in Myanmar that 'everyone [local civil society] is welcome to do monitoring', but this raises the question of credibility and accountability.*

*It is difficult for an "insider" to be impartial and have the credibility to collate and verify the information collected. Perhaps an international third party can be included as a way of building trust?"*

***Jan Nan Lahtaw***

*Director Nyein (Shalom) Foundation and NCCT Technical Team Member*

BEYOND CEASEFIRES INITIATIVE

"We're very conscious that every conflict and context is unique; there is no model that can be applied, but one can learn from differences as well as similarities; and we can learn from failures as well as successes", said Ian Martin. He highlighted five key issues in relation to ceasefire monitoring and implementation, drawing particularly on the experience of four conflicts in Southeast Asia.

**The relationship between ceasefire agreements and the wider peace/political agreements.**

As shown in the table below, in some contexts (Bangsamoro and Sri Lanka), there were no political agreements prior to the ceasefire, but there were expectations of autonomy. In Aceh, following a failed ceasefire, the devastating tsunami of 2004 eventually provided an opportunity for a de facto ceasefire, with an agreement which defined not only the ceasefire but also the decommissioning of weapons and the principles of autonomy. In Nepal the initial ceasefire also entailed broad agreement on a constituent assembly being elected to redraft the constitution. The Agreement on Monitoring the Management of Arms and Armies was negotiated soon after the ceasefire and simultaneously with the Comprehensive Peace Agreement.

**Ian Martin**
*Former United Nations Special Representative*

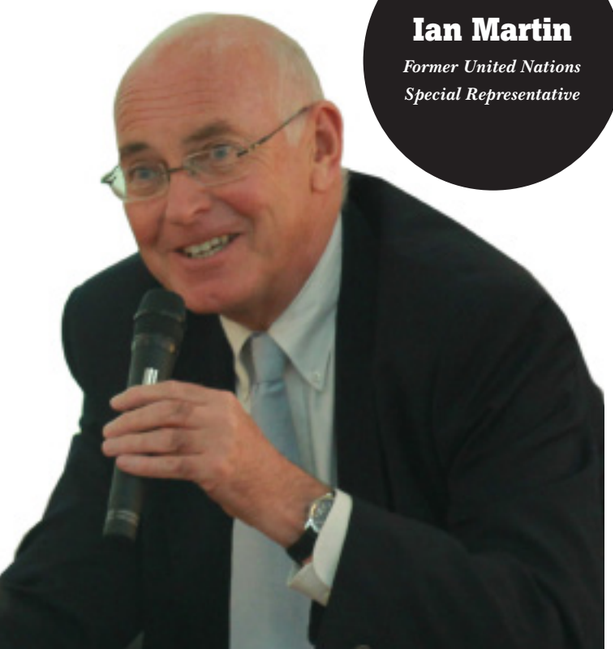

Photo by Nay Aung Khine (Myanmar Peace Center)

**Risks to ceasefire implementation.**

Risks to ceasefire implementation include: Movements of weapons by armed groups and/or the government, unless agreed and notified, increase the risk of clashes, as does non-notification of training exercises and troop movements. Other issues that can pose a risk to ceasefires are ongoing intimidation of the civilian population, extortion, the return/non-return of public and private property, and new recruitment into armed groups or defence forces.

**Forms of ceasefire monitoring.**

Very different types of ceasefire monitoring have been employed in different cases. Nepal invited the United Nations and formed a tripartite joint monitoring coordination body and joint monitoring teams. In addition, political parties and civil society formed local peace committees to monitor and report on the situation on the ground, drawing on their own networks. In Aceh, an international monitoring mission was formed comprising the EU and ASEAN. In Bangsamoro, there is an international monitoring team and two national mechanisms with local monitoring teams and team sites.

## *International speakers*

**Mr Jean Arnault (France)**, former United Nations Special Representative at Under Secretary-General level and head of UN missions in Afghanistan, Guatemala, Burundi, Georgia. Chief mediator in the Guatemala peace process. Also held senior positions with the UN in Namibia and Western Sahara. From 2011 to 2013 he was Professor of Practice at the Paris Institute of Political Studies, Sciences Po.

**Ms Sarah Cliffe (U.K.)**, World Bank Special Adviser and former United Nations Assistant-Secretary General, who has supported post-conflict recovery in South Africa, Rwanda, Indonesia and Timor Leste. Served as the Director for the World Bank's World Development Report on Conflict, Security and Development 2011.

