ETHNIC CONFLICT AND POLITICAL CHANGE IN BURMA

DRAFT

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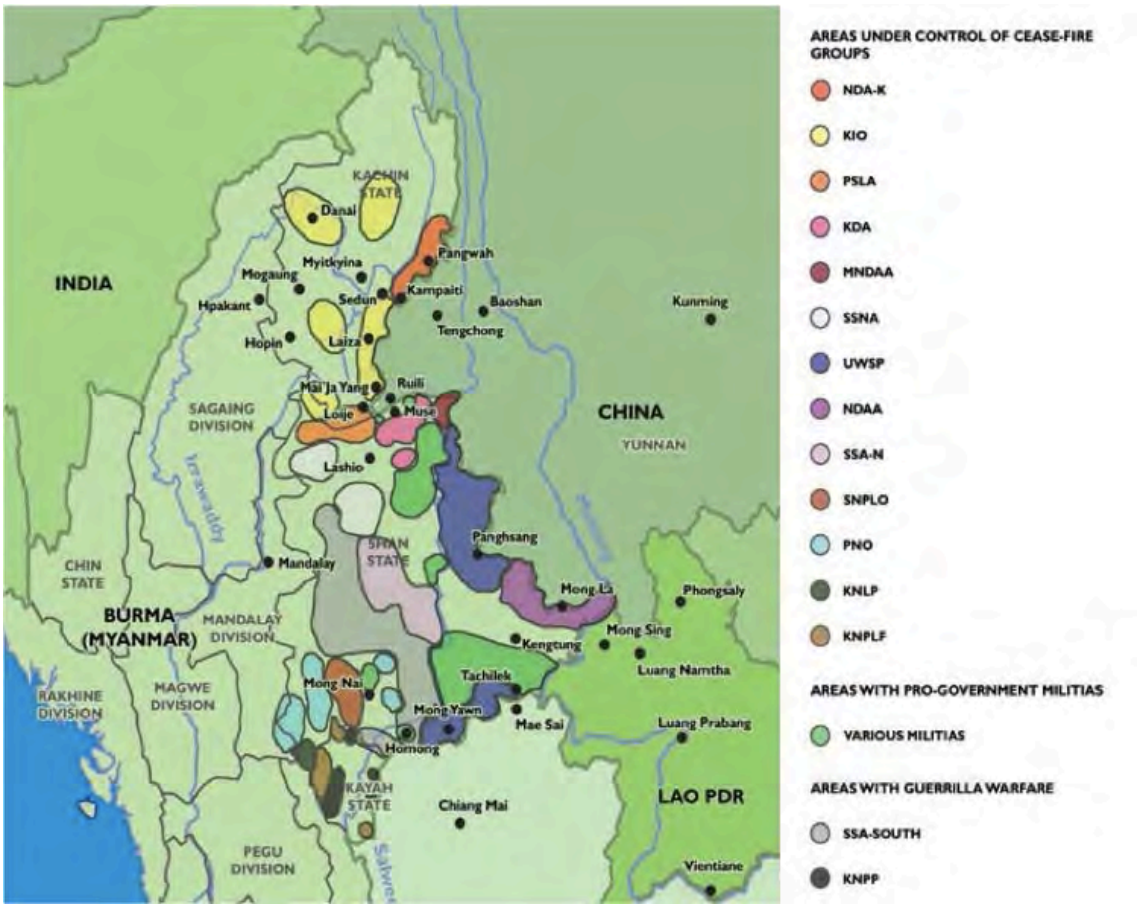
ACRONYMS

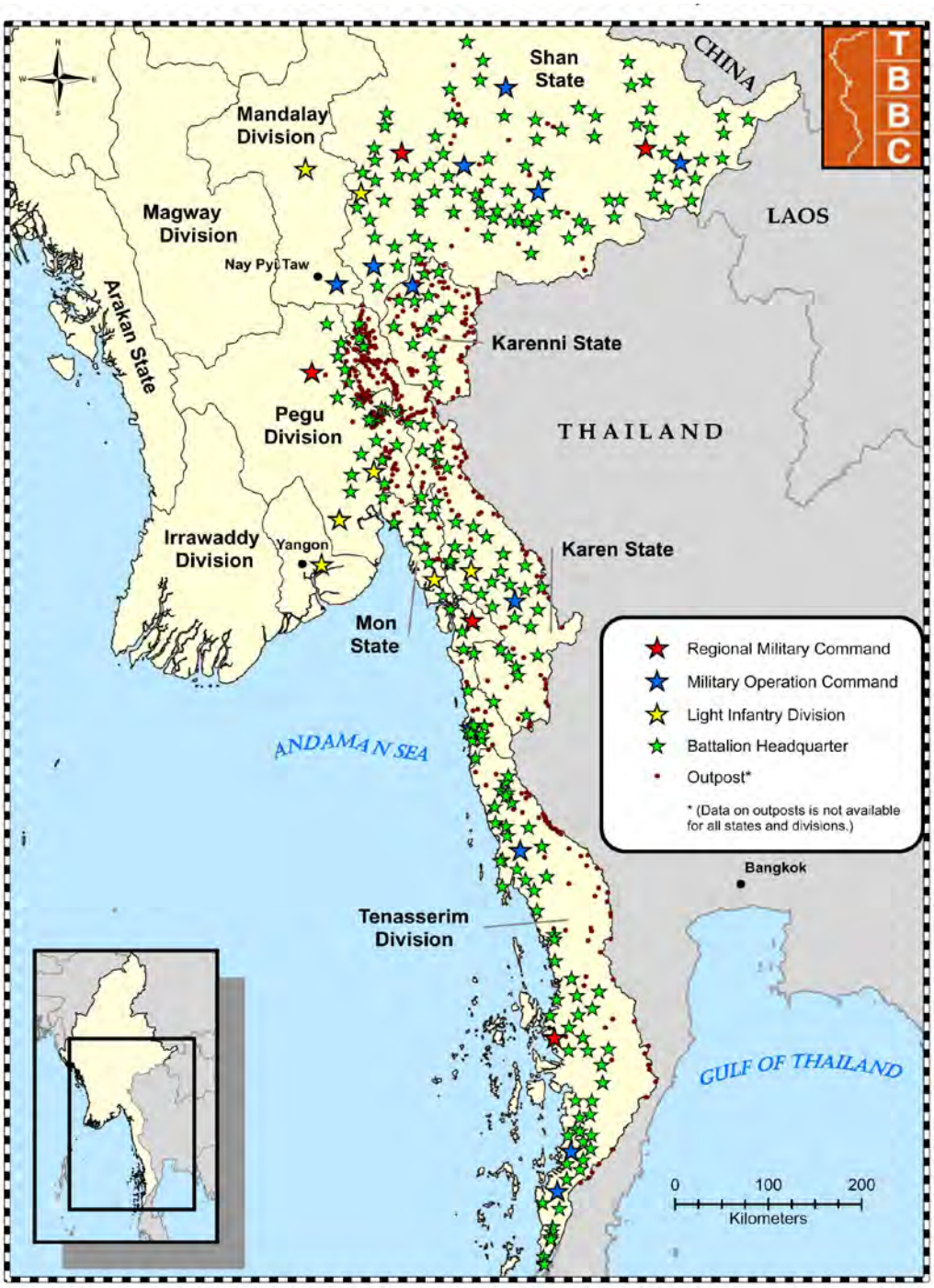
CNF	Chin National Front
KIO	Kachin Independence Organization
KNPP	Karenni National Progressive Party
KNU	Karen National Union
MNDAA	Myanmar National Democratic Alliance Army
NDAA	National Democratic Alliance Army
NLD	National League for Democracy
NMSP	New Mon State Party
SSA-North	Shan State Army - North
SSA-South	Shan State Army - South
UNFC	United Nationalities Federal Council
UNLD	United Nationalities League for Democracy
USDP	Union State Development Party
UWSA	United Wa State Army
UWSP	United Wa State Party

