

Armed Groups and Political Legitimacy

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THE peace process in Myanmar remains the best opportunity in many decades to address the political, social and economic issues that have long driven armed conflict. Although negotiations between the government and ethnic armed groups have struggled to reach agreement on a number of key issues, there is still the prospect of negotiating a nationwide ceasefire accord in the next few months.

Already, significant progress has been made both on the substance of negotiations and in bringing key actors to the table. However, continued military clashes in northern Myanmar have damaged confidence in the peace process, while progress in the talks has been slow due to different conceptions regarding the structure and legitimacy of the state, and of its challengers.

Until late last year, Myanmar's ethnic armed groups had negotiated individually with the government's chief peace envoy, U Aung Min, assisted by the Myanmar Peace Center. In an important development, in November 2013 most – but not all – ethnic armed groups established a Nationwide Ceasefire Coordinating Team (NCCT), tasked with multilateral ceasefire negotiations with the government. For the first time in the country's history, the government was willing to recognise and engage with an alliance, rather than deal with these groups one-by-one. In another important development, since late last year the Myanmar Army, or Tatmadaw, has been closely involved in negotiations toward a nationwide ceasefire. For the previous two years, observers and actors had questioned whether U Aung Min and colleagues – although clearly serious about reaching a settlement to Myanmar's protracted ethnic conflicts – had the authority to negotiate on behalf of the Tatmadaw. Now that the military is involved, negotiations have begun in earnest – and unsurprisingly perhaps, the army's position has been revealed as significantly less flexible and accommodating to ethnic demands than U Aung Min's.

Therefore, one of the major challenges facing the peace process is for senior Tatmadaw leaders to go through the same transformation undergone by U Aung Min over the past two-and-a-half years. The President's peace envoy now demonstrates a deep understanding of the positions of ethnic nationality stakeholders in the peace process. Recent talks in Yangon and Nay Pyi Taw indicate that top Tatmadaw leaders may also be capable of flexibility and creative engagement in the peace process. However, time is running out to achieve a comprehensive settlement before elections scheduled for late next year begin to overshadow peace process.

Despite provisional agreement on a number of substantive issues, the two sides have disagreed on the language and substance of ethnic demands for a re-structuring of state-society relations in Myanmar to achieve a federal settlement. The president has in principle endorsed a federal solution to ethnic conflict in Myanmar but concrete negotiations have yet to achieve a breakthrough.

Another sticking point has been the language used to describe EAGs. While the government side – and particularly the Tatmadaw leadership – prefer the designation “armed groups from ethnic areas”, the groups themselves insist on being referred to as “revolutionary ethnic armed organisations.” This is more than just semantics.

Many ethnic stakeholders consider the current structure of the state of Myanmar as illegitimate. Although there is widespread appreciation for the reform process led by the president, many remain sceptical as to whether the government – and particularly the Tatmadaw – is willing to re-imagine and re-negotiate state-society relations. Ultimately, this is a matter of changing political cultures and attitudes as achieving agreement on paper. Senior Tatmadaw commanders have sometimes seemed dismissive of armed groups’ concerns and demands – attitudes taken by some ethnic leaders as evidence of the unreconstructed nature of the Myanmar military and state.

By claiming the designation of “revolutionaries”, ethnic armed groups indicate their desire to radically change the nature of the state in Myanmar, to better reflect the aspirations and address the concerns of ethnic communities. For the government and army however, the problem seems rather one of placating restive minorities through the provision of economic development and other benefits in remote areas. This “economic development first” agenda fails to recognise the fundamentally political nature of ethnic grievances and demands.

Before reforms in Myanmar got underway in 2011, the military regime was widely regarded – at least among Western countries – as an illegitimate pariah. However, the reforms of the past three years have altered this assessment, with many international actors understandably keen to support the reform movement by supporting the new government. In this context, donors and diplomats often seem unable to appreciate that the legitimacy of the state, as currently configured, is still contested by many ethnic nationality actors. By supporting the extension of state services and governance functions into conflict-affected, previously semi- or sometimes completely – autonomous areas, international donors risk doing considerable harm to the peace process.

In order to mitigate against this risk, strengthening of the state should be accompanied by support to ethnic armed group governance regimes and service delivery structures, until such time as the conflict over the nature and structure of the state has been resolved through political dialogue. This will require working in different ways in different areas, responding to local needs and prevailing political sensibilities.

In many conflict-affected areas, the state is not present – or is only represented by the Tatmadaw, which for local populations is experienced as a violent and predatory force. Ethnic administrations often enjoy considerably more local recognition and support than those of the government, and in many areas the only existing services are delivered by non-state actors, including community-based organisations associated with armed groups. Attempts at peace-building in Myanmar are unlikely to succeed unless these non-state actors are supported, as part of a conscious strategy of “convergence” (or “reconciliation”) between state and non-state regimes.

Given the slow progress of negotiations toward a nationwide ceasefire accord and consequent delay in the commencement of political dialogue, it will be important to ensure that existing bilateral ceasefires between the government and ethnic armed groups are successful on the ground, to provide peace dividends for conflict-affected communities. This could be achieved through “interim arrangements” that safeguard the status of non-state governance and service delivery systems in conflict-affected areas – at least during the period of political negotiation, before a comprehensive peace agreement is reached. Given the bottlenecks outlined above, this transitional period may be prolonged – probably stretching beyond the elections.

One of the main demands of ethnic stakeholders (accepted in principle in the draft nationwide ceasefire accord) is for a political dialogue focused on their concerns and aspirations, and to negotiate changes in the relationship between the state (meaning the central government) and Myanmar's diverse ethnic groupings. It is assumed that ultimately this will require constitutional change. If and when substantial political dialogue starts, it should be more inclusive than the process of negotiating military ceasefires, including representatives of political parties, civil society actors and of women. In this context, there are likely to be increasing challenges to the legitimacy of ethnic armed groups. Already, some voices are questioning the degree to which these groups really represent their claimed constituencies – and to what extent these are essentially “warlord organisations”.

It must be acknowledged that most ethnic armed groups – and individual field commanders – do have economic agendas. It is hardly surprising, after decades of armed conflict, that political economies in conflict zones sometimes involve activities that enrich both ethnic group and Tatmadaw personnel. This is an issue which ethnic armed groups must address, if they are to continue to enjoy community support.

Many of the longer-established ethnic armed groups do enjoy very extensive – albeit sometimes contested – support among ethnic communities. Of course, they cannot claim to be the sole political representatives of ethnic communities. As a result of the ceasefires, and government toleration of interactions between ethnic armed groups and ethnic political parties, civil society and communities more broadly, Myanmar's armed groups are in many cases learning to be less “hegemonic”. They are being drawn into collaboration with other stakeholders, such as ethnic political parties that enjoy legitimacy due to their success in the 2010 or 1990 elections.

It is important to recognise that the main ethnic armed groups do enjoy significant – although not exclusive – political legitimacy, as representatives of ethnic interests and identities. Only by recognising and responding to this legitimacy can the peace process be sustained.

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