

AUTHOR | Paul Keenan

Negotiation and Attrition

The current state of the Myanmar Peace Process

The date for the next Union Peace Conference (UPC) is scheduled for May, but there remains some doubt in regards to the likely achievements to be made. At the beginning of the year, two Nationwide Ceasefire Agreement (NCA) members showed they were displeased with the process. The Karen National Union (KNU) called for its postponement while the Restoration Council of Shan State suggested it would not attend due to constant obstruction by the Myanmar military of state-level dialogue. Although two more groups, the New Mon State Party (NMSP) and Lahu Democratic Union (LDU) signed the agreement on 13 February a number of other groups are still not prepared to move forward.

While such delays and indecision have been indicative of the entire peace process, what needs to be considered, however, is who is likely to gain by yet further delays in the process. There is little doubt that the process has significant flaws, the problems that have plagued it since it was taken over by the NLD-led Government are many. While it is essential that ethnic armed organisations try to ensure they get the best deal possible it must also be noted that the only stakeholder likely to gain through postponement of the process is the Myanmar military, the Tatmadaw, which will see its position strengthened for every delay made.

The Karen National Union and SSR

Concerns within the Karen National Union, which is seen as a significant component of the peace process, first emerged after a meeting with leaders of the Karen National Liberation Army which called for the re-evaluation and suspension of the UPC. Col. Saw Roger Khin, KNU Defence Minister, said that the group decided after a meeting at its headquarters on 5 January the UPC should be suspended.¹ While it was unclear at the time that

this was a position the political leadership agreed to, the KNU not long after was quoted as saying that it had become a joint position with General Secretary Ta Doh Moo saying

... clarification of the security sector issues is needed before progress can be made in other areas.²

The main issue of concern not only for the KNU but also for other NCA-signatory organisations is how their armed forces will be accommodated in a future federal union. While armed ethnic actors are seeking Security Sector Reform, the Myanmar Military is believed to be insistent on Disarmament, Demobilisation and Re-integration, referred to in the NCA as 'Security Sector Re-integration.' According to Ta Doh Moo,

During our NCA text drafting, the then nationwide ceasefire coordination team [NCCT] and the former Union Peace Working Committee (UPWC) agreed to overhaul the security sector re-integration topic as it is broad and it would take more time than we had. . . So basically, we would have to discuss this topic thoroughly after the NCA was signed. Now the Tatmadaw has offered an interpretation that security sector re-integration is the same as DDR. So we have to reflect on this,

According to Sean McFate, writing on DDR and SSR for the US Institute for Peace, the two should be inextricably linked,

Disarmament, demobilisation, and reintegration (DDR) and security sector reform (SSR) processes should be interrelated and mutually reinforcing. As DDR and SSR share the same objective—consolidation of the state's monopoly of

AUTHOR | Paul Keenan

force to uphold the rule of law—they succeed or fail together and should be planned, resourced, implemented, and evaluated in a coordinated manner. The natural point of intersection for DDR and SSR is in the re-integration phase, as many ex-combatants find employment in the security apparatus that SSR creates.³

In his summary he also notes,

DDR helps ensure the long-term success of SSR, as it shifts ex-combatants into the new security forces, where they no longer threaten the state's monopoly of force. If done properly, this reinforces the peace settlement by fostering mutual trust between former enemies, encouraging further disarmament and transition into civilian life.

SSR helps ensure the long-term success of DDR, as security-sector governance includes ministry programs that provide for the welfare of former combatants. This focus prevents ex-combatants from becoming insurgents or joining criminal gangs. At the same time, effective SSR produces professional security forces that can control spoilers and contain violence.

DDR and SSR together promote development by preserving resources and infrastructure, freeing and managing labour, and supporting reconciliation that encourages investment and entrepreneurship. They also promote the interests of women, minorities, and former child soldiers, who should be supported in a consistent manner between the two programs.