**Major General (retired) Shivaram Pradhan (Nepal)**, of the Nepal Army, Served as technical advisor to the Nepal Government Negotiation Team during the peace talks with the Maoist Party and Vice Chairman of the Joint Monitoring Coordination committee (JMCC) under the United Nations Mission in Nepal (UNMIN). Commanded the Western Division of the Royal Nepal Army and an Infantry Battalion in United Nations Peace Keeping Operations in the former Yugoslavia.

**Mr Ian Martin (U.K.)**, former UN Special Representative at Under-Secretary General level headed UN peace operations in East Timor (later Timor-Leste), Nepal and Libya. Also held senior positions in peace support and human rights field missions in Haiti, Rwanda, Bosnia and Herzogovina, and Ethiopia/Eritrea, and advisory roles in Sri Lanka and Sudan. Fmr SG of Amnesty International 1986-92.

**The management of combatants pending integration and decommissioning.**

Nepal and Aceh both experienced challenges in the registration and verification of combatants. These included agreeing on the criteria for registering as a former combatant and the confidentiality of such information. Other hurdles included appropriate levels of financial support, discharging under age combatants, negotiating principles on combatant movements, and eligibility for either the integration of combatants into state security forces or their decommissioning.

**Managing the sequencing of implementation:**

In Ian Martin's experience "sequencing has been the most complicated question." The Bangsomoro agreement outlines an extremely detailed sequence of decommissioning of combatants and weapons. It has three stages of decommissioning of combatants and weapons that are directly related to the stages of implementation of other milestones in the agreement, such as the ratification of the new autonomy law, the development of a new police force, the disbandment of private armies and other armed groups, and issues of amnesty and transitional justice.

In Nepal, two stages of registration of weapons and combatants triggered the entry of the Maoist party first into parliament and then into coalition government, and election of a Constituent Assembly preceded the integration of combatants. In Aceh, the agreement set out a full timetable for an autonomy law and elections; the numbers and four stages for decommissioning combatants and weapons; numbers and stages of redeployment of government army and police

**Ceasefire monitoring as trustbuilding.**

Ceasefire monitoring was highlighted as a mechanism for building trust between parties. Monitoring approaches vary. They can range from international, to national, to local and then a combination of any of these in joint or mixed monitoring. While parties ideally solve issues at the most local level possible, there are also limitations to the credibility of national monitoring, especially in relation to accountability and verification. "International efforts can never substitute for the will of the national actors. But perhaps international presence sometimes can help build trust" said Ian Martin.

International monitoring can help bring national actors together. But it is important that international actors also step aside and take a back seat as trust is being built. International monitoring has its own limitations: it should not be confused with a security guarantee. The bilateral agreement and trust between the parties is the only de facto security guarantee.

*"Sometimes a third party presence can give the misleading impression that security guarantees are provided.*

*International monitoring is not a substitute for the security guarantees that both parties need to provide."*

***Jean Arnault***

# 3 peace processes and their cease-fires; agreements, monitoring and timetables

***Bangsamoro*** (Mindanao, Philippines) – (i) there was no political agreement before ceasefire, but there was an expectation of autonomy; (ii) ceasefire monitoring through International Monitoring Team, plus two national mechanisms: a Coordination Committee on Cessation of Hostilities with local monitoring teams, and Ad Hoc Joint Action Group with team sites; (iii) there were three stages to decommission combatants and weapons (30%, 35%, 35%), each related to stages of implementation of – ratification of Basic Law on autonomy, army redeployment, development of Bangsamoro police, disbandment of private armies/other armed groups, and amnesty and transitional justice

***Aceh*** (Indonesia) – (i) a failed ceasefire followed by a de facto ceasefire post-tsunami, with agreement defining the ceasefire, decommissioning and principles of autonomy; (ii) ceasefire with an international monitoring mission (European Union + ASEAN), district offices and a Commission on Security Arrangements; (iii) the agreement specified a full timetable for autonomy law and elections, with numbers and four stages of decommissioning combatants and weapons, and numbers and stages of redeployment of government army and police

***Nepal*** – (i) an initial ceasefire with broad agreement to elect a constituent assembly and end "autocratic monarchy", then full Agreement on Monitoring the Management of Arms and Armies negotiated simultaneously with Comprehensive Peace Agreement; (ii) ceasefire monitoring through UN-chaired Joint Monitoring Coordination Committee, joint teams (tripartite) and local peace committees (political parties, civil society); (iii) two stages of registration of weapons and combatants triggered entry of Maoists first into Parliament and then into coalition Government, and the Constituent Assembly election preceded integration/decommissioning of combatants

