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Struggling for Peace

THE ETHNIC ARMED ORGANISATIONS' SUMMIT, THE UNFC CONFERENCE AND THE FUTURE

July 2014, saw a third ethnic conference held to discuss the Nationwide Ceasefire Agreement and August saw the first conference of the United Nationalities Federal Conference (UNFC). The Ethnic Armed Organisations' Summit, held in Laiza, Kachin State, was the culmination of peace talks both within armed ethnic organisations and with the Government's Union Peace-making Working committee. The Summit, arranged by the Nationalities Ceasefire Coordination Team, was designed to finalise a Nationwide Ceasefire Agreement (NCA) draft and military Code of Conduct.

The peace process in the country has faced many obstacles over the last three years. Obvious issues including concerns over trust, confusion over the NCA and dialogue phase, conflict in Kachin State, fighting in Shan and Karen States, and divisions within individual armed groups themselves, have resulted in drawing out the process. While throughout this period, the Government has found its own position weakened due to these delays and the Burma Army has been given the opportunity to consolidate their hold over ethnic areas and gain more territory.

The main reason for such vacillation on behalf of the armed groups is largely trust and the inability of many of their leaders to prepare themselves for a time when peace would be offered. Although leaders of the NMSP and KIO had seen relative calm in the areas they controlled, after their ceasefires the failure of the then military government to agree to ethnic demands seriously diminished their faith in the then Government. Consequently, this has further strengthened concerns within those two groups especially in relation to trusting any Burmese Government. According to Nai Han Tha:

Both sides still harbour deep suspicions against each other . . . Each side is concerned the other side will take advantage of the ceasefire agreement to expand and build up its own forces.¹

While such a concern is valid, in reality the Burma Army has, throughout the three years of the peace process, continued to strengthen its hold over ethnic territory and fortify its existing outposts anyway. Therefore, this in itself cannot be the only reason for suspicions and the subsequent delaying of the peace process.

While a number of groups have been able to address some of their trust issues, for example the KNU, the RCSS and the CNF, there still remains a long way to go and the latest Laiza Summit, held from 24-31 July, provided a more substantive process for dealing with the underlying issues currently plaguing the peace process. In total, there were 10 main points that emerged out of the summit in relation to the Nationwide Ceasefire Agreement these were:

1. To firmly adhere to the principle of forging a genuine federal union system based on constituent states that fully enjoy democracy, ethnic equality and right of self determination
2. Subject to acceptance by the government of Resolution # 1, the word “revolutionary” will be deleted from the title of the agreement
3. To adopt the title “Union Peace Conference” for the planned national conference
4. The Three Causes (i.e. Non-disintegration of the Union, Non-disintegration of National Solidarity and Perpetuation of National Sovereignty) as proposed by the government will be designated a subject to be discussed in the planned political dialogue
5. The planned political dialogue will be participated by the government, ethnic armed organizations and registered political parties including “appropriate democratic forces”
6. “National level” political dialogue will be replaced with “national level and political multinational level” political dialogue
7. “Transitional arrangements” will be part of the NCA
8. The NCCT is empowered to amend the NCA draft without prejudice to the basic political to the basic political principles laid down by the Law Khee Lah conference (In January 2014)
9. Propose two additional signatory witnesses to the NCA signing: Japan and Norway²
10. Signatory organizations must meet the requirements as set out by the Law Khee Lar conference: being signatories to the Laiza conference resolutions, having concluded ceasefire with the government, possessing the required attributes of an ethnic armed group, not being an armed group under the control of the government and its military and not being an organization fighting against a foreign government

In addition to the above points that the Government needs to accept, the Summit also conceded to the term ‘revolutionary’ being removed from the title of the document, although the term remains in the body of the text. Whether this can be viewed as a real concession considering it still appears in the text, and is therefore likely to be a major impediment in relation to dealing with the military, is debatable.