MAP SHOWING APPROXIMATE CEASEFIRE AND NON-CEASEFIRE AREAS IN KACHIN, SHAN, AND KARENNI STATES IN 2009



Source: Transnational Institute

MILITARIZATION IN EASTERN BURMA IN 2008



Source: Thai-Burma Border Consortium

KEY DATES IN BURMA'S ETHNIC POLITICS

1886-1948	Burma proper under direct British rule, frontier areas under indirect rule
Feb 1947	Panglong Agreement signed by General Aung San and several ethnic leaders establishes the principles of a federal union and the right of secession after 10 years
Sept 1947	Constitution approved – federal in name, but power primarily lies with the central government
1948	Burma gains independence, Communist armed struggle begins
1949	Karen armed struggle begins, other ethnic armed movements form
1961-2	Prime Minister U Nu encourages the passage of a law making Buddhism the state religion; U Nu allows high level discussion of federalism
1961	The Kachin Independence Organization/Army forms, in part in reaction to the push to make Buddhism the state religion (most Kachin are Christian)
1962	General Ne Win stages a coup and seizes power, claiming to prevent the country from falling apart; the 1947 constitution is abrogated and all power is centralized
1988	Nationwide pro-democracy uprising; citizens of all ethnicities in government-held areas participate; ethnic armed groups stay out
1990	Multiparty election held; pro-democracy and ethnic-based political parties contest, but the regime does not allow the winning parties to take power
1989-1995	The military intelligence branch of the army makes ceasefire agreements with many of the armed ethnic groups – they can hold their weapons and territory and engage in business
1993-2007	The National Convention to write a new constitution meets infrequently, most delegates are handpicked by the regime, ethnic politicians' demands are ignored
May 2008	A new constitution is approved in a national referendum marred by intimidation and fraud; the constitution enshrines the military's leading role in politics, 25% of seats in parliament and regional/state assemblies reserved for the military, and the right to take power if deemed necessary
April 2009	Military government orders ethnic armed groups to transform into Border Guard Forces integrated into the *tatmadaw*; many refuse
Nov 2010	Multiparty elections are held on Nov 7 but marred by intimidation and fraud; Aung San Suu Kyi released from house arrest 6 days later
Mar-Jun 2011	The *tatmadaw* breaks longstanding ceasefires with the Shan State Army-North and the Kachin Independence Army
2011-12	President Thein Sein and Aung San Suu Kyi both state that stopping the civil war is a top priority, government-initiated peace talks with numerous ethnic groups

EXECUTIVE SUMMARY

Enabling a durable peace in the ethnic areas will be one of the most difficult challenges to ensuring irreversible political reform in Burma. This is because of the distance in positions between the *tatmadaw* (the Burmese armed forces) and the armed ethnic resistance groups regarding the devolution of power and the integration of ethnic resistance armies into the national army. Complicating the issue further are the large number of resistance armies and militias with varying agendas, the multitude of licit and illicit business interests in the ethnic states, and the continuing threats to human security for civilians in the areas where the state and non-state armed groups operate.

The Thein Sein government has surprised everyone by making peace-making a priority since coming to office in April 2011. As of mid-March 2012, all the significant ethnic armed organizations, except for the Kachin Independence Organization, had agreed to initial ceasefires. The government negotiators promised that peace talks would follow in the coming months, although it is not clear if the government and *tatmadaw* will be willing to make any significant concessions on political demands or whether the former and current military leaders will continue to assume that promoting economic development in the ethnic areas will be sufficient to resolve the conflict.

When considering political reform in Burma today, it is important to keep in mind that many of the armed ethnic resistance movements began during Burma's democratic period from 1948-1962. Thus, restoring democracy alone is an insufficient condition for guaranteeing peace. Most of the armed ethnic resistance groups have been weakened in the last two decades, but together the number of soldiers under their command is over 40,000, and many non-Burman citizens identify with the causes for which they are fighting if not always the means.

If the government refuses to grant greater autonomy to the ethnic states, or if those groups engaged in illicit businesses feel that new political and military arrangements will unduly threaten their activities, they may become spoilers. The *tatmadaw*, or sections of it, also has the potential to become a spoiler and disrupt the peace process by attacking the ethnic armed groups and civilians in the ethnic states.

Other issues that could derail the peace process are a lack of agreement regarding the integration of ethnic nationalist troops into the *tatmadaw*, conflicts over the control of natural resource extraction and large scale economic development projects in the ethnic states, and tensions between various non-state armed groups. Another worry is that the *tatmadaw* will continue to commit widespread human rights abuses in the ethnic states, causing local populations to turn against the peace process.

Nevertheless, people in Burma are increasingly realizing that the civil war must end for the country to move forward politically and economically. Aung San Suu Kyi and other key players in the pro-democracy movement have emphasized the urgent need for a political resolution to the conflict.

For the peace process to be successful, several steps must be taken.

First, trust needs to be built between the ethnic armed groups, the government, and the *tatmadaw*. The *tatmadaw* will need to implement accords made between government negotiators and the ethnic armed groups in good faith. Then, there must be reasonably speedy progress toward political talks at the central government level.

The ethnic armed groups must disavow secession in return for the institution of power-sharing arrangements between various levels of government. As the political talks begin to tackle the substantive issues, there should be guidance from advisors well-versed in federalism and constitution-drafting so that a variety of viable options can be considered.