# The Case of Nepal as told by Major General (Retd.) Shivaram Pradhan

On the night I first met the Maoist rebels I was supposed to be going to the cinema with my family. But I got a call by my superior and was told to come meet him at a hotel. There I came face to face with leaders of the Maoist Army. And I was not happy. I was certainly not happy shaking hands with men we called terrorists who I believed had blood on their hands. It was very, very difficult. I wanted to kill them, not shake their hands! I could have become a rich man – each of them had a US$100,000 reward on their heads. After those first talks, I went back home and washed my hands several times. I felt so disgusted. But it was the beginning. From there on the negotiations and the reconciliation started. Six months later, I considered the Maoist Commander Nanda Kishor Pun aka "Pasang" my brother. We had been spending almost every day together, trouble-shooting and resolving one situation after another.

In 2005 in New Delhi, the Nepal peace process began in earnest. It was then a seven party alliance and the Maoists signed a 12-point understanding to restore democracy. This meant the forces opposing the king's rule were now united. The following year the parties and the Maoists together declared a non-violent joint people's movement, followed by 19-days of sustained peaceful protests. This provided the confidence for the Maoists to declare a 3-month unilateral ceasefire, and for the new government to reciprocate by dropping their terrorist tag and inviting them for peace talks. These were key moves that built confidence and allowed a 25-point ceasefire Code of Conduct.

In 2006 we – the leaders of the Government and the Maoists – invited the United Nations, not to mediate, but to provide assistance to the peace process. With two big powers as neighbours and as one of the oldest and largest contributors of peacekeepers to the UN, it was very difficult for us to invite international observers and find ourselves on the receiving end of UN assistance in bringing peace. Many others wanted to be involved, but we couldn't trust others to do it. We invited a UN mission to Nepal, but we didn't want any "blue helmets" or armed and uniformed boots on the ground. Instead we agreed with the UN that the arms monitors would be unarmed civilians. Instead of blue helmets they wore blue caps.

In the second half of 2006 we signed a Comprehensive Peace Accord, and then, with Ian Martin of the UN as witness, we signed an Agreement on Monitoring the Management of Arms and Armies. The salient features of that agreement were its provisions on reporting and verification, on redeployment and concentration of forces, weapons storage and control. I was Vice Chair of the national mechanism to oversee it all – the Joint Monitoring Coordination Committee – and the Joint Monitoring Teams.

In our agreement there were a number of "do's and don'ts". The UN was to monitor our how we complied to them. But many problems arose that could not have been foreseen. For example there was to be no new recruitment. But the army needed to be replenished! People retire and there are vacancies. This was an issue that had to be resolved as replenishment would be considered new recruitment.

The Nepal Army had to put an equivalent number of weapons to those declared by the Maoists into containers under UN monitoring. Although this was symbolic and a small proportion of Nepal Army weapons, it was humiliating for a national army, and I had to convince my commanders to do it. But by then the Maoists and I were talking to each other directly and sorting things our together.

In Nepal we found the peace process to be very expensive and Nepal is not a wealthy country. We had Maoists in cantonments to feed; we had to build the bases, to provide electricity, to provide pocket money for the combatants, so we set up a trust fund. The Peace Trust Fund was run by nationals and internationals together with political parties of both sides. It was very transparent. We even rebuilt many schools destroyed by the conflict, and to give compensation to victims.

One has to be patient. It has taken us in Nepal almost 8 years. Now, out of 31,000 combatants, the Maoists have nearly 1,500 officers and soldiers in the Armed Forces. The remaining former combatants have been compensated to open businesses and provide for themselves. The peace process isn't finished, and we now have the second Constituent Assembly, but there is still a sense of jubilation, a sense of reconciliation.

Nepal only has a population of 30 million people. But we have more than 100 ethnic groups divided into 36 major groups and no group has a clear majority in a single area. And many groups are scattered. All these ethnic groups want recognition; many want their own state, so how can we address their demands? I don't believe in ethnic-based federalism. Now we have better recognition of the cultural, religious and social rights of all these groups. Even the small groups are represented in the Constituent Assembly. Everybody has to give in a little bit in the process of reconciliation. A garden with only one kind of flower will not look nice. Nepal is a beautiful garden made out of 36 flowers.

