Burma

National dialogue: armed groups, contested legitimacy and political transition

Harn Yawnghwe

Legitimacy is the key challenge for the Burma Army or *Tatmadaw*, even after 50 years of absolute rule. There is no doubt that it has the coercive power to continue ruling. But no one – not the ethnic population, not the person in the street, and not even the international community – sees the military as the legitimate and rightful ruler.

The armed struggles that have beset Burma /Myanmar since independence in 1948 have involved multiple armed groups seeking recognition and representation and ongoing demands for political transition of the military regime. Recent reformist moves by the state have raised hopes that there is an opportunity for real change. A proposed nationwide ceasefire aims to bring in all armed groups – those that have already signed ceasefires and those that have not. A subsequent National Dialogue looks to include all stakeholders – armed groups, political parties and civil society. The dialogue is not just about resolving armed insurgencies, but about the future of the country.

State legitimacy

Even after writing a new constitution in 2008, holding elections and establishing a "democratic" system of government, President Thein Sein's administration of ex-generals still faces a legitimacy deficit. For many Burmese, the rightful heirs to political authority are symbolised by Daw Aung San Suu Kyi, daughter of independence hero General Aung San, her National League for Democracy (NLD), and the ethnic nationalities.

The *Tatmadaw's* vision of the great Myanmar nation looks back to the reigns of King Anawrahta (beginning 1044), Tabinshwehti (1531) and Alaungpaya (1752), who conquered neighbouring kingdoms from Manipur in India to Thailand. According to this narrative, the British conquest (1886–1948) was an aberration of 62 years. The *Tatmadaw's* mission is to re-establish this mighty empire, which must come at the expense of the ethnic nationalities who constitute at least 40 per cent of the population and whose homelands make up about 60 per cent of Burma's current territory.

The ethnic nationalities' competing national vision acknowledges only temporary subjugation by three Myanmar kings, looking instead to their own kings and traditional rulers, including those reigning during British rule. They do not consider that they were part of the Myanmar empire; in fact, they agreed to join their territories to Myanmar at the 1947 Panglong Conference and claim that they and not the *Tatmadaw* are the legitimate co-rulers of the nation.

British annexation of Burma in 1886 had excluded a number of provinces: Chin Hills Frontier Area (now Chin State); Kachin Hills Frontier Area (now Kachin State); Shan States Protectorate (later Federated Shan States – now Shan State); Karenni States Independent Protectorate (now Kayah State); and Trans-Salween Frontier Area (now Karen State). These were nominally administered separately. The current Arakan and Mon States were part of British Burma.

In the process of winning independence after World War II, Prime Minister Aung San (from the predominant Bamar ethnic group) negotiated the Panglong Agreement with ethnic leaders, which promised them equality and encouraged subsequent demands for federalism. But while the 1947 constitution recognised the various constituent states it gave them no power. Everything was centralised and the Burmese state effectively replaced the British as the new colonial power.

The elected government agreed to amend the constitution in 1961, responding to the ethnic federal movement. The *Tatmadaw*, claiming that federalism would break up the country, seized power in 1962 and promised to oversee a gradual democratisation process. Since then the *Tatmadaw* has re-written history. Many Bamar are not aware of ethnic viewpoints and few understand why ethnic people have been so "troublesome".

Competing claims to legitimacy

Given the disappointment with the 1947 constitution and the 1962 coup, most ethnic political movements began as independence movements. At the grassroots, ethnic people still want to be freed from the Bamar, whom they do not distinguish from the *Tatmadaw*. But in the last 25 years, ethnic leaders have been persuaded that independence is not an option and have generally accepted the idea of a federal union with equal power and autonomy.

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In addition to President Thein Sein's government, the *Tatmadaw*, Daw Aung San Suu Kyi, and the ethnic nationalities, competing claimants to legitimacy include:

- the ruling Union Solidarity and Development Party (USDP)
- the National Unity Party (NUP) – formed from the Burmese Socialist Programme Party that ruled from 1974–88
- the governments of the seven ethnic states and seven regions
- the more than 18 ethnic armed groups who are negotiating ceasefires with the government
- the ethnic parties that won seats in the 1990 elections and those that won seats in the 2010 elections
- the more than 50 opposition parties
- thousands of civil society movements, rights-based groups and informal community groups that have spoken up on behalf of people in the absence of organised opposition.

