

Prospects for Peace in Myanmar: Opportunities and Threats

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The Ayeyarwady River,
Myanmar.
Photo: Espen Skran

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Abstract

This paper examines the peace process in Myanmar from the perspectives of the Myanmar government and Army, and non-state armed groups, as well as ethnic nationality political and civil society actors and conflict affected communities. It argues that this is the best opportunity to resolve ethnic conflicts in the country since the military coup of 1962. However, the peace process will not ultimately succeed unless the government demonstrates a commitment to engage on the political issues which have long structured armed conflicts in Myanmar, and can also bring fighting to an end in Kachin and Shan States.

On the political front, important progress was made in October-November 2012 in the relationship between government peace envoys and non-state armed groups. The government seems committed to political talks, although it is not yet clear how and when these will begin in earnest. In some ways, it will be easier for the government to initiate political talks with opposition groups, than to ensure that the Myanmar Army follows the peace agenda. Recent negotiations with the Kachin Independence Organisation (KIO) have made little progress, resulting in a worrying continuation of armed conflict in northern Myanmar.

This paper sketches different - sometimes contested - positions regarding the peace process in Myanmar, on the part of different ethnic actors, and analyses their strategies. It goes on to describe and discuss some of the winners and losers in the peace process. The paper argues that, in order to build a sustainable and deep-rooted peace process, it is necessary to involve conflict-affected communities and civil society organisations and above-ground ethnic political parties; it is also necessary to re-imagine peace and conflict in Myanmar as issues affecting the whole of society, including the Burman majority. The paper concludes by sketching a 'framework agreement', by which the government and representatives of minority communities could move onto a substantial political discourse.

Introduction

The peace process currently underway in Myanmar (Burma) represents the best opportunity in half a century to resolve ethnic conflicts in this troubled country. Already, where ceasefires have taken hold, conditions on the ground have improved for civilians. However, the political, social and economic issues at the heart of the conflict will not be easily resolved. In order to address deep-rooted, structural problems, both the government and non-state armed groups (NSAGs) must act with courage and imagination. Otherwise, the present window of opportunity may close, as the peace process loses momentum. Failure of the peace process would have significant negative impacts on President U Thein Sein's reform agenda.

Those who have the most to gain from resolving ethnic conflicts in Myanmar are ethnic minority civilian populations, who have borne the brunt of protracted armed conflict. However, some stakeholders perceive benefits to themselves from the continuation of conflict. These include elements of the previous military regime who are unhappy with the scope and pace of reforms, as well as some opposition actors, who are finding it difficult to remain relevant in a fast-changing context. Such potential spoilers are unlikely to significantly undermine the peace process - so long as the government remains on-track, and can deliver a substantial political settlement enabling nation-wide peace. The international community (or at least 'the West') is firmly behind the reform and peace processes - as symbolised by the November 2012 visit to Myanmar of newly-elected US President, Barack Obama.

After decades of armed conflict, trust in the government is very limited, particularly among ethnic minorities. In order to build confidence, the government should begin a process of substantive political dialogue in relation to their concerns. A good start can be made by setting a mechanism, agenda and timeframe for political talks. It is also necessary to bring on-going armed conflict in Kachin State and parts of Shan State to an end. Beginning political dialogue with opposition groups, and stopping the fighting in northern Myanmar, will demonstrate the government's seriousness in bringing peace to all parts of the country.

At least in the short-to-middle term, it may be relatively easy for President Thein Sein and his advisers to engage in political talks with armed opposition groups. Indeed, significant recent progress has been made (see below). However, longer-term delivery of any political settlement will still be difficult to achieve, given anticipated blockages on the part of 'hardliners' on both sides. In the coming months therefore, the government may find it easier to initiate political talks than to deliver compliance with its peace agenda on the part of the Myanmar Army.

Of course, many problems remain, including the urgent need for economic reform. Furthermore, horrific recent violence in western Rakhine State indicates how badly things can go wrong, if ethnic and political differences are not managed carefully. Nevertheless, the on-going reform process arguably represents the best opportunity to resolve its armed ethnic conflicts, not only since the introduction of military rule in 1962, but in the whole history of independent Burma/Myanmar.

Despite some understandable misgivings, non-state armed groups should seize the opportunity to engage with the government on a range of issues which affect the communities they seek to represent. Through participation in the peace process, armed groups can re-engage with communities they have lost touch with, and reinvent themselves as mainstream political actors in Myanmar. Failure to exploit this opportunity will result in the continued marginalisation of NSAGs. Furthermore, failure to support the peace process risks undermining the government's

larger reform agenda. Although some ethnic opposition leaders may feel they can negotiate a more attractive settlement from a future, democratically elected government, any such future regime is likely to enjoy such high degrees of domestic and international legitimacy - meaning that armed opposition groups might have to accept any deal they are offered by a potentially unsympathetic new central government. Whatever its faults, the present reform-minded government is serious about achieving a settlement to the country's long-standing armed conflicts, and is motivated to do so - something which cannot be guaranteed in the case of future regimes. Non-State Armed Groups should therefore seize the opportunity to engage with the present government on a range of issues which affect the communities they seek to represent. Failure to exploit this opportunity will result in their further marginalisation. Furthermore, failure to support the peace process risks undermining the government's larger reform agenda. Although some opposition actors might perceive weakening the present military-backed government as a political victory, this could prove disastrous in terms of the on-going democratisation process.

In addition to such elite-level calculations, in order to build a sustainable and deep-rooted peace, it is necessary to involve conflict-affected communities and civil society organisations. One way of doing so is through community monitoring of peace agreements made between the government and armed groups. Above-ground ethnic political parties should also be given a greater role in the peace process.

Key Challenges

The most significant challenges facing the peace process are:

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1. To initiate substantial political dialogue between the government and NSAGs (*broaden* the peace process)
 2. To include participation of civil society and affected communities (*deepen* the peace process)
 3. To demonstrate the Myanmar Army and NSAGs' willingness to support the peace agenda
-

Perhaps the most fundamental challenge facing the government is to organize free, fair and non-violent elections across the whole of Myanmar in 2015, leading to the formation of functioning governments both at the Union level and in the States/Regions. Additional issues include the need to establish effective governance and rule of law - which is particularly lacking in conflict-affected areas on the periphery of state control, where civilian populations are often subject to multiple state and non-state authorities. As sketched below, the ceasefire agreements being negotiated between the government and non-state armed groups could begin to address such issues, thus building confidence in the peace process. A related issue is the need for regulation of the private sector, particularly in relation to natural resource and other extractive industries, which are likely to make significant inroads in remote and previously armed conflict-affected areas. This should be a key topic for capacity building among newly-decentralised State and Regional governments, where ethnic nationality political parties have some voice.

Also essential to sustainable transitions in Myanmar will be economic reform, at the macro-level and more locally in the conflict-affected countryside. Economic reform and better job opportunities in conflict-affected areas are necessary to give communities, and particularly young people, a stake in the economy and society, and provide alternatives to participation in organised violence (whether for political or private economic ends). There is therefore a particular need for vocational and other forms of training. It will also be necessary for government, non-state and civil and political society actors to position themselves carefully regarding a number of major infrastructure projects slated for minority-populated areas. While such developments have the potential to bring great benefits, they also pose significant risks - particularly to vulnerable, conflict-affected communities.