The Summit also recognised the fact that an executive NCCT body also needed to be formed. This would be comprised of two leaders from each group and there would be no more than 35 individuals in the decision making body. It was hoped that this body will expedite decision-making therefore speeding up the process by removing the number of individuals involved.

Perhaps the greatest achievement of the recent talks is the recognition by the Government that the future of Burma is tied to a federal union. Previous talks had alluded to such a concession but at the recent talks in Laiza Government negotiators confirmed that this is now accepted by both sides, and will be included in the NCA agreement and form the a credible basis for future political dialogue.

Nonetheless, there is a clear conflict between who should own the process, the NCCT or the UNFC. The UNFC suggested at the summit that it should be the executive. This is a position that caused great disagreement with certain members of the NCCT, especially those members who believe that the UNFC’s views are not synonymous with their own. A number of groups disagree with the UNFC position in regarding its failure to recognise the 2008 constitution, which therefore challenges the legality of the Government regarding negotiations. Additionally, a number of groups in the UNFC,³ including the Wa National Organisation and Arakan National Council, are not recognised by the Government, and some are thus ineligible to sign an agreement. According to Padoh Kwe Htoo Win from the NCCT:

For example, those who meet the standard are organizations that previously reached individual ceasefires with the government and ethnic armed groups who have engaged in armed hostilities with the government for their political beliefs. . .⁴

However, the UNFC has to take into account the desires of all its members; this therefore further complicates the process and is most likely to cause yet more delays. Throughout the peace talks,

since the beginning in November 2011, the unity of armed ethnic groups has consistently been challenged. The SSSA-South/RCSS was the first group to sign an agreement with the Government and did so unilaterally. The SSA-S had not joined the UNFC primarily because it saw its military cooperation agreement with other ethnic group as adequate. The SSA-S has ensured that no other armed groups will have a direct influence on its relationship with the government, and although willing to attend as observers at ethnic unity meetings, its own priorities have remained steadfast.

The Karen National Union, which began the process under a different, hard-line leadership, throughout the talks has also faced a number of challenges as factional infighting has sought to control the position the KNU would take. The current leadership views its role in the UNFC differently to that of the former Executive Committee. It has therefore decided to put its own peoples' priorities above that of the ethnic alliances.

In reality, ethnic unity was working extremely well during the conflict; however, throughout the Nationwide Ceasefire process it has become apparent that a number of other actors, ethnic leaders, and to some extent funding organisations and CBOs, have sought to manipulate many of the armed ethnic groups creating further divisions and hampering the speed of the talks.

Many ethnic leaders have suggested throughout the talks that the Government has employed a 'divide and rule' strategy against the armed ethnic groups. However, there is little evidence to support such a claim. In fact, armed ethnic actors have divided themselves for a number of reasons. The most obvious of which is the fact that some ethnic leaders themselves are not equipped to handle such a wide-ranging peace process, and therefore do not fully understand it. Additionally, petty rivalries between groups and leaders have also surfaced as each has sought to gain an upper hand in how talks have been conducted. Indecision as to what the NCA and the Dialogue process should contain, and continual meetings often precluded by pre-meeting meetings have seen little progress. It had originally been hoped that the original Laiza meeting held in 2013 would provide substantial progress and while it was recognised as being extremely successful, another meeting at Law Khee Lah, Karen State, in January 2014 was held to further discuss issues raised at Laiza. The main points for the talks to proceed meant that all participants agreed to the:

- Basic Principles
- Aims and Objectives
- Political roadmap
- Military matters
- Code of Conduct
- Nationwide Ceasefire Joint Monitoring
- Trust building and Waiver of Law on Unlawful Associations
- Political dialogue
- Transitional arrangements
- General
- Signing of the agreement

All sides present⁵ including the UNFC agreed to the Law Khee Lah agreement however, it appears that the UNFC still had concerns in relation to the best way forward and Kachin leaders especially were much more cautious in their approach to further talks with the Government. Even after the July Laiza conference, armed ethnic groups, despite appearances, remained divided in the way to move forward.