The USDP is a military creation – no more than 30 per cent of the Bamar population supports it. Most people – Bamar and non-Bamar – support the NLD because they believe Daw Aung San Suu Kyi can bring about freedom from military rule. However, the NLD is weak, having failed to build up the party while waiting 25 years for Daw Aung San Suu Kyi's release. All ethnic armed groups have both hardliners bent on armed struggle and moderates who want to convert to a political struggle. The situation is fluid, but today moderates are ascendant.

In Burma, policies and strategies are second to personalities. Disputes (between or within groups) are generally over who will lead. Burmese society was atomised during 50 years of military rule. There were no organised societal groups or political parties. Civil society and political parties have started to revive but remain small, localised and often ethnically based. Other than the USDP, NUP and the NLD, there are no national political bodies.

Women in Burma have equal status in theory, but in reality most Burmese women play a supporting role and are generally discouraged from leadership. Women are active and are the "doers", but they are not recognised. Bamar women still eat after men and guests have eaten. They are not supposed to touch the head and shoulders of males (even boys) or the male's power will be diminished.

Peace process

The Myanmar peace process came from within and not from international pressure. In his inaugural speech on 30 March 2011 President Thein Sein surprised everyone by stating that his top priority was to build national unity by addressing decades of armed conflict with ethnic nationalities caused by "dogmatism, sectarian strife and racism". Never before had any ruler made it a priority to address the ethnic problem, let alone acknowledge its root causes.

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On 18 August 2011 the government offered to talk with armed groups that wanted peace. Informal talks began on 19 November and the first ceasefire was signed on 11 December with the Restoration Council for the Shan State/Shan State Army–South. To date, 13 other ceasefire agreements have been signed, and a nationwide ceasefire is being proposed. However, while the government is signing agreements and making commitments, it does not seem to be able to control the *Tatmadaw*. Serious ceasefire violations continue.

The government initially mimicked 1990s ceasefire models, which were negotiated surreptitiously as gentlemen's agreements that granted special economic privileges in exchange for an undertaking not to join the democracy movement. Except with the Kachins, nothing was put on paper. Like their predecessors, the president and his chief negotiator, Minister Aung Min, thought they could grant special economic privileges, sign ceasefire agreements and get the ethnic armed groups to disband. The idea was that the armed groups would embrace democracy, form political parties, contest elections, and argue their case for a federal system in parliament.

A critical flaw in this concept was that most armed groups that agreed to ceasefires in the 1990s (again except the Kachins) were not the main ethnic nationalist movements. Most used their privileges to trade in opium and other illicit drugs. The ethnic nationalists want political settlement, not economic privileges, and have rejected the notion of surrendering their arms without a guarantee that their grievances would be heard favourably in a parliament that is more than 95 per cent controlled by the government.

Ethnic civil society groups have protested against their exclusion from talks and the possibility of armed groups "selling out". A Norwegian initiative to provide peace dividends for ceasefire areas and support implementation

was criticised by sceptical civil society actors as an economic incentive to deliver ceasefires. The European Union's promotion of the government's Myanmar Peace Centre (MPC) as a neutral inclusive space was also disputed as an attempt to impose the government's programme. Also, the newly unfettered Myanmar press tended to equate ceasefires simplistically with peace, causing other stakeholders to worry they were being excluded from negotiations.

Initially the government did not have a clear plan as two different government negotiators pursued competing agendas. In May 2012 the government consolidated its peace initiative behind Aung Min and formed the Union Peacemaking Committee (UPC), chaired by the president. The MPC was also established in November 2012 to support Aung Min.

The birth of the National Dialogue

The ethnic groups dispersed along Burma's international borders are extremely diverse with different historical and cultural backgrounds, religious affiliations, political aspirations and revolutionary histories.