Pro-democracy politicians should also participate in the peace-making process to ensure that the process is inclusive and to generate popular support for any agreement that is reached. Respected civilian ethnic leaders should be given an opportunity to play a key role in the peace-making process in order to help build trust and solve problems as they arise. In addition, civil society organizations need to be brought into the process in order to ensure that the agreements that are made are not viewed as merely representing the interests of elite players and that all important issues are considered.

As soon as it is safe, all refugees and internally displaced people must be allowed to return home where possible. Where not, they should be permitted to resettle, with financial support and ideally, access to land, in areas where they feel secure. Demining must be carried out, so that land in former conflict areas becomes habitable again.

A number of soldiers in the ethnic armies and the *tatmadaw* should be demobilized, while the remaining members of the ethnic armies should be integrated into the *tatmadaw*. However, there must be proper sequencing of political agreements and the demobilization/integration of military forces. The ethnic armed groups need to know that their ethnic rights are guaranteed in the constitution and will be implemented before they will agree to demobilize/integrate. However, agreements could be made in advance, in which the ethnic armies pledge to demobilize/integrate their troops when the specified conditions are met.

Finally, the ethnic minorities must see real benefits from the peace process. Along with greater physical security, ethnic minorities want to be able to learn their languages and practice their religions and cultures freely. A rapid expansion of health and education services and the creation of economic opportunities for ordinary citizens in the ethnic states is also critical so that residents of the former conflict areas do not feel they are being ignored or left behind yet again.

There seems to be a greater impetus to establish genuine peace today than there has been for decades, but it will require great sensitivity, patience, and creativity.

1. INTRODUCTION

Enabling a durable peace in the ethnic areas will be one of the most difficult challenges to ensuring irreversible political reform in Burma. This is because of the distance in positions between the *tatmadaw* (the national armed forces) and the armed ethnic resistance groups regarding the devolution of power and the integration of ethnic resistance armies into the national army. Complicating the issue further are the large number of resistance armies and militias with varying agendas, the multitude of licit and illicit business interests in the ethnic states, and the continuing threats to human security for civilians in areas where the *tatmadaw* and non-state armed groups operate.

Although the Thein Sein government has engaged in a peace offensive since coming to office in April 2011, it is not clear if the government and *tatmadaw* will be willing to make any significant concessions on political demands or whether the former and current military leaders will continue to assume that promoting language rights and economic development in the ethnic areas will be sufficient to resolve the conflict.

When considering political reform in Burma today, it is important to keep in mind that many of the armed ethnic resistance movements began during Burma's democratic period from 1948-1962. Thus, restoring democracy alone is an insufficient condition for guaranteeing peace. The ethnic states comprise 60 percent of the territory of Burma, and the population that identifies itself as belonging to an ethnic group other than Burman is more than one-third.[1] Most of the armed ethnic resistance groups have been weakened in the last two decades, but together the number of soldiers under their command is over 40,000, and many non-Burman citizens identify with the causes for which they are fighting if not always the means.[2]

While in some ways the ethnic nationalists and the majority Burman population have come closer together, in other ways, the divide has widened. Few members of the ethnic nationalist armies now talk about secession or independence, the issue that the *tatmadaw* and population at large has been most worried about. However, the long years of civil war, during which the civilian population in the conflict areas has been brutalized by the *tatmadaw*, has embittered many ethnic minority residents in the ethnic states. As *tatmadaw* troops have moved into the ethnic states in ever greater numbers, human rights abuses have been widespread and will likely continue as long as the *tatmadaw* remains and is allowed to act with impunity.

Resource exploitation, privatization and the influx of foreign investment in the ethnic states are bringing about new challenges as the military seeks to gain control of areas for both strategic and economic benefit and Burman businessmen and workers have moved into former conflict areas. In northern Burma, Chinese businessmen and workers have also arrived in great numbers. Land confiscation for both military use and private enterprises is rife and the local populations are resentful that they have lost their land benefitted little. *Resolving all the issues in a way which a multitude of stakeholders can accept will require great sensitivity, patience, and creativity*.

[1] Because no nationwide census has been carried out since 1935, the number of citizens identifying with each ethnic group is not exactly known. Many people are also of mixed ethnicity.

[2] The number of troops in each non-state army can only be estimated, as the various armies do not regularly report their numbers and they cannot be independently verified.

2. HISTORICAL BACKGROUND

Burma is a colonial creation and the mountainous areas that ring the plains were never under the direct control of Burman kings in the past. The British divided the territory that now comprises Burma into two areas: Ministerial Burma (or Burma Proper) and the Frontier Areas. Ministerial Burma was ruled directly and included lowland areas where Burmans were the majority, lowland areas with large Karen populations, and areas that today constitute Arakan and Mon State. The mountainous Frontier Areas were ruled indirectly, with local princes and chiefs allowed to continue to govern in return for loyalty to the Crown.

After World War II, the Burmese nationalist movement mounted strong resistance to a reassertion of British rule. The British agreed to grant independence to Burma on the condition that the nationalists could persuade the ethnic leaders to form a political union. Thus, General Aung San, pro-democracy leader Aung San Suu Kyi's father, organized a conference in the town of Panglong, Shan State to discuss the idea of a union with representatives of the Chin, Kachin, and Shan ethnic groups. General Aung San was able to win over many of the ethnic leaders with his straight-forward manner and promise of equal rights. The Panglong Agreement was signed, stating that a union would be formed with "full autonomy in internal administration for the Frontier Areas." Unfortunately, General Aung San was assassinated five months later, and other Burman politicians did not follow through on General Aung San's promises.

The Panglong Agreement formed the basis for the establishment of a federal constitution in 1947, and some of the ethnic states were accorded the right to secede after 10 years if they were not content with being part of the union. But the constitution in effect created a state in which the balance of power was heavily tilted toward the central government. *Many ethnic nationalist leaders have attributed the ethnic crisis in Burma to the faulty constitution combined with Burman chauvinism*. Ethnic nationalist groups have continued to call for a new Panglong Conference and a revival of the Panglong spirit. However, such demands were anethma to previous military regimes which found fault with the 1947 constitution for their own reason: because it legally allowed secession.

After independence was declared in January 1948, civil war broke out with both armed leftist groups and ethnic groups fighting the government. The government had to divert much of its attention and financial resources to reasserting control. In the first few years, large swathes of central Burma were affected, but later, the armed groups were driven into the mountains, where they had the advantage.

In 1962, General Ne Win seized power, claiming the country was on the verge of disintegration. Prime Minister U Nu had permitted ethnic leaders to hold conferences on federalism, in which the army was criticized and some speakers called for greater autonomy for the ethnic states. After the coup, the 1947 constitution was abrogated, power centralized, and businesses nationalized. Chinese and Indian business people were encouraged to leave. Meanwhile, the civil war continued until the pro-democracy uprising in 1988 without any major breakthroughs. Ethnic armed groups administered their own areas and generally sought to defend their territory rather than stage attacks in government-controlled areas.

