



Resolving the Crisis in Myanmar

EURO-BURMA OFFICE / ASSOCIATES TO DEVELOP DEMOCRATIC BURMA INC.

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PREAMBLE

The current situation in Myanmar is tragic and disastrous. It is detrimental for the people of Myanmar, the nation, and the region. It is not even beneficial for the Myanmar military.

The situation needs to be resolved as soon as possible. But how?

The international community's default position is for a political solution to be negotiated. This is possibly the best solution if all actors want to negotiate in good faith.

The question is – Is this even remotely feasible in Myanmar?

ANALYSIS

Senior-General Min Aung Hlaing (MAH) and the Myanmar military made a strategic miscalculation when the coup of 1 February 2021 was launched. Concerned by the inability of the Myanmar military to control the democratization process launched in 2011, the generals decided to recalibrate the process. They thought they could get away with manipulating the 2008 Constitution, imposing military rule, changing some rules, holding new elections within a year and restoring order. The plan has been delayed for almost three years.

MAH and his commanders had not realized the extent to which democracy had taken hold in Myanmar during the previous ten years. The access to information and the freedom to express one's opinion afforded by cheap SIM cards and the internet, had almost completely changed Myanmar society. Instead of an ignorant subservient society, the youth were better informed and more assertive. The military's political moves could no longer be explained away as in the past. The new generation immediately saw through the hypocrisy and resisted MAH's attempts to legitimize his rule.

MAH's second mistake was to think that, if the military came down hard on the opposition, it would crumble as in the past. MAH's brutal and savage suppression created a backlash. Instead of buckling, the opposition came back with the same brutal and violent reaction. However,

1. Neither the Myanmar military – State Administrative Council (SAC) – nor the democratic resistance symbolized by the National Unity Government (NUG), currently has the capacity to wipe out the other side militarily.
2. The SAC's escalation of violence targeting civilians and non-combatants, an increase in brutality and savagery in the civil war, will leave the country irreversibly divided.

3. A prolonged deadlock, intensified conflict and/or collapse of the economy will deepen the crisis and may destabilize the region.
4. Common ground among the numerous and diverse domestic stakeholders (possibly with the exception of the military) can still be found through a dignified and honest dialogue amongst equals, if desired.
5. An equitable political solution might be found if regional and international powers support domestic efforts and do not try to impose their own interest-based solutions by backing one group or the other.
6. However, the Myanmar military, the largest and most powerful armed combatant in the conflict, does not seem to have plans to negotiate. It appears determined to hold onto power at all costs.

KEY FACTS TO KEEP IN MIND

1. The 1 February 2021 coup d'état by Senior-General Min Aung Hlaing (MAH) was illegal

According to the military's own 2008 Constitution, the elected president could, in a crisis, call on the military to restore order. MAH unlawfully detained the National League for Democracy (NLD) president and replaced him with the vice-president, a former general, who then reportedly approved the military's coup.

The people of Myanmar see this as an illegal act and mere window dressing to justify the military's power grab.

2. Restoring the 2008 Constitution will not restore democracy

The 2008 Constitution does not have a sunset clause for the military's role in politics. Restoring the 2008 Constitution will only legitimize and entrench military rule in Myanmar.

A return to the 2008 Constitution may have been acceptable to the public before the SAC started killing its own people. But almost three years of brutal and savage suppression have taught the people that the Myanmar military is by no means their friend.

3. SAC's plan to hold elections will deepen, intensify, and prolong the crisis

Some argue that if elections are held, MAH will have to choose between remaining the Commander-in-Chief or becoming the President (a less secure position for him). This necessity to choose will be a dilemma for him. If MAH gives up one position, the probability

for change might be greater than if he continues to be both the Commander-in-Chief and head of government.

This argument assumes that MAH will abide by the 2008 Constitution. He has already once violated the 2008 Constitution by seizing power and illegally extended the so-called State of Emergency multiple times. The constitution allows for the State of Emergency to be extended twice for a period of 6 months at a time. There is no guarantee that MAH will give up one of his positions after the elections.

The only certainty is that once the 2008 Constitution is restored, the military will claim that it is legitimately continuing to exercise a key role in Myanmar politics indefinitely.

