

Myanmar's Peace Process

Issues and Challenges

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On February 1, 2021, in what was a massive blow to democracy in Myanmar, the elected government of the National League for Democracy (NLD) was ousted by a coup by Myanmar's military [the *Tatmadaw* (Burmese Army)], led by the Commander-in-Chief of the Defense Services, General Ming Aung Hlaing, as he declared a state of emergency for one year. The putsch occurred a day before the swearing-in ceremony of the elected members of the 2020 general elections held in November 2020, in which the NLD comprehensively won, securing 396 out of 476 seats – six more than their tally in 2015.¹

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1 “Aung San Suu Kyi's ruling party claims resounding election win in Myanmar”, *CNN*, November 10, 2020, <https://edition.cnn.com/2020/11/09/asia/myanmar-election-results-nld-intl-hnk/index.html>.

In an early morning raid, the military detained President Win Myint and State Counsellor Aung San Suu Kyi, along with other Parliament members, put them under house arrest and declared a fresh election after the emergency. While *Tatmadaw* justified its actions, asserting irregularities and fraud in the November general elections – they charged NLD leaders on multiple offences of corruption, breach of COVID-19 guidelines, violation of import and export laws, possession of unlawful communication devices, etc.,² the military’s desperation to preserve its central role in the political affairs of Myanmar was distinctly evident in the coup. Such desperation stemmed from *Tatmadaw*’s insecurities, despite the privileges granted to the military by the 2008 Constitution, arising out of an elected government in Myanmar backed by massive popular support, and the possibility of the elected representatives eventually usurping the military’s pivotal role in political affairs of the country. A day after the coup, Min Aung Hlaing established the State Administration Council (SAC), according to the 2008 Constitution, with legislative powers vested in himself or in a body appointed by him.³

The military coup and the ensuing violence have thrown the country into a state of instability and turmoil, besides crushing any semblance of democratic functioning that was painstakingly taking shape over the last decade. As of March 29, 2021, 510 people had been killed and more than 2,500 detained in an intense military campaign to stamp out the pro-

2 See “Myanmar’s military accuses Suu Kyi of taking \$600,000 and gold”, *BBC News*, March 11, 2021, <https://www.bbc.com/news/world-asia-56327764>. Also see, “Myanmar coup: Detained Aung San Suu Kyi faces charges”, *BBC News*, February 3, 2021, <https://www.bbc.com/news/world-asia-55915354>.

3 “Myanmar military announces New State Administrative Council”, *Myanmar Times*, February 2, 2021, <https://www.mmtimes.com/news/myanmar-military-announces-new-state-administrative-council.html>.

democracy protesters that came out in the streets in defiance of military rule.⁴ The bloodiest day since the coup was the Annual Armed Forces Day on March 27, when the security forces gunned down 114 pro-democratic protestors, even as the military demonstrated a show of strength in the annual parade.⁵ The military action invoked widespread international condemnation as a number of countries threatened to curb diplomatic ties with Myanmar and impose economic sanctions.⁶ *Tatmadaw's* killing of unarmed civilians, including children, has been termed 'indefensible acts' amounting to 'mass murder'.⁷ On the domestic front, the SAC for Myanmar has categorised the Myanmar military as a 'terrorist group' that should be brought to the International Criminal Court, while the General Strike Committee of Nationalities, a body made from party members from 25 groups against dictatorship, called for a removal of the military-drafted 2008 Constitution and rooted for the formation of a Federal Union.⁸

4 Emily Fishbein and Kyaw Hsan Hlaing, "Protests Unite Myanmar's Ethnic Groups Against Common Foe", *Foreign Policy*, March 29, 2021, <https://foreignpolicy.com/2021/03/29/myanmar-protests-coup-ethnic-groups-military-federal-democracy/>.

5 "Myanmar: Over 100 killed in deadliest day since military coup", *Deutsche Welle*, March 27, 2021, <https://www.dw.com/en/myanmar-over-100-killed-in-deadliest-day-since-military-coup/a-57022363>.

6 "Countries curb diplomatic ties, weigh sanctions on Myanmar", *The Economic Times*, February 11, 2021, <https://economictimes.indiatimes.com/news/international/world-news/countries-curb-diplomatic-ties-weigh-sanctions-on-myanmar/articleshow/80851578.cms?from=mdr>.

7 See, "Myanmar: Over 100 killed in deadliest day since military coup", op. cit., 2021. Also see, Sabastian Strangio, "At Least 120 Killed as Myanmar Endures Another Dark Weekend", *The Diplomat*, March 29, 2021, <https://thediplomat.com/2021/03/at-least-120-killed-as-myanmar-endures-another-dark-weekend/>.

8 See, Ben Dorethy, "Myanmar military a 'terrorist group' that should face international court, advisory council says", *The Guardian*, March 29, 2021, <https://www.theguardian.com/world/2021/mar/30/myanmar-military-a-terrorist-group-that-should-face-international-court-advisory-council-says>.

Another dimension of the post-coup violence and instability emerged as various Ethnic Armed Organisations (EAOs), engaged in ceasefire negotiations with the NLD government and the military, pledged support for the pro-democracy movement and allied with democratic forces in a renewed armed conflict against the *Tatmadaw*. Consequently, the military coup has left the peace process in Myanmar, painstakingly constructed by the NLD government through the Nationwide Ceasefire Agreement (NCA), in a state of uncertainty. On the one hand, post-coup armed conflict between the *Tatmadaw* and ethnic armed groups, which presented a common front in favour of the pro-democracy movement, has left the ceasefire agreements negotiated during the NLD regime hanging in the balance. On the other hand, with the military's intransigence against dissenters, as evident in past records, the situation in Myanmar could soon spiral into a full-fledged civil war that would ring the death knell of whatever progress had been achieved in the peace process.