This connection was also made by Myanmar armed forces Commander-in-Chief Min Aung Hlaing who was quoted as saying,

We will have to practice disarmament, demobilisation and reintegration (DDR) and Security Sector Reform (SSR) in line with the expectations of the international community.⁴

It would appear that such terminology, however, is further hampering the peace process, Ta Doh Moo notes,

Our vice chairman suggested the army chief not yet use any of the expressions, either DDR or Security Sector Reforms (SSR); until both sides have thoroughly shared their opinions on the terms and definitions,⁵

That said it is unlikely that any definitive agreement in relation to security sector reintegration could be made until a blueprint for a future federal union is agreed to, this in itself could take a number of years, suggesting therefore that any form of military reintegration can only be done after the federalism question is answered first. While the NLD government continues to try to force through its agenda, the lack of progress being made in the peace process gives the Tatmadaw yet more space to further strengthen its position, and the decision not to engage in any future peace talks is in fact detrimental to the armed ethnic organisation's role in the peace process. For the military, the lack of progress in the peace process is likely to harm further not strengthen the armed ethnic organisation's bargaining position.

The Restoration Council of Shan State and local consultations

Due to what it characterised as intimidation by the Tatmadaw, the Restoration Council of Shan State (RCSS) postponed the Shan national-level political dialogue, which had been scheduled for Jan. 12-14 in Langkho.⁶

According to the RCSS, the Committee for Shan State Unity (CSSU), chaired by the RCSS, held public consultations in 14 of 55 townships in Shan State

AUTHOR | Paul Keenan

from 17-25 December. However, a meeting in Panglong on 17 December was prevented by the Tatmadaw, as was a later meeting in Tachileik Township. On 22 December, the Shan State Government revoked instructions it had issued to district authorities to permit public consultation meetings. Consultations were canceled in Taunggyi, Kali, Kyaukme in Shan State and Mandalay.⁷

According to Lt-Col Sai Oo, a spokesman for the RCSS,

As we have been unable to hear all of the public's views, we will not compile recommendations for the UPC,⁸

Lt. Col. Sai Oo also said that further discussion would be held to decide on whether the RCSS would in fact attend the UPC. In addition to the Tatmadaw preventing the consultations, a number of minor skirmishes between the Tatmadaw and the RCSS also took place in early January reducing confidence to the process.

The New Mon State Party and Lahu Democratic Union

As a consequence, it was not surprising that NMSP would seek to sign the NCA. The New Mon State Party (NMSP) has represented Mon national interests since its founding in 1958. The organisation found itself manoeuvred into a ceasefire agreement in 1995 with the then military government, the State Peace and Development Council (SPDC). As with other ceasefire groups, it refused to join the SPDC's Border Guard Force program and consequently faced a renewal of war. However, with the emergence of the Thein Sein government's peace process, the NMSP, like other groups decided to conclude an initial peace agreement.

With some reservations, the NMSP signed a preliminary agreement with the Government on 1 February 2012.

After the agreement, the NMSP opened eight liaison offices: Moulmein, Mudon, Thanbyuzayat, Ye, Phaya Thongsu, Yebyu, Kyainmanaw, and Zingyat.

It is estimated that the NMSP has a military strength of approximately 800 troops but could call on a further 700 to augment any military force.

Initially, the Lahu National Organization/Army (LNO/A) was based in Mong Na, west of Thailand's Chiang Dao town. The LNO/A was formed by Char Ui in 1985 but never built a significant military capacity. It morphed into the Lahu Democratic Union and its armed wing the LDF is led by Aik Long Kham Mwe, Chairman and General Secretary. While the LDF in the past has been in conflict with the Myanmar Army, it has remained dormant over the last decade. In April 2007, it signed a deed of commitment with Switzerland based Geneva Call banning the LDF's use of landmines, in a statement after the signing; it noted that

'... the LDF had few soldiers. We did not want to use landmines, but we felt we had to use them to protect our people from the SPDC so that they would not come and disturb us. We always tried to let our people know not to go to the dangerous areas. Still, some animals and young children were injured by the mines we laid. In 2006 alone, 12 children and some animals were injured by landmines, while two Lahu from other areas visiting our villages were killed by these mines.