4. The 2008 Constitution was drafted by the military and designed to give the military a controlling role in Myanmar politics in perpetuity

Aung San Suu Kyi (ASSK) and her NLD decided to accept the 2008 Constitution in 2012 and use it to gain power via the ballot box. Once in power, they thought that they could amend the Constitution by splitting the military's 25% vote; this was not possible.

The ethnic armed organizations (EAOs) did not accept the 2008 Constitution in 2011. They attempted to change the constitution through peace negotiations with what appeared to be a reform-minded military-based government. ASSK did not support this extra-parliamentary process and did not use it to advantage during her term. The EAOs were, therefore, also unsuccessful in trying to change the 2008 Constitution.

Even with the NLD accepting the 2008 Constitution and the EAOs coming to an agreement with the military, the Myanmar military backed out of its legal commitments. Given the failed experiment that began in 2011, and the terrible aftermath of the 2021 coup, many no longer want to return to the 2008 Constitution and again give the military a leading role in Myanmar politics.

5. The Nationwide Ceasefire Agreement (NCA) was not a ceasefire agreement

All current ceasefires are governed by bilateral Ceasefire Agreements signed prior to the NCA. The NCA reaffirmed the bilateral agreements, called for their implementation and for all parties to further specify and develop ceasefire terms and conditions including a Code of Conduct for the combatants. The Myanmar military completely ignored these measures.

The NCA was primarily an agreement to initiate an inclusive political dialogue. The main content of the NCA, the 'Framework for a Political Dialogue', spelled out who the participants would be and how each party would be equally represented.

The implementation of the NCA was unilaterally modified by ASSK using her popularity and electoral majority. Civil society was excluded and only parties that won seats in the Hluttaw were given a role to rubber stamp decisions made by the government, military and EAOs.

Agreed decisions negotiated by NCA Signatory EAOs were regularly vetoed by either ASSK and/or MAH. As a result, from 2016 to 2020, the peace talks were generally deadlocked.

A key factor is that under Thein Sein, the peace talks were classified as a political matter. MAH proposed to ASSK that the peace talks be reclassified as a security matter since the EAOs were armed. She agreed. Under the 2008 Constitution, political matters fall under the mandate of the president. Security matters fall under the mandate of the Commander-in-Chief. By agreeing, ASSK and the NLD government made MAH and the Myanmar military the ultimate authority on the conduct of the peace talks.

National Accord III, signed in 2020 by the EAOs and the ASSK government, was an agreement to postpone peace talks to after the general elections. This was an attempt by EAOs to salvage the political dialogue.

6. MAH's claim that he is continuing the NCA negotiations has no legal basis

The SAC is not a legitimate government and MAH has no mandate to negotiate on behalf of the government of Myanmar.

The SAC is attempting to use the NCA to demonstrate that the SAC is legitimate and that is why it is continuing to negotiate peace with EAOs.

The current talks in Naypyitaw are not negotiations. A few EAOs (5 out of a total of 17) are summoned by SAC to Naypyitaw. They are told to endorse only what the SAC wants to amend in the 2008 Constitution, and the EAOs have to sign that they agree to the amendments, or face consequences.

A proposed 'peace conference' with compliant re-registered political parties also participating will further endorse MAH's amendments to the 2008 Constitution and legitimize new elections.

The new elected government will then amend some articles of the 2008 Constitution, but the amendments will not bring either democracy or federalism. The articles about the military's political role and centralized power will not be touched.

With half the country at war, millions displaced and key political parties prevented from participating, no election held by the SAC can be democratic or free and fair.

7. There is already a consensus in Myanmar on what a future Myanmar should look like

The NCA that the EAOs signed in 2015 with President Thein Sein's government and the National Accord III signed in 2020 with ASSK's government, both agree that **Federalism** and **Democracy** would be the twin objectives for a future Union of Myanmar.

The essential element in a democracy is that the military will have no role in politics. It must come under the control of an elected civilian government.

The essential element in a federal system is that the constituent states are the essential building blocks upon which the nation is built. The national or central or Union government cannot dictate terms. The terms have to be negotiated.

If these two essential elements can be met, a solution to the crisis might be possible.

INITIATING A DIALOGUE

A dialogue is possible only when all parties want to resolve the crisis peacefully through negotiations.

Currently, neither the SAC nor the opposition symbolized by the NUG, seems ready to engage in a dialogue.