Despite these challenges, it is useful to remind ourselves that the NLD under Aung San Suu Kyi made considerable progress in the peace process, as she gave momentum to the ceasefire developments undertaken by her immediate predecessor Thein Sein. Suu Kyi initiated the 21st Century Panglong Conference to continue efforts towards finding a lasting solution to the incessant armed conflicts that have plagued Myanmar for the last six decades, on the lines of the original Panglong Conference that her father Aung Sang started in 1947. In her opening remarks at the 4th session of the conference in August 2020, which was also the final session

Also see, "A General Strike Committee formed, made up of student leaders and political parties", *Eleven Media Group*, February 21, 2021, <https://elevenmyanmar.com/news/a-general-strike-committee-formed-made-up-of-student-leaders-and-political-parties>.

before the military's takeover, Aung San Suu Kyi emphasised the importance of the NCA- a landmark agreement concluded between the Government of Myanmar and some of the major EAOs in 2015. The NCA laid down the principles of a peace process between the armed forces of Myanmar and the EAOs, which included attempts to formulate a common ground between the signatories and create an inclusive peace process by bringing on board ethnic armed groups that are yet to accede to the agreement.⁹

The peace process in Myanmar started to take concrete shape in 2011 as Suu Kyi's immediate predecessor Thein Sein initiated a series of bilateral ceasefires with the EAOs that eventually lead to the signing of the NCA. The 4th session of the 21st Century Panglong Conference adopted 20 additional points as Part-III of the Union Accord to implement the NCA and establish a Union based on a democratic and federal system.¹⁰ While the NLD projected the adoption of the additional principles as a positive step in keeping the peace process on track, the challenges on the way to permanent peace could hardly be overlooked. The difficulties included, *inter alia*, armed clashes between the military and EAO's in Shan, Kachin, Karen and Rakhine provinces by both signatories and non-signatories of the NCA; conflict-induced displacement of population mostly to refugee camps; lack of consensus between *Tatmadaw* and NCA-signatories on the terms of the ceasefire; challenges in translating the principles of the Union Accord

9 “Speech of State Counsellor Daw Aung San Suu Kyi, in her capacity as the Chairperson of the Union-level Peace Dialogue Joint Committee at 19th meeting of UPDJC”, *National Reconciliation and Peace Centre*, Government of Myanmar, August 18, 2020, <http://www.nrpc.gov.mm/en/node/443>.

10 “Union Accord Part III”, *National Reconciliation and Peace Centre*, Government of Myanmar, August 21, 2020, <http://www.nrpc.gov.mm/en/node/470>.

into action; the problem of inclusiveness in the peace talks; the government's denunciation of groups such as the Arakan Army (AA) as 'terrorist organisations' further complicating the already strained relationship; and lack of continuity in negotiations exemplified by long periods of deadlock. The NLD, despite public pronouncements regarding the progress in peace talks, did not shy away from acknowledging the difficult path in achieving its long-term objective of reconciliation with the ethnic groups and establishing a truly Federal Union of Myanmar.

A HISTORY OF ARMED CONFLICT

The roots of armed conflict in Myanmar lie in the country's heterogeneous demography, which comprises the majority Burman population residing alongside many ethnic minority groups such as the Chin, Kachin, Kayah, Kayin, Mon, Rakhine and Shan. A geographic demarcation exists between the Burman group that resides in the plains and the numerous ethnic minorities that occupy the country's peripheral hilly regions along the international borders with India, China, Bangladesh and Thailand. While the Burman controlled the political and administrative units of a nascent state-building exercise in Burma, the minority groups largely excluded themselves from such endeavours and instead engaged in agricultural activities and maintained a cultural identity and social practices distinct from the Burman community. Incidentally, neither the minority ethnic groups nor Burma's rulers, either pre-colonial or colonial, made any serious attempt to assimilate the peripheral groups into the mainstream.

The British rulers segregated Burma into Ministerial Burma and Frontier Areas – the former included the lowlands and

valleys and the latter the hilly areas in the periphery.¹¹ By the time the colonial rule came to an end, both the Burman majority and the ethnic minorities had their own sets of grievance against the Britishers. Despite being a majority community, the Burmans were overshadowed by the British and Indians in administrative structure and economic activities. Distressed by the Colonial rule, which led to their marginalisation and loss of identity, the Burmans sided with the Japanese during the Second World War. On the other hand, several minority ethnic groups, aspiring for an independent political identity separate from the Burman, supported Great Britain in the war on the assurance of independent statehood by their colonial master. Such opposing perceptions led to frequent clashes between the minority ethnic groups demanding separate states for themselves and the Burmese army trying to suppress those independence assertions.

The complexity of assimilating diverse ethnic groups into a single political unit came to the fore after Great Britain's exit, leaving the Burman in charge of Burma. The Panglong Conference in 1947 tried to establish a working agreement, where the minority ethnic groups were promised substantial autonomy in the future Union of Burma and even rights to secession after ten years.¹² However, the conference lacked both inclusiveness – as evident in the absence of many ethnic groups such as Mon and Arakanese – as well as uniformity in the promise of independence rights to different groups, which resulted in numerous inter-ethnic clashes. The hopes pinned on

11 Sarah L. Clarke, et. al., "Re-examining Ethnic Identity in Myanmar", *Centre for Peace and Conflict Studies*, May 31, 2019, <https://reliefweb.int/sites/reliefweb.int/files/resources/Ethnic-Identity-in-Myanmar.pdf>.

12 Lawrence E. Cline, "Insurgency in amber: ethnic opposition groups in Myanmar", *Small Wars & Insurgencies*, Volume 20, Numbers 3-4, 2009, p. 577.

the Panglong Conference soon lost sheen as the momentum of the reconciliation process flagged. The minority ethnic groups felt a sense of neglect and discrimination by the Burmese government ruled by the majority Burman and resorted to a violent armed assertion of their rights. It marked the beginning of an unending civil war, as numerous ethnic groups, along with their respective armed organisations, remain engaged in a continuous conflict not just with the Burmese army but also among themselves. The Coup of 1962, which brought General Ne Win to power, further intensified the ethnic divide and the consequent armed conflicts. Win's call for 'The Burmese Way to Socialism'¹³ included an intense nationalist campaign that involved further suppression of the minority ethnic groups who, in turn, took up arms to protect their territory, identity and culture.