In 1988, large numbers of ethnic minority civilians participated together with Burmans in the pro-democracy movement. Numerous ethnic-based political parties formed and campaigned for democracy and ethnic rights, but the ethnic armed groups did not get involved. Some ethnic leaders felt that it was really a Burman affair, so there was no reason to join in; others worried

that their involvement could harm the pro-democracy cause by creating a justification for the *tatmadaw* to attack the movement.

After the regime refused to cede power, ethnic political parties and a number of elected MPs from the National League for Democracy (a party founded by Aung San Suu Kyi in 1988 with former military officers disaffected with military rule and leftist intellectuals, which won the 1990 elections by a landslide) continued to call for a restoration of democracy and ended up in prison or had to flee the country. In September 1988, the head of military intelligence, Lt. General Khin Nyunt, began reaching out to ethnic armed organizations to make ceasefires. With the government beginning to allow private enterprise and foreign investment in the country, ceasefire groups were also permitted to engage in business and make deals with foreign companies (particularly from China).

Between 1989 and 1995, 17 ceasefire agreements, or military truces, were concluded, but the regime refused to move on to a discussion of political rights, claiming that they were merely a transitional government. As a result, ceasefire groups and the populations in their areas lived in a state of limbo which was far better than war but not genuine peace either. Although the worst human rights abuses came to an end, many of the displaced could return home, and some economic development took place, the *tatmadaw*'s goal was to weaken the ethnic armed groups rather than to address their demands. They hoped that as members of the armed groups became involved in business enterprises, their will to fight would diminish, the armed organizations would become divided, and they would ultimately have to accept living in a centralized, unified state in which the *tatmadaw* had sovereignty over the entire country.

Throughout the period of military rule, successive regimes promoted Burmanization, by inhibiting the teaching of non-Burman languages and frequently placing restrictions on the promotion of non-Buddhist faiths while encouraging the spread of Buddhism. Although these policies were not implemented consistently, ethnic minorities felt that their languages and cultures were not respected and that they were discriminated against in the education system as well as in hiring and promotions in the civil service and the military.

3. KEY ARMED ETHNIC GROUPS

Dozens of armed ethnic groups in Burma have been able to establish themselves and survive, due to the availability of weapons, the protection afforded by mountainous terrain, and the opportunities for income generation through taxation (of border trade and of local populations), drug trafficking, and the sale of natural resources. To simplify a very complicated picture, the armed ethnic resistance groups can be broadly divided into three categories: armed groups with ethnic nationalist agendas, armed groups with territorial demands and significant business interests, and smaller armed groups which the regime treats as militias or border guard forces.[3]

I will discuss each category in turn, with descriptions of the key armed groups in the first two categories. Most groups have nominally separate political and armed wings, with different names

[3] For more information on ethnic grievances, the various non-state armed groups, and the challenges with the ceasefires to date see: International Crisis Group, *Myanmar: A New Peace Initiative*, Brussels, November 2011; Tom Kramer, *Ending Burma's Conflict Cycle? – Prospects for Ethnic Peace*, Transnational Institute, the Netherlands, February 2012, and Paul Keenan, *An Uneasy Peace: The Problems of Conflict During the Peace Process in Burma*, Burma Centre for Ethnic Studies, Thailand, February 2012.

for each. However, some are known primarily by one name or the other, as indicated in bold below.

Armed groups with ethnic nationalist agendas. All of these organizations see themselves as representing ethnic populations which have deeply-felt grievances against the government and the *tatmadaw*. The larger armed groups have been fighting for over four decades and have armies that currently range in size from a couple of thousand to several thousand troops. They have also established administrative departments running health, education, forestry, agriculture, and other programs in territories under their control. Most are based in eastern Burma and have funded themselves through the sale of natural resources and the taxation of border trade with neighboring countries. However, groups in Shan State and Kachin State have relied on income from the drug trade as well. The ethnic nationalist groups have formed a number of military and political alliances over the years. Their common demand is for a genuine federal union.

- **The Karen National Union** (KNU), and its military wing, the **Karen National Liberation Army** (KNLA), was the first ethnic nationalist group to take up arms and has engaged in armed struggle since 1949. The KNU originally demanded the creation of a Karen state that would encompass parts of central Burma where most Karen reside. However, since large numbers of Burmans and others also lived in these areas, the central government was categorically opposed. The leadership of the KNU is primarily Christian, and the organization was weakened in the mid 1990s when a large number of Buddhist Karen soldiers broke away to form the **Democratic Buddhist Karen Army**, with the encouragement of the *tatmadaw*. The KNU is based along the Thai-Burma border in Karen State but also operates farther inland and farther south. They never agreed to a ceasefire until 2012.

- The **Kachin Independence Organization** (KIO), and its military wing, the **Kachin Independence Army** (KIA), were founded in 1961 after the government announced its intention to make Buddhism the state religion. Most Kachin are Christian, and they feared religious intolerance. They were also frustrated with the central government's lack of attention to development in their areas. In 1994, they broke with the alliance of ethnic nationalist armed groups to make a separate ceasefire, with the hope that they could achieve their objectives through participation in the national constitution drafting process. However, the regime refused to consider any of their demands. In 2009, the KIO was ordered to transform into a border guard force but refused. The *tatmadaw* broke the ceasefire in June 2011 and fighting has continued ever since. They operate in Kachin State and northwest Shan State.

- The **Karenni National Progressive Party** (KNPP) has been the most steadfast in calling for independence, due to a treaty between the British and Burman king in the 1850s which recognized the Karenni hills as independent. The 1947 constitution also granted Karenni State the right to secede after 10 years. However, the army is small and has been weakened by splits, and Karenni State is remote and poor, so most leaders recognize that independence is not viable.

- The **New Mon State Party** is a relatively small group that has focused on ethnic rights and Mon-language education. Under pressure from the Thai military and their own population, they made a ceasefire with the regime in 1995 but continued to maintain relations with non-ceasefire groups. In 2011 and early 2012, they tried to hold out for nationwide ceasefire talks, but finally agreed to negotiate separately after other groups had done so.

- The **Shan State Army-South** (SSA-South) and its political wing, the **Restoration Council of Shan State** (which is less well known than the army) uses the term "south" to distinguish itself from the Shan State Army-North. The SSA-South was formed by Shan fighters in a previous Shan army (the Mong Tai Army) after the head of that army, a drug dealer named Khun Sa, surrendered to the government in 1996. Since then, the Shan State Army-South has tried to clear its name as a drug army while also maintaining informal links with the Shan State Army-North.