THE UNFC CONGRESS

From 25 August to 3 September 2014, the UNFC held its first congress. The origins of the UNFC began in November 2010 shortly after the election. Three ceasefire groups, the Kachin Independence Organisation (KIO), the New Mon State Party (NMSP), the Shan State Progress Party (SSPP) together with three non-ceasefire groups, the Karen National Union (KNU), the Karenni National Progressive Party (KNPP) and the Chin National Front (CNF), formally announced the creation of an organising committee, the Committee for the Emergence of a Federal Union (CEFU). The Committee's purpose was to consolidate a united front at a time when the ceasefire groups faced perceived imminent attacks by the Burma Army due to the BGF issue. At a conference held from the 12-16 February 2011, CEFU declared its dissolution and the formation of the United Nationalities Federal Council (UNFC). The UNFC, which was at that time comprised of 12 ethnic organisations, stated that:

The goal of the UNFC is to establish the future Federal Union (of Burma) and the Federal Union Army is formed for giving protection to the people of the country.

The political leadership of the alliance originally fell on the KNU with KNLA Commander-in-Chief General Mutu announced as Chairman and KIA commander, Lt. Gen. Gauri Zau Seng as Vice Chairman No.1. The KNPP's Abel Tweed took the position of Vice Chairman No.2 and the NMSP's Nai Han Tha, General Secretary. The creation of the UNFC occurred while a number of other ethnic alliances still remained. The National Democratic Front, formed in 1976, still contained members of armed ethnic groups, the NCUB was still active as was the Ethnic Nationalities Council (ENC) and there was also a five-party military alliance, and the existence of the latter was the reason given by the SSA-South for not joining the UNFC.

Despite the fact that Gen. Mutu was ostensibly Chairman, the UNFC's policies were mainly driven by the KIO and the NMSP. The Central Executive Committee was reformed in May and it was announced that Lt. Gen. N'Ban La of the KIA would take over as Chairman and Gen. Mutu would be Commander of the Federal Union Army (FUA). Leadership changes were made once more at a meeting in November 2011, Gen. Mutu was replaced by Maj. Gen. Bee Htoo of the KNPP as Commander-in-Chief and Brig Gen Gun Maw of the KIO was appointed as Deputy#1. (For further information on the UNFC see Briefing paper No.6).

The role of the UNFC was greatly enhanced when it received funding from the Nippon Foundation. Yohei Sasakawa, the chairman of the Nippon Foundation, was appointed Japan's special representative to help achieve ethnic reconciliation.⁶ The financial support and purported advice of Nippon foundation members has allowed the UNFC access to various individuals and groups including Aung San Suu Kyi, the United Nationalities Alliance, and 88 Generation. The connection with the Nippon Foundation is also strengthened by the fact that Katsuyuki Imimoto, who works with the Nippon Foundation, also serves as a consultant to the relief and rehabilitation committee of the UNFC.

The 2014 conference was the first the UNFC had had since its inception and the Karen National Union had hoped to restructure the alliance so it best reflected all of its member components, rather than just the KIO and NMSP. Consequently, the KNU submitted a 10-page proposal at the beginning of the meeting for discussion. This proposal suggested a rolling leadership position similar to ASEAN in which the chair of the group would be shared by the major members of the UNFC and that there should be a review of UNFC policies. According to reports, the UNFC had attempted to restrict individual members from signing bi-lateral ceasefire agreements, and had sought to control financial support and humanitarian aid to individual members.⁷

KNU sources have said that the UNFC chair, N'Ban La from the KIO, although accepting it, had originally ignored the proposal and when it was finally discussed, a number of days later, it was dismissed out of hand.⁸ In addition, it was reported that N'Ban La had suggested that the KNU were

acting as agent provocateurs on behalf of the government. As a result, General Mutu and the KNU delegation walked out of the conference, while David Thackerbaw, KNU Alliance Affairs Minister, and Padoh Mahn Mahn, who has a position on the UNFC Technical team remained, both are also members of a competing faction within the KNU led by Naw Zipporah Sein and supported by Lt.Gen. Baw Kyaw Heh former commander of the KNU fifth Brigade.

