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AUTHOR: Paul Keenan

The Union Peace Accord

Moving forward after the election

After the Myanmar peace process had been deadlocked from the end of 2018 until the beginning of 2020 the Government of Aung San Suu Kyi along with the military and a number of armed ethnic organisations (EAOs) were able to hold another Union Peace Conference 21st Century Panglong (UPC) from 17-19 August 2020.

State Counsellor Aung San Suu Kyi had made resolving peace with the many armed ethnic groups in the country a priority after coming to power in 2015. And both the State Counsellor and Commander-in-Chief of the armed forces, Snr. Gen. Min Aung Hlaing had voiced an opinion that talks must re-start prior to the 2020 general election.

Several criticisms have been made about the results of the UPC which saw representatives from all 10 Nationwide Ceasefire Agreement-signatory EAOs participate. Invitations had also been offered to non-signatory EAOs from Kachin (KIA), Wa (UWSA), Kokang (MNDAA), Mong La (NDAA), and Shan (SSPP) in the northeast, but all declined due to the exclusion of the Arakan Army (AA) which the government has designated a terrorist organisation.

Regardless, the talks continued with the adoption of a further 20 principles for the Union Accords (UA), and an agreement among the parties to continue formal peace talks with the incoming government in 2021. While some believe there were no substantive results from the UPC,[1] the fact is that the UPC meeting has led to the reinvigoration of a stalled peace process and allowed further time for EAOs to reconsider their position in moving forward.

At least one participant, Sai Leng from the Restoration Council Shan State Army, pointed out that,

> It is meaningful to agree on how to build a federal union beyond 2020. We also agreed on some guiding principles of building the federal union, such as power-sharing between Union and States,[2]

Similarly, the State Counsellor said the peace process was now back on track and the principles signed were "more sincere and have more substance."[3]

Lieutenant General Yar Pyae, the military delegate and chairman of the Joint Monitoring Committee on the nationwide ceasefire,

> Now we can draw a conclusion that countless negotiations have reduced the mistrust that has been deep-rooted on both sides . . . [stakeholders] should not leave the negotiation table, whatever the reason.[4]

According to one EAO advisor, one of the more important points was that,

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> Part 3.3 (a) Power, resource, tax and finance will be divided between the Union and regions/states in line with the federal system (official translation).

But he also noted,

> [But] Some observers have pointed out that it was only a repetition of UA#1 (political sector) 4 (d). But according to the negotiators, the difference is the emphasis shown here, which was not in UA#1. Therefore, they [ethnic leaders] say, the key to a federal union is now open. Accordingly, it can be regarded as a second breakthrough after the NCA.[5]

Another negotiator in the talks had suggested that the talks were 'more disappointing' but expressed the desire to move forward regardless.[6]

Perhaps one of the biggest hurdles to be overcome by EAOs, at least those that have signed the NCA, is developing much more individual strategies for the needs of the different EAOs and enhancing their decision-making processes, negotiating strategies and the members of their negotiating team.

Each EAO has different objectives, some EAOs have less military power and as such need to look at alternate objectives in regards to Security Sector Reform (SSR) and Disarmament, Demobilization, and Rehabilitation (DDR) which is a pre-requisite of the military in the peace process. Currently, however, all groups have relied on a unified strategy which may in effect impair the progress of negotiations with other groups and their own required outcomes.

This unified strategy as laid out in the peace process that was set up in 2015 needs to be reviewed. The tripartite negotiating blocks are not functioning as expected. As noted, the EAOs are unable to function as one unified force due to different objectives and the capabilities of the various groups. They have different circumstances and interests.

Additionally, the remaining ten Non-Signatories have a similar problem in that only about half of them are interested in Federalism and Democracy which are the two key elements in the peace talks. Consequently, a standardized strategy or uniform approach will not work for all the EAOs. But if the EAOs do not have a shared objective, they are not individually strong enough to negotiate any concessions from the government or Tatmadaw.

Meanwhile, the government, parliament and military apparatus are also not functioning as well as originally laid out in 2015. Parliamentary participation has all but disappeared, and the government and Tatmadaw function separately.

Another issue is the failure of the Joint Implementing Coordination Meeting (JICM) which is meant to be a joint deadlock breaking mechanism. Instead, the JICM has become a decision-making body for the UPC, chaired by the State Counsellor. JICM Working Groups have also replaced the Union Political Dialogue Joint Committee's Working Groups and the UPDJC meets only to rubber-stamp the decisions of the JICM. The Joint Monitoring Committee set up to jointly monitor ceasefires has served little purpose and has become a Military Affairs Committee run by the Myanmar military.

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In what could be seen as a possible attempt to secure a stronger position in the peace process post-2020 election the military announced, the day after voting, a Peace Talks Committee. The five-member committee will be led by Lieutenant General Yar Pyae, the current head of the Joint (Ceasefire) Monitoring Committee. Other members include Secretary Lt-Gen Aung Lin Dway, Lt-Gen Tun Tun Naung, Lt-Gen Tin Maung Win and Lt-Gen Min Naung.[7]

> further strengthening of the peace process, to discuss with non-signatories until they have signed the NCA and to hold the necessary talks to accomplish the goal of restoring eternal peace.[8]

While the committee has said it seeks discussions with non-signatory groups, the fact remains that as long as the Arakan Army is designated as a terrorist organisation, such talks are unlikely to bear any fruit.

Khine Thukha, the spokesman for the Arakan Army (AA), was quoted as saying,

> The military's peace negotiation committee was formed in 2018 with eight members, [and] now there are only five. We will need to judge this new committee by its works, and whether it is just a symbolic one or a genuine one for peace talks.[9]

While the military has signalled it is open to including the non-signatory groups, the process itself remains deeply flawed. Unless this system is reformed, the entire process could once again become stalemated, resulting in a return to the two-year-long situation that saw no progress made. Consequently, all participants need to spend the time after the election reassessing their strategies to bring forward a much more robust and adaptive peace process mechanism that can work for all.

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Notes

[1] See 'Myanmar Peace at a Crossroads in 2020', Tabea Campbell Pauli, Asia Foundation, 30 September 2020
[2] 'Myanmar Peace Conference Ends With Participants Praising 'Meaningful' Principles, Post-Election Plan', Nyein Nyein, The Irrawaddy, 21 August 2020
[3] Ibid.
[4] Ibid.
[5] Personal email correspondence with EAO advisor 23 September 2020
[6] Personal phone call with EAO leader 27 October 2020
[7] https://www.irrawaddy.com/news/burma/myanmar-military-sets-new-committee-peace-talks.html, accessed 10 November 2020
[8] http://www.xinhuanet.com/english/2020-11/10/c_139505272.htm, accessed 10 November 2020
[9] https://www.rfa.org/english/news/myanmar/peace-talks-committee-11102020202224.html. Accessed 10 November 2020