ETHNIC ARMED ORGANISATIONS IN MYANMAR

It is estimated that, since 1947, around 40 ethnic groups have engaged in armed conflict in Myanmar.¹⁴ Referred to as Ethnic Armed Organisations- EAOs, they were among the primary actors in an incessant civil war in post-independent Myanmar, besides the *Tatmadaw*, as well as the Communist Party of Burma (CPB) till its disintegration in 1989. The relationship between these three significant stakeholders was often complicated. While the *Tatmadaw*-EAOs conflict usually occupies maximum space in an analysis of political instability

13 On April 30, 1962, the Revolutionary Council of the Army-led Burmese Government announced a new national ideology and plan of action named The Burmese Way to Socialism.

14 Thawngmung, A. M., and Furnari, A., "Anti-state Armed Groups in Myanmar: Origins, Evolution and Implications", in B. Schreer and A. T. H. Tan eds., *Terrorism and Insurgency in Asia A Contemporary Examination of Terrorist and Separatist Movements*, Routledge, New York, 2019, p. 134.

in Myanmar, a few EAO's have sided with the government forces in waging an armed conflict against other ethnic groups. Similarly, while many ethnic groups have opposed the CPB, others such as the Kachin Independence Army (KIA) and United Wa State Army (UWSA) found a common agenda with the communist groups, with the latter recruiting well-trained insurgents into their camps to strengthen their struggle against the Burmese government.¹⁵

The conflict between the EAOs and the military has evolved through a varied dynamic, encapsulated in their different composition, objectives and strategies. The larger armed groups such as KIA, Karen National Liberation Army (KNLA), the Shan State Army (SSA), Arakan Army and the UWSA have troops ranging from 5,000 to 20,000 recruits. The KNLA is the oldest armed group that has engaged in a conflict with the government troops since 1949. Others such as UWSA (1989), Shan State Army – South (SSA-S) (1996) and Arakan Army (2009) are the more recent ones, reflecting the persisting dissatisfaction among many minority ethnic communities against the government.

Most of the EAOs represent their ethnic communities' interest and have established a degree of control over the area where their community resides. Whether it is the Arakan Rohingya Salvation Army (ARSA) and Arakan Army representing the interest of the Rohingya community in Northern Rakhine Province, Myanmar National Democratic Alliance Army (MNDAA) and SSA for the Shan ethnic group in the Shan Province, KNLA in Karen Province, KIA in Kachin, UWSA for Wa people in Northern Myanmar – all such armed outfits are fighting for the cause of their ethnic communities, whether it is oppression by the *junta* or military

15 Lawrence E. Cline, op. cit., 2009.

action by the Burmese army. The political wing of many EAOs such as the Karen National Union (KNU), Kachin Independence Organisation (KIO), UWSP, etc., have set up an elaborate system of administration in essential sectors, such as education, health, taxation and policing in the areas under their control. In the case of armed groups, UWSA's control over its administered territory is strong enough to interdict even government troops, who have to obtain permission to access Wa areas.

Over the years, the objectives of some of the EAOs have undergone a significant transformation. The KNLA, dejected by the Britishers' failed promise of an independent Karen state and subsequent atrocities from the government of Myanmar dominated by the Burman, had an initial aim of an independent Karen state. A similar set of grievances also factored in KIA and SSA-S demand for an independent Kachinland and Shan state. Nevertheless, these groups subsequently softened their stance as they gave up their demand for secession and settled for a certain degree of autonomy, which would protect their ethnic communities' interest within a federal political structure in Myanmar. Wariness among the insurgent groups due to prolonged struggle, loss of personnel and territory in the face of the Myanmar Army's fierce counter-insurgency campaigns and weakening due to break-away factions are some of the factors that forced many EAOs to participate in ceasefire negotiations, thereby diluting their demand for independence to autonomy.

On the other hand, groups such as the UWSA never sought complete independence and maintained a nexus of convenience with the Myanmar government. The UWSA even fought along with the *Tatmadaw* as their 'private army' against other EAOs such as SSA-S in return for benefits like a free

hand on the lucrative narcotics trade without much government interference.

The EAO's possess a considerable stockpile of weapons, most of them imported and a few from their production lines. Some groups such as UWSA have the most sophisticated weaponry line that included heavy machine guns, air defence systems, surface-to-surface missiles, surface-to-air missiles, anti-tank missiles, helicopters, etc., along with their line of arms production that serves as an alternate source of income to their lucrative narco trade.¹⁶ Many other groups possess small arms, AK 47 and assault rifles in their armoury. The two most common strategies that the EAOs allegedly employ are landmines and child soldiers, even though many organisations deny the use of the latter. KIA currently has an estimated 1,000 child soldiers, who they recruit by tweaking the system of national service to recruit children below the age of 18.¹⁷ UWSA is alleged to be one of the largest recruiters, at one time having around 2,000 and 800 child soldiers under 18 and 15 years of age respectively.¹⁸ SSA-S, often accused by the Myanmar government of recruiting child soldiers, runs a program called *Nang Harn* (brave girls) that provides weapons training to teenage girls.¹⁹ While the group denies using such

16 Anthony Davis, "It's party time for Myanmar's largest armed ethnic faction", *Asia Times*, April 9, 2019, <https://asiatimes.com/2019/04/anthony-davis-wa-story/>.

17 "A Dangerous Refuge: Ongoing Child Recruitment by the Kachin Independence Army", *Child Soldiers International*, July 28, 2015, <https://resourcecentre.savethechildren.net/node/9339/pdf/childsoldiersinternationalkiareportfinaltouploadonline9367343.pdf>.

18 "My Gun Was As Tall As Me: Child Soldiers in Burma", *Human Rights Watch*, October, 2002, <https://www.hrw.org/legacy/reports/2002/burma/Burma0902.pdf>.