- The **Shan State Army-North**, and its political wing, the **Shan State Progressive Party**, are based in central and northern Shan State and made a ceasefire agreement with the military regime in 1989. Some battalions of the Shan State Army-North refused to transform themselves into border guard forces in 2009, and they were attacked by the *tatmadaw* in March 2011. Although a ceasefire agreement was made in late 2011, fighting has continued to break out.

- The **Chin National Front** is a small armed organization with a few hundred soldiers formed after the military seized power again following the 1988 pro-democracy demonstrations. It is based in western Burma, bordering India, and made a ceasefire for the first time in late 2011.

Armed groups with territorial demands and a mix of licit and illicit business interests. There are three allied armed groups based in northern Shan State along the China border which split off from the Communist Party of Burma after a mutiny in 1989. All three were quick to make ceasefires with the military regime in 1989. Originally engaged in opium production and heroin trafficking, they came under heavy pressure from China to stop the cultivation of opium and have largely done so. Chinese businessmen, with Chinese government subsidies, have established extensive rubber, tea, and fruit plantations in these areas, resulting in widespread displacement of the civilian population.[4] After opium production moved to other areas of Shan State, the three organizations have continued to be involved in heroin trafficking and have also engaged in the production and trafficking of amphetamine type stimulants to neighboring countries, particularly Thailand.[5] At the same time, they have established a range of legal businesses in central Burma, including in the banking and transport sectors, which has enabled them to launder their drug money. All three have mixed leaderships including ethnic Chinese from China. The ethnic nationalist organizations have not had close relations with them. All three refused to transform into border guard forces in 2009.

- The **United Wa State Army** (UWSA) and the political wing, the **United Wa State Party** (UWSP) is the largest of the armed groups, with an estimated 15,000-20,000 soldiers.[6] The *tatmadaw* allowed the UWSA to move down into Southern Shan State in return for assistance in fighting Khun Sa's Mong Tai (Shan) Army. After establishing military positions, the UWSA moved between 50,000-100,000 villagers down into this

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[4] Tom Kramer and Kevin Woods, *Financing Dispossession: China's Opium Substitution Programme in Northern Burma*, Transnational Institute, Amsterdam, February 2012.

[5] See Phil Thornton, "Myanmar's Rising Drug Trade," *Bangkok Post*. February 12, 2012. and Joshua Kurlantzick, "As Burma reforms, its narcotics trade might be worsening," *The Atlantic*, February 18, 2012. Both argue that the 1989 ceasefires facilitated the spread of drug trafficking in Shan State and that the *tatmadaw* is also extensively involved.

[6] Tom Kramer, *The United Wa State Party: Narco-Army or Ethnic Nationalist Party*, East-West Center: Washington D.C., 2007, p. 45.

territory.[7] The UWSP wants a Wa State to be carved out of Shan State, but the 2008 constitution granted only a self-administered division within Shan State. In 2009, the *tatmadaw* ordered the UWSA to move out of southern Shan State, however it refused. Although the UWSP has talked about the rights of the Wa people, some in the leadership are Chinese and the populations in UWSA-controlled areas consists of a mix of ethnicities (Wa as well as Shan, Lahu, and Akha).

- The **Myanmar National Democratic Alliance Army** (MNDAA) is referred to as the Kokang army because most of its members are Kokang Chinese. After refusing to transform into a border guard force, the MNDAA was attacked by the *tatmadaw*. The MNDAA leadership is currently in exile in China and has requested ceasefire talks. The 2008 Constitution granted the Kokang a self-administered area in Northern Shan State.

- The **National Democratic Alliance Army – Eastern Shan State (or Mongla)**, is another Chinese dominated group with Mongla as its capital town. Besides rubber plantations and businesses in central Burma, it runs casinos which primarily serve Chinese tourists.

Smaller armed groups and militias. There are literally dozens of organizations that the regime calls or treats like militias, or which have already been transformed into border guard forces. The majority are based in Shan State. The number of men holding arms is generally less than 500, and in some cases, less than 100. Some of these groups have ethnic nationalist agendas and represent smaller ethnic minorities, such as the Palaung, Pa'o, and Lahu in Shan State. Others broke away from larger ethnic resistance groups. Several have been used by the *tatmadaw* to attack or obstruct the larger resistance groups. Some have become primarily focused on business interests, and for those based in Shan State, this has largely revolved around drug production and trafficking.

4. DYNAMICS MOVING THE KEY STAKEHOLDERS TOWARDS CEASEFIRES

Despite numerous attempts at ceasefire agreements between the regime and various ethnic groups, considerable differences of opinion in the terms of those ceasefires have thus far inhibited their long-term success. The ethnic groups have sought better treatment, particularly from the *tatmadaw*, and greater political power. In the past, however, the regime has ceded little to the ethnic groups, instead seeking to maintain its power base. Even when ceasefire agreements have been signed, in some cases the *tatmadaw* have continued their attacks and deepened the divide. This section outlines the renewed efforts under Thein Sein to broker ceasefire agreements and the motivations and concerns of the major ethnic groups..

Constitutional and political change. From 1993-2007, the regime held a National Convention to write a new constitution. It proceeded extremely slowly as the regime sought to buy time and consolidate its power. The regime allowed limited numbers of ethnic representatives from ceasefire groups and legally registered ethnic-based parties to participate. However, the regime refused to consider any of the points they (particularly the Kachin) put forward regarding ethnic rights, even though they were moderate.

[7] Ibid, p. 41.

In 2008, a new constitution was adopted, and it asserted the military's right to play a leading role in politics and the military's autonomy from the rest of the government. It also reserved 25% of the seats in parliament for the military. However, it also responded in a very minimal way to the demands of the ethnic minorities. Ethnic language and cultural rights were recognized, and the existing seven ethnic states and seven Burman-majority divisions were allowed to establish state and regional assemblies respectively (divisions were renamed regions). In addition, seats were reserved in the assemblies for representatives of various smaller minority groups. Yet the state assemblies were given extremely limited powers, and as in the national parliament, 25% of the seats were reserved for the military. States were to be run by chief ministers, who must be members of state assemblies but are selected by the President. One self-administered division and five self-administered zones were established for smaller minority groups, but again with minimal authority.

In April 2009, the regime announced that all ethnic armed groups needed to transform into Border Guard Forces. The plan called for the battalions to be managed by *tatmadaw* officers who would be in charge of training, supplies, salaries and promotions. While some of the very small ceasefire groups felt unable to resist this order, all of the larger groups refused. The *tatmadaw* responded by attacking one of the groups, the Kokang, in 2009, driving 30,000 refugees over the border into China. Those groups which had not yet made ceasefire agreements with the regime saw this as further proof that the regime had only made the ceasefires in order to disempower the ethnic armed groups without any willingness to consider the groups' political demands.