Another significant challenge lies in conceptualising and working constructively on the relationship between government structures and practices, and those of NSAGs. Many armed opposition groups have long-established, if chronically under-resourced, para-government structures, for example in the fields of education, health and local administration. Peace talks have yet to address, let alone resolve, how these non-state local governance structures will relate to formal state structures. This is a particularly pressing question in areas of recent armed conflict, where communities are subject to multiple authorities (government, Myanmar Army and one or more NSAGs, plus local militias and other informal powerholders). For many displaced and other communities in the conflict zones, NSAGs structures and personnel are perceived as more legitimate and effective than those of the state.

As noted, to a significant degree, the success of the broader government-led reforms in Myanmar are dependent on maintaining the peace process. Momentum can only be maintained by deepening and broadening current efforts. In the first instance, participation in the peace process must be deepened, to include affected communities and other stakeholders, such as civil society and political actors, and women's equal participation in the peace process. Achieving a sustainable peace will also require going beyond the agreement of ceasefires and related security issues (e.g.

discussions regarding troop positions, codes of conduct and monitoring arrangements), to begin addressing some of the broad range of social and political issues structuring state-society conflicts in Myanmar.

The current momentum of the peace process cannot be maintained indefinitely. Substantial and sustainable peace can only be assured through a step-change in commitment, on the part of the government *and* non-state armed groups. A further key challenge therefore is to NSAGs, to remain relevant by reinventing themselves to be ‘fit for purpose’ in the extraordinary and dynamic context of contemporary Myanmar. The country’s NSAGs are unlikely to get a better chance to re-enter the political mainstream, and represent the hopes and aspirations (and grievances) of their communities. All sides in the long-standing armed conflicts of Myanmar therefore should seize the moment to build peace after many years of violence and underdevelopment.

The role of the international community here is limited, given the essentially indigenous nature of the peace process in Myanmar. On the one hand, international stakeholders should continue to remind the government, and NSAGs, of their commitments and responsibilities under international human rights and humanitarian law, of the need to resolve outstanding armed conflicts, and of the necessity for a substantial political settlement acceptable to key stakeholders. Beyond that, the international community can support peace-building initiatives which build trust and confidence in the peace process, and at the same time test the sincerity of the Myanmar government and Army and NSAGs to deliver the peace which citizens long for.

Background

Non-Burman communities make up at least 30% of Myanmar's population.¹ During the pre-colonial period, ethnic identity was diffuse, with ethno-linguistic characteristics being one among several markers of socio-political position. The political salience of ethnicity became reinforced during the colonial period, so that by the time of independence in 1948, ethnicity had become a defining category of political orientation (Taylor 1982). In the lead-up to independence, ethnic nationality elites sought to mobilise communities, in order to gain access to political and economic resources, demanding justice and fair treatment for the groups they sought to represent. Burman and minority elites having failed to successfully negotiate a pacted transition to independence, the late 1940s saw widespread outbreaks of violence. By the time the Karen National Union (KNU) went underground in January 1949, the country was on the course of a civil war which lasted more than six decades. Armed conflict in Myanmar has been marked by serious and wide-spread of human rights abuses on the part of both the *Tatmadaw* and - less systematically - NSAGs.²

For more than half-a-century, ethnic nationality-populated, rural areas of Myanmar have been affected by conflicts between a militarised state, widely perceived to have been captured by elements of the ethnic Burman majority (Houtman 1999), and dozens of insurgent groups. For decades, communist and ethnic insurgents controlled large parts of the country. Since the 1970s however, armed opposition groups have lost control of their once extensive 'liberated zones', precipitating further humanitarian and political crises in the borderlands. For generations, communities have been disrupted, traumatised and displaced. In 2011 there were an estimated 500,000 Internally Displaced People (IDPs) in the southeast alone, plus some 150,000 predominantly Karen refugees living in a series of camps along the Thailand-Burma border (Thailand Burma Border Consortium 2012). In the past 12 months of ceasefire negotiations, the number of displaced people in southeast Myanmar has considerably reduced (The Border Consortium³ 2012), while it has increased dramatically in Kachin and Rakhine States as a result of war and communal violence.

A previous round of ceasefires in the 1990s brought considerable respite to conflict-affected civilian populations. The first of these truces were negotiated with breakaway groups from the Communist Party of Burma (CPB), which collapsed in 1989 due to ethnic mutinies. These new ceasefire groups included the 20,000-strong United Wa State Army (UWSA), which became Myanmar's most powerful non-state armed group; other key ceasefire groups included the KIO (1994 ceasefire) and New Mon State Party (NMSP, 1995 ceasefire). These ceasefires (about 25 agreements in total) provided the space for civil society networks to (re-)emerge within and between ethnic nationality communities (South 2008: ch.5). However, the military government proved unwilling to engage with ethnic nationality representatives' political demands. Therefore, despite some positive developments, the ceasefires of the 1990s did little to dispel distrust between ethnic nationalists and the government (Transnational Institute 2012). Trust was further

¹ Demographic data in Myanmar are notoriously unreliable. The CIA Factbook estimates Burman 68%, Shan 9%, Karen 7%, Rakhine 4%, Chinese 3%, Indian 2%, Mon 2%, other 5%. A census is scheduled for 2014 (prior to the 2015 elections). While this may give better data, there is also a risk of reinforcing unhelpful essentialisations of ethnicity in Myanmar. As Robinne and Sadan observe (2007), ethnicity is a fluid category, subject to re-imaginings. While the fixing of ethnic identity may be convenient for administrative and political elites, this does not necessarily reflect lived realities; see also Sadan (in press). A key challenge in the census will be to decide who is considered a citizen, in which State or Region. How many Chinese immigrants will be registered in Kachin and Shan States? How many Rohingya in Rakhine?

² For a masterly overview of insurgency and the politics of ethnicity in Burma, see Smith (1999).

³ Previously, the Thailand Burma Border Consortium (and before that, the Burmese Border Consortium and Consortium of Christian Agencies), the TBC is a consortium of aid agencies which since 1984 has provided the bulk of humanitarian relief to predominantly ethnic minority refugees from Myanmar, along the Thailand border. For a critical overview of the border aid regime, see South (2012).

eroded in April 2009, when the government proposed that the ceasefire groups transform themselves into Border Guard Forces (BGF), under the direct control of *Tatmadaw* commanders. Several of the less militarily powerful ceasefire groups accepted transformation into BGF formations. However, most of the larger groups resisted, including the UWSA, Kokang (MNDAA), KIO and NMSP. While the Kokang were militarily defeated, forcibly disarmed and by the *Tatmadaw*, and re-incorporated as a state-controlled militia, and war later broke out between the Myanmar Army and KIO (in mid-2001), the UWSA and NMSP were left intact.

The election of a military-backed, semi-civilian government in November 2010 represented a clear break with the past. Although opposition groups (including most NSAGs, and the NLD) continue to object strongly to elements of the 2008 constitution, this has nevertheless seen the introduction of limited decentralisation to seven predominantly ethnic nationality-populated States. The 2010 elections were boycotted by Aung San Suu Kyi's National League for Democracy (NLD), who saw little prospect of the polls leading to substantial political reform. In the absence of a viable nationwide opposition party, the military-backed Union Solidarity and Development Party (USDP) dominated the newly established parliaments, both at the national level (Upper and Lower houses), and in the 14 provinces (State and Regional assemblies). Also notable was the election of 182 representatives from independent ethnic nationality political parties.

