

ANALYSIS OF THE UNFC POSITION



The Ethnic Conference, organized by the United Nationalities Federal Council (UNFC) from 29-31 July 2013, issued a statement declaring its political stance:

- Articles 1, 2, and 3 are general information about participants and numbers, etc. *Interestingly Article 2 makes a point of identifying the United Nationalities Alliance (UNA) as a participant. UNA is an alliance of 1990 election-winning ethnic parties.*
- Articles 4 a), b) and c) are statements of principle about wanting a federal democratic union. A federal army is also proposed.
- Article 4 d) states that the 2008 Constitution currently used by the government of U Thein Sein is not democratic and is not federal in nature. Therefore, it cannot be accepted. Hence UNFC will write a new Constitution that is federal in nature.
 - *This is problematic because if the 2008 Constitution on which the government is founded is rejected, what is the legal basis for negotiating with the government?*
 - *Does this void the 13 ceasefire agreements that UNFC member organizations and others have already signed with the Thein Sein government?*
 - *If this government is unacceptable, why is the UNFC continuing to talk about negotiating with it?*

Therefore, it must be concluded that the UNFC is just making this statement of rejection to gain public support, and at the same time gain recognition from the government as the sole representative body of the ethnic people – “we will recognize you if you recognize us”. Pulling UNA into this mix is part of the same strategy. However, it is not clear how the UNA will extricate itself from the situation where its member parties have re-registered as parties under the provisions of the 2008 Constitution. They could face problems from the Union Election Commission. UNA could also lose by being shut out of the upcoming political dialogue, while UNFC members individually will participate. It could be a repeat of the 2010 elections boycott. UNA followed the lead of the NLD. After the elections, NLD contested the by-elections and gained a strong voice in parliament, whereas the UNA is voiceless.

- Article 4 e) states that UNFC and UNA will lead democratic forces, women, youth, civil society and other groups to form a committee to draft a new constitution.

In the past 25 years, many groups have already drafted several Federal Constitutions. The solution is not in drafting a new constitution, but in first getting the powers that be and the majority of the people to accept the concept. This cannot be achieved by making demands, but by engaging the opposite party and the public in a dialogue.

- Article 4 f) states that, in a political dialogue, UNFC will use the Six-point Road Map that was laid down in September 2012 at the Ethnic Conference. In such a dialogue, all resistance organizations are to be represented as a bloc , and not individually.

Instead of presenting the draft 'Framework for a Political Dialogue' to the Ethnic Conference for approval, the UNFC seems to have engineered things in such a way that it now seems that the Conference is mandating the UNFC to re-create everything. The Six-step Road Map is, in fact, already being implemented:

- **Step 1:** To develop a 'Framework for Political Dialogue'.
This has already been done. UNFC members and other groups worked together and completed a final draft in January 2013. The Framework calls for all armed groups to negotiate as a bloc with the government and other stakeholders. The bloc can include UNFC as a sub-bloc but each group retains its own legal authority and mandate. UNFC wants the exclusive rights to represent everybody.
- **Step 2:** International Monitoring.
This is included in the 'Framework' in detail. International observers to negotiations are not a problem, provided both sides agree beforehand and the negotiations take place inside the country. When third parties get involved, they have their own preferences. Discussions are underway between the government and ethnic armed groups on ceasefire monitoring and a Code of Conduct.
- **Step 3:** Holding of conferences by states and regions.
Such conferences are taking place independently at the initiative of various armed groups, civil society and political parties. The Myanmar Peace Centre is also holding its own consultations.
- **Step 4:** Convening a nationwide Ethnic Nationalities Conference.
Convening a nationwide Ethnic Nationalities Conference is not a problem. The concept is included in the 'Framework' – there could be several conferences. The question is who will host the Conference? For example - the Working Group for Ethnic Coordination had proposed that the Chiang Mai Conference be jointly hosted. UNFC rejected the offer and said that they would host the conference on their own. To date, UNFC leaders have also refused to travel inside the country while the leaders of the individual armed groups have traveled widely within the country. A nationwide Ethnic Nationalities Conference can only be held in the country or not everyone will be able to participate.
- **Step 5:** Convening a Union Convention based on the Panglong spirit with equal representation from all stakeholders, and to sign a Union Accord.
This is included in the 'Framework' design.

- **Step 6:** Implementation of the Union Accord within the agreed timeframe.
This provision is included in the 'Framework' designed by the groups in the WGEC which includes UNFC.

The question is why the UNFC ignored the 'Framework' it helped design? Is it because the others in the WGEC would not agree to let the UNFC negotiate alone with the government? Even if they had agreed, does the UNFC actually have the mandate to make the armed groups follow their lead? In August 2011, in response to the government's invitation to all the armed groups to negotiate a ceasefire, UNFC issued an order prohibiting member organizations from individually negotiating ceasefires. Each one negotiated its own ceasefire anyway. For UNFC's instructions to have worked, there needed to have been a command structure where all armed group commanders had to report to a supreme commander. There is no such unified command. To have such a command, all the heads of the ethnic armed groups would have had to give up their political and military powers to a supreme head. No group has done that. In fact, none of the member organizations has, as yet, ratified the UNFC Constitution, making it unclear as to what mandate the UNFC has. The Federal Union Army which the UNFC was to have created two years ago, also does not exist. In any case, the maximum number of troops the UNFC could ever command is 20,000, while the troops that are not part of UNFC number over 55,000.

- Article 5 states that the participants will work together.
- Article 6 states that a Bama/Myanmar state will be created.