Photo by Nay Aung Khine (Myanmar Peace Center)

**Shivaram Pradhan**
*Nepal Army Major General (Retd).*

BEYOND CEASEFIRES INITIATIVE

*"I was not happy shaking hands with men we called terrorists, who I believed had blood on their hands.*
*But it was the beginning [...]. Six months later, I considered the Maoist Commander my brother".*

# Negotiating economics during a ceasefire

Photo by Nay Aung Khine (Myanmar Peace Center)

**Dr. Sui Khar**
*Joint General-Secretary, Chin National Front*

*"International aid, assistance and investments can both harm and help the peace. We are now facing the question whether to freely receive such assistance, and allow for major development projects to go ahead now or only after there's a political resolution. But as distrust is a major constraint, there has to be some interim arrangement that can help move the process forward and help build trust and confidence."*

***Dr. Sui Khar***
*Joint General-Secretary, Chin National Front.*

Sarah Cliffe of the World Bank said that in the wake of a ceasefire agreement new opportunities often arise for economic and social development in areas made previously inaccessible by conflict. This, she said, can be both an incentive to help consolidate the peace process, but also, if poorly managed, may cause tensions.

"The important questions," said Sarah Cliffe, "are who decides what is delivered to these areas, who benefits from its delivery and how to manage expectations". She described experiences in delivering basic services and job creation as well as natural resource management and large investments. For both areas, she talked about the benefits of inclusive decision-making, community empowerment, and transparent monitoring to build trust.

**Who benefits?** Sarah Cliffe noted that it is important to avoid perceptions of inequality in "peace dividends". There can be tensions over the scale of funds directed to conflict-affected areas versus the rest of the country, as has been the case in Mali. A similar tension can be caused if ex-combatants are perceived to get more economic support than victims (as in Rwanda post-genocide), or displaced people receive quality services (education, sanitation, micro-credit) while services in other communities do not improve.

*"As new opportunities arise for economic and social development in the wake of ceasefire agreements, the important questions are: Who decides what is delivered? Who provides the services? And who benefits from its delivery?"*

***Sarah Cliffe***

**Who decides?** Inclusive interim economic and social arrangements have been used in many cases. Sarah Cliffe said some of the more successful cases included South Africa and Timor-Leste which set up consultative social and economic recovery processes, before national institutions were ready and legitimate to fill those functions. South Africa had a particularly comprehensive set of interim arrangements, included commissions to address economic management, infrastructure and services, land, housing, labour and job creation as well as the constitution-making process and transitional security-related structures. Decision-making took place at the national and regional levels and included former armed combatants, civil society and community based organisations as well as faith-based groups. In Timor Leste, the multi-donor trust fund which helped finance post-conflict reconstruction had a broad-based board of Timorese representatives to help set priorities.

**Who provides services?** In post-conflict settings in transitional periods when trust is fragile, a key question is who provides services. Before national governments are able or welcome to deliver in previously conflict-affected areas, community-based organisations and NGOs – both national and international – are used widely for service delivery. In Afghanistan, local empowerment and control was very important. In this instance, services such as social protection, water projects, small infrastructure projects and job creation were delivered by community based organisations. The funding for these projects was delivered in stages once monitoring and verification had first taken place. For an interim period in Timor Leste and Afghanistan, NGOs provided basic services such as healthcare, giving time to national and local public systems to develop capacity. NGO services were coordinated by national partners and progressively brought onto nationally funded contracts.

One request from the discussion was for more international examples of creating employment, in particular for youth. Sarah Cliffe noted that no society, including the most developed countries, has the perfect answers to this. However, there is a track record of what has worked in post-conflict settings. This includes labour-intensive works (used extensively in Indonesia), linking savings and loans to vocational training (e.g. Yemen, Burundi) and value chain investment (used for example in Rwanda). Natural resource investments are capital intensive and typically do not provide much local job creation, although they do create important revenues.

**Aid and investment transparency. An issue related to service delivery** but also in particular to infrastructure and natural resource extraction is aid and investment transparency. Experience in other countries suggests it is key to establish clear and transparent systems. "A lack of trust and lack of confidence can be an issue for aid and investment coming into a community, at such a sensitive political time," said Sarah Cliffe. Some countries have tried to avoid a build up of mistrust by setting up requirements for community consultations before investments, and transparent processes for the reporting of aid and economic activity. Indonesia has made extensive use of local monitors of community aid and used special financial controls under an independent agency to report on post-Tsunami aid. International support can also be provided: during the peace process in Sudan, for example, international advisers helped the parties mo tor oil revenues for an interim period; in Mozambique international company was commissioned to help natio institutions monitor customs revenues. Many of the rep sentatives from the Ethnic Armed Groups present duri her talk were interested in understanding more about t Extractive Industries Transparency Initiative (EITI). O ers commented that many of these processes are alrea going on in Myanmar, not always connected to the pea process. Sarah Cliffe noted that EITI provides for a mul stakeholder monitoring framework which can be very u ful in building trust after conflict as well as for longer-te institution-building.