Amongst the combatants, the SAC has the largest armed forces and its air force and artillery, have inflicted the most damage on unarmed civilians – including women, children, the sick and the elderly – also on their homes, villages, towns, markets and on their community, religious, medical and educational facilities.

The SAC's indiscriminate attack on civilians and non-military facilities is the main cause for massive displacements of populations – internally displaced persons (IDPs) and refugees.

The massive displacement is also the reason for the humanitarian and economic crises in Myanmar. Displaced populations cannot maintain their livelihoods and normal economic activities are disrupted as a result.

Pressuring smaller armed groups – people's defense forces (PDFs) and EAOs, etc. – to stop defending themselves will only result in mass destruction and massacres.

Unless the largest destructive force in Myanmar is stopped, or can be made to change its mind and engage in a dialogue to find a political solution, there can be no political solution to the crisis in Myanmar.

If a dialogue can be initiated, three major challenges must be overcome:

- a) Trust deficit
- b) Unequal playing field
- c) Transitional justice

Trust Deficit

Most people in Myanmar do not believe the military will negotiate a political solution in good faith.

The Myanmar military does not have a doctrine to negotiate a political solution. In its military doctrine, negotiations are a tactical tool – enter into ceasefires and negotiate, only to gain time and move to a more advantageous position. Then continue the attack in a more effective manner to make any resistance impossible.

The only exception might have been in 2011 when President Thein Sein called for peace talks (or it could also have been a tactical move). But ten years later, the military seized power again when it saw that the elections were not yielding the results it wanted. In other words, the 2008 Constitution was deemed to no longer be serving the military's purpose and the coup was launched to recalibrate the 'democratic' system and reforms launched in 2011.

Therefore, the fear is that even if the military agrees to negotiate and make concessions, who is to guarantee that ten to 15 years later, the military will not seize power again?

Given the savage way in which the Myanmar military has been behaving even in Bama regions since February 2021, there is even less trust amongst both the Bama and ethnic populations that the Myanmar military will act in good faith.

Unequal Playing Field

Most people are concerned that the Myanmar military will attempt to use its larger armed force to dictate unfavourable terms.

In the experience of the ethnic communities in Myanmar, the military has never negotiated as an equal even during the 2011-2020 peace negotiations. Starting from protocol and seating arrangements, the military has always tried to assume or project a position of superiority, undermining everything proposed by the ethnic armed organizations (EAOs).

An unspoken and ever-present threat is that if the smaller groups or groups that are vulnerable do not comply with the military's wishes, it will retaliate or punish those who oppose it when the military is in a position to do so.

Therefore, how does one ensure that the military will not succeed in controlling the negotiation process by using force to get its own way?

Transitional Justice

Most people are afraid that if there is a dialogue, the issue of justice and accountability will be forgotten.

Again, in the experience of the ethnic communities in Myanmar, the military in Myanmar has never been held accountable. War crimes, crimes against humanity, arbitrary arrests, torture, extrajudicial killings, extortion, rape, and even genocide by the military have not been addressed in the last seven decades.

Many are concerned that if a political solution is negotiated, the military will escape punishment.

To initiate a dialogue, trust in the negotiating process has to be re-built. There has to be a guarantee that something or someone can keep the Myanmar military in check and not allow it to gain the upper hand.

Last but not least, the public needs to be reassured that those responsible for war crimes and atrocities will be held accountable. Revenge cannot be condoned, nor can impunity. There can be no peace without justice.

But if the largest destructive force in Myanmar cannot be stopped, or can be made to change its mind and engage in a dialogue to find a political solution, there is an alternate solution to be considered.

ALTERNATE SOLUTION TO A DIALOGUE

a) The Myanmar Military

MAH and the SAC have no solution to the crisis in Myanmar except to continue destroying the country and the people until both are reduced to the level where the military can exert absolute control – even if it is nothing more than the burned out remains of buildings populated by maimed and hopelessly damaged people.

The fact that the fiercest battles are taking place in the Sagaing and Magway Regions (in addition to Chin, Karenni and Karen States) speaks volumes. Sagaing-Magway-Mandalay is the heartland of the majority Buddhist Bama nationalism, the traditional home base of the Myanmar military, and its most fertile recruiting ground.