In 2010, the regime allowed ethnic-based political parties to contest in the elections, but a Kachin party linked to the Kachin Independence Organization (military wing: the Kachin Independence Army) was not allowed to register. Ethnic parties that won seats in the 1990 election, together with the NLD, refused to participate in this election. However, new ethnic parties were formed, and won a number of seats, although the party members in many areas believe they would have won more seats if there had not been fraud.

In June 2011, three months after Thein Sein became president, fighting broke out between the *tatmadaw* and the Kachin Independence Army near a Chinese financed hydropower project in Kachin State. The Kachin Independence Army had had a ceasefire with the *tatmadaw* since 1994, and had made great efforts over the years to resolve the ethnic conflict peacefully but refused to transform into a border guard force since none of their political demands had been considered. The *tatmadaw* proceeded to attack Kachin bases in Northern Shan State, near where Chinese oil and gas pipelines were being built, and in Kachin State. As of January 2012, over 55,000 Kachin civilians had been displaced by the conflict, and the government was not allowing international agencies to provide humanitarian assistance on a regular basis to the displaced in areas behind Kachin Independence Army lines.[8]

Government efforts to establish ceasefires. In his first year as president, Thein Sein surprised everyone by initiating a peace process that established ceasefires with the promise of political talks in the near future. The armed groups did not initially expect such new policy initiatives, as Thein Sein was the prime minister under the previous regime, and had been assigned to his current position by the former regime chief, Senior General Than Shwe. In addition, with a resumption of civil war in Northern Shan State and Kachin State in 2011, the military-backed government seemed to be more interested in achieving the military's long-term goal of control over all of the country's territory and particularly in establishing control over areas in which key development projects were being undertaken.

[8] UN-OCHA, *Myanmar – Monthly Humanitarian Update*, December 2011/January 2012, p. 1.

Nevertheless, President Thein Sein has prioritized the restoration of peace in the ethnic areas. *The government recognizes that in order for the US and other Western countries to lift sanctions, the civil war must end. In addition, to attract investment and galvanize economic development there must be peace in the country*. The government also needs to be able to reduce military expenditures in order to be able to allocate more money for other sectors, and must end the civil war to do so. Finally, the president also appears to want to show his responsiveness to citizens' concerns which include a strong desire for peace and a return to normalcy.

Shortly after taking office, President Thein Sein established a peace committee to negotiate with the armed groups. The peace committee is led by Aung Thaung, a secretariat member of the government's Union Solidarity and Development Party, a reorganization of the Union Solidarity Development Association which was founded by Senior General Than Shwe in 1993 as a mass organization supporting the government. The president later also appointed Aung Min, the railway minister, as his personal peace envoy. Both men come from the army and held cabinet positions in the previous regime. Aung Thaung has initiated talks with groups in northern Burma as well as with a couple of the groups in eastern Burma (namely, a breakaway faction of the Democratic Karen Buddhist Army and the All Burma Students Democratic Front) while Aung Min has reached out to most of the groups based in Eastern Burma.

September 2011-March 2012 ceasefire agreements. A flurry of peace talks took place between September 2011 and March 2012, with Aung Min and Aung Thaung appearing to be competing to achieve the most ceasefire agreements.[9] In early September 2011, the leaders of two of the former ceasefire groups (the United Wa State Army and the National Democratic Alliance Army) quickly concluded new ceasefire agreements once they were assured that they did not need to become Border Guard Forces. The new ceasefire agreements contained the same terms as the original ceasefire agreements, allowing them to establish liaison offices, continue to administer their own areas, and hold weapons in their territory.

Between December 2011 and February 2012, two large armed groups, the Karen National Union and the Shan State Army-South, which had never concluded ceasefire agreements with the government, signed preliminary agreements when Aung Min agreed to consider their demands in principle.[10] Both of these groups are tired of war and under pressure from civilian populations in their areas, who have born the brunt of decades of military operations. Nevertheless, there was disagreement within the Karen National Union regarding whether the KNU peace negotiators should have agreed to a ceasefire so easily. Some who support a peace agreement were accused of having personal business interests that would be furthered by a ceasefire.[11] Aung Min sought to allay the concerns of the more doctrinaire leaders within the KNU by making a secret visit to them in March 2012.

KEY KAREN NATIONAL UNION DEMANDS TO THE GOVERNMENT

- Stop military operations in (all) ethnic areas
- Start a nationwide ceasefire as soon as possible
- Guarantee the human rights and safety of civilians
- Plan development projects that are supported/approved by local villagers
- Immediately stop forced labor
- Stop excessive taxation and extortion of villagers

[9] In February 2012, the two key government negotiators also initiated talks with armed and unarmed pro-democracy groups on the Thai- Burma border, with agreement on both sides to hold further talks in the future.

[10] For the full set of demands see "State level peace-making group, KNU peace-making group sign initial agreement," *New Light of Myanmar*, January 14, 2012.

[11] Saw Yan Naing, "KNU Divided over Peace Treaty," *Irrawaddy News*, February 9, 2012.

As more groups began signing agreements, and political space appeared to be opening up in central Burma, the leaders of various groups began to feel that they should sign in order to not be left out of the process. They were also aware that during the 1989-1995 period, those groups which made ceasefires earlier obtained more favorable terms. Thus, the Karenni National Progressive Party and the New Mon State Party, two smaller armed groups whose struggles have been rooted in political demands, also signed initial agreements in February and March 2012.

Nevertheless, as of mid-March 2012, the government had not been able to persuade the Kachin Independence Organization to accept a ceasefire, despite several rounds of talks. The KIO felt that returning to a ceasefire like they had had in the past would be meaningless. They insisted that political issues be the focus of the talks from the start.

Previous regimes and the current government have so far insisted on negotiating with each group individually, rather than agreeing to ethnic groups' demands for negotiating with all groups collectively.[12] Collective negotiations would strengthen the position of the armed resistance groups, but twenty years ago and again today, the armed resistance groups have been unable to maintain unity on this position. After the government negotiators were able to persuade one or two groups to accept separate negotiations, the other groups came under pressure to do the same.

In the past, the regime's ceasefire negotiators refused to talk about political issues and demonstrated little sympathy for the ethnic groups' grievances. The current government's negotiators, particularly Aung Min, have been more accommodating. Aung Min has solicited advice from leading members of Egress, a prominent Burmese non-governmental organization which has sought to work with the government to bring about reform, as well as from members of Vahu Development Institute, a small group of Burmese pro-democracy activists who obtained higher degrees abroad and work closely with Egress. Members of Egress have accompanied Aung Min and his delegation to most, if not all, of the peace talks. Aung Min has come across as modest and sincere and has made a good impression on the leaders of the various groups whom he has met.[13] Armed resistance group leaders have a less favorable impression of Aung Thaung, who is seen as a hardliner and has a close relationship with Senior General Than Shwe.[14]

Ethnic resistance forces' motivations and concerns. The ethnic resistance groups were largely interested in making ceasefire deals in order to have a seat at the political table. Some groups were weak and felt that talks were their only viable option, while others saw some opportunity and didn't want to be left behind. At the same time, there continued to be a great deal of skepticism. The leaders of the ethnic armed groups doubted whether the various power centers in the government and the military would really be willing to grant greater autonomy to the ethnic regions. They wondered whether the talks were simply a ploy to make the country appear peaceful in order to persuade the United States and the European Union to lift sanctions.