Following discussions with Geneva Call in November 2006, the LDF decided to ban anti-personnel mines. Up to this time, the LDF actively laid mines to protect the villages and our own camps. We planted around 200

AUTHOR | Paul Keenan

landmines, and have a stockpile of 300-400 anti-personnel landmines, which we now plan to destroy. We will also start clearing immediately the mines that we've planted.'

Since that time there have been no reported incidents of armed conflict, and it is believed that the LDF as an armed group no longer exists.

The NMSP and LDU announced at a press briefing with State Counsellor Daw Aung San Suu Kyi in Naypyitaw on 23 January that they would sign the NCA, although it must be noted the NMSP had continuously been saying this for months with little action taken. According to Government Spokesman U Zaw Htay,

The signing of the NCA will be conducted between the government and the NMSP, and the government and the LDU; it will not be under the UNFC banner,⁹

That said, however, NMSP's Nai Han Tha was quoted as saying that the NMSP and LDU would not leave the UNFC.

With the NMSP and LDU signing, the future for the UNFC, and perhaps, more importantly, the bargaining power of the KNPP, has dramatically diminished.

The UNFC

Although two more members of the United Nationalities Federal Council (UNFC) signed the Nationwide Ceasefire Agreement, the prospect of real progress in the peace process remains elusive.

The UNFC's bargaining power was already drastically reduced last year due to two of the more significant armed ethnic organisations, the Kachin Independence Organisation and the Shan State Progress Party (SSPP) leaving the alliance. Both groups joined the Federal Political Negotiation Consultative Committee (FPNCC) led by the United

Wa State Army (UWSA), which includes the Ta'ang National Liberation Army (TNLA), Myanmar National Democratic Alliance Army (MNDA), and Arakan Army (AA).

This in effect left only two organisations in the UNFC with any bargaining power, primarily due to their historical resistance to successive military governments. The New Mon State Party (NMSP) and the Karenni National Progressive Party (KNPP), while neither are militarily strong, they are considered to be pillars of armed ethnic struggle and their signing the NCA would lend the document, and the peace process, further credibility. The other members of the UNFC – the Lahu Democratic Union (LDU) and the Arakan National Council (ANC) have no armed wings and are not priorities for the Government, or more importantly the Tatmadaw (Myanmar Military).

Karenni National Progressive Party and Arakan National Council

In February 2012, the Thein Sein Government's main peace negotiator, U Aung Min, met with representatives of the KNPP in Chiang Mai, Thailand. The move was another step towards securing peace throughout the country with armed ethnic groups. The focus of the talks, the second after an initial meeting in November, 2011, centred on the Government's practice of confiscating farmland from local villagers and the suspension of dam projects to allow local consultation with affected parties which form, along with a number of refugees in Thailand, the main priorities in Karenni State.

Since the meeting there has been little fighting in Karenni State. At the moment, there are 15 Burma Army Battalions stationed in Karenni State, ten are based out of Loikaw and the other five out of Pekhon. The Karenni Army is estimated to be able to field around 200-300 troops.

In addition to the refugee/IDP issues and militarization, there are also significant concerns

AUTHOR | Paul Keenan

regarding the construction of the three hydro-electric dams. The Datang Corporation of China has signed a memorandum of understanding with the Myanmar government to build the dams, the largest of which is at Ywa Htit on the Salween River and there will also be two supplementary dams constructed on the Pawn and Thabet tributaries.

More disturbingly, Three soldiers belonging to the armed wing of the Karenni National Progressive Party (KNPP) and a civilian were allegedly executed at a Myanmar Army base in Loikaw Township on 20 December 2017 after being detained during an army raid on their camp.

According to media reports, the three soldiers had been manning a checkpoint in the Shadaw area on 19 December and stopped a Myanmar Army convoy on its way back from transporting rations to their battalion. The Karenni Army (KA) soldiers found illegal timber hidden in the vehicles, but they did not make an issue of the illicit cargo and let the convoy pass. That evening, Myanmar Army troops from the Regional Operations Command based in Loikaw raided the KNPP base had arrested the troops and civilian.¹⁰

The Myanmar Army's Regional Operation Command issued a statement two days later, saying the incident began when military vehicles transporting supplies to a base were stopped by 15 KNPP members who found timber among the supplies, and that the four were killed during a firefight.¹¹

Both the KNPP and UNFC have called for an inquiry into the incident.