19 Jeffrey Hays, "Shan State Army, Shan Political Groups and the Shan Insurgency", *Facts and Details*, May 2014, http://factsanddetails.com/southeast-asia/Myanmar/sub5_5k/entry-3063.html.

trainees for combat roles, Human Rights Watch does not entirely rule out the possibility and prescribes close monitoring of the group's activity.²⁰

A factor that considerably strengthens the cause of EAOs' struggle is the support they receive from other nations and the international community. KNLA, for instance, receives widespread sympathy and support from the western world against military assault by the *junta*. They also receive financial donations from Christian communities across the globe, an effect of the preponderance of Christians in KNU and the Karen diaspora community.²¹ In the past, KNLA received considerable support from Thailand, especially from the cross-border arms trade, though, in recent times, such assistance has waned a great deal due to Thailand's attempts to develop its relations with Myanmar on a range of issues. Similarly, in a pragmatic effort, the KIA altered its pre-1970's anti-communist stance to develop an alliance with the CPB, which helped the armed group receive weapons from China through CPB's trading networks.²² Even for the UWSA, despite its alliance with the Myanmar government, China comes across as a crucial strategic ally. China is the primary source of weapons, capacity building in the form of providing training to the UWSA troops for combat and arms production, and economic benefits arising from business opportunities via cross-border trade.

The EAOs claims to protect their land and people through secession from Burma has led to a reflexive campaign by the

20 Ibid.

21 Lawrence E. Cline, op. cit., 2009.

22 Christopher O'Hara and Niels Selling, "Myanmar's Ethnic Insurgents: UWSA, KNU and KIO", *Institute for Security and Development Policy*, 2012, https://isdpeu/content/uploads/images/stories/isdpeu-main-pdf/2012_ohara_myanmar-ethnic-insurgents.pdf.

Burmese army. A common strategy that the military used is the 'four cuts' policy – cutting-off EAOs links with four crucial elements of food, funding, intelligence and recruits.²³ As a part of the four cuts policy, the military used villages as the line of defence, established 'people's militias' who were forced to work for the government, used villagers as minesweepers to walk ahead of the military in suspected landmine areas, and did not shy away from deploying land mines and recruiting child soldiers on their part.²⁴ The conflict between the Burmese army and the EAOs since 1949 has led to thousands of deaths, internal displacement, poverty and underdevelopment in Karen, Kachin and Shan state. From 1988-1992, counter-insurgency operations have led to the forcible reallocation of up to 10,000 Kachin.²⁵ Similarly, thousands of villages in the central Shan province were evacuated and converted to free-fire zones by the army, forcing out around 300,000 displaced people from their homes.²⁶ Such harsh military operations were among the primary causes of the weakening of the EAOs, which compelled them to come to the negotiating table.

CEASEFIRE ATTEMPTS AND THE PROBLEM OF PEACE

Over the years, the Burmese government made several attempts to initiate a peace process with the armed insurgent groups without much success – a reflection of the ethnic and political complexity in Myanmar. Beginning with the 1950's peace movement initiated by Thaksin Kodaw Hmaing, the celebrated Myanmar poet; to the federal movement in 1962;

23 Andray Abrahamian, "The Tatmadaw returns to the 'four cuts' doctrine", *The Lowy Institute*, September 4, 2017, <https://www.lowyinstitute.org/the-interpreter/tadmadaw-ominous-return-four-cuts-doctrine>.

24 Lawrence E. Cline, op. cit., 2009.

25 Christopher O'Hara and Niels Selling, op. cit., 2012.

26 Jeffrey Hays, op. cit., 2014.

amnesty in 1963; peace talks in the 1970s; and amnesty in 1980; the bilateral ceasefire agreements initiated from the late 1980s to mid-1990s constitute the six attempts at peacebuilding, one which culminated in the 2015 National Ceasefire Agreement (NCA).²⁷ General Thein Sein announced the NCA after his Union Solidarity and Development Party (USDP) came to power in 2011, starting the most comprehensive peace process to date. In October 2015, eight groups out of 15 invitees signed the NCA – the KNU, Restoration Council of Shan State (RCSS), Democratic Karen Buddhist Army (DKBA), All Burma Students Democratic Front, KNU Peace Council, Chin National Front, Arakan Liberation Party and Pa-O National Liberation Organisation – later joined by another two groups, the Lahu Democratic Union and the New Mon State Party in 2018.

The peace process set up by Thien Sein was carried forward by the NLD leader and State Counsellor Aung San Sui Kyi, who came to power in March 2016. She revived the Panglong Conference, initiated by her father Aung Sang in 1947, with the 21st Century Panglong Peace Conference as a platform for negotiation between the government representatives and the EAOs. Following the first session of the 21st Century Panglong Conference in August 2016, three more sessions were held on May 2017, July 2018 and August 2020. A significant outcome of the conference was the adoption of the Pyidaungsu (Accord) in the second session in 2017, with the stated aim of a ‘non-disintegrated’ Myanmar based on democracy and federalism, and one that guaranteed national equality and

27 Bertil Lintner, “Why Burma’s Peace Efforts Have Failed to End Its Internal Wars”, *United States Institute of Peace*, October 2020, https://www.usip.org/sites/default/files/2020-10/20201002-pw_169-why_burmas_peace_efforts_have_failed_to_end_its_internal_wars-pw.pdf.

self-determination.²⁸ In the 4th session of the conference in August 2020, Part-III of the Union Accord was signed, which added 20 points to the agreement, highlighting a framework for implementing the NCA and establishing a union based on democracy and a federal system.²⁹

Though most comprehensive to date, the peace process failed to provide a sustained hope of bringing the conflict to an end. The peace negotiations lack inclusiveness - as evident by a considerable number of non-signatory ethnic armed groups - which acted as a roadblock towards a holistic negotiation and failed to establish an all-encompassing framework that would be acceptable to all the parties. The fourth session of the 21st Century Panglong Conference was conspicuously marked by the Arakan Army's absence. The armed group was designated a terrorist organisation by the NLD government on March 2020, under the 2014 Counter-Terrorism Law. Other groups such as the KIA, UWSA, Myanmar National Democratic Alliance Army (MNDAA), National Democratic Alliance Army (NDAA) and Shan State Progress Party (SSPP) also declined to participate, citing the exclusion of the Arakan Army, even as the government invited them to the Panglong platform as a precursor to bringing them into the NCA fold.³⁰

In 2018, KNU and RCSS, the two largest armed groups and signatories to the NCA, pulled out of the peace process over the failure to agree on the terms of the ceasefire. Together with other non-signatories of the NCA, these two groups joined

28 "37 Points Signed as Part of Pyidaungsu Accord", *State Counsellor Office*, The Republic of the Union of Myanmar, 2017, <https://www.statecounsellor.gov.mm/en/node/904>.