Managing expectations. Sarah Cliffe said in h experience what really matters is to manage expectatio "After years of conflict, expectations are high, and it oft takes time and patience to deliver a peace dividend, mu longer than people expect". Close dialogue between natio al government, local government, armed groups and co munities on the one hand; and between Government and donors on the other hand can help identify realistic targets and action plans for short term delivery and longer-term institution-building. These plans can then be communicated more widely to help manage expectations. This was the key benefit of inclusive mechanisms such as those used in South Africa, in building shared understanding and compatible expectations on all sides.

BEYOND CEASEFIRES INITIATIVE

*"While negotiating parties are engaged in the talks on an equal basis, the inequality of resources and knowledge are delaying the progress of the peace process. For future development projects it is imperative that all stakeholders are engaged in broad consultations. We must be obligated to policies and processes that listen to the voices of ethnic societies and communities that have always been left out and dismissed."*

***Padoh Saw Kwe Htoo Win***
*KNU General Secretary and NCCT Deputy Leader*

**Sarah Cliffe**
*Special Advisor, The World Bank.*

Photo by Nay Aung Khine (Myanmar Peace Center)

# Political dialogue – from design to implementation

*"We haven't started our political dialogue yet, but relationships are already being built. Some see the political dialogue as a panacea which should include all issues this country needs to deal with. But I think the most important element is to repair and rebuild damaged relationships."*

***U Aung Naing Oo***

*Assistant Director Dialogue Programme, Myanmar Peace Center*

"Political dialogue and negotiations are often seen exclusively as a tool to achieve an understanding between the parties to the conflict, leading to the termination of hostilities. But in reality peace negotiations bear responsibilities that go beyond just achieving an understanding", said Jean Arnault. "And first of all, for a peace process to be successful, political negotiations must be conducive to a transformation of the relationships between the parties from conflict to cooperation". Without such cooperation, implementation of peace agreements will be very fragile, including in relation to security provisions. And there is only so much that international peacekeepers can do to mitigate distrust during implementation.

**Jean Arnault**

*Former United Nations Special Representative*

Photo by Nay Aung Khine (Myanmar Peace Center)

Secondly, the political dialogue has to gain broad legitimacy. "Support for a peace process is rarely unanimous", said Jean Arnault. "There is usually a variety of national actors who are indifferent to the peace process, suspicious of, or even opposed to it". It is important to structure the political dialogue in such a way that it does not only resolve differences between adversaries but also strengthen the legitimacy of the peace process in society at large.

Thirdly, the outcome of the negotiations - the agreements reached by the parties - must be apt to translate into actual changes on the ground. Agreements that cannot be implemented, for practical or political reasons, are bound to trigger a very damaging backlash in any peace of process.

Jean Arnault outlined four areas to be considered when designing a political negotiation with a view to ensuring that the dialogue achieves broad popular support; a transformation of relationships; and agreements that are effectively implemented.

**Negotiating the format – combining representation and effectiveness.**

In designing the structure of the political dialogue the two competing features of representation and effectiveness should be carefully considered. This means balancing the need for the political dialogue to represent and reflect broadly the concerns of a wide spectrum of national forces on the one hand, with the need for the negotiations to be an effective instrument to resolve differences and create confidence among the primary actors in the war, on the other hand. There is a broad spectrum of ways and means to seek social representation in a peace process. In the Guatemala peace process, an Assembly of Civil Society was formally established, which conveyed to the negotiating parties its views on all substantive issues on the negotiating agenda. In Colombia today, a "consultative forum" approach has been taken, with national and regional fora feeding views into the formal talks. An interesting approach was taken by Central American Presidents in 1987: they included a representative of opposition political parties in their National Reconciliation Commissions with the expectation that a change of government would not upset the peace process. At the same time, it is essential that the negotiating format should preserve the central role of the belligerents in a process aiming at the termination of the war and that it should allow, alongside public discussions and consultations, the more restricted negotiations required to craft the most difficult concessions.

*"The goal of including civil society in peace processes is to socialise the peace process as much as possible, but the concessions made must be deeply owned by the negotiating parties".*

***Jean Arnault***

**Negotiating the format – combining representation and effectiveness.**

In designing the structure of the political dialogue the two competing features of representation and effectiveness should be carefully considered. This means balancing the need for the political dialogue to represent and reflect broadly the concerns of a wide spectrum of national forces on the one hand, with the need for the negotiations to be an effective instrument to resolve differences and create confidence among the primary actors in the war, on the other hand. There is a broad spectrum of ways and means to seek social representation in a peace process. In the Guatemala peace process, an Assembly of Civil Society was formally established, which conveyed to the negotiating parties its views on all substantive issues on the negotiating agenda. In Colombia today, a "consultative forum" approach has been taken, with national and regional fora feeding views into the formal talks. An interesting approach was taken by Central American Presidents in 1987: they included a representative of opposition political parties in their National Reconciliation Commissions with the expectation that a change of government would not upset the peace process. At the same time, it is essential that the negotiating format should preserve the central role of the belligerents in a process aiming at the termination of the war and that it should allow, alongside public discussions and consultations, the more restricted negotiations required to craft the most difficult concessions.