Meanwhile, on the regional diplomatic front, in November 2011 Myanmar was awarded the 2014 chairmanship of the Association of Southeast Asian Nations (ASEAN) regional grouping. Burmese governments have long been adept at playing-off different regional stakeholders, balancing between India, China and ASEAN (particularly Thailand), through a combination of geo-political positioning and the awarding of natural resource prospecting and extraction contracts (Roberts 2010, Thant 2011). In 2011 the government somewhat distanced itself from the Chinese sphere of influence – a repositioning from which the US was keen to benefit (International Crisis Group 2012). The new political dispensation offers great opportunities for peace in Myanmar - but there are many challenges to overcome.

2012: Prospects for Peace

Myanmar is in the midst of political changes that are more significant than at any time at least since the 1962 military coup. President Thein Sein is leading a reform process which has seen ceasefires agreed or reconfirmed with most (but not all) of some two dozen NSAGs, and the beginnings of a nationwide peace process.

The peace process in Myanmar is epitomised by the President's speech to a joint session of Parliament on 1 May 2011, in which he outlined an "all-inclusive political process for all stakeholders" (*The New Light of Myanmar* 2-3-2011). For the first time in the country's history, its head of state agreed in principle to ethnic opposition groups' main demand: revision of the constitution, including the possibility of a federal political settlement - or at least significant decentralisation.

Over the following months, the government implemented a series of reforms, including allowing the functioning of parliament; release of most political prisoners; understandings reached with opposition groups (e.g. Aung San Suu Kyi and the NLD); government responses to social action (e.g. suspension of environmentally and socially-destructive infrastructure projects); and relaxations on censorship and freedom of expression and association (ICG 2012). These changes were symbolised by the NLD's participation in by-elections on 1 April 2012, in which the opposition party won all but two of the seats contested.

However, this period of rapid reform was accompanied by other, less positive, developments. In June 2011 a military offensive was launched against the KIO, the main Kachin armed ethnic group in northern Burma, interrupting a 17 year ceasefire. As a result of this resumption of armed conflict, some 80,000 people were displaced along the border with China, with tens of thousands of more IDPs in the conflict zones and government-controlled areas (Human Rights Watch 2012).

Nevertheless, in late 2011 and through 2012, preliminary ceasefires were agreed and/or reconfirmed between the government and armed non-state groups representing the Wa and Mongla, Chin, Shan, PaO, Karen, Karenni, Arakan/Rakhine and Mon. These dramatic developments further complicated an already complex mosaic of non-state armed groups in Myanmar. By mid-2012, 10 of the 11 most significant NSAGs had entered into ceasefire agreements with the government, with the only major group still at war being the KIO. The 'non-state' status of other armed ethnic groups was more uncertain. The remaining BGF units (those which had not quietly dissipated, with many members slipping back into the jungle or resuming civilian life) were under at least nominal Myanmar Army control. These included 15 government-aligned BGF battalions in Karen State alone. Also, across much of the countryside (particularly, but not only, in Shan State) local militias enjoyed significant economic and military power. These were often aligned with the Myanmar Army, and in many cases were deeply involved in the black economy (particularly the drugs trade).

In addition to ceasefires agreed with ethnic NSAGs, in mid and late-2012 Minister Aung Min met with the All Burma Students Democratic Front (ABSDF), an armed group formed in 1988 by urban-based student democracy activists, who had fled to the borderlands following the brutal suppression of the democracy uprising that year and which had been fighting the military government for nearly a quarter-century (during which period the ABSDF underwent many changes of personnel and policy). Furthermore, during 2012 a large number of exiled pro-democracy politicians and activists engaged in talks with the government, as a result of which

several prominent figures returned home following in some cases decades spent in Thailand, India and the West.

At least until late-2012, the President's chief peace envoy, Minister of the President's Office, U Aung Min (a retired Myanmar Army Major-General, and previously Minister for Railways) maintained a policy of negotiating individually with NSAGs, rather than talking to alliance groups. Since its inception in October 2012, the work of U Aung Min and the Committee for Union Peacemaking has been facilitated by the quasi-governmental Myanmar Peace Center, which institutionalised much of the peace support work previously undertaken by Myanmar Egress, a national NGO. On the armed ethnic opposition side, two overlapping alliances represented the diverse NSAGs: the Ethnic Nationalities Council (a broad-based ethnic opposition alliance, including NSAGs and civil and political society participation⁴) and the United Nationalities Federal Council (UNFC, an alliance of the most significant NSAGs which had not agreed ceasefires before 2012⁵).

Most observers and actors accepted that U Aung Min and his team were serious about the peace process - although questions remained regarding their ability to deliver. There remained a profound lack of trust in the government, and particularly the Myanmar Army. Frustrations and grievances were especially acute in ethnic nationality-populated areas, characterised by often extreme levels of poverty and under-development, and widespread human rights abuses in the context of armed conflict. In those areas, the central state authority is represented almost uniquely by the Myanmar Army, while NSAG administrations are often regarded by local populations as more legitimate than the government or *Tatmadaw*.

Nevertheless, many communities have experienced some of the benefits of the peace process. In areas where ceasefires have been effective, it was far easier to travel than had previously been the case. In the past, villagers had to fear rough handling - or worse - on the part of *Tatmadaw* personnel and/or insurgent forces. In contrast, 2012 travel restrictions greatly eased in many areas, so that villagers can move more freely, spending more time in their fields and getting products more easily to market. While these benefits may not seem significant to political elites, they mean a great deal to local communities. Nevertheless, the human rights situation in remote, conflict-affected areas needs to improve further, in order to reach acceptable international standards.

Meanwhile, the peace process is largely dependent on the resilience of the reforms at the national-elite level. The government's ability to deliver reforms is hampered by deep-rooted conservative-authoritarian institutional cultures, and limited technical capacities. It needs both to make sure that the Myanmar Army implements its policy, and to build new civilian institutions. The President having promised so much, the country may experience a 'revolution of rising expectations': prospects of change have been talked up, and people may become frustrated if the government and its partners are unable to deliver. The reform process in Myanmar may be likened to taking the lid off a pressure cooker. In a society where tensions have been building for more than half-a-century, ethnic and other grievances can easily spill over, with disturbing consequences. One example is the recent violence and ethnic hatred in parts of Rakhine State. These events remind us that there is not just conflict between the government and Myanmar Army and various armed ethnic groups, but also intra-communal violence between some ethnic

⁴ Established in 2001 (as the Ethnic Nationalities Solidarity and Cooperation Committee); re-formed in 2006 as the ENC.

⁵ Established in November 2010 (as the Committee for the Emergence of a Federal Union); re-formed in February 2011 as the UNFC. Members: Chin National Front (CNF), Karenni National Progressive Party (KNPP), Karen National Union (KNU), New Mon State Party (NMSP), Shan State Progress Party/Shan State Army-North (SSPP/SSA-N), PaO National Liberation Organization (PNLO) – all of which have agreed provisional ceasefires with the government - and also the Kachin Independence Organization (KIO), Arakan National Council (ANC), Palaung State Liberation Front (PSLF), Lahu Democratic Front (LDU) and Wa National Organization (WNO), which have yet to reach agreements.

communities. Outbursts of horrific violence in Rhakine constitute a complex phenomenon, beyond the scope of this paper, involving deep-seated mistrust of the 'other', and the politics of citizenship, immigration and representation - issues which have been exacerbated and mobilised by local and national-level political entrepreneurs. Among other things, these events indicate that there are spoilers on the side-lines, waiting to utilize tensions to provoke violence in order to undermine the reforms.⁶ These include elements of the old regime who are unhappy with the scope and pace of reform - although most of these actors have so far been marginalised, and/or co-opted with economic incentives.