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[12] The United Nationalities Federal Council (UNFC), which was formed in Thailand in 2010 and as of March 2012, included 11 ethnic armed groups, originally called for a nationwide ceasefire and nationwide political talks. It includes the Kachin Independence Organization and Karen National Union along with a number of smaller organizations. It has asked the United Wa State Party and Shan State Army-South to join, but neither have so far. Although individual ceasefires have been reached, the council continues to call for joint political talks rather than separate talks.

[13] Interviews with representatives of the Vahu Development Institute and the Democratic Party for a New Society who have met Aung Min or engaged in peace talks with Aung Min, March 2012.

[14] Tom Kramer, *Financing Dispossession: China's Opium Substitution Programme in Northern Burma*, Transnational Institute, Amsterdam, the Netherlands, February 2012, p. 19.

However, populations in most of the ethnic states have also pushed for ceasefires, and there is a strong desire for genuine peace. As one Karen living in a refugee camp in Thailand stated, "The peace talks are good and I hope they [KNU and government] will come to an agreement that will lead to bringing lasting peace to the country. Then, we who live in refugee camps will be able to return home. This is what we have been hoping for – to go back to our homeland."[15]

Nevertheless, they questioned whether the security situation in and around the conflict areas would really improve. Despite the President's call for a stop to the offensive in Kachin State, fighting continued and the *tatmadaw* battalions did not move back from the positions they had taken in areas previously held by the Kachin Independence Army. Even in southern Shan State and Karen State, where ceasefires had been agreed to, *tatmadaw* soldiers in the frontlines continued to shoot at the ethnic resistance armies and *tatmadaw* abuses of civilians continued to take place. Whether these are the result of unclear operating procedures in new circumstances or because the army leadership or certain factions do not want to adhere to the ceasefires is unclear.

The Thein Sein government's roadmap to peace. In an effort to dispel skepticism and push the peace process forward, President Thein Sein spelled out his administration's three step roadmap in a striking "state of the union" speech to Parliament on March 1, 2012, 11 months into his presidential term. The roadmap calls for initial talks to stop the fighting before proceeding to more substantive talks in which political issues would be discussed. Ultimately the constitution would be amended to reflect agreements made on political issues. He stated that the government did not have a hidden agenda and would base the roadmap on three pillars: mutual understanding, equality, and development.[1] In sharp contrast to previous military leaders, President Thein Sein referred to Burmans as just one among many ethnic nationalities in the country and asserted, "As we are a Union, the participation of all national races in this process on equal terms is a must."

The Thein Sein government further tried to demonstrate its sincerity in the peace process by allowing three Western diplomats, including U.S. attaché Andrew Webster, to observe the government's talks with the Karenni National Progressive Party on March 8, 2012 in which a ceasefire deal

The Thein Sein Government's Roadmap to Peace
Step 1: Dialogue at the State Level to stop fighting and agree to dialogue • both sides must stop all hostilities • troops must stay only in the agreed areas • troops cannot hold any arms in other places except from those agreed areas • open liaison offices in the mutually agreed places • fix the venue, time and date for Union Level dialogue
Step 2: Dialogue at the Union Level leading to amending the constitution • agree to not secede from the Union • accept the "Three National Causes" (principles): non-disintegration of the Union, non-disintegration of national solidarity and the perpetuation of national sovereignty • cooperate in economic development tasks • cooperate in the elimination of narcotic drugs • set up political parties and take part in the political process • discuss at length with other national races in the national parliament and amend the constitution • coordinate the existence of only a single armed force in accord with the constitution
Step 3: Sign a Political Agreement • Sign an agreement at the national parliament comprising all main political players: the government, national race leaders, political parties, political forces, & people's representatives

[15] Saw Blacktown, "Karen People Say – Give Peace a Chance", *Karen News*, January 2, 2012.
[16] Myo Thant, "U.S., British Diplomats Observe Karenni, Gov't Peace Talks," *Mizzima News*, March 8, 2012.

was reached.[16] This was a notable departure from the past when no observers were allowed and the provisions of ceasefire agreements were not made public.

The Thein Sein government hoped to achieve ceasefires with all the ethnic armed organizations before the April 1 by-elections if possible, although it looks unlikely that a ceasefire will be reached with the Kachin Independence Organization by that date. If the elections go smoothly and ceasefires are in place, there will be stronger pressure for the US and other Western governments to lift sanctions.

However, whether the ceasefires will truly lead to sustainable peace is not clear. The government's first steps are similar to the prior regime's peace-through-development approach, which includes allowing displaced civilians to return and ceasefire groups to engage in business and trade (in the past, this has included the drug trade). Thus far, there is no indication that *tatmadaw* troops would withdraw from any of their positions in the ethnic states; thus, it is likely that firefights will continue to break out and abuses against civilians will continue to occur.

Some members of the Thein Sein government have said that ethnic reconciliation will be achieved in three years, which is when the next general election will be held. Promisingly, the government has said that the constitution could be amended. However *if the government plan is for the ethnic armed organizations to turn themselves into political parties, run in the 2015 election, and then attempt to persuade the rest of the parliament to amend the constitution, it is doomed to fail*. If, on the other hand, the government would be willing to make significant compromises and would be able to compel Union Solidarity and Development Party and military members of parliament to vote for a constitutional amendment to make this happen, there is greater hope. Still, genuine peace requires more than just an elite level agreement; the inclusion of a wider range of stakeholders is essential to ensuring a lasting peace. In addition, a number of other issues complicate the ethnic peace process and are discussed in section 5.

6. THE VIEWS OF OTHER KEY ACTORS

Burman/Pro-democracy attitudes toward federalism. Generally speaking, Burman politicians, activists, and ordinary citizens today reflect genuine sympathy for those displaced by the civil war and a desire for lasting peace in the ethnic states. However, most Burmans do not fully understand the ethnic minorities' grievances. Burmans have often asserted that everyone in the country suffered equally under military rule, without being aware of the particular hardships experienced by those in the civil war areas. With little access to independent information about the armed conflicts in the ethnic states, they have been very much influenced by previous governments' insistence that the armed ethnic groups were nothing but drug dealers, robbers, and warlords. Such negative images were reconfirmed for some by the activities of drug trafficking ceasefire leaders who began establishing a presence in central Burma in the mid-1990s.