29 "Union Accord Part III", *op. cit.*, 2020.

30 Tabea Campbell Pauli, "Myanmar Peace at a Crossroads in 2020", *The Asia Foundation*, September 30, 2020, <https://asiafoundation.org/2020/09/30/myanmar-peace-at-a-crossroads-in-2020/>.

forces under the leadership of the UWSA, outrightly rejecting the ceasefire and calling for fresh negotiations.³¹ While KNU and RCSS eventually returned to the peace process, after clarification of some of the key terms of the NCA, in a semi-informal dialogue arranged by the government with the NCA signatories,³² the overall fragility of the exercise was clearly evident.

Many ethnic organisations discarded the NLD's demand to the EAOs to surrender their arms as a pre-condition for negotiation. Even more worrying is the prevalence of armed conflict between the *Tatmadaw* and the NCA signatories, exemplifying the mistrust accumulated in all these years of conflict. Such mistrust is evident in the relationship between the Myanmar government and the KNLA, one of the country's oldest insurgent groups. Multiple negotiations between the government and the KNLA from the 1990s for a bilateral ceasefire could not bear any fruit over the pre-condition of arms surrender. Each breakdown of talks led to a renewed violence between the KNLA and *Tatmadaw*.³³ Despite being a signatory to the NCA in 2015, the accumulated distrust from decades of conflict has prevented a lasting solution. Even post-2015, military clashes between *Tatmadaw* and KNLA continues, with each side blaming the other for violating the ceasefire. The government's construction activities in Karen controlled areas, such as in the Hpapun District, have led to violent clashes and displacement of more than two thousand

31 "Rebooting Myanmar's Stalled Peace Process", *International Crisis Group: Asia Report*, June 19, 2020, <https://www.crisisgroup.org/asia/south-east-asia/myanmar/308-rebooting-myanmars-stalled-peace-process>.

32 Ibid.

33 Nehginpao Kipgen, "Ethnicity in Myanmar and its Importance to the Success of Democracy", *Ethnopolitics*, Volume 14, Number 1, 2015, pp. 25-26.

villagers, with as many as fifty clashes just in the first few months of 2020.³⁴

Ceasefire negotiations could not produce a lasting solution, even in the case of KIA. The latter accused Government forces of using the ceasefire, negotiated in 1994, to confiscate Kachin administered territories and inflict human rights abuses, resulting in renewed conflict between the two.³⁵ Since 2011, the proposed Myitsone Dam project has been a bone of contention between the government and KIA. The latter opposed the project, asserting that the dam's construction could lead to the destruction of dozens of Karen villages and displace thousands of villagers.³⁶ A full-scale attack at KIA positions by the Myanmar Army in 2012, which led to heavy casualties and more than 90,000 displaced, was followed by two rounds of peace talks hosted by China.³⁷ The talks failed to have the desired effect, as a series of hostilities continued, such as the shelling of a KIA training school by the Myanmar Army in 2014,³⁸ attacks by KIA on Muse township in 2016,³⁹

34 See, Nyein Nyein, "Tatmadaw Agrees to Halt Contentious Road Project in Karen State", *The Irrawaddy*, May 17, 2018, <https://www.irrawaddy.com/news/burma/tatmadaw-agrees-halt-contentious-road-project-karen-state.html>. Also See, "First Months of 2020 See Dozens of Clashes Between Burma Army, KNU", *Network Media Group*, April 2, 2020, https://www.bnionline.net/en/news/first-months-2020-see-dozens-clashes-between-burma-army-knu?fbclid=IwAR3J-oOR3pOTDvtFzwmxhcZGV1NxxsYv0UV1id8GuTHmuv_Zc4vc0B9qoRs.

35 Nehginpao Kipgen, op. cit., 2015.

36 Christopher O'Hara and Niels Selling, op. cit., 2012.

37 N. Ganesan, "Ethnic Insurgency and Nationwide Ceasefire Agreement in Myanmar", *Asian Journal of Peacebuilding*, Volume 3, Number 2, 2015, p. 278.

38 Jared Ferrie, "Myanmar Kachin rebels say 23 cadets killed by army shell", *Reuters*, November 20, 2014, <https://in.reuters.com/article/myanmar-kachin-casualties-idINKCNOJ40IY20141120>.

39 Iftikhar Gilani, "Myanmar 2 faces: Embrace insurgents, ostracise Rohingya", *Anadolu Agency*, August 25, 2020, <https://www.aa.com.tr/>

multiple armed conflicts between KIA and *Tatmadaw* in the townships of Sumprabum, Waingmav and Tanai throughout 2018,⁴⁰ the attack by the KIA at a military college in Nawngkio in 2019,⁴¹ etc. In November 2019, *Tatmadaw* and KIA clashed in Waingmaw township in Kachin, followed by another China-initiated meeting between the two parties in Kunming in December.⁴²

Like KNLA, SAA-S became a signatory to the NCA in 2015, but the negotiations did not lead to peace. Despite the ceasefire negotiations, SSA-S has been engaged in armed conflict, not just with the *Tatmadaw* but also with other armed groups such as the Ta'ang National Liberation Army (TNLA) and Shan State Army-North (SSA-N). Around 100 clashes have occurred between the *Tatmadaw* and SSA-S since the 2011 ceasefire negotiations, primarily due to the occupation of mineral-rich Shan bases by Government forces. Similar resource wars have occurred between SSA-S and TNLA over territorial claims, such as the one in 2018 in the resource-rich Namtu Township.⁴³

en/analysis/analysis-myanmar-2-faces-embrace-insurgents-ostracize-rohingya/1952789.

