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Where Next in Burma's Peace Process?

By ASHLEY SOUTH On Monday, December 8, 2014 @ 5:10 pm

Over the past few weeks, government, parliamentary and opposition leaders have presented various proposals for high-level political dialogue, possibly leading to constitutional change in Myanmar, also known as Burma. Although significant differences remain between the different proposals, one thing they share is the exclusion of ethnic armed groups. This indicates that the window of opportunity to achieve political dialogue shaped by Ethnic armed groups as part of the peace process is rapidly closing. There may well be political dialogue in Myanmar—probably after the elections—but it seems unlikely that ethnic armed groups will play a leading role. Before the window of opportunity closes, ethnic leaders should focus on securing a comprehensive ceasefire agreement with the government, and above all with the Myanmar Army.

With consideration to the peace process, perhaps more interesting than who participated in high-level political talks in Naypyidaw on Oct. 31 was who did not. The 14 "roundtable talk" participants included President U Thein Sein, the top two Myanmar Army leaders, Union Parliament Speaker U Shwe Mann, and political party leaders, including, of course, democracy icon Daw Aung San Suu Kyi.

Strikingly absent from the talks were representatives of ethnic armed groups. Similarly, recent proposals from parliamentary leaders for 6-party talks excluded ethnic representatives, beyond one political party leader (Rhakine parliamentarian U Aye Maung).

Perhaps this is a model for political dialogue in Myanmar: elite-level, multi-stakeholder discussions toward an eventual political pact. However, key participants probably have limited interest in moving ahead with substantial political dialogue before elections scheduled for the end of next year. It seems unlikely that the NLD or other opposition parties would be willing to contribute significantly toward the success of an initiative led by the current president, in the run-up to elections. They are more likely to wait until the smoke clears after the polls before beginning substantive political discussions. There may be some value in continuing efforts to map an agenda for future political dialogue, but the opportunity has already passed to undertake substantial discussions and reach agreement before the elections. Furthermore, while talks between the government, army, parliament and political parties could be a good way of moving forward on national reconciliation in Myanmar, they nevertheless risk marginalizing those on the ethnic side who have shown commitment to the peace process.

Continued progress toward negotiating a comprehensive Nationwide Ceasefire Agreement (NCA) between the government and Ethnic armed groups is proving difficult. This should not be surprising, given the complexity of Myanmar's armed and state-society conflicts, and the many substantive issues and stakeholders involved. Furthermore, it should be acknowledged that much has been achieved already—despite recent serious setbacks, such as the Nov. 19 Myanmar Army attack on a Kachin Independence Army officer training school, in which 23 cadets from various ethnic armed groups were killed.

The original plan was to start a process of political dialogue after the signing of an NCA, and agreement of a framework for participation. With the clock ticking, and peace talks going slowly, the president and his advisers seem to have decided to begin political dialogue in parallel to negotiations toward an NCA—or even as an alternative route toward achieving a peace legacy, before this becomes a lame duck administration in the run-up to elections. However, the window of opportunity has probably already closed. It is unlikely that substantial discussions can be started (beyond preliminary agenda-setting), and almost impossible that any substantial outcome can be reached, before the elections.

While the prospect of substantive and credible political dialogue before 2016 is remote, recent manoeuvring among the Myanmar political elite should nevertheless cause alarm in ethnic circles. The recent roundtable talks may not amount to much in themselves, but they do offer a glimpse of the future of political dialogue in Myanmar—one in which ethnic armed groups (or for that matter civil society actors) have rather limited roles to play.

Until recently, the government's interlocutors in relation to political dialogue have been ethnic leaders, because of the assumed linking of ceasefires and political dialogue. However, not everyone in Myanmar (or in the international community) regards ethnic armed groups as unproblematic legitimate dialogue partners.

Increasingly, challenges are raised to the assumption that ethnic armed groups can and should represent ethnic communities in political negotiations. On one hand, such caveats are quite reasonable: Ethnic armed groups are just one (albeit particularly important) set of stakeholders among ethnic political actors; furthermore, some armed group leaders have significant economic agendas, and questionable records in terms of human rights and governance in their areas of authority—as do other key players in the peace process.

Nevertheless, several ethnic armed groups do enjoy significant (albeit often contested) legitimacy among the communities they seek to represent. Unfortunately, however, the window of opportunity for these key stakeholders to play a leading role in political negotiations is rapidly closing. Perhaps ethnic armed groups in Myanmar have miscalculated their point of greatest leverage, which may be coming to an end as the government looks around for alternative dialogue partners. It seems unlikely that a future government would accord the same degree of privilege and credibility to ethnic armed groups as the current military-backed regime has done. Any future government will have a large number of issues on the political agenda, and may not prioritize the peace process and ethnic issues in the same manner as the present regime. Indeed, a future government (particularly if NLD-led) is likely to press the 'reset button' on political negotiations.

If Myanmar had a few more years under the current government, it might be possible to conclude negotiations towards an NCA and begin substantial political dialogue involving ethnic armed groups as key interlocutors. However, there is no realistic scenario under which the elections could be suspended, without causing well-founded outrage both domestically and internationally.

Does it really matter if ethnic armed groups are increasingly marginalized? Perhaps not, although—as noted above—it should be recognized that the larger groups enjoy significant political legitimacy, especially among conflict-affected communities. There is also a risk that excluding ethnic armed groups from the political process may empower 'hardliners,' possibly leading to renewed cycles of violence in ethnic nationality-populated areas. The Myanmar Army is presumably prepared for such a scenario, which might suit its long-term plans.

In the meantime, given the near impossibility of achieving a credible political dialogue between now and the elections, ethnic armed groups should focus on more immediate and concrete goals. There are a number of outstanding issues in the peace process, of great concern to ethnic communities—for example, regarding land rights (the widespread threat of land-grabbing in newly accessible, conflict-affected areas)—which could be 'fast-tracked' for discussion, if there was political will among key actors. Ethnic armed group leaders should also concentrate on negotiating an agreement with the Myanmar Army—particularly a Code of Conduct for armed personnel, and ceasefire monitoring. This will not be easy, given the Tatmadaw's'hardline' positions in recent negotiations. However, groups like the Karen National Union have developed something of a special relationship with top Myanmar Army leaders over the past two years, which should be mobilized in order to attempt a breakthrough. The Myanmar Army will continue to dominate the security sector for years to come; there will be no (or only limited) civilian control of the military in Myanmar after 2015.

Together with ethnic armed groups, the Myanmar Army is among the actors which will continue to be key players after the elections. However, the influence of ethnic armed groups will gradually diminish, as just one among a range of stakeholders—rather than as the government's key interlocutors, as at present. Ethnic armed group leaders should therefore secure what advantages they can in the peace process, in the hope of being able to make further progress post-election. To hold out for a better deal in 2016 may not be wise.

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