Matters were further complicated when Naw Zipporah Sein sent a letter to the UNFC, purportedly on behalf of the KNU leadership titled 'The difference in views between KNU delegates on the UNFC constitution', stating that:

We, the Karen National Union, will discuss and negotiate among ourselves over the disagreement between KNU delegates ... On behalf of the Karen National Union, I would like to apologise to the UNFC for delaying the conference.⁹

Regardless, the KNU Central Executive Committee reiterated its stand in a statement issued on 1 September 2014:

Temporarily suspension of participation from the United Nationalities Federal Council (UNFC)

Effective Sunday, 31 August 2014, the Karen National Union (KNU) has temporarily suspended its participation in the United Nationalities Federal Council (UNFC). The KNU Central Standing Committee will determine whether or not the KNU will withdraw from UNFC. Until this decision is final, KNU will not participate in UNFC meetings, activities, or decision---making events.

This decision followed a week of discussions amongst leaders of UNFC's members at the UNFC Congress. "The KNU objects to the UNFC holding decision---making authority over its members," explained Saw Tah Doh Moo. "We believe that UNFC should operate as a collaborative forum for members to work together to identify and resolve common interests and problems, not as a sovereign organization that can make decisions and implement directives that its members must follow."

"Karen policy has been based on the tenet that the Karen people will decide their own political destiny," stated P'doh Kwe Htoo Win, the KNU General Secretary. "We will not give that authority to another organization or people. This isn't something new - this has been a guiding principle in Karen politics since Saw Ba U Gyi's presidency in the late 1940s."

KNU delegates will meet with the KNU Central Standing Committee in the upcoming weeks, and the Central Standing Committee will determine whether or not the KNU will retain its membership in the UNFC.

Regardless of its standing in the UNFC, the KNU will continue to work with all the ethnic armed groups, including the Nationwide Ceasefire Coordinating Team (NCCT), which was formed by the 16 ethnic armed organizations to negotiate with the Union Peacemaking Work Committee. "The KNU continues to strongly support ethnic cooperation and coordination, and the KNU will continue to work with all ethnic armed organizations, political parties, pro--democracy organizations, and civil society to attain a nationwide ceasefire, political dialogue with all stakeholders, and a just and lasting peace in Burma/Myanmar," stated Chairman Saw Mutu Sae Poe. "The decision to suspend our participation in UNFC resulted strictly from our disagreement over sovereignty of decision-making authority."

Furthermore, leaders insist, this will not affect the timeline of the peace process. The KNU will continue its representation in the NCCT, working with the other ethnic armed

organizations on the collective Nationwide Ceasefire Agreement (NCA). “The KNU does not intend to sign a separate nationwide ceasefire accord with the Myanmar government,” emphasized Chairman Saw Mutu Sae Poe. “The NCCT will continue to negotiate the terms of the NCA, and when ethnic armed organizations are ready to sign the NCA, then we will move forward together.”

Shortly after, the UNFC also issued its statement on the congress:

Statement by United Nationalities Federal Council (UNFC), September 2, 2014

1. The UNFC, which was formed in February 2011, successfully held its First Congress from August 25 to September 2, 2014, in accordance with its Constitution. The Congress was attended by 90 delegates from its 12 member organizations and 5 associate organizations.
2. At the Congress, the participants meticulously reviewed the difficulties, impasses and successes the UNFC had to go through in more than three and a half years’ time. The Congress put on record the recognition the UNFC had received from communities at home and abroad, for its unity and collective leadership.
3. The Congress delegates were very much upset by withdrawal, before the end of the Congress, by delegation of the KNU, which was the original member organization of the UNFC, and its decision to suspend temporarily participation of KNU in the UNFC. However, it is believed that internal discussion within the KNU would result in return of the KNU, before long, to the alliance just like before. For that reason, a position of the vice chairmanship and of an executive committee member are left vacant in the elected executive committee, so that the positions would be taken up by the KNU on its return.
4. With the determination to strengthen ever more the unity of the UNFC, the Congress had performed with great care not to leave out any member organization. The Congress was able to lay down solidly future work programs, for greater cooperation with associate member and associate organizations. Plans were also laid down to work jointly, with supporters and organizations at home and abroad, for the emergence of political dialogues, including the matter of nationwide
5. The Congress resolved that with respect to ceasefire, the NCCT is a working group formed of representatives of the UNFC member and associate organizations, and that working group is performing for achieving a Nationwide Ceasefire Agreement, in accordance with the principles and policies laid down by the UNFC.
6. In democratically electing 12 central executive committee members for the 2014-2016 UNFC term of office from 42 Federal Council members, the Congress was able to elect the leaders mentioned below.