40 Michael Hart, "Myanmar's Ethnic Conflicts Have Multiple Fronts, and High Barriers to Peace", *World Politics Review*, May 24, 2018, <https://www.worldpoliticsreview.com/articles/24782/myanmar-s-ethnic-conflicts-have-multiple-fronts-and-high-barriers-to-peace>.

41 Thu Thu Aung, "Myanmar insurgents attack elite military college, other targets, 15 Killed", *Reuters*, August 15, 2019, <https://www.reuters.com/article/us-myanmar-insurgency-idUSKCN1V50EH>.

42 Swe Lei Mon, "Not a Good Year for Peace Process", *Myanmar Times*, December 31, 2019, <https://www.mmtimes.com/news/not-good-year-peace-process.html>.

43 Elliott Bynum, "Understanding Inter-Ethnic Conflict in Myanmar", The Armed Conflict Location & Event Data Project, September 28, 2018, <https://acleddata.com/2018/09/28/understanding-inter-ethnic-conflict-in-myanmar/>.

Clashes between *Tatmadaw* and many NCA-Signatories have also continued unabated. For instance, RCSS and *Tatmadaw* clashed 42 times just in November 2019, while the fierce conflict between Government forces and the Mon National Liberation Army (MNLA) took place on November 5, 2019.⁴⁴ Since 2019, clashes between the Arakan Army and *Tatmadaw* in the Rakhine province have intensified to become one of Myanmar's bloodiest in recent times. Throughout 2019, armed conflict between the two has led to the forced displacement of over 41,000 people, pushed into 131 refugee camps in Rakhine and Chin states.⁴⁵ The refugee camps in these two states are home to around 130,000 displaced people, comprising approximately 40 per cent (350,000) of the conflict-induced globally displaced population, who are, in the words of Human Rights Watch, "sitting in the path of a public health catastrophe."⁴⁶ amid the COVID-19 pandemic. The Myanmar Government's decision to declare the Arakan Army a 'terrorist organisation' in March 2020 – in response to the Arakan Army's attack on public servants and police, and kidnapping of lawmakers, government officials and even civilians supportive of the NLD government⁴⁷ – has greatly distanced the ethnic armed group from the peace negotiations.

While the government has taken a tough position concerning the Arakan Army, the latter enjoys the Rakhine community's

44 Swe Lei Mon, op. cit., 2019.

45 Ibid.

46 Michael Hart, "COVID-19 Is Just the Latest Setback in Myanmar's Troubled Peace Process", *World Politics Review*, June 8, 2020, <https://www.worldpoliticsreview.com/articles/28822/covid-19-is-just-the-latest-setback-in-the-troubled-myanmar-peace-process>.

47 Sithu Aung Myint, "To revive the peace process, all sides need to compromise", *Frontier Myanmar*, June 18, 2020, <https://www.frontiermyanmar.net/en/to-revive-the-peace-process-all-sides-need-to-compromise/>.

support, as the people are disgruntled at the country's political process. Several Government actions - such as NLD's refusal to allow the Arakan National Party to form a government in the Rakhine State, despite the latter winning a majority of seats in the 2015 elections; opening fire at a crowd, which had gathered to mark the anniversary of the Rakhine kingdom's fall to the Burmans, at Mrauk-U in January 2018; the arrest and imprisonment of Dr. Aye Maung, a leading political figure etc. - have dented the Rakhine community's faith in electoral democracy in Myanmar. Such loss of faith has led the Rakhine community to offer support to the activities of the Arakan Army.⁴⁸

The Arakan Army refused to negotiate with the Myanmar Government at a bilateral level and rejected the government's condition for the ethnic army to withdraw from the Rakhine state before negotiations. Such a stance have made bilateral ceasefire negotiations difficult for the government, not just with the Arakan Army but also with other groups such as KIO, TNLA and MNDAA, as a precursor to bringing them into the NCA fold.⁴⁹ The latter three groups have formed the Three Brotherhood Alliance and launched deadly attacks in Pyin Oo Lwin in the Mandalay region and Nawngchio in Shan on August 15, 2019, which led to a fierce two-week battle between the alliance and Government forces in Nawngcho, Thibaw, Kyaukme, Lashio, Kutkai and Muse townships of Shan. At least ten civilians were killed, and over 8,800 people were forced to flee their homes.⁵⁰ Displaying solidarity with their ally, in a statement on March 26, 2020, the Three Brotherhood Alliance criticised the Myanmar Government's stand against the Arakan Army as unwarranted, one that has destroyed the

48 "Rebooting Myanmar's Stalled Peace Process", op. cit., 2020.

49 Ibid.

50 Swe Lei Mon, op. cit., 2019.

hope for political negotiation and lead to a serious political crisis.⁵¹ As a reflection of the dire state of the negotiations, the Myanmar Government rejected a call by the Brotherhood Alliance for ceasefire talks and, instead, vowed to intensify its counter-insurgency operations against the three groups.⁵²

THE 2021 COUP AND ITS AFTERMATH

The February 2021 coup by the military has not just left the peace process in Myanmar in a state of turmoil, but has also added a new dimension to the seven-decade-old conflict between the EAOs and the Burmese Armed Forces. The coup and subsequent military action against the pro-democracy supporters in different regions of the country have united the ethnic outfits in a common agenda of armed response against the military. A rare societal shift towards ethnic unity is also evident between the majority Burman and minority ethnic groups, in collective protests against military action against unarmed civilians and children. Such an attitude was in stark contrast to indifference of the Burman ethnic majority to *Tatmadaw's* abuses against the Rohingya and other ethnic minorities in Kachin, Shan, Rakhine and Shan states.⁵³ However, the shared post-coup suffering of all communities has brought them together in a sense of solidarity, as they uniformly raising their voice for democracy. Such societal unity was also reflected in the EAO's outlook in response to the military coup.