MAH has destroyed any bond that may have existed between the people of Myanmar and the military, or other institutions of state. For the first time since its founding during the independence struggles, the people of Myanmar no longer believe the military's claims that it

exists to protect the people and the nation, and that it is the only institution capable of holding the country together.

The image of the Tatmadaw created by General Ne Win from the 1960s has been destroyed. No one, not even military officers, believe in it anymore. Most are mainly now only concerned with survival.

Applications to the prestigious Defense Service Academy are down. Annual intake of several thousands is reported to now be down to hundreds.

The vaunted strength of the Myanmar military has also been eroded. Recruitment is down. Forced conscription is now the norm – youth, prisoners, retired personnel. Civil servants and families of military personnel are being given military training. An Army battalion in Myanmar today has about 100 fighting men, down from the norm of 400-500 men.

The situation on the ground reflects this. The Army is dug-in in towns and larger villages along the highways. Smaller outposts can now only be supplied by helicopters and those that cannot be supplied have been withdrawn to more defensive positions. Military offensives today are carried out with airstrikes and artillery bombardments. Ground troops rarely engage in pitch battles without air and artillery support.

The military spokesperson has admitted that the SAC now controls only half the 330 townships in Myanmar. The generals talk about endurance and surviving hardships rather than about victory. According to MAH, even if only half the townships in Myanmar were able to vote in an election, the results would still be valid.

These facts indicate that the Myanmar military may be able to continue surviving at the expense of the people and the country for some time to come but the military is slowly but surely declining.

Unlike in the past, the Myanmar military is unlikely to be able to regain the control it once had on Myanmar. Whatever the outcome, a new kind of military will have to emerge.

b) The Opposition Movement

Fortunately, the people of Myanmar are resilient and determined to resist being crushed. Their dependence on and confidence in super heroes, great leaders and state institutions, have been shaken to the core. For the first time, they are looking to create their own future no matter how long it takes.

The opposition to the 1 February 2021 coup started with the people of Myanmar, not the NLD nor the EAOs. The Civil Disobedience Movement (CDM) and General Strike Committees, made up of people from all walks of life from all ethnic backgrounds in cities and rural villages, at first protested peacefully.

MAH's heavy-handed suppression caused many, including politicians, to flee to the liberated areas to seek the protection of the EAOs. Others, instead of fleeing decided to resist the military by whatever means they could muster – knives, catapults and home-made guns.

The opposition then became more organized as the Committee Representing the Pyidaungsu Hluttaw (CRPH), the NUG, the National Unity Consultative Council (NUCC), Kachin Political Interim Consultative Team (KPICT), Karenni State Consultative Council (KSCC), Interim Chin National Consultative Council (ICNCC), and others emerged.

However, while the opposition has shown remarkable unity on paper, serious disagreements remain. Within the NLD itself, there are those who remain loyal to ASSK regardless of her failings, those who want to create a party more in tune with the times and those who are with the NUG competing with the SAC for international recognition. The CRPH and the NUG are dominated by the NLD and similar divisions exist within these bodies.

The most serious disagreement within the NUCC is the question of representation and political mandate. On one side is the NLD who claim that since the NLD won the 2020 elections, it is the only true representative of the people of Myanmar with a mandate to rule.

The others recognize that the NLD was elected and represents a portion of the population but the 2008 Constitution under which the NLD was elected, is flawed. The NLD-CRPH-NUG itself has rejected and abolished the 2008 Constitution; therefore, the NLD cannot be the sole representative of the people of Myanmar. The people who initiated and are sustaining the opposition to the military should also have a voice. The EAOs in whose territory and under whose protection the NLD-CRPH-NUG and the others are sheltering should also be recognized. The debate is ongoing.

The NUG, the KIO-KNPP-KNU-CNF (K3C) and ABSDF cooperate on military matters. But the NUG portrays (intentionally or unintentionally) the cooperation as the K3C being under the command of the NUG's Ministry of Defence. This is disputed and a sore point of contention and is a major obstacle towards better coordination and cooperation.

Despite these various disputes, cooperation is on-going and it has fallen on the NUG to more or less represent the movement internationally, raise funds and develop national policies. The K3C and ABSDF are more active militarily – training, directing, coordinating and cooperating with People's Defence Forces (PDFs) under the NUG as well as independent PDFs – making life more difficult for the SAC. The KPICT, KSCC, ICNCC and other State/Regional level bodies (Sagaing Forum) are evolving into local State and Regional administrative bodies like the Karenni Interim Executive Council (IEC) and the Chinland Council where civil society, political parties, local defense forces and EAOs cooperate and coordinate.