The Arakan National Council (ANC) is a political front created in 2004 during pre-convention discussions prior to the Government's National Convention. The ANC was established in New Delhi, India but most of its member parties are based along the Thailand-Myanmar border. It includes exiled groups the Arakan League for Democracy (ALD-Exiled), National United Party of Arakan (NUPA), the Arakan Army (ANC) in

Karen State, the All Arakan Students' and Youths' Congress (AASYC), the Rakhaing Sangha Union (RSU) and a number of Rakhine academics, advisers and intellectuals. It stated goals are

1. Solidarity of the entire people of Arakan.
2. Elimination of military dictatorship in Burma.
3. Establishment of political equality and self-determination of Arakan on true federal principles among the different states in Burma.
4. Peaceful co-existence and establishment of strong and indivisible Arakan¹²

While the ANC itself does not have an armed wing, the Arakan Army does have an armed presence.

Led by Col. Mong Htwam aka Marm Zan Wai. The Arakan Army, formed in 2010 and based in Karen State is estimated to be able to field between eighty and hundred troops.¹³ From 2008 onwards, the AA had been operating as a shadow army and fighting alongside KNLA troops. After the DKBA split and the BGF was created following the 2010 election, it officially declared its existence, sided with DKBA/KKO, and established its base in Karen State. That said, however, the Government is unlikely to accept it as a legitimate signatory to the NCA.

Twan Zaw, ANC General-Secretary, has said that he believes that the USDP government is discriminating against specific groups throughout the ceasefire and NCA negotiations and he doubts their commitment to peace in the country.¹⁴ He notes that

We [ANC] would like to see equal representation for [all] the EAOs at

AUTHOR | Paul Keenan

the Political Dialogue. At the same time, there must be total amnesty, and all 21 EAOs must be removed from the illegal association act.

Eight Point Proposal

Prior to the KIO and SSPP defections, the UNFC had put forward an eight-point proposal that they insisted had to be accepted for its members to sign the NCA. It was believed that with the support of the KIO and the SSPP, the government would be more open to accepting the UNFC's stance due to the strength of these two organisations. The 8-point agreement includes,

1. Joint announcement of nationwide ceasefire
2. Establishment of a Federal Democratic Union
3. Participation in all levels of political dialogues
4. Laws including the Union Constitution to be drafted based upon decisions reached at the 21st Century Panglong
5. Prior agreement must be reached on Military Code of Conduct (CoC) and ceasefire monitoring terms of references (ToR)
6. Formation of an independent monitoring committee which shall include international representatives acceptable to both sides
7. Formation of an independent mechanism to facilitate resolutions for disputes
8. Implementation of development projects in accordance with the Extractive Industries Transparency Initiative (EITI) procedures

While point 1,2,3 and eight have been agreed by the government in principle, the others remain a major problem. While a number of signatory organisations especially the Karen National Union, whose territory the two other states share borders

with, have tried to convince the NMSP and KNPP to sign, such efforts have failed. In perhaps what may have been a miscalculation both organisations failed to attend the last Union Peace Conference in May. The UNFC released a statement saying,

Under this circumstance, the Union Peace Dialogue Joint Committee (UPDJC), at its meeting held on May 12, 2017, decided that only those who had signed the DoC (deed of Commitment) and NCA would have permission to attend the 21st Century Panglong Second Conference and participate, discuss and decide on equal footing. Then, on May 18, 2017 an invitation was sent through the DPN to the UNFC members to attend the Conference as "Specially Invited Persons."

The UNFC on its part will not be able to attend and participate in the Conference as "Specially Invited Persons" with no equal status to partake, discuss and decide in the proceedings.