⁶ In a worrying sign of possibly escalating intra-communal violence, a meeting of Karen Buddhist leaders in the State capital of Pa'an decreed (on 9-10-2012) that Karen Buddhists should have no dealings with Muslims. A few days later, grenade attacks were reported on two mosques in southern Karen State ('The Irrawaddy' 29-12-2012).

The Myanmar Government and Army

A key concern with the peace process is whether the Myanmar Army is prepared to follow the agenda laid down by the government's negotiators. For example, some 30 clashes have occurred, even after three rounds of ceasefire talks with the Shan State Army-South (most recently on 19th May 2012).⁷ The inclusion (in early May 2012) of the Myanmar Army Deputy Commander-in-Chief and other senior officers (including powerful Regional Commanders) in the government's new Committee for Union Peacemaking (chaired by the Vice-President and ethnic Shan, Dr Sai Mauk Kham) was intended to demonstrate the Myanmar Army's commitment to peace. However, clashes continue to occur in a number of areas where truces have been agreed, putting the peace process under great strain. In some cases, local NSAG commanders have provoked the *Tatmadaw* - but in general government forces have been the more aggressive.

Particularly troubling is the on-going conflict in Kachin State, where fighting broke out in June 2011, after a 17 year ceasefire between the government and the KIO. Unless this conflict is resolved, the whole peace process - and the larger reform programme - could be jeopardised.

Another caveat: although the President and his peace envoys are demonstrably sincere and serious in wanting to find a solution to Myanmar's ethnic conflicts, they lack in-depth understanding of the issues. This is hardly surprising, given their status as retired Myanmar Army officers, and members of the ethnic Burman elite. In order to move the peace process on to a more substantial footing, it will be necessary for Myanmar's political leaders to gain more in-depth understanding of - and demonstrate empathy with - ethnic nationality aspirations and grievances, and/or enlist people with such understanding as active participants in the peace process.

In particular, government representatives have alienated some ethnic nationality leaders by suggesting that the root cause of ethnic conflict is economic underdevelopment. While appropriate development is certainly needed in many remote, conflict-affected areas, this is not the heart of ethnic conflicts. For minority communities, questions of self-determination and respect for human rights are more important than access to development funds or economic opportunities.

This observation raises a broader concern regarding national reconciliation: while ceasefires and peace agreements between the government and NSAGs are necessary, they will not be sufficient to achieve lasting ethnic peace. What is required is a deep and wide-ranging national conversation, involving members of the Burman majority in a reassessment of relationships with their ethnic minority brethren. Recent violent events in Rakhine State show how difficult such a process will be, in a country with limited traditions of civic engagement.

These caveats notwithstanding, the current period represents the best opportunity in many years to address ethnic conflicts in Myanmar, and overcome the legacy of decades of violence. As with the Thein Sein reforms more broadly however, the peace process is largely dependent on the

⁷ The SSA-S works closely with UNFC member-groups, but is not formally part of the alliance.

person of the President and his close advisers.⁸ On the side of ethnic nationality communities also, personalised politics and patron-client relations predominate.

⁸ Similarly, the ceasefires of the 1990s depended largely on then Military Intelligence chief (later, Prime Minister, until his purge in 2004), General Khin Nyunt.

Ethnic Actors

Myanmar's ethnic communities are highly diverse. Among the main stakeholders are armed groups. These include local militias with little or no political agenda (prevalent across much of Shan State, for example), as well as more politically mature organisations. Some of these, such as the ex-communist⁹ UWSA, Myanmar's largest non-state militia, are striving for local autonomy, with their leaders having major economic interests (including in the drugs trade). Others are more politically mature, and mostly committed to a federalist agenda. These include groups such as the KNU, historically and symbolically the country's most important NSAG. The KNU illustrates tendencies which characterise many insurgent organisations in Myanmar: while dominated by a particular sub-group (Sgaw-speaking Christians), it nevertheless seeks to represent a diverse pan-Karen community, consisting of Christians, Buddhists and animists, speaking a dozen different dialects. While the KNU has strong popular appeal in many (particularly Christian) Karen communities, its ability to represent non-Christian, non-Sgaw sub-groups is problematic (South 2011).

Furthermore, like their counterparts in armed conflicts across the world, personnel within Myanmar's NSAGs are often motivated by a mixture of genuine social-political grievances and aspirations, in combination with deep-rooted economic agendas ('greed' and 'grievance' motivations). It is not surprising that some pro-ceasefire actors have been motivated by economic incentives. Those working to support the peace process should be aware of these issues, and the related concerns of vulnerable communities and other stakeholders (see below).

Other key minority stakeholders include above-ground ethnic political parties, several of which did well in the 2010 elections, but have so far been largely excluded from the peace process. Another important sector is civil society, including Non-government Organisations (NGOs) and Community-based Organisations (CBOs), as well as less formally organised associations and grassroots networks operating within and between ethnic communities. Religious leaders and networks play a particularly significant role where religion functions as a marker of ethnic identity.

Local actors can be broadly divided into two sets: those working 'inside the country', and those based among opposition networks in the border areas and neighbouring countries. Last - but definitely not least - are 'ordinary' citizens and civilians: ethnic communities (including IDPs and refugees, and other exiles), who have suffered from decades of armed conflict.¹⁰ In general, urban-based and exile-oriented civil society networks enjoy considerable exposure in the media, and access to channels of power. In contrast, rural-dwelling communities and other 'ordinary' citizens tend to be excluded, and lack voice in discourse. Thus already marginalised communities who stand to gain the most from the peace process are among those whose voices are least often heard, amid the clamour of well-organised (and often well-funded) opposition and activist groups.

Another important set of stakeholders is the business sector. As discussed below, this includes national (and some international) companies working in ethnic nationality-populated, armed conflict-affected areas, as well as smaller local enterprises - which are often connected across the

⁹ Formed out of the collapse of the CPB, the UWSA was never communist as such, although it emulates many communist practices (e.g. top-down command style, distrust of civil society): Kramer (2007).

¹⁰ The range and characteristics of ethnic nationality civil society are beyond the scope of this paper. For a discussion, see South (2008) – which, like most of the literature on civil society in Myanmar, rather simplistically views the sector as a driver of liberal-democratic change, while underplaying its 'dark side'.

'front lines' of conflict to both government/Myanmar Army and NSAGs commanders and networks.

This brief review of stakeholders introduces an important aspect of the peace process: so far, discussions have largely been confined to two sets of armed actors - the Myanmar government (and Army) and NSAGs. It is important to broaden the process, to include political and civil society actors, and communities affected by conflict.

Some NSAGs have engaged in consultations with ethnic civil society and political stakeholders. In order to further promote local participation, communities can be mobilised to monitor ceasefires under agreements made between the government and NSAGs. For example, the 7th May agreement between the Chin National Front (CNF) and government mandates a network of Chin churchmen and women to monitor the peace agreement; similar arrangements are under discussion in the Shan, Kayah/Karenni and Karen peace talks. Meanwhile, the NMSP and Karenni National Progressive Party (KNPP) have undertaken consultations with Mon and Karenni communities in southeast Myanmar, in order to explain the peace process and gain a better understanding of local concerns.

Bringing communities into the peace process will go some way towards addressing the underlying grievances and aspirations of ethnic groups. However, resolving Myanmar's ethnic conflicts will require more than just an end to armed confrontations. It must also involve changes in values and identities, particularly on the part of the Burman majority. Also fundamental to any resolution of ethnic conflict in Myanmar will be a political settlement acceptable to key elements among different stakeholders - in particular to leaders of the Myanmar government and Army, and NSAGs. Government initiatives in this respect have been positive, but will not be successful unless they are acceptable to opposition groups. This is the issue at the heart of the peace process.