In February 2012, 19 ethnic armed groups were invited to coordinate their individual ceasefire negotiations and plan together how to transform their ceasefire talks into a collective political dialogue as part of an inclusive peace process. An Ethnic Peace Plan emerged that called for an extra-parliamentary dialogue to seek a political solution in the form of a federal union. The ethnic armed groups then met monthly to share notes and coordinate. In response to growing resistance to the government's plan, Aung Min proposed a Panglong-type extra-parliamentary conference to resolve the problem, instead of his original scheme to amend the constitution through parliamentary debate.

Recognising that they could not alone force the government to agree to a federal system, the ethnic armed groups invited some of the 2010 election-winning ethnic parties and ethnic civil society actors to a workshop in May 2012. They discussed the approaching end of President Thein Sein's government in 2015 in the light of the need for negotiations extending beyond that date, especially given that the armed groups did not plan to relinquish arms before 2015. How could they ensure that the next government would continue the talks? What guarantees could they seek?

The rudimentary concept of an inclusive National Dialogue with deadlock-breaking and consensus-building mechanisms began to emerge. A more permanent Working Group for Ethnic Coordination (WGEC) was established in June 2012. To gain an even broader acceptance for the National Dialogue concept, an Ethnic Nationalities Conference was convened in September 2012. The conference endorsed the idea and tasked the WGEC with further developing a Six-Step Road Map in order to:

- develop a Framework for Political Dialogue
- agree this framework with the government
- organise conferences by states and regions, as well as by ethnic nationalities
- hold a nationwide Ethnic Nationalities' Conference to discuss the framework
- hold a convention based on the Panglong spirit, with equal representation from ethnic nationalities, democratic forces and the government
- implement the *Union Accord* within the agreed timeframe.

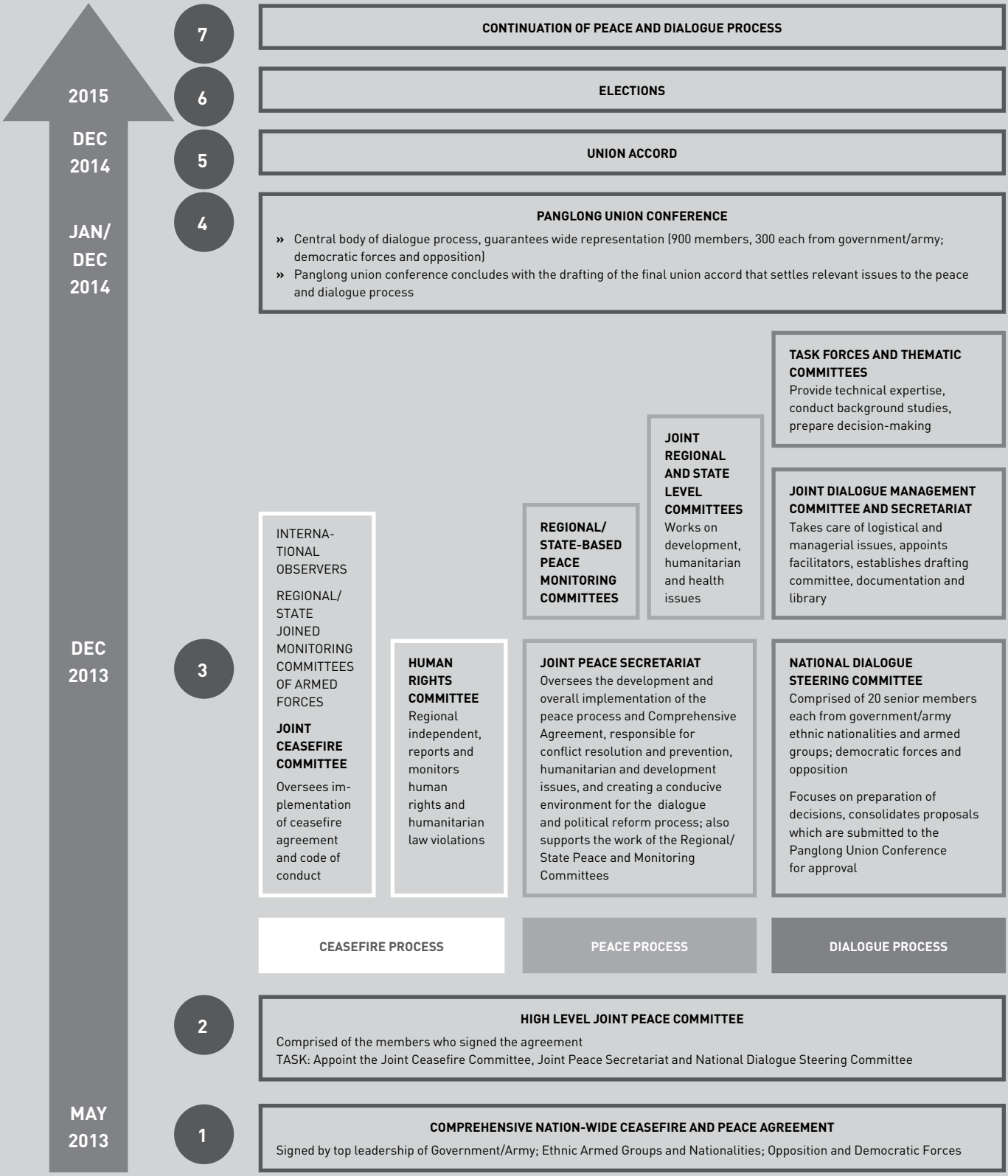
From September to January 2013, the WGEC Core Group worked out the details for a National Dialogue, which was then taken in February 2013 to all the ethnic armed groups' headquarters for their endorsement. The documents were subsequently released for public consultation with ethnic political parties and civil society in March 2013.