**Negotiating the agenda – gaining strength through a gradual approach.**

There are two schools of thought on how to sequence negotiations: one is to address the most difficult issues first, thereby ensuring the credibility of the peace process. The other is to do the opposite and move gradually from simpler issues to more complex ones. Both approaches have been used in peace processes. In Jean Arnault's experience the second approach – to move gradually and to allow the negotiations to achieve momentum before tackling the more difficult issues is preferred, because it strengthens the hand of those who support negotiations, and it demonstrates to the parties and society at large that dialogue works, and that agreement can be achieved. Moving gradually not only builds confidence, it also helps to avoid bad agreements. "A bad agreement can be worse than no agreement at all," said Jean Arnault. A "bad agreement", he said, comes about when parties negotiate issues they are not actually ready to deal with, and end up with something with which neither party actually identifies. Bad agreements are usually a recipe for major crises at the time of implementation.

**Political negotiations as a demonstration exercise – the process of building mutual confidence.**

Most difficult in any peace process, said Jean Arnault, is to move beyond the fundamental distrust that exists between parties to a protracted war and usually affects every aspect of their relationship. In his experience, addressing the issue of mutual distrust cannot wait until agreements are reached. Confidence building must be part and parcel of the political dialogue. It can be achieved through the implementation over time of a series of partial agreements, which allows the parties to test the willingness and capacity of the other side to accommodate their respective concerns. If, on the other hand, it is decided that "nothing is agreed until everything is agreed", it then becomes necessary to have, alongside the negotiations on substantive issues, a parallel track of confidence-building measures that serves the same purpose of demonstrating good faith.

*"While time can be on the side of political dialogue, it is not on the side of implementation".*

***Jean Arnault***

**Meeting the challenges of implementation: the importance of timing and maintaining political will.** Ultimately the effectiveness of a peace process rests on whether the decisions taken at the dialogue table are actually implemented. The lessons from many past peace processes in this respect is that, when it comes to implementation, timing is critical. It is very important that the results of the political dialogue should be implementable as quickly as possible. One reason is the need for the negotiations to produce dividends, to ensure tangible benefits to both the parties and the population at large lest the peace process be undermined by a backlash of disappointed expectations.

But there is another important reason as well: the more protracted the process of implementation gets, the more difficult it is for the actors to maintain political will. While time can be on the side of political dialogue, it is not on the side of implementation. Indeed as time goes by, the momentum to achieve the more difficult measures tends to flag with leadership changes, changes of government, divisions within the ranks of the parties to the conflict – a not uncommon occurrence. In fact, a peace process is never as strong as it is around the time when peace agreements are achieved. It is therefore important that in designing their agreements participants in a political dialogue keep this dynamics in mind.

*The international community should be used in moderation, and should never be a substitute for commitments between national actors, but there are significant contributions the international community can make, which local actors can take advantage of."*

***Jean Arnault***

# The role of the international community

*"The international community can sometimes help bridge the lack of confidence and trust between warring parties, but the international involvement can never be a substitute for the commitment required by the local actors themselves".*

***Ian Martin***

There were many comments from the floor suggesting that international involvement might be helpful in Myanmar's peace process. In responding, the international speakers all emphasized that the international community could never substitute for the commitment of national actors to bring about and implement peace. The speakers did, however, offer examples of roles the international community has had in contributing positively to other peace processes globally, including providing political support for the process, or active facilitation and assistance in implementation.

Sometimes the international community has proved useful in helping create a context in which trust can be developed between actors who are perhaps not speaking directly to each other. For example in Nepal, a situation where combatants could negotiate directly with each other only followed after third party international engagement, explained Ian Martin. Furthermore, for monitoring of ceasefire and the implementation of agreements the international community can often offer a neutrality that local actors will struggle to provide.