The whole purpose of signing the NCA was to allow signatories to participate, discuss and decide the future of the country, the UNFC's Delegation for Political Negotiation (DPN) had wanted to join the conference on an equal footing without signing the NCA, which in itself would have rendered the signing of NCA by other groups pointless.¹⁵

As is often the case, armed ethnic organisations, willingly or not, have consistently outmanoeuvred themselves and allowed the Myanmar military the advantage. Continually refusing to participate in the peace process even at an observer level suggests groups are intransigent and do not seek further accommodation with the Government. A perception that benefits the government and gives the military further time to consolidate control over areas controlled by non-signatories.

While the FNPCC has the strength behind it to counter attempts by the government/military to bring it on-board. The NMSP and KNPP have

AUTHOR | Paul Keenan

increasingly seen their negotiating strength weakened to such a degree that the military will be able to stand back and say they have tried, but all their attempts have been met with barriers.

The Northern Alliance

In perhaps what is yet another bizarre twist in the peace process, it is possible that should the UPC go ahead at least nominal representation will be made by the Federal Political Negotiation Consultative Committee (FPNCC) the negotiation team of the Northern Alliance – Burma (NA-B) to attend the talks. Consisting of the United League of Arakan/Arakan Army (ULA/AA), Kachin Independence Organization/Kachin Independence Army (KIO/KIA), Myanmar National Truth and Justice Party/Myanmar National Democratic Alliance Army (MNTJP/MNDAA), Palaung State Liberation Front /Ta'ang National Liberation Army (PSLF/TNLA), Shan State Progress Party/Shan State Army (SSPP/SSA), Peace and Solidarity Committee/Shan State East National Democratic Alliance Association (PSC/NDAA) and United Wa State Party/Army (UWSP/UWSA), at the behest of China.

Should this happen, the Union Peace Conference will be attended by the FPNCC which largely wants the current peace process scrapped and started again from scratch, while the groups most committed to the current peace process and the NCA, primarily the KNU and RCSS, will not attend.

The Arakan Army/Rakhine Nationalism

Since last year, Rakhine Nationalism has once more risen to the fore, not only due to the Rohingya crisis, but also an increase in attacks by the KIO trained Arakan Army. Although the Arakan Army was trained and equipped by the KIO and has predominantly fought with allies in Kachin State, it has shifted its operations to Rakhine State. Based along the Chin/Rakhine State border in Paletwa Township, it has launched a number of attacks on

the Myanmar Military causing displacement not only in Chin State but causing a number of Chin villagers to flee to Mizoram in India.

According to Indian media reports over 1,400 Chin villagers have taken refuge in Mizoram's Lawngtlai district following a clash between Arakan militants and the Army last November. The refugees were mainly from the border villages of Varang, Paletwa, Pakangwa and Mulaw in Myanmar's Chin state.¹⁶ Although some families returned to their villages, over 1,000 people are reluctant to return fearing, correctly so, conflict between the Myanmar army and militants may begin again.¹⁷

In addition, a number of Rakhine political leaders have become more vocal in calling for Rakhine independence, an action that resulted in the deaths of 9 protestors in Mrauk U. The protests occurred after thousands of people took to the streets to protest the government's decision to cancel an event planned to commemorate the 233rd anniversary of the fall of the Rakhine kingdom, which had its capital at Mrauk U. The protestors it would appear had also been spurned on after hearing of the arrest of Rakhine nationalist writer Wai Hun Aung Sittwe. He was charged under section 17/1 of the Unlawful Association Act, for a speech held on Monday at Rathedaung, northern Rakhine State, alongside former ANP chairman Dr Aye Maung, which was highly critical of the government and called for armed resistance in the name of Rakhine nationalism. Dr Aye Maung was also charged with "high treason" and incitement. According to one source,

Aye Maung had told a crowd that Myanmar's Bamar majority regarded Rakhine people as slaves and did not grant them equal rights. He is alleged to have made a call for greater sovereignty for the Rakhine community and discussed the need for armed struggle to this end, an apparent reference to the Arakan Army insurgent group.¹⁸

AUTHOR | Paul Keenan

The involvement of the Arakan Army is likely to inflame further tensions in Rakhine State which is already heavily militarised due to anti-Rohingya violence.