This alludes to the fact that Burma as represented by General Aung San was a signatory to the Panglong agreement which created the Union of Burma. The other signatories were the Federated Shan States, the Chin Hills and the Kachin Hills. The expectation then was a federal arrangement. But Burma instead took the place of colonial Britain and made the other signatories subsidiary states with no power.

The UNFC Ethnic Conference has rejected the government's offer for talks without seriously offering any practical alternative other than a return to war. It is a dangerous game.

The WGEC had proposed as early as March 2013 that a Negotiation Team for all ethnic armed groups be formed to take the 'Framework' forward. UNFC leaders instead proposed in May 2013 that the WGEC be disbanded and that the UNFC alone negotiate with the government. Their reasoning was that the WGEC was only mandated to design the 'Framework'. Therefore, since the 'Framework' was ready, there was no longer any need for a WGEC. Other leaders argued that the main task of the WGEC is coordination, not designing a 'Framework'. They argued that even if the WGEC is disbanded, another coordinating body would be needed. They also argued that since the 'Framework' was developed together, there should be a joint body to negotiate with the government. UNFC leaders disagreed claiming that the UNFC already had a negotiating team and that the team could not be disbanded. They then offered to give each group that joined the UNFC a place on the UNFC negotiating team. The KNU interjected and said that the KNU representative to the UNFC

who is on the UNFC's Negotiating team does not have the KNU's mandate to negotiate with the government on its behalf. To resolve the impasse, it was proposed that a summit meeting of top leaders be convened. They could then decide what should be done. UNFC leaders said that even if the top leaders made a decision, it would have to be ratified by the UNFC. Since this would give UNFC higher authority than the leaders of the individual groups, the meeting broke up without a solution. UNFC then announced that it was leaving the WGEC. The KNU then decided not to send any official representatives to the UNFC Conference. KNU's continued membership in UNFC will be discussed in an upcoming KNU-UNFC meeting. Until the ethnic leaders resolve their leadership problems, they will stand no chance negotiating with the government of Myanmar. It is time for the leaders to seriously think about how they will work together instead of jockeying for positions of leadership.

CHART SHOWING RELATIVE STRENGTH OF NON-UNFC AND UNFC FORCES

Ethnicity	Area	Non-UNFC			UNFC		
		Group		Armed	Group		Armed
Chin	Chin State				CNF	CF	100
Chin	India - Manipur	ZRO	India	2,000			
Kachin	Kachin & N Shan	NDA-K	BGF	1,000	KIO	CF	10,000
Karen	Karen State plus	DKBA	BGF	4,000			
Karen	Karen State plus	DKBA-KHB	CF	1,500	KNU	CF	5,000
Karen	Karen State plus	KPC	CF	500			
Karenni	Kayah State	KNPLF	BGF	500	KNPP	CF	1,000
Karenni	Kayah State	KNLP	M	500			
Kokang	Shan State	MNDAA	BGF	1,000			
Lahu	Shan State	Lahu militias	M	1,000	LDU		100
Mon	Mon State				NMSP	CF	1,500
Naga	Sagaing	NSCN-K	CF	1,000			
Palaung	Shan State	PSLO	M	1,000	TNLA	CF	800
Pa-O	Shan State	PNO	M	1,000	PNLO	CF	100
Rakhine	Bangladesh & India	DPA		100	NUPA/ANC		100
Rakhine	Thailand	ALP	CF	100			
Rakhine	Kachin State	AA		1,000			
Shan	Shan State	RCSS	CF	7,000	SSPP	CF	2,000
Shan	Shan State	SSA-N 3,7B	M	1,000			
Shan-mix	Shan State	NDAA	CF	2,000			
Wa	Shan State	UWSA	CF	30,000	WNO		100
			Total	56,200	Total		20,800

Note: CF = ceasefire signed. CF = ceasefire being negotiated. M = Militia. BGF = Border Guard Force.

Abbreviations: AA = Arakan Army; ALP = Arakan Liberation Party; CNF = Chin National Front; DKBA = Democratic Buddhist Army (breakaway from KNU); DKBA-KHB = Democratic Karen Benevolent Army – Klo Htoo Baw (breakaway from DKBA); DPA = Democratic Party of Arakan; KIO = Kachin Independence Organization; KNLP = Kayan New Land Party; KNPLF = Karenni Nationalities Peoples' Liberation Front; KNPP = Karenni National Progressive Party; KNU = Karen National Union; KPC = KNU/KNLA Peace Council (breakaway from KNU); LDU = Lahu Democratic Union; NDAA = National Democratic Alliance Army a.k.a. Mong La; NDA-K = New Democratic Army – Kachin; NMSP = New Mon State Party; NSCN-K = National Socialist Council of Nagaland - Kaplan; NUPA/ANC = National Unity Party of Arakan/Arakan National Council; MNDAA = Myanmar National Democratic Alliance Army; PNLO = Pa-O National Liberation Organization; PNO = Pa-O National Organization; PSLO = Palaung State Liberation Organization; RCSS = Restoration Council for the Shan State; SSA-N 3,7B = Shan State Army – North, 3rd & 7th Brigade; SSPP = Shan State Progressive Party; TNLA = Ta-ang National Liberation Army; UWSA = United Wa State Army; WNO = Wa National Organization; ZRO = Zomi Reunification Organization.

Technically: Militias and Border Guard Forces are under the command of the Burma Army and should not be included in this chart. But in practice, they are semi-independent and must be taken into consideration.