Among ethnic nationality politicians, two broad sets of opinion (or 'ideal type positions') can be discerned. One set of actors believe it is necessary to agree a political settlement before armed conflict can come to an end. This is the position of the UNFC, and also of the KIO (which exerts a strong influence on the alliance). This 'all-or-nothing' stance is held by elements within most armed ethnic groups. Internal tensions have reached crisis point within some armed groups. For example, leaders of the KNU are deeply divided between those who wish to push ahead with the peace process, and more sceptical 'hardliners', who want to hold back. While hard-line demands often resonate with wary, conflict-affected communities, they can sometimes be unrealistic - but politicians worldwide often adopt positions calculated to be unacceptable to the other side, either because they are afraid to lose support from their constituents or because they fear negative reactions from others within their movement.

Thus many NSAGs are riven by conflict between 'hardliners' and more pragmatic leaders. The latter seek to engage in peace talks *in order to achieve* a lasting political settlement - considering peace to be something achieved through prudent, gradual rapprochement, with both sides moving forward step-by-step, as trust is built. According to this approach, peace and political settlement are not things which can be agreed in abstract, before violence ends. Real trust and peace can only emerge in inter-action. However, when insurgent leaders start to trust representatives of their adversaries, then risk losing the confidence of their comrades-in-arms. For decades, armed opposition communities have been knit together by a shared distrust in the adversary. When that shared distrust begins to dissipate, leaders who do not take active part in the interaction may easily feel betrayed. This problem cannot be overcome just by strong leadership. It requires broad consultative processes, transparency, and enormous patience.

As noted above, actors on all sides of Myanmar's armed conflicts are motivated by a combination of political, humanitarian and economic needs and desires. Some armed ethnic groups have been used to controlling populations, including IDPs and refugees. Especially for groups based along the Thailand border, the refugee camps have become a source of recruits and supplies, while the border-based aid regime provides a certain legitimisation for NSAGs operating in southeast Myanmar (South 2011). While the existence of refugee camps and cross-border aid to IDPs along the Thailand border is not sufficient to explain the perpetuation of armed conflict, international humanitarian agencies and their donors have nevertheless contributed towards sustaining insurgencies, the impacts of which they intended to mitigate (South 2012; see also Horstmann 2011). International support for border-based conflict actors has been a (largely) unintended consequence of humanitarian support to highly vulnerable people along the Thailand border - and as such is hardly unique.¹¹ Until recently, donors had few alternative options. As the peace process gathers momentum, it is imperative that border-based agencies supporting conflict actors and associated communities do so in a way which promotes peace.

Many ethnic nationality communities in conflict-affected areas display strong (but not unconditional) support for NSAGs. Nevertheless, there is a fear among some armed group leaders that, by engaging in the peace process, they will lose control of client populations, and popular support, as civilians resettle in areas under greater government influence. Other NSAG leaders see the peace process as more of an opportunity - perhaps their last best chance to re-engage with communities they have long lost touch with, and re-invent themselves as mainstream political players in Myanmar. This observation introduces the issue of political legitimacy. Much hinges on expectations that the 2015 elections will be free and fair, including for ethnic parties, some of which have with strong links to past and recent armed conflict actors - while other ethnic political parties are implicitly rivals to NSAGs.

Historically, the military government has been widely regarded as illegitimate, and NSAGs have generally not been called upon to demonstrate their own political credibility. However, as the government gains more domestic and international legitimacy, it will become increasingly difficult for opposition groups to justify holding arms. Thus armed groups' may be reluctant to engage in the peace process if they lack confidence in their ability to mobilize support, and thus fear that the peace process may eventually undermine their legitimacy and power. Nevertheless, the tendency in Myanmar (and Southeast Asia) over the past two decades has been for NSAGs to either become increasingly marginalised or to transform themselves to political parties, as has occurred in Aceh (Törnquist et al 2012). Therefore, the next year or two may represent the last opportunity for such organisations to negotiate a settlement, assure their continued relevance as a political force in their communities, and avoid marginalisation.

As a part of their calculations, armed groups must decide whether they expect to get a better deal from a post-2015 (presumably, NLD-dominated) government, with greater democratic credentials than the present regime - or if their best chance is now. An Aung San Suu Kyi-led government would likely enjoy high levels of international and domestic legitimacy, which could be used wisely - but an NLD-dominated government might also be in a stronger negotiating position vis-à-vis armed groups, and perhaps seek to avoid alienating the military. According to such calculations, armed opposition groups may well have more leverage over the current government than they will in relation to its successor. Most of the country's current government leaders are unlikely to be in office after 2015. They therefore have another two years to construct their political legacy, and ensure an honourable place in the country's history. This gives the present government a strong incentive to agree to a workable settlement with the NSAGs.

¹¹ The literature is replete with discussions of how external aid can reinforce the positions of some conflict actors, while marginalising or destabilising others (e.g. Terry 2002, Rieff 2002, Goodhand 2006, Slim 2007, Keen 2008, Duffield 2008, deWaal 2009).

Another constraint on both government and NSAGs is their weak governance capacities and lack of technical expertise. Key actors lack the political will or practical knowledge to regulate extractive and other industries which are likely to make inroads into conflict-affected areas post-ceasefire. Fortunately, such concerns are at least partly offset by the burgeoning civil society networks which exist within and between different ethnic communities. Local CBOs and NGOs will need to play leading roles in the future, in order to exert a degree of oversight in the resource-rich borderlands.

During the long-lasting ceasefires from 1989-1995, most of the larger NSAGs retained their arms and control of sometimes extensive areas of territory, where they functioned as de facto local administrations. The main area where this remains the case today is the UWSA-controlled zone in northern Shan State. It remains to be seen whether the current peace process will see armed groups maintain their enclaves, or whether ex-insurgents will be able to reinvent themselves and re-engage with communities in government-controlled areas. Likewise, it is not yet clear whether some NSAGs will eventually disarm, or allow their troops to be incorporated into a - presumably, profoundly reformed - Myanmar Army, while their leaders become party politicians. Only in this latter scenario can Myanmar's ex-insurgents test their popular support among the communities they seek to represent. Kachin State represents a paradox, since in 2011 it experienced the outbreak of new and intense warfare, after 17 years of cease-fire, as a result of which the KIO (and particularly its armed wing, the Kachin Independence Army: KIA) has enjoyed a resurgence of support from the ethnic Kachin population (to the extent that they would most likely win broad support in any election).

To the extent that the current peace process goes beyond NSAGs merely retaining control over their existing enclaves, it will be necessary to begin a dialogue between the government and ex-insurgents, regarding the interaction between state and non-state systems. Most NSAGs have developed at least rudimentary regimes, for example in the fields of health, education and administration.¹² In the case of the KNU, NMSP, KNPP, KIA and other well-established NSAGs, these systems have been in existence for decades, and enjoy considerable local support, as well as, more recently, international donor backing. It is yet to be seen how the interaction between state and non-state governance and administrative regimes will be handled as part of the peace process.

Such observations remind us that there are potential losers, as well as winners in the peace process. Those who stand most to gain from an end to armed conflict are civilian communities, who have suffered greatly under decades of civil war, and the tens of thousands of IDPs who would be able to return home. An end to Myanmar's civil wars would also be good for legitimate forms of business - although many ethnic communities have serious concerns regarding the environmental and social consequences of post-ceasefire economic activities, such as resource extraction industries and large-scale infrastructural projects. Among those to feel threatened by the peace process are actors who are strongly invested in conflict dynamics.