The concept is that as the SAC's control of territories decline and its administrative functions collapse, the local opposition forces will move in and set up their own administrative systems,

thereby not leaving a vacuum and preventing the collapse of the country as a whole, which is a key concern of neighbouring countries.

The Kachin, Karenni, and Karen have for seven decades controlled their own territory and have their own service delivery systems. The idea is to expand these public services, work with the new emerging actors, and ensure that the new state and regional systems are democratic and compatible with a federal system envisioned by the NUCC Federal Charter.

Rebuilding Myanmar into a democratic and federal nation from the ground up is the key solution. The Myanmar military's determination to be the dominant political force is what stands in the way of that political solution. The military has tried many times in the last six decades to build Myanmar into a nation that it believes will be prosperous and great. But the military has failed spectacularly over and over again plunging Myanmar into one crisis after another.

If the SAC remains intransigent and is unwilling to seek a political solution through dialogue. At some point in the future, the SAC could become irrelevant. The Myanmar military is unlikely to recover and regain its dominating position of power.

c) Other Armed Political Actors

A complicating factor in trying to resolve the Myanmar crisis is the fact that other than the Myanmar military and the opposition movement, there are other armed actors in Myanmar. They have to be included in any future political solution:

The Federal Political Negotiation and Consultative Committee (FPNCC) is, in theory, committed to establishing a genuine federal democratic union in which the rights of self-determination, regional autonomy and equality are guaranteed. Three of the members – UWSA, NDAA and MNDAA – are former members of the Communist Party of Burma, and four – KIO, TNLA, SSPP, and MNDAA – are former members of the United Nationalities Federal Council (UNFC). AA was not a full member of the UNFA. None of the FPNCC members signed the NCA. In fact, the Thein Sein administration did not allow the AA, TNLA, MNDAA and the NDAA to sign the NCA, deeming them to be too small or irrelevant.

After the February 2021 coup, members of the FPNCC have to varying degrees reportedly assisted PDFs against the Myanmar military.

The newly appointed Chinese Special Envoy Deng Xiyun (2022) has met with the FPNCC and reportedly requested that there be no fighting on the Chinese-Myanmar border. Since then, the UWSA, NDAA and SSPP have met with the SAC. In March 2023, the FPNCC officially requested China to facilitate talks with the SAC. However, in July the FPNCC reportedly said that it was too early to have a peace conference as proposed by SAC.

Meanwhile, the AA, TNLA and MNDAA have met with the regime's Lt-Gen Ya Pyae in Mong La, in May, reportedly at the insistence of Yunnan. However, they also reportedly did not agree to the SAC's plan to amend the 2008 Constitution, saying it had nothing to do with them.

The smaller five members of the NCA Peace Process Steering Team (PPST 5) – down from 10 in 2018 – are also in theory committed to establishing a genuine federal democratic union in which the rights of self-determination, regional autonomy and equality are guaranteed. But the ALP, DKBA, KPC, LDU, and PNLO have been attending 'peace talks' in Naypitaw where they have reportedly agreed to the SAC's proposed amendments to the 2008 Constitution, agreed to participate in its peace conference, and to facilitate the holding of elections in their respective areas. They may, perhaps, be hopeful that the new 'elected' government will include them in some shape or form.

Of the remaining five ex-members of the PPST, the ABSDF, CNF and KNU are currently cooperating with the NUG and leading the armed resistance to the SAC. The RCSS and NMSP are also committed to federalism and democracy. They have been attending 'peace talks' in Naypitaw. But they have reportedly not agreed to the SAC's proposed amendments to the 2008 Constitution, wanting first to discuss how federalism will be implemented. They are likely to participate in SAC's peace conference, but argue that they have never interfered in elections and will not get involved in any way – for or against.

Therefore, while the overall opposition (and even the SAC) is agreed on federalism and democracy, in practice, this is far from the case. However, there is in theory, common ground on which to build.

WHEN ALL ACTORS AGREE TO NEGOTIATE, WHO CAN ENSURE THAT NEGOTIATIONS WILL BE EQUITABLE AND JUST?