Sarah Cliffe noted that building confidence on economic and social development needs to be led by local actors but that the international community could support capacity, transitional delivery arrangements and monitoring. Asked about what information international donors need to be able to provide support, she said that they need an agreed process to set priorities and sign off on projects, a clear indication from the parties to the peace process on consultation and implementation arrangements than can be used to deliver economic and social programmes, and access to support monitoring. "Without national decisions on priorities, consultation and delivery mechanisms, it is difficult to translate international support into practical results on the ground", she underlined. Frequent continued engagement between national actors and international donors is also important to overcome implementation problems or misunderstandings.

"The involvement of the international community is neither a pre-condition for success, nor is it a guarantee", said Jean Arnault and reminded the audience of the case of South Africa which managed its successful transition without external involvement and Syria where peace so far has been elusive in spite of a significant international effort. Yet, for the most part the international community has been a positive factor in contributing to peace around the world. "The international community is a large reservoir of resources and expertise in the area of facilitation, mediation, peacekeeping and the consolidation of peace, and it is not an offence to the sovereignty of a peace process, to occasionally tap that reservoir", said Jean Arnault. He suggested that Myanmar use the international community in moderation and at specific times when the actors themselves find it particularly useful.



# Trust and confidence

BEYOND CEASEFIRES INITIATIVE

*"There are fears around negotiating a ceasefire agreement after 60 years of conflict because we are still developing the necessary confidence and trust. What we need within the process are mechanisms that will bring trust between the stake holders."*

***Ja Nan Lahtaw***

**Ja Nan Lahtaw**
*Director Nyein (Shalom) Foundation and NCCT Technical Team Member*

Photo by Thet Tun Naing

Building trust between the parties is key in every aspect of a peace process – from ceasefire monitoring, to implementing economic transitional arrangements – and crucially – to th e political process itself.

Ian Martin said that as far as ceasefires are concerned a third party mechanism is frequently employed in other peace processes in order to help build trust. "It is very hard for the national monitors to be accepted as neutral and impartial. In monitoring a ceasefire, the key question is who verifies, who investigates any allegations. Whoever is in that role needs to be accepted by both sides. Hence the case for some kind of international involvement."

Sarah Cliffe believes "Discussions on economic or social issues, can actually be an opportunity for people to come together, and further their understanding of one another's needs and priorities, building trust which helps to laterdiscuss more complex and difficult long term political issues." She gave the example of South Africa where the ANC worked with the government in establishing social and economic policies well before the first democratic election in 1994, allowing a better working relationship to emerge.

Third party monitors in such cases help alleviate suspicions that one side or the other is unfairly benefiting from funds or services. These can be local community groups, as was the case in Indonesia for Aceh after the tsunami, or can draw on significant international support, as in Mozambique for customs revenues.

Successful peace processes are an artful mix of the political and the personal. Jean Arnault stresses the need for both a well-structured and comprehensive process which covers all the issues of conflict. Yet, he says, "without a fundamental transformation in the personal relationships between the two sides from one of suspicion to one of trust, the peace process will struggle".

The experience of Major General Pradhan illustrates the personal voyage of individual negotiators during a peace process. He began the process disgusted at himself for having even shaken the hand of a Maoist rebel leader. But years later, their relationship was transformed. After spending hundreds of hours together they established a trust and a real understanding of one another.

BEYOND CEASEFIRES INITIATIVE

# About the Beyond Ceasefires Initiative

The Beyond Ceasefires Initiative is the first joint project between the Government of the Union of Myanmar and leaders of Ethnic Armed Organizations in support of the Myanmar peace process. The initiative is a result of the desire of the main actors in the Myanmar peace process to benefit from experiences elsewhere in the world in a range of areas they deem relevant to Myanmar. The actors have said they need such information to be timely and more easily accessible. As Padoh Saw Kwe Htoo Win, the KNU General Secretary and NCCT Deputy Leader, stated about the first peace symposium on 8 June 2014, the program "is intended to build trust and strengthen mutual understanding among us." To achieve these goals, it is planned to bring seasoned international experts to Myanmar to gain insight in ideas and approaches taken to similar challenges faced elsewhere in the world. Myanmar's Minister U Aung Min, head of the government's negotiating team, stated "bringing in top experts and those who have worked directly in other peace processes will be of enormous help."

Sofia Busch, the director for Beyond Ceasefires Initiative stressed it was an evolving project, one set up to provide the parties with ideas on specific topics only as and when they felt the peace process needed such input. "It is a mechanism that aims to be demand driven – not supply driven – and to respond flexibly to the requests of those leading the peace process from all sides," she said.