51 "Brotherhood Alliance", *Global Security*, Accessed November 20, 2020, <https://www.globalsecurity.org/military/world/para/brotherhood-alliance.htm>.

52 Mizzima, "Brotherhood Alliance Ceasefire Proposal Rejected", *The Eastern Link*, June 3, 2020, <https://theeasternlink.com/brotherhood-alliance-ceasefire-proposal-rejected/>.

53 Emily Fishbein and Kyaw Hsan Hlaing, op. cit., 2021.

Ethnic unity, though, may not correspond to any progress in the peace process as the two main stakeholders in the process – the *Tatmadaw* and the EAOs – remain at loggerheads with renewed armed conflict following the coup. In a decision which reflected the military’s antipathy towards the ongoing peace process mechanism, the *Tatmadaw* dissolved the National Reconciliation and Peace Centre (NRPC) – a technical support body of the peace-making process – and declared that further peace talks with the EAOs would be under the aegis of a peace committee formed by the military.⁵⁴

Fresh fighting has erupted between the military and many ethnic armed groups as they refused to recognise *Tatmadaw* as a legitimate actor, or to be cowed down by the military. Many ethnic armed groups, including NCA signatories, have refused to negotiate with the military-formed SAC and threatened to break the ceasefire deal.⁵⁵ The KNU announced its support for the pro-democracy protest movement just days after the military coup and reignited its armed struggle against the military.⁵⁶ On March 27, 2021, the armed wing of the KNU overran an army command post, killing ten soldiers, and *Tatmadaw* retaliated with military airstrikes in Karen territory for the first time in 20

54 “Myanmar coup: Military abolishes NLD govt’s peace process mechanism”, *Business Standard*, February 9, 2021, https://www.business-standard.com/article/international/myanmar-coup-military-abolishes-nld-govt-s-peace-process-mechanism-121020900071_1.html.

55 See, Nu Nu Lusan and Emily Fishbein, “Amid Myanmar’s post-coup crisis, armed rebellion brews”, *Aljazeera*, March 19, 2021, <https://www.aljazeera.com/news/2021/3/19/amid-myanmars-post-coup-crisis-an-armed-rebellion-brews>. Also see, Marwaan Macan-Markar, “Myanmar’s ethnic rebels isolate junta ahead of Armed Forces Day”, *Nikkei Asia*, March 24, 2021, <https://asia.nikkei.com/Spotlight/Myanmar-Coup/Myanmar-s-ethnic-rebels-isolate-junta-ahead-of-Armed-Forces-Day>.

56 Martin Petty, “Explainer: Truce over as Myanmar’s Karen insurgents brace for battle with junta”, *Reuters*, April 1, 2021, <https://www.reuters.com/article/us-myanmar-politics-ethnic-explainer-idUSKBN2BO4G6>.

years, killing three people and inducing massive displacement, as more than 10,000 residents fled to Thailand.⁵⁷ In response to military encroachment of Karen territory, the armed wing of KNU continues to attack Myanmar army positions and cut off their supply routes.⁵⁸

The Kachin state is also emerging as a new font of the armed conflict, as incessant clashes between the KIA and the military have occurred since mid-February in the Shan state, with fresh fighting in four townships of Kachin since March 11.⁵⁹ The conflict resumed as the military stepped up the use of force to crush pro-democracy protests in the state, such as the one on March 12 in three townships in Kachin, attended by people from diverse ethnic groups.⁶⁰ On March 21, a battalion of the KIA mounted dawn attacks on three *Tatmadaw*-held bases.⁶¹

The Three Brotherhood Alliance – a coalition of the Arakan Army, the Ta'ang National Liberation Army and the Myanmar National Democratic Alliance Army – decided to review the ceasefire agreement after the coup and pledged their support for the anti-coup protesters of, what the alliance termed as, the 'spring revolution'.⁶² On April 10, the alliance

57 "Myanmar civil war fears grow after airstrikes on ethnic army", *Bangkok Post*, March 30, 2021, <https://www.bangkokpost.com/world/2092011/myanmar-civil-war-fears-grow-after-airstrikes-on-ethnic-army>.

58 Poppy McPherson and Panu Wongcha-um, "As ethnic armies unite against coup, war returns to Myanmar's borderlands", *Reuters*, March 30, 2021, <https://www.reuters.com/article/us-myanmar-politics-ethnic-idUSKBN2B M2KF>.

59 Nu Nu Lusan and Emily Fishbein, op. cit., 2021.

60 Ibid.

61 Marwaan Macan-Markar, op. cit., 2021.

62 Sebastian Strangio, "Alliance of Ethnic Armed Groups Pledge Support for Myanmar's 'Spring Revolution'", *The Diplomat*, March 30, 2021, <https://thediplomat.com/2021/03/alliance-of-ethnic-armed-groups-pledge-support-for-myanmars-spring-revolution/>.

attacked a police station in the Northern Shan state and killed eight police officers.⁶³ General Yawd Serk, the Chair of the RCSS, has conveyed his decision to suspend political talks with the military and warned of armed retaliation if the military continues to kill peaceful protesters.⁶⁴

The EAO's are also collaborating with the Committee Representing Pyidaungsu Hluttah (CRPH) – a Burmese government in exile set up by the ousted NLD members – in formulating a joint action against the military. Many of the decisions of the CRPH – such as establishing a National Unity Government, writing a new constitution, creating a federal union army, etc. – are backed by the ethnic groups. For instance, the CRPH expressed its intent to work with the Kachin Political Interim Coordination Team towards establishing a federal democratic union. Similarly, groups such as the KIO and the KNU have backed the idea of a federal army in which the ethnic minorities would retain their own armed forces.⁶⁵

The *Tatmadaw*, on their part, remains critical of the ethnic armed groups but does not want to be in a position of simultaneously fighting a group of unified ethnic armies, even as the military is stretched by efforts to control the pro-democracy protest in the heartland. The ethnic minorities constitute one-third of Myanmar's population, and with a troop strength of 75,000, the EAOs could pose a considerable challenge to the military government, especially if the latter is forced to fight

63 “Brotherhood Alliance launches lethal attack on northern Shan State police station”, *Myanmar Now*, April 10, 2021, <https://www.myanmar-now.org/en/news/brotherhood-alliance-launches-lethal-attack-on-northern-shan-state-police-station>.