Generally, an external mediator, the United Nations, a regional transnational organization, a foreign government, or even an international peace-building organizations, come to mind. However, to date this is not yet possible in the case of Myanmar.

The big powers are not agreed on empowering the United Nations Security Council to act in the case of Myanmar. The population also do not believe the UN can be effective. UN agencies in Myanmar are generally seen as being compromised and biased, working with the military for many decades. Many UN Special Envoys have come and gone. They are usually seen as not truly understanding the situation, being at the mercy of local UN agencies and the military and, in practical terms, ineffective.

For decades, the Myanmar military used the Association of South East Asian Nations' (ASEAN) long-standing policy of non-interference in the internal affairs of member states to prop up its own legitimacy. ASEAN is also generally seen as being remote, self-interested and ineffective.

The people of Myanmar had great faith in western governments and their support for democracy. The West was welcomed with open arms during the democratic transition that started in 2011. But Covid-19 and the coup in 2021, showed them to be fairweather friends who disappeared when the going got tough. The Ukraine war and outpouring of grief and military support from the West for Ukraine seems to have eclipsed or erased any remaining sentiment for Myanmar. Western support and involvement today are accepted with mixed feelings.

China has always loomed large in the Myanmar psyche. As a Myanmar saying goes, China is a giant whose saliva can drown the people of Myanmar. China's friendship with successive military regimes colour the lenses of the Myanmar public. They see China as an unfeeling neighbour whose only objective is to dine off the misery of the people. They fear that China's involvement will only tip the balance in favour of the military.

India has never been respected. It is seen as only wanting to balance China's favour with the military regimes. India's involvement is seen by the public as possibly further tipping the balance in favour of the regime as it tries to outdo China.

Amongst the ASEAN countries, Thailand claims to know Myanmar best. It also wants to be in the driver's seat to resolve the crisis in Myanmar, claiming that it is the most affected. While true to a large extent, successive Thai government's friendship with the Myanmar military is seen by the people of Myanmar as being exploitative. They fear that Thailand's involvement will be biased and tip the balance in favour of the military.

International peace-building organizations fare no better as they are seen as the arms and legs of their governments.

Neither the Myanmar military nor the NLD is in favour of international involvement. They generally want them to be nothing more than observers. The NUG's position is more in line with that of the EAOs who see the need for international involvement.

Additionally, a major almost insurmountable obstacle for external mediators is the multitude of armed actors and the even more numerous and varied demands of the combatants.

How, then can the necessary dialogue be initiated and how can the Myanmar military's efforts to dominate and manipulate the dialogue be overcome?

The effectiveness of an external mediator is determined by its power to compel the combatants to behave in ways conducive to peace. Unfortunately, there is no such external power in the case of Myanmar.

China is widely seen as having the power to mediate. But up till now, China has limited its involvement to keeping its borders safe and protecting its investments.

The way forward towards an inclusive political dialogue to resolve the crisis may require that the opposition movement be supported more substantively until the SAC accepts that it can no longer avoid a dialogue if it wants to salvage what remains of the Myanmar military.

Only then, can a dialogue be facilitated or mediated. Three possible options could then be considered:

1. ASEAN facilitation/mediation,
2. UN Security Council mandated China-India-Thailand facilitation/mediation, or
3. UN Security Council mandated China facilitation/mediation.

1. ASEAN facilitation/mediation

The United Nations Security Council, China, USA, EU, India and Russia have all endorsed an ASEAN solution. While this may be an excuse for the great powers to do nothing, if ASEAN can come up with a political solution, the great powers will have to endorse the solution.

ASEAN has in the past tarnished its reputation as a regional organization with its use of 'non-interference in the internal affairs of member states' policy exclusively. However, since 2008, with the adoption of the ASEAN Charter which is a legal agreement, all member states are obliged to settle disputes through dialogue and consultation, and uphold international law with respect to human rights and social justice amongst others.

Member states are also to uphold the rule of law, good governance, and promote the principles of democracy and constitutional government. If ASEAN as a whole abides by these values in trying to resolve the crisis in Myanmar, it could be a very good approach.

Furthermore, as of April 2021, ASEAN, including Myanmar, agreed to the Five Points Consensus (5PC) to resolve the crisis in Myanmar. The three essential points being:

1. Stopping the violence;
2. Allowing the delivery of humanitarian assistance to those affected by the violence;
3. An inclusive dialogue to find a political solution.