Central Executive Committee Members

1. General N-Ban La - Chairman
2. Nai Han Tha - Vice Chairman (1)
3. KNU - Vice Chairman (2)
4. Koo U Reh - General Secretary
5. Col. Khun Okker - Joint Gen. Sec. (1)

6. Salai Thla Hei - Joint Gen. Sec (2)
7. Doctor La Ja - Central E.C. Member
8. Gen. Be Htoo - do
9. Duwa Bumwang Laraw do
10. Sao Sai Htoo - do
11. Dr. Khin Maung - do
12. KNU - do

7. It is hereby declared that the Central Executive Committee members and the Federal Council Members, elected by the UNFC First Congress, shall work for peaceful resolution of political problems of the Union of Burma and shall strive until the establishment of a Federal Union, which is the political aim of all the ethnic nationalities, is successfully achieved.

The KNU decision to suspend its membership of the UNFC pending a decision by the Central Standing Committee was greatly criticised by Karen Women's groups that had remained loyal to the Zipporah Sein faction. However, their position ignored the rudimentary basis for the Karen resistance in the first place in that only the Karen shall decide the political destiny for the Karen. The KNU argument therefore is that involvement in the UNFC, which is dominated by the KIO and NMSP means that it is these two groups that hold sway over the Karen people's fate. The CSC meeting, which was held at the end of October, decided that the KNU would continue to suspend its participation in the UNFC and would review its position at the next KNU congress due to take place at the end of 2016.

RECENT NCCT/UWPC TALKS

On 22 September 2014, the NCCT, the UWPC and representatives from the Burma Army met again to discuss the Nationwide Ceasefire Agreement. The talks, held in Rangoon, were conducted to create a definitive ceasefire accord, however yet more problems emerged. The fourth draft of the agreement has 104 points, only five of which had not already been agreed to.

Lieutenant-General Myint Soe, the head of the Tatmadaw negotiating team noted that:

We soldiers are the one who want peace the most; we are not here to find fault with one another.¹⁰

However, the importance of the talks, perhaps somewhat pessimistically, were best described by Nai Han Tha, head of the NCCT negotiating team, when he commented at the beginning of the talks:

If we continue like this, there is no hope for our country, it could eventually split into pieces¹¹

Possibly one of the biggest impediments to the signing of the nationwide ceasefire agreement is the blurring of lines between what is included in the agreement itself. The core element of a ceasefire agreement should consist of:

. . . provisions for (1) a cessation of hostilities, (2) the separation of forces, and (3) the verification, supervision, and monitoring of the agreement.¹²

However, the current NCA framework includes numerous provisions from the political dialogue phase, including the formation of a Union Army, and other issues that continue to prevent the signing of the agreement and that are not necessarily military matters. However, such practices are not new, in relation to ceasefire agreements the inclusion of political issues has become more common. According to the Public International Law and Policy Group:

Since World War II, the line between ceasefires and peace agreements has begun to blur. Many modern ceasefires do not precede a more comprehensive peace agreement. As a result, some negotiating parties have included ceasefire obligations that extend beyond the common core elements. In recent ceasefires, parties have included political obligations or complex military arrangements out of a concern that a broader agreement may never be negotiated. The inclusion of too many issues, however, could threaten the ability of the parties to achieve a swift cessation to on-going hostilities. Parties may create a clear commitment to promptly negotiate a later agreement to avoid forcing premature issues into a ceasefire.¹³