64 See, Sebastian Strangio, op. cit., 2021. Also see, Poppy McPherson and Panu Wongcha-um, op. cit., 2021.

65 See, Sebastian Strangio, op. cit., 2021. Also see, Emily Fishbein and Kyaw Hsan Hlaing, op. cit., 2021.

on multiple fronts.⁶⁶ General Min Aung Hlaing blamed the ethnic groups protesting against the coup as dancing to the tune of the ousted NLD government.⁶⁷ Simultaneously, the coup leader sought to reach out to the ethnic armies to prevent them from joining together. The *Tatmadaw* is also open to offer concessions to the ethnic armies to keep them on the military's side. On March 11, the military government removed the 'terrorist' tag from the Arakan Army, which has been fighting for greater autonomy in the western Rakhine state.⁶⁸ However, the utility of the concession, at least in the short term, remains in doubt considering the armed retaliation of the Brotherhood Alliance against the military. Nevertheless, *Tatmadaw* will hope that the inter-ethnic difference in Myanmar will be strong enough to prevent a durable alliance of the ethnic armies in Myanmar.

THE WAY FORWARD

In the 2020 general elections, the ruling NLD achieved a landslide victory, bringing its leader Aung San Suu Kyi to the helm of affairs for the second time to sort out one of the most pressing problems that have plagued Myanmar for decades. While the elections' results were on expected lines, Suu Kyi and her party had their tasks cut out in moving the peace process forward. When the NLD came to power for the first time in 2016, it replaced a government that had already set the ball rolling to negotiate a peace process with the EAOs. The USDP led by Thein Sein succeeded in bringing some of the leading EAO's, which had over the years engaged in a bloody military conflict with *Tatmadaw* since the late 1940s, to negotiate bilateral ceasefires, paving the way for then to be

66 Poppy McPherson and Panu Wongcha-um, op. cit., 2021.

67 Ibid.

68 Nu Nu Lusan and Emily Fishbein, op. cit., 2021

signatories to the NCA in 2015. NLD was expected to better its predecessors' progress vis-a-vis the peace process – both in terms of increasing the number of NCA-signatories and developing a common framework acceptable to all parties for a future federal Union of Myanmar. Suu Kyi's reprise of the 21st Century Panglong Conference was a commendable step in developing a platform for dialogue between the stakeholders, on the lines of what her father did in 1947, despite the hindrances in the overall progress of the peace process.

The military coup in February, 2021, however, threatens whatever progress the civilian government had achieved in moving the peace process forward. The ceasefire agreements between the ethnic armed groups and the military dangle in balance, as many of the EAOs resorted to fresh armed attacks against the *Tatmadaw*. While solidarity among the ethnic organisations against military rule is a welcome development – one that has not been evident in the past, considering the frequent inter-ethnic clashes – it would be erroneous to think that ethnic solidarity would necessarily lead to restoration of the stability necessary for the peace process. On the contrary, the EAOs support for the pro-democracy movement and *Tatmadaw*'s military stubbornness against resistance could spiral towards a full-fledged civil war.

Deterioration of law and order in Myanmar will be detrimental to *Tatmadaw* as the latter might lose its grip as a major actor in the politics of Myanmar. The scale of anti-coup protests has already reflected people's faith in Aung San Sui Kyi as the only leader who could bring any semblance of democracy in the country. The military, which over the years has been used to fighting the ethnic armed rebellion in the periphery, is now resisting a strong pro-democracy protest by the Burman majority in the urban centres. The latter

group, from being historically indifferent to the plight of the minorities, is now more apologetic and stands in support of the resistance movement against the coup in the peripheral regions. The alliance of EAOs with a common agenda against military rule has already raised a challenging prospect for *Tatmadaw* on multiple fronts. Add to this, China's pressure on the military *junta* to stabilise the situation, given Beijing's interest to protect its assets in Myanmar, does not paint a picture of the military's invincibility.

For any semblance of the peace process to move forward, there has to be a transfer of authority to the civilian government in the near future. It is unlikely that the ethnic groups will negotiate any peace agreement with the *Tatmadaw*, as this would amount to providing legitimacy to military rule. *Tatmadaw's* concessions to ethnic groups are also unlikely to cut much ice, as evident by the renewal of conflict by the Brotherhood Alliance, despite the removal of the 'terrorist' tag from the Arakan Army. The present cooperation of ethnic groups, however, may be difficult to sustain in the long run, considering inter-ethnic differences, but it is not certain that ethnic differences will necessarily lead to EAOs negotiating with the military *junta*.

Considering the current circumstances, the most effective way for *Tatmadaw* to present itself as a powerful legitimate actor in Myanmar is within a civilian democratic framework acceptable to the people which, at the same time, keeps considerable powers in the hands of the military. In the interim period, it is crucial that the ceasefire agreements between the military and the armed ethnic groups remain intact, even if not more inclusive, to prevent a complete breakdown of the peace process.

Despite the current anti-coup protests, *Tatmadaw* will continue to be a major factor in any future political developments in Myanmar. It needs to be seen whether *Tatmadaw* agrees to exercise this authority within a democratic framework in the near future. The international community also can play a major role in the process. Given the complexity of the political and ethnic situation in Myanmar, the international community will do well to persuade the military to transfer power to the civilian government, rather than impose strict sanctions that might worsen the situation. As a major stakeholder, the future roadmap of the military *junta* – whether it agrees to trade-off a degree of authority in a democratic structure while retaining its primary position in the country’s political decision-making, or resists any civilian induced pro-democratic change by sheer force – will determine the shape of the future peace process in Myanmar.

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