The weakness of the ASEAN solution has been its non-implementation due to the SAC's lack of political will and cooperation. The next step for ASEAN would be to consider if there is any way to implement the 5PC, or whether it should consider an alternate solution.

To date, this is the only option on the table. If ASEAN can be united, stand firm on its values and focus on using whatever means possible to stop the violence in Myanmar, an ASEAN solution could be viable. If not, other options need to be considered.

2. UN Security Council mandated China-India-Thailand facilitation/mediation

Myanmar has very long borders with China, India, and Thailand. Instability in Myanmar can adversely affect these countries. The fighting is getting closer to the borders and could easily spill over into the neighbouring countries. The scorched earth policy of the SAC means massive displacements of populations and an abrupt disruption of economic life. Faced with starvation, and a lack of medical and education facilities, the IDPs will soon be forced to cross the borders.

Therefore, it is in the self-interest of the neighbouring countries to stop the escalating violence in Myanmar, keeping in mind that the SAC is the main destabilizing factor.

To date, each country has looked to its own interest and to keeping its borders secure. This kind of reactive policy is self-defeating. The neighbours need to be able to coordinate and cooperate to resolve the national crisis in Myanmar. Dealing with the crisis as a border security issue will always be ineffective. The root cause has to be dealt with.

However, China, India, and Thailand, have never before cooperated in this manner. Geopolitical considerations have always kept them apart. Perhaps a UN Security Council mandate for the three could help overcome the challenge.

If this is not possible, perhaps a UN Security Council mandate for China could be considered.

3. UN Security Council mandated China facilitation/mediation

As mentioned previously, China is widely seen as having the power to facilitate or mediate. It definitely has the power. However, China has refrained from doing so not wanting to be seen as supporting the military or the opposition. China's official position is that it supports the country of Myanmar. It has had friendly relations with and supported both democratic and military governments. It does not want to interfere in Myanmar internal affairs.

A UN Security Council mandate would give China the mandate to intervene as the peacemaker. The Myanmar public fears of China may be allayed by the UN Security Council mandate and China may also begin to seriously consider how the Myanmar crisis might be resolved instead of viewing it merely as a border security issue.

It would, however, be a strange arrangement whereby a communist country would be tasked to bring about a federal and democratic nation on its borders.

Whichever facilitation/mediation mechanism is brought to bear on resolving the Myanmar crisis, it will have to reconcile at least two existing road maps.

ROAD MAP FOR A DIALOGUE

Regardless of whether it is an ASEAN solution or any other agreed solution, the road map envisioned by most of the opposition is radically different from the SAC road map.

The SAC wants to –

- i) Suppress the opposition;
- ii) Host a peace conference with select stakeholders – pliant EAOs and political parties;
- iii) Get the peace conference to endorse the SAC's proposed amendments to the 2008 Constitution;
- iv) Hold elections – electronically or even with 50% of the townships participating;
- v) Install a new 'elected' government to amend the 2008 Constitution (while maintaining the military's role in Myanmar politics indefinitely);
- vi) Continue military rule in Myanmar through the new government.

The opposition wants to –

- i) Stop all hostile acts of violence, especially against civilian targets;
- ii) Grant access to domestic and international humanitarian aid providers;
- iii) Initiate an inclusive and equal dialogue process, internationally facilitated/supervised and jointly-implemented (from 1994 till 2010, the UNGA called for a dialogue amongst the military, the democracy movement and the ethnic communities);
- iv) Initiate a credible transitional justice process, assisted by the international community;
- v) Form a joint Transitional Authority, internationally facilitated/supervised;
- vi) Draft a new constitution for a federal democratic union and a new electoral system (a withdrawal of the military from politics must be agreed and implemented);
- vii) Hold elections under the new Constitution;
- viii) Establish a federal and democratic nation.

How these two road maps can be reconciled is the challenge. Myanmar is at a crossroads. If the Myanmar military persists in destroying the country, the opposition will have no choice but to stop it by force. Or the military can stop and negotiate a transition. Either way, the Myanmar military's days of absolute power are numbered.

But one thing is certain, the Myanmar military will not negotiate unless the capacity of the opposition is strengthened to the point where it is able to cooperate and coordinate and bring the war closer to Naypyitaw.