This is something the NCCT are aware of, according to Nai Han Tha:

We have heard people suggest that the points which are stalling the agreement should be carried over to the political dialogue, and then the Nationwide Ceasefire Agreement can be signed soon. We respect their opinions however, according to our past experiences, we want the ceasefire process to be secure and concrete, not only in name. If we accept easily and make a mistake it can be broken, and then we will be victims of the conflict again. Therefore, I would like to assure everyone that we will continue to try hard, and we have the same desire of the political parties to gain peace.¹⁴

That said however, failure to reach an agreement can also result in armed groups becoming victims of the conflict again, and in the meantime, as noted earlier, it allows the Burma Army to strengthen not only their military position but also their bargaining ability. While such concerns in regards to the political dialogue phase is understandable, the signing of the NCA, which does not include armed groups relinquishing their weapons, should be made a priority and should the ceasefire breakdown, then armed groups can revert to their pre-2010 position. However, this should not be considered an alternative, and should only be the last resort.

Numerous obstacles remain, and while it is hoped that the NCA can be signed soon, the current climate suggests it is unlikely to be signed this year. It is quite clear that the UNFC, led by the KIO, wants to undermine the NCCT leader's powers in relation to dictating necessary terms, and this again will further delay the signing of the agreement. The belief in maintaining an ethnic unified front has ensured that the process has taken the length of time that it has, and in doing so assisted the Burma Army and weakened the Presidents power to negotiate. As a result, the UNFC needs to reassess its position in relation to the benefits they provide for individual armed ethnic groups and the peoples they represent.

After over sixty years of conflict, it is understandable that caution be maintained, however the revolutions that began years ago, are not the same revolutions of today. Armed Ethnic Groups and their leaders especially, need to re-evaluate their position in relation to working with the Burmese Government in the current climate. As the 2015 election approaches, and the outcome of such is uncertain, now would be the time to act.

Notes

¹ http://www.english.panglong.org/index.php?option=com_content&view=article&id=5894:japan-and-norway-proposed-as-ceasefire-witnesses&catid=85:politics&Itemid=266

² In addition to the seven agreed to at Law Khee Lah: Secretary General, United Nations, Secretary General, Association of Southeast Asian Nations (ASEAN), United States, People's Republic of China, India, Thailand, United Kingdom

³ As well as the WNO and the Arakan National Council (ANC) others include the Lahu Democratic Union (LDU), also an exiled Kokang group and also a Zomi group.

⁴ Burma Govt, Ethnic Discuss Roster of Eligible Ceasefire Groups, May Kha & Saw Yan Naing, The Irrawaddy 4 August 2014

⁵ Neither the UWSA or NDAA-ESS attended the talks

⁶ The appointment of Sasakawa as special envoy follows his earlier appointment, in June 2012, to be Japan's "Goodwill Ambassador for Welfare of the National Races in Myanmar." <http://www.nippon-foundation.or.jp/en/news/articles/2013/1.html>

⁷ 'Why Did the KNU Withdraw From the UNFC?' Saw Yan Naing, The Irrawaddy, 3 September 2014, and personal conversation with KNU leaders 1 September 2014

⁸ Personal conversation with KNU leaders 1 September 2014

⁹ 'KNU suspends membership of ethnic alliance' Angus Watson, DVB, 1 September 2014

¹⁰ 'Peace talks at 'crucial moment', says U Aung Min', AFP, Mizzima, 23 September 2014

¹¹ Ibid.

¹² 'Ceasefire Drafters Handbook', Public International Law and Policy Group, 2013

¹³ Ibid.

¹⁴ 'NCCT, UPWC and Political Parties Held Tripartite Dialogue in Rangoon To Discuss the Current Peace Process', Statement issued 27 Rangoon, knuhq.org