While a number of Rakhine nationalists have reportedly been involved in anti-Muslim violence, Rakhine nationalists as a whole see all non-Rakhine occupants of Rakhine State as interlopers and would seek to see the reemergence of an ethnically 'pure' Rakhine State.

The 2018 UPC

The 2018 Union Peace Conference still faces myriad problems.

Fighting continues in northern Shan State between the TNLA and RCSS displacing hundreds and resulting in deaths on both sides. Meanwhile, the situation in Karen State, which until recently has seen relative calm has become even more precarious.

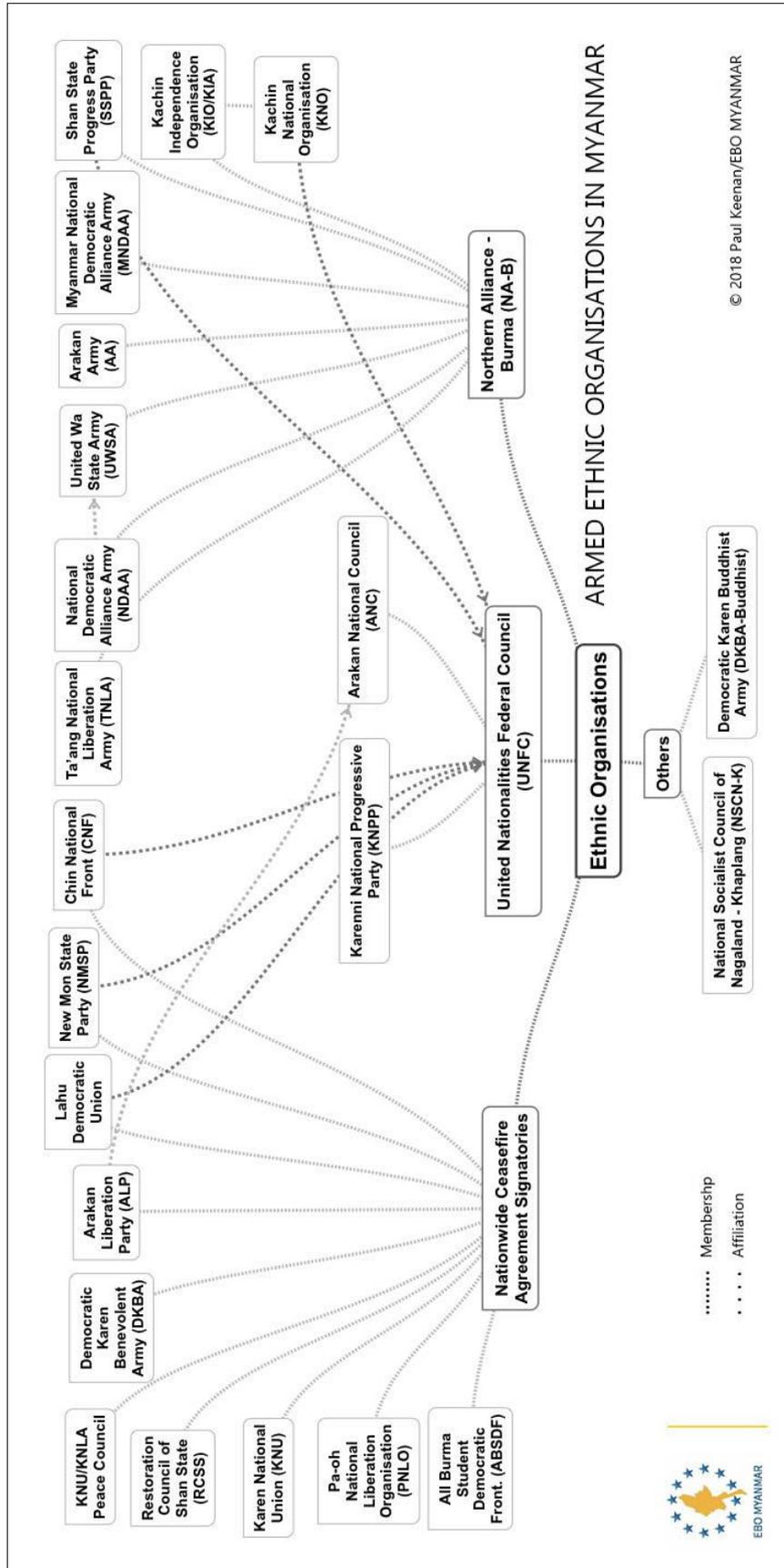
Fighting broke out in Karen State's Mutraw district under the control of the KNU's 5th Brigade on the 4th March after the Tatmadaw began to build a road