¹² For a comparative study of the Mon and Karen non-state ethnic education regimes, see Lall and South in press.

Potential Spoilers

As noted, the political, social and economic issues at the heart of conflicts in Myanmar will not be easily resolved. In order to address deep-rooted, structural problems, both the government and non-state armed groups must act with courage, imagination, and finesse. Otherwise, the present window of opportunity may close, as the peace process loses momentum.

Unfortunately, some stakeholders on both sides stand to benefit from the perpetuation of conflict. Although accurate information is hard to come by, some key actors from the previous military regime are regarded as being unhappy with the scope and pace of reforms - as are some exile groups in Thailand and overseas.

For many years, those opposed to Myanmar's military regime saw little alternative to supporting opposition groups operating in exile, and from enclaves along Burma's borders. Given the lack of options for positive political change inside the country, many international NGOs and other donors, both religious and humanitarian, were content to support opposition groups in the borderlands. During this period, opposition to the government became a way of life for many actors, as border-based groups became used to dominating the international discourse regarding Burma, and channelling donor funds. With the (albeit uneven) reform process gathering momentum inside the country, the political narrative is shifting away from the border, together with donor funding. In this context, border-based groups face two options: either to reinvent themselves as credible organisations with a future in Myanmar, or to become increasingly marginalised and angry.

Border-based CBOs have expressed concerns regarding the peace process in Burma. In particular, they are worried about the lack of participation on the part of affected communities and civil society, and also the government's failure to engage in substantial political talks. Furthermore, as noted, while the Myanmar Army continues to launch offensives in parts of Kachin and Shan States, it will be difficult to talk about a comprehensive nation-wide peace process. Unfortunately, these legitimate concerns have sometimes been drowned out by the angry nature of border-based groups' attacks on those trying to support the peace process. Other border-based activist however, have responded to the peace process more positively, with many seeking to move inside the country and establish above-ground operations in government-controlled areas.

Supporting the Peace Process, Doing No Harm

External actors have important - but limited - roles to play in supporting the peace process. This is because the key initiatives and actors are indigenous.

The peace process in Myanmar has been unusual in its lack of international - or in most cases, significant local - mediation.¹³ Contacts have been initiated, and agreements negotiated, by the government, with the international community's role limited - at least until December 2012 - to occasional observer status at peace talks, plus technical and financial support. This is different from the internationally brokered peace settlement in Cambodia 1991, as well as from the situation in Aceh, where a former Finnish president mediated the 2005 peace agreement between the Free Aceh movement and the Indonesian government (Törnquist et al 2012). The Myanmar peace process has also differed from the peace processes in the Philippines, where Malaysia has brokered talks between the government and the Moros, and Norway between the government and communist insurgents. The Myanmar situation may bear more resemblance to that in Thailand, where the government has made various - albeit largely unsuccessful - attempts to initiate talks with representatives of Malay Muslim insurgents in the Deep South. The main differences between the situation in the two neighbouring countries is that Myanmar faces so many armed ethnic groups, and has a much stronger record of negotiating effective ceasefires. Indeed, by some calculations, the Myanmar government is engaged in up to 20 simultaneous peace processes.

The limited nature of international support to the peace process in Myanmar must be understood in terms of the Myanmar authorities' long-standing suspicion of external interference in its domestic affairs. The exception which proves the rule is the Kachin conflict, where international efforts to engineer negotiations between the government and the KIO have so far been largely unsuccessful.¹⁴

Rather than leading the peace process, international involvement has been mostly limited to supporting roles. Among the more high-profile interventions has been the Myanmar Peace Support Initiative (MPSI), which aims to build trust and confidence in the peace process by supporting agreements between the government and NSAGs.¹⁵ The MPSI was initiated in January 2012, when Myanmar asked the Norwegian government to help support the peace process. Since then, a number of other governments and donors have become involved. The MPSI has sought to move quickly in response to political imperatives, in a fast-changing context. It is committed to on-going and substantial consultations with conflict-affected communities, civil society, and government and non-government political and military actors, and to consulting and sharing information with a broad range of stakeholders. The MPSI is committed to working in a manner which does not expose vulnerable populations or other partners to increased danger (including due to any future breakdown in the peace process). It is supporting local partners (CBOs and NSAGs) to implement projects in Rhakine, Chin, Shan, Karen and Mon States, and Bago and Tanintharyi Regions, in the following sectors: limited support to NSAG liaison offices; support for community-based ceasefire monitoring; support for NSAGs' consultations with

¹³ Chin State is a partial exception, where a local church-based network (the vast majority of Chin people are Christian) has played an important role in mediating a ceasefire between the CNF and government.

¹⁴ Nevertheless, international assistance may yet help to resolve the Kachin conflict, conceivably in the form of providing peacekeeping or ceasefire monitoring forces (perhaps provided by members of the ASEAN regional grouping).

¹⁵ The author is a lead consultant for the MPSI.

civilian communities; pilot and other projects to build trust and confidence in the peace process, and help vulnerable communities recover from conflict.¹⁶ International responses such as the MPSI are premised in part on a desire to avoid the mistakes of the 1990s, when foreign donors failed to support the previous round of ceasefires in Myanmar, missing opportunities to move from peace-making towards an environment of genuine peace-building (South 2008: ch.3).

Having launched initiatives such as the MPSI, it is imperative that donors follow through, and provide sufficient resources to peace-building projects - both in terms of political capital and financial commitments, and the provision of appropriate personnel. Furthermore, it is essential that international aid and diplomatic actors continue to remind the government of the necessity to engage in political discussions, and to resolve conflicts in Kachin and Shan States.

As noted, sceptics have legitimate concerns regarding the peace process. It would however, be a grave mistake to allow such concerns to undermine the peace process. Over the past decade-plus, Myanmar has been something of a 'boutique issue' in human rights circles - but otherwise largely ignored by the international community. The reform process has provoked renewed interest on the part of major powers - and with it the chance to highlight ethnic issues. This window of opportunity will not last forever. The stakes are high. If Myanmar can re-invent itself as a country with respect for basic rights and the rule of law, this will be a major achievement - a rare example of a 'pariah state' coming in from the cold. In the process, Myanmar will likely move away from the Chinese sphere of influence - an important geostrategic objective for Western countries.

Business and/of Development.

One of the most significant challenges facing both government and ethnic nationality stakeholders (NSAGs, political parties, civil society actors and - above all - affected communities) are business and 'development' activities in conflict-affected areas. These range from local enterprises, through national-level companies to the activities of international and multi-national corporations.

As noted, after decades of conflict and under-development, there is a great need for economic development and jobs, and for vocational training. Many minority-populated, conflict-affected areas are sites of significant natural resources. In some cases (such as remaining timber stands, and fish stocks) value can be added locally. In others (e.g. natural gas and oil reserves), income streams for the national exchequer are significant¹⁷, with possibilities for revenue sharing between the central state and local authorities. Unfortunately however, much of the industry and investment in remote areas tends to be extractive, with local people receiving little benefit beyond pay-offs to political and military elites. Conflict actors' motivations for reaching ceasefires are not limited to war weariness, political vision and entrepreneurship, or humanitarian impulse - but include the desires of military and political elites to benefit from business opportunities, including the exploitation of natural resources. Such extractive industries are often damaging, both socially and to the environment.