Photo by Varathan Kantharee

Photo by Varathan Kantharee (top) / Photo by Nay Aung Khine (Myanmar Peace Center) (bottom)

The governance structure ensures that all activities will be in direct response to issues raised by the peace process actors. The initiative is governed by a joint steering group (ad interim) formed in March 2014. The group met following discussions in connection with peace talks in Myitkyina in October and November 2013 and in Yangon and Chiang Mai in February and March 2014.

**Joint Steering Group (ad interim):**

**U Hla Maung Shwe**, Senior Adviser, Myanmar Peace Centre; **Sao Khuensai Jaiyen,** Managing Director, Pyidaungsu Institute and Adviser to the Restoration Council of Shan State (RCSS); **Padoh Saw Kwe Htoo Win**, General Secretary, Karen National Union and Deputy Leader NCCT; **Nai Hongsa**, Vice Chairman, New Mon State Party, and General Secretary UNFC, and Vice Chairman NCCT; **Dr Sui Khar**, Joint General-Secretary, Chin National Front; **U Tin Maung Thann**, Senior Adviser, Myanmar Peace Centre.

The joint steering group provides guidance on the work program, i.e the areas in which outside expertise and external experiences is desired and requested; and the time lines symposiums and other activities should be held to best support ongoing or future talks. Additionally joint steering group members are shaping the initiative by providing feedback on concept notes and project documents, as well as appropriate experts to bring to Myanmar. Input on project development is being sought also from other stakeholders in the peace process, and support and partnership is welcomed with international organizations, global centers of excellence and top world experts in fields relevant to the peace process.

All photos in this row by Nay Aung Khine (Myanmar Peace Center)

**Methodology and possible future activities**

In the next 18 months the Beyond Ceasefires Initiative plans to organise interactions between the international experts and negotiating parties over a series of days. The program of events around each topic may include various formats: presentations, panel discussions and question/answer in a public symposium; a series of private exchanges with different stakeholders in small groups and with individuals. The symposiums are aimed not only at the senior and working-level negotiators (on all sides of the conflict) and other policy-makers in Myanmar, but also at the wider Myanmar public, including Burmese and minority communities. As Minister U Aung Min stated, "What is special about the "Beyond Ceasefires Initiative" is that our distinguished guests will meet with not only one side or another, but be available to everyone. In this way we hope to learn together and develop common ideas on what might work best."

Future events may include the themes: history and identity; natural resource management; security sector reform and devolution. For each topic, the aim is to have 4-7 accomplished international experts and senior practitioners participate as speakers and resource persons in interactions which address questions suggested by

Photo by Nay Aung Khine (Myanmar Peace Center)

the peace process actors. The international lessons found to be relevant to Myanmar can translate into technical guidance and help the Myanmar actors when considering the options available, and in crafting solutions appropriate for the Myanmar context. In addition, the initiative and its activities will provide a platform for peace process actors to meet, share in learning and exchange experiences, away from formal negotiations.

For further information, please direct your inquiries to beyondceasefires@gmail.com .

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**Steering Group (ad interim)**

U Hla Maung Shwe, Senior Adviser, Myanmar Peace Centre

Sao Khuensai Jaiyen, Managing Director, Pyidaungsu Institute and Adviser to the Restoration Council of Shan State (RCSS)

Padoh Saw Kwe Htoo Win, General Secretary, Karen National Union and Deputy Leader Nationwide Ceasefire Coordination Team (NCCT)

Nai Hongsa, Vice Chairman, New Mon State Party, and General Secretary UNFC, and Vice Chairman NCCT

Dr. Sui Khar, Joint General-Secretary, Chin National Front

U Tin Maung Thann, Senior Adviser, Myanmar Peace Centre

**Director**

Sofia Busch

***This report was produced drawing on the discussions at the first Peace Symposium of the Beyond Ceasefires Initiative, held in Yangon on June 8, 2014.***

**International Speakers**

Mr. Jean Arnault

Ms. Sarah Cliffe

Mr. Ian Martin

Mr. Shivaram Pradhan (Maj. Gen. Rtd).

**Opening Remarks**

H. E. Minister U Aung Min, Union Minister and Chief Negotiator, Government of the Union of Myanmar.

Padoh Saw Kwe Htoo Win, General Secretary, KNU and Deputy Leader, NCCT

Ms. Sofia Busch, Beyond Ceasefires Initiative

**Moderator**

Dr. Thant Myint-U, Author and Historian.

**Discussants**

Ms. Ja Nan Lahtaw, Director Nyein (Shalom) Foundation, member of the technical team supporting the NCCT;

Dr. Sui Khar Joint General-Secretary, Chin National Front;

U Aung Naing Oo, Assistant Director of the Peace Dialogue Program, Myanmar Peace Center

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