in the area without prior consultation with the KNU resulting in over two thousand people fleeing from 14 villages.¹⁹

The KNU has requested that the Myanmar military withdraw from the area and has sent the matter to the Joint Monitoring Committee (JMC) to resolve the issue. That said, a number of questions remain as to whether the Myanmar military is seeking to push boundaries to see what the reaction from ceasefire signatories would be and how they now see the process.

In the northeast of the country, the UWSA and its allies in the northern alliance remain steadfast that they have no intention of signing the NCA, further adding to the prospect that a true peace is unlikely to come to the country soon.

While a number of observers are more than willing to write off the peace process as a fiasco, there remains little alternative to finding a solution to the problems plaguing the country.



Notes

¹ <http://www.dvb.no/news/burmese-peace-talks-deadlocked-terminology-says-unfc/79148> accessed 16 January 2018

² 'KNU says UPC should be postponed until differences on security sector clarified', Nyein Nyein, The Irrawaddy, 11 January 2018

³ 'The Link Between DDR and SSR in Conflict- Affected Countries' Sean McFate, United States Institute for Peace, May 2010

⁴ The commander-in- chief was quoted in Eleven Media (2016), "Tatmadaw seeks democracy designed for Myanmar" See 'Security Integration in Myanmar: Past Experiences And Future Visions', Kim Joliffe, Saferworld, May 2017

13 January; available at: <http://elevenmyanmar.com/local/tatmadaw-seeks-democracy-designed-myanmar>

⁵ 'KNU says UPC should be postponed until differences on security sector clarified', Nyein Nyein, The Irrawaddy, 11 January 2018

⁶ 'RCSS Postpones Shan National-level Political Dialogue', Nyein Nyein, The Irrawaddy, 8 January 2018

⁷ Ibid.

⁸ Ibid.

⁹ 'NMSP, LDU Agree to Sign Nationwide Ceasefire Agreement', Nyein Nyein The Irrawaddy, 23 January 2018

¹⁰ 'KNPP Says 4 of Its Troops 'Executed' While in Army Detention', Lawi Weng, The Irrawaddy, 22 December 2017

¹¹ <http://www.rfa.org/english/news/myanmar/myanmar-ethnic-militia-organization-calls-for-probe-of-killings-at-karenni-army-base-12262017164141.html> accessed 22 January 2018

¹² https://www.facebook.com/pages/Arakan-National-Council-ANC/853939267975394?sk=info&tab=page_info

¹³ Other sources suggest there could be 150

¹⁴ Email correspondence with Twan Zaw, General Secretary, ANC, on 11 August 2015

¹⁵ <https://www.burmalink.org/unfc-position-statement-21st-century-panglong-second-conference/> accessed 8 November 2017

¹⁶ <http://indianexpress.com/article/north-east-india/mizoram/myanmarese-refugees-refusing-to-return-to-myanmar-sp-5034450/>, accessed January 23 2018

¹⁷ <https://www.telegraphindia.com/states/north-east/mizoram-cm-flags-threat-on-border-208403>, accessed 14 February

¹⁸ <https://frontiermyanmar.net/en/rakhine-political-leader-dr-aye-maung-arrested-in-sittwe-after-mrauk-u-violence> accessed 20 February 2018

¹⁹ KNU position statement, 16 March 2018