The key concepts of the framework, as presented to Aung Min in May 2013, include that it must be jointly managed, must continue beyond 2015 and must be inclusive. The framework stipulates a nationwide ceasefire to facilitate the peace process, and a joint military code of conduct to ensure that the ceasefire holds. A joint monitoring mechanism would then oversee adherence to the code, with a joint ceasefire committee to facilitate the monitoring mechanism. All signatories must be removed from the Unlawful Association List and other restrictive laws.

The concepts were all accepted by Aung Min, who was so enthusiastic he prematurely announced in June 2013 that all groups would sign a nationwide ceasefire in July. Caught by surprise, the armed groups back-pedalled. But despite the negative reaction and criticism from within the government's own ranks, the MPC began seriously negotiating the draft framework and the text of the Nationwide Ceasefire Agreement.

Transforming the process

Originally, the government may have envisioned the process narrowly as a quick win: provide economic incentives in exchange for laying down arms, gain support for the government's democratisation plan, and win international kudos. But the ethnic armed groups saw an opportunity to push for what they really wanted – a political dialogue on the future of the country. There had been no opening in the last 50 years and they were determined to make it work in their favour.


2015
DEC 2014
JAN/ DEC 2014
DEC 2013
MAY 2013
7
CONTINUATION OF PEACE AND DIALOGUE PROCESS
6
ELECTIONS
5
UNION ACCORD
4
PANGLONG UNION CONFERENCE
» Central body of dialogue process, guarantees wide representation (900 members, 300 each from government/army; democratic forces and opposition)
» Panglong union conference concludes with the drafting of the final union accord that settles relevant issues to the peace and dialogue process
TASK FORCES AND THEMATIC COMMITTEES
Provide technical expertise, conduct background studies, prepare decision-making
JOINT REGIONAL AND STATE LEVEL COMMITTEES
Works on development, humanitarian and health issues
JOINT DIALOGUE MANAGEMENT COMMITTEE AND SECRETARIAT
Takes care of logistical and managerial issues, appoints facilitators, establishes drafting committee, documentation and library
3
INTERNATIONAL OBSERVERS
REGIONAL/ STATE JOINED MONITORING COMMITTEES OF ARMED FORCES
JOINT CEASEFIRE COMMITTEE
Oversees implementation of ceasefire agreement and code of conduct
HUMAN RIGHTS COMMITTEE
Regional independent, reports and monitors human rights and humanitarian law violations
REGIONAL/ STATE-BASED PEACE MONITORING COMMITTEES
JOINT PEACE SECRETARIAT
Oversees the development and overall implementation of the peace process and Comprehensive Agreement, responsible for conflict resolution and prevention, humanitarian and development issues, and creating a conducive environment for the dialogue and political reform process; also supports the work of the Regional/ State Peace and Monitoring Committees
NATIONAL DIALOGUE STEERING COMMITTEE
Comprised of 20 senior members each from government/army ethnic nationalities and armed groups; democratic forces and opposition
Focuses on preparation of decisions, consolidates proposals which are submitted to the Panglong Union Conference for approval
CEASEFIRE PROCESS
PEACE PROCESS
DIALOGUE PROCESS
2
HIGH LEVEL JOINT PEACE COMMITTEE
Comprised of the members who signed the agreement
TASK: Appoint the Joint Ceasefire Committee, Joint Peace Secretariat and National Dialogue Steering Committee