Of particular concern in conflict-affected areas are a series of hydropower projects planned for the horseshoe of minority-populated areas in western, northern and eastern Myanmar, most of which are being planned without adequate social or environmental impact studies. Other concerns focus on mining concessions granted in border areas, unsustainable logging activities (which can be facilitated by the extension of road networks into previously inaccessible areas - which at the same time allow remote communities to access markets: a mixed blessing), and the growing

¹⁶ For regularly updated information on the MPSI (in English, Burmese and minority languages), see http://www.emb-norway.or.th/News_and_events/MPSI/

¹⁷ Revenue from natural gas sales alone is calculated in excess of \$2 billion annually.

problem of commercial agricultural plantations (particularly palm oil in the south), often accompanied by land-grabbing.

The largest infrastructure development project in the country - indeed, in the region- is planned for the Karen (and also Mon, Tavoyan/Dawei and Burman-populated) southern Tanintharyi Region. This is the Dawei project, which envisages construction of a deep-sea port on the Andaman coast, a major industrial zone and road and other infrastructure links to neighbouring Thailand. The first stage of this project alone is estimated to be valued at some US\$13 billion. Significant environmental concerns have been raised by the prospect of dirty industries being relocated from Thailand. Other potential problems include the lack of workers' rights, and local landowners' vulnerability to forcible appropriation of their farmlands. Previous large-scale infrastructure developments in Myanmar have resulted in 'development-induced' displacement and increased vulnerability. As the political-economic relationship between Myanmar and Thailand becomes stronger, this will give the latter a growing stake in stability in the southeast, which may result in greater pressure on the KNU and other NSAGs. For Karen and other ethnic nationalities in Burma, much will depend on how community and political leaders position themselves in relation to such economic developments (South 2011).

On the other side of the country, the largest Chinese investment in Myanmar is the construction of a gas pipeline and related infrastructure (rail and road projects), connecting the Rhakine coast on the Indian Ocean to landlocked Yunnan Province. The Shwe Gas project is of huge geostrategic importance, allowing China to tap Myanmar's natural gas resources, and providing Chinese access to the Indian Ocean, thus avoiding the necessity of bringing imports through the strategically vulnerable Straits of Malacca to the Chinese eastern seaboard. However, like other Chinese and state-sponsored infrastructure developments in Myanmar, the Shwe Gas project has been dogged by controversy, because of local Rhakine and other communities' concerns regarding land confiscation, inequitable compensation, environmental damage and other negative consequences.

Ways Forward

The government and most of its erstwhile battlefield foes have undertaken initial peace talks. With the important exception of Kachin State, fighting has decreased significantly and in many areas come to a halt, while ceasefire groups are in the process of establishing liaison offices. The international community has responded, by supporting locally-led and owned initiatives, to test the peace process, build trust and confidence on the ground, and support the recovery of conflict-affected communities. Without a broad political settlement however, these positive developments will be insufficient to maintain the momentum of peace. Unless the government and NSAGs - with discreet support from their international partners - can move onto the next stage in the peace process, there is a danger that spoilers may gain ascendancy, undermining the best prospects for peace in Myanmar for half-a-century. Even if the government, NSAGs and their partners can get these elements of the peace-jigsaw right, the danger still remains of a resurgent Burmese Buddhist nationalism, with the possibility of further communal violence in Rhakine State and elsewhere.

The President has indicated his willingness to address some of the issues of concern to ethnic communities. The question is when the political process will start, and how. If the government can engage on key political questions, it will generate much goodwill among the country's diverse ethnic stakeholders. The time has come to set the agenda and timeframe for substantive political discussions.

Government representatives have talked about the possibility of initiating substantial political talks starting late 2012, or early 2013. The mechanics and contents of such negotiations are likely to be complicated and contentious. Nevertheless, by moving towards an inclusive political dialogue with representatives of ethnic communities, the government can demonstrate its commitment to a peaceful resolution of the long-standing social, economic and - above all - political conflicts in Myanmar. A breakthrough of sorts was made in informal talks between the President's chief peace envoy, Minister Aung Min, and representatives of the UNFC, who met in Chiang Mai (Thailand) on 9 November 2012 and agreed in principle to begin political discussions (*Shan Herald Agency for News* 19-11-2012).¹⁸ While U Aung Min is willing to meet with all relevant groups, including the UNFC, the government still proposes that ultimately armed groups will have to disarm and form political parties, before full-scale political talks can address issues of fundamental (constitutional) reform. For their part however, NSAGs have demanded joint talks on key political issues.

While the strategy of talking group-by-group has succeeded thus far, there is a strong practical argument for initiating joint discussions between the government and NSAGs. Some issues of concern to particular ethnic communities can be addressed on a group-by-group basis, with appropriate State-level settlements. However, many of the key political, social and economic concerns facing ethnic communities - and the country at large - can only be addressed properly at the national policy level. Indeed, ad hoc settlements at the level of individual NSAGs or communities could prove unwieldy and impractical, as well as being difficult to achieve - for example in relation to federalism/decentralisation, language policy, land rights issues etc. Therefore, if a substantial political settlement is to be reached, the government will eventually need to talk jointly with ethnic leaders. Such an approach should be complemented by a

¹⁸ A further demonstration of the government's commitment to substantial political dialogue was provided by U Aung Min's speech to a gathering of Shan civil society and political actors in Yangon, in late December 2012.

deepening of the peace process, allowing for participation by civil society actors, above-ground political parties and affected communities.

The other key challenge facing the peace process is how to ensure that the Myanmar Army follows the peace agenda, and to bring armed conflicts to an end in Kachin and Shan States. While not a complete answer, by engaging in substantial political dialogue, the government will be meeting one of the KIO's main demands - for a substantial settlement prior to any ceasefire.

Towards a 'Framework Agreement'

The peace process so far has largely consisted of initiatives from the government, to which other stakeholders have responded. It is important to frame the process in a way that more clearly incorporates the positions of other stakeholders. Non-state armed groups and other opposition actors are unlikely ever to accept a solution initiated purely by the government, no matter how well-designed. It is necessary to frame the process in a way that takes account of and respects armed groups, and ethnic political and civil society actors' positions – giving them real input both into the design of the process, and substance of discussions. In order to make progress, there is a need for flexibility on both sides. The oppositions' six-point roadmap effectively calls for scrapping of the 2008 constitution - a demand which is unlikely to be acceptable to the government.¹⁹ At the same time, it is necessary for the government to recognise and respond constructively to long-standing demands for some kind of federal settlement to Myanmar's political crises, as articulated by many ethnic nationality elites.

In strategising the peace process, reference to the 'Panglong agreement'²⁰ is symbolic - indicating an acceptance that substantial political discussion is required in order to resolve ethnic conflicts. Addressing the issues underlying conflicts will involve discussion of the constitution, and probably revising this document. Another key issue is security sector reform. Without addressing the post-conflict roles of the Myanmar Army and NSAGs, it will be difficult to develop a sustainable peace process which has the confidence of broad sections of society. Trust needs to be built across ethnic lines (within and between ethnic nationality communities, and between minority communities and the Burman majority), between different religious communities, and between state and society - especially between civilians and the Myanmar Army.

Regarding the Myanmar Army, the strategy should be to 'bring them into the peace process' - to create opportunities for shared experience (e.g. mixed participation in study tours, trainings etc, with no explicit agenda for discussing or negotiating conflict issues, but promoting interaction in relevant situations). Trust can be built by allowing international observation of peace talks, and third-party (international) access to monitor peace agreements.