1
COMPREHENSIVE NATION-WIDE CEASEFIRE AND PEACE AGREEMENT
Signed by top leadership of Government/Army; Ethnic Armed Groups and Nationalities; Opposition and Democratic Forces

The government could not depend on its own support base, which was not open to such rapid changes. Instead, a small circle of reformers began to see that winning over the ethnic armed groups would help build the momentum they needed to press ahead with the reform agenda. The armed groups also saw that if the reformers gained momentum, they could actually get the government to commit to a political dialogue. So what began as a one-sided push became a common process. The government and the armed groups began parallel informal campaigns to win over doubters within the parliament, military, political parties, civil society and the ethnic population.

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This effort received an unexpected boost when the speaker of the Lower House of Parliament, in alliance with Daw Aung San Suu Kyi, started to publicly attack Minister Aung Min and the MPC for not being inclusive enough and for being too tentative. This fitted the ethnic armed groups' agenda exactly: in defending itself the MPC fully endorsed the framework.

The armed groups were then encouraged to brief Daw Aung San Suu Kyi, the commander-in-chief and the Union Peacemaking Working Committee (UPWC) chaired by Vice-President Dr Sai Mawk Hkam, an ethnic Shan. This was a key move since the working committee includes key actors within the executive, the military and the parliament. The proposal was well received and UPWC agreed to report to the UPC and meet again on a regular basis with the ethnic armed groups, thereby elevating the negotiations to a higher level.

At the time of writing, it seems as if a National Dialogue might begin early in 2014. Major threats to the process include the commitment of the *Tatmadaw*, which will be determined by whether the commander-in-chief is prepared to sign the agreement and arrange intra-military talks to separate troops in the conflict zones, and the inclusion of the Kachin Independence Organisation and the United Wa State Army, the two largest armed groups.

The situation remains uncertain and much could go wrong, but the opportunity is there for Burma to resolve its outstanding problem of the last 60 years. A lot of preparatory work has already begun on fundamental issues such as power- and revenue-sharing; reform of the security sector, the judiciary and land; and community, ethnic and minority rights.

How can international peacebuilders best support this domestic process? The conflicts are too diverse, multi-layered, deep-rooted and complex for a single mediator. The National Dialogue will require technical support from domestic and international experts. International peacebuilders might best use their experience and knowledge to help build the capacity of multiple local stakeholders (and help facilitate dialogue within each stakeholder group), rather than try to impose an overall solution. And because the dialogue is a domestic process, it struggles to attract financial support. Both financial and technical support will be needed if the process is to be sustained.

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« **The dialogue framework designed by the Working Group for Ethnic Coordination (WGEC), and agreed to by seventeen Burmese ethnic armed groups in April 2013 in order to finalise a new constitutional framework for Burma. © Working Group for Ethnic Coordination**