As noted, while NSAGs will remain key actors, other stakeholders must be brought into the process. This will require a multi-step process of negotiations. The proposed way forward is to develop a 'framework agreement' as a mechanism for discussion, and around which different stakeholders can explore their levels of agreement and disagreement, rather than moving too quickly to assume 'common ground'. The profound differences which underlie state-society and armed conflict in Myanmar cannot easily be dissolved. The framework agreement should be used to explore the issues, rather than to move too quickly towards framing solutions, which can emerge only from what may have to be protracted multilateral discussion.

¹⁹ A six-point peace plan was developed in mid-September 2012 during a meeting in Chiang Mai of UNFC members and ethnic civil society actors: 'Alternative peace roadmap approved by Ethnic Nationalities Conference (14-16 September 2012)'.

²⁰ At the (second) Panglong conference, held in Shan State in February 1947, the Burmese/Burman nationalist leader and independence hero General Aung San reached agreement with the leaders of some minority communities, allowing for Burma to gain independence the following year as a more-or-less unitary state. In the half-century since, the Panglong agreement has come to symbolise the aspirations for (and discontents of) a federal political settlement of Myanmar's fractious ethnic politics (see Walton 2008).

The 'framework agreement' model might see the government and Myanmar Army, and NSAGs (including non-ceasefire groups - i.e. the KIO) establish working groups. These could include high-level meetings, as well as working-level sessions (including workshops, seminars, trainings). Working group meetings would identify topics for discussion, including for example:

- Constitutional reform (with careful attention to wording - e.g. in relation to federalism);
- Land rights issues (including compensation for and/or restitution of property confiscated from or abandoned by forced migrants);
- Environmental regulation and natural resource management (including revenue sharing between the central and State/local governments);
- Language policy and education (including the status of minority languages in government administration, the justice system and schools, and the situation of non-state ethnic education regimes);
- Demobilisation, disarmament and rehabilitation, and re-visioning the roles of the Myanmar Army and NSAGs;
- Landmine action (ethnic minority-populated, armed conflict-affected areas of Myanmar are among the most landmine-contaminated in the world);
- Local and State/Regional-level governance and rule of law (including the roles of NSAGs and ceasefire liaison offices in providing access to justice and how these relate to existing government and military structures and practices), and the establishment and functioning of police forces;
- IDP and refugee resettlement, including the complex issue of secondly settlement (where displaced or other communities have re-settled on land previously occupied by people who themselves have been displaced).
- Economic development, job creation and vocational training.

This formula would allow the government to talk jointly with NSAGs, and remain flexible regarding if, when and how to formally negotiate with the UNFC.

Several of the topics sketched above introduce a key concern: how to conceive of and work on the relationship between NSAG para-state structures (e.g. KNU regimes of land registration, education, health etc - some of which have been established for decades) and relevant government structures. It is imperative that such issues of sub-national governance be included as peace talks take on a more explicitly political dimension.

The working groups would undertake a series of consultative meetings to explore these issues - one purpose being to introduce ethnic nationality grievances and concerns to the majority community, and to help ethnic communities understand Burman majority concerns. The consultations should solicit a broad range of inputs, including from majority community representatives and ethnic nationality civil and political society leaders and networks. This phase could be followed by more formal assemblies, where the reports of working groups are presented for public consideration and deliberation. A joint commission could then be established, to incorporate the working groups' findings, and consolidate these into a draft agreement. If necessary, the commission could propose changes to the constitution, and other appropriate legislative and implementation measures. Finally, a 'new Panglong' meeting could be convened, to endorse these plans - subsequently to be endorsed by Parliament (before the 2015 elections?).

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List of Non State Armed Groups (NSAGs)

Abbr	Full name	Armed wing	Ceasefire
ABSDF	All Burma Students Democratic Front		
ALP	Arakan Liberation Party	Arakan Liberation Army (ALA)	April 5, 2012
ANC	Arakan National Council	Arakan Army (AA) – member of ANC	
CNF	Chin National Front	Chin National Army (CNA)	Jan 6, 2012
HRP	Hongwawatoi Restoration Party		
KIO	Kachin Independence Organization	Kachin Independence Army (KIA)	[1994-2011]
KKO	Klohtoobaw Karen Organization	Democratic Karen Benevolent/ Buddhist Army (DKBA)	[1994-2010] Nov 3, 2011
KNLP	Kayan New Land Party	Kayan New Land Army (KNLP)	
KNPP	Karenni National Progressive Party	Karenni Army (KA)	Mar 7, 2012
KNU	Karen National Union	Karen National Liberation Army (KNLA)	Jan 12, 2012
KPC	Karen Peace Council	KNU/KNLA Peace Council (PC)	Feb 7, 2012
NDAA-EES	National Democratic Alliance Army - Eastern Shan State (Mongla Group)		[1989] Sep 7, 2011
NMSP	New Mon State Party	Mon National Liberation Army	[1995] Feb 1, 2012
NNC	Naga National Council		
NSCN-K	National Socialist Council of Nagaland - Khaplang faction		April 9, 2012
PNLO	Pa-O National Liberation Organization	Pa-O National Liberation Army (PNLA)	Aug 25, 2012
PSLF	Palaung State Liberation Front	TNLA (Ta'ang National Liberation Army)	
RCSS	Restoration Council of Shan State	Shan State Army - South (SSA-S)	Dec 2, 2011
SSNPLO	Shan State Nationalities People's Liberation Organization		
SSPP	Shan State Progressive Party	Shan State Army - North (SSA-N)	Jan 28, 2012
UWSP	United Wa State Party	United Wa State Army (UWSA)	[1989] Sep 6, 2011
WNO	Wa National Organization	Wa National Army (WNA)	

Former non-state armed groups transformed into government-controlled Border Guard Forces

DKBA	Democratic Karen Buddhist Army (some units only)
KDA	Kachin Defense Army
KNDA	Karenni National Defense Army
KNG	Kayan National Guard
KNPLF	Karenni National People's Liberation Front
KPF	Karen Peace Force
LAWPG	Lasang Awng Wa Peace Group
MAMD	Mon Army, Mergui District
MNDAA	Mon National Democratic Alliance Army
NDA-K	New Democratic Army – Kachin
PNO	Pa-O National Organisation

Not included:

- Un-named local pro-government militias (for example, Lien Hsai's Markkieng PMF in southern Shan state)
- Non-state armed groups that have merged into other non-state armed groups (for example, the Shan State National Army that merged into RCSS)

Prospects for Peace in Myanmar: Opportunities and Threats

This paper examines the peace process in Myanmar from the perspectives of the Myanmar government and Army, and non-state armed groups, as well as ethnic nationality political and civil society actors and conflict affected communities. It argues that this is the best opportunity to resolve ethnic conflicts in the country since the military coup of 1962. However, the peace process will not ultimately succeed unless the government demonstrates a commitment to engage on the political issues which have long structured armed conflicts in My-

anmar, and can also bring fighting to an end in Kachin and Shan States.

The paper sketches different - sometimes contested - positions regarding the peace process in Myanmar, on the part of different ethnic actors, and analyses their strategies. It goes on to describe and discuss some of the winners and losers in the peace process. The paper argues that, in order to build a sustainable and deep-rooted peace process, it is necessary to involve conflict-affected communities and civil society organisations and above-

ground ethnic political parties; it is also necessary to re-imagine peace and conflict in Myanmar as issues affecting the whole of society, including the Burman majority. The paper concludes by sketching a 'framework agreement', by which the government and representatives of minority communities could move onto a substantial political discourse.