In addition, most Burmans have accepted previous regimes' propaganda that a federal system of government in Burma would inevitably lead to the break up of the country. They also tend to see it as the central government's prerogative to grant or not grant ethnic rights rather than the ethnic nationalists' prerogative to decide whether or not to join the union. With the glorification of

[16] Myo Thant, "U.S., British Diplomats Observe Karenni, Gov't Peace Talks," *Mizzima News*, March 8, 2012.

powerful Burman warrior kings in history books, movies, and monumental statues, most Burmans valorize Burman imperialism and Burman nation-building. As with majorities in many countries, a fair number of Burmans have patronizing attitudes toward the minorities, whom they see as less sophisticated than themselves.

However, there have been some positive developments in the past few years. Politically-engaged citizens of central Burma have learned more about the situation in the conflict areas through access to exile radio and TV programs, through the internet, and more recently, through reporting by private media in the country. Seeing images of displaced people, destroyed villages, and refugee camps has had a significant impact on people in central Burma.

The campaign to stop the Myitsone Dam also helped to bring Kachin groups and Burmans concerned about the environment and their national heritage together. The megadam would not only flood a huge area in Kachin State but would also forever change the nature of the Irrawaddy River, which flows through Burma's central heartland and has great symbolic import for Burmans. After President Thein Sein announced he was postponing the dam, a new campaign calling for peace in Kachin State and relief assistance for displaced Kachin began. It has been supported by Burmese activists, singers, celebrities, and business people.

In the past, members of the pro-democracy movement generally considered the restoration of democracy as the first priority and resolving the ethnic issue as something to be worked out afterwards. This attitude has suited successive military regimes who have sought to prevent alliances from forming between the pro-democracy movement and the ethnic rights movements. However, *more people today recognize that economic development cannot really proceed until the civil war comes to end; thus, there is greater support for making this issue a priority.*

Since their release from prison in January 2012, the leaders of the widely respected **88 generation activists** have stressed the need for nationwide peace along with democratization and economic development. This group was born out of the 1988 democracy movement, which was led in several localities by university students. Many of its prominent figures have remained active despite (or because of) long prison sentences. Many were also involved in protests against fuel price hikes in 2007, leading to their re-arrest and the monks' movement. They have particularly highlighted their concern for the plight of displaced civilians in Kachin State, and two of the most prominent leaders, Min Ko Naing and Ko Ko Gyi, travelled to Kachin State in February 2012 to make speeches calling for peace. Min Zeya, an ethnic Mon 88 generation activist, has also spoken out on ethnic issues, emphasizing that ceasefires alone will not lead to peace. Most of the leading members of the 88 generation are Burmans, and it is promising that they have taken a greater interest in ethnic issues. Nevertheless, they too lack information about federalism and are not fully aware of what the options are.

Within the **National League for Democracy**, Aung San Suu Kyi appears to have the greatest understanding of federalism, in part because of her exposure to various systems of government when living abroad. She is also keenly aware of her father's achievement in persuading various ethnic nationality leaders to join the Union of Burma at the Panglong Conference in 1947 and the expectation that she would engage with the ethnic nationalities in a similar spirit of honesty and openness. The NLD's 1989 party platform talked about the need for "equality and self-determination" in the ethnic states, and upon her release from house arrest in 2010, she raised the issue of holding another Panglong Conference. In her party platform speech for the April 1 2012 by-elections, she stated:

> "We must find common ground in order to build a genuine Union based on equality which is the basis of Panglong as aspired by the national races, the

> right to have own rule and the right to decide freely in accord with the constitution. I strongly believe that our national brethren want only a genuine democratic Union, and they don't want secession at all."[17]

Senior politicians in other pro-democracy parties have also stressed the importance of solving the ethnic issue. Khin Maung Swe is a leading politician and one of several members of parliament for the **National Democratic Force,** a political party formed by members of the National League for Democracy who disagreed with the NLD's decision to boycott the 2010 election. He said in an interview in January 2012:

> To speak frankly, this is the military's last chance. If they cannot establish peace, there will be very little chance for economic development. Without peace, there can be no unity … So No. 1 is to establish peace. No. 2 is to solve problems politically and amend the Constitution and make the outline for power sharing between the local governments of states/regions and the Union [central] government.[18]

If Aung San Suu Kyi and other national figures continue to make ending the civil war a top priority, there could be pressure on both the government and the military to consider a wider range of options than they had perhaps originally envisioned. In addition, as people become accustomed to the idea of having regional and state assemblies, which are just completing their first year of operation, the general public may become less afraid of federalism, particularly if ethnic minority leaders are willing to pledge that they will not secede from the union. However, Burmans living in ethnic minority states may be more resistant to a devolution of power.

Popular attitudes toward national reconciliation in the ethnic areas. The non-Burman ethnic nationalities generally identify with the armed organizations' goals of greater autonomy and equal treatment for non-Burmans, although a significant percentage of ethnic minority citizens in central Burma do not support armed struggle as an appropriate means to achieve those goals. Among the populations in the civil war areas, some are fervent supporters of the ethnic nationalist armies because of the abuses their families and communities have suffered at the hands of *tatmadaw* soldiers. In some of the conflict areas, the local population has had almost no contact with Burmans other than Burman soldiers. They see all Burmans as the enemy and regard Burmese as the enemy language. If a significant degree of political and economic power is not devolved to the ethnic states, they may rally around armed groups, or factions of armed groups, who oppose national reconciliation.

Others view both the *tatmadaw* and the ethnic nationalist armies negatively due to the fact that both sides impose taxes, make demands on civilians, and put them at risk of punishment by the other side. All they want is to be left alone to farm in peace. The armed organizations are hierarchically organized, and most have expected the populations in their areas to support them or follow their orders. However, the Kachin Independence Organization and the New Mon State Party have made more of an effort to engage in dialogue with local populations.

Negative feelings toward the non-state armies have not been expressed much publicly in the conflict or ceasefire areas due to the danger of doing so. However, if there is greater personal security in the future, some people will speak out against those organizations which have forcibly recruited soldiers (particularly child soldiers), taken away villagers' land without providing

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[17] English translation in the New Light of Myanmar, "National League for Democracy presents its policy, stance and work programmes" March 14, 2012, http://www.myanmar.com/newspaper/nlm/index.html

[18] "The Path to Peace is Better," *Mizzima*, January 23, 2012.

compensation, and engaged in other human rights abuses. Particularly, in the northern Wa hills, Wa and other local farmers have been forcibly displaced by the United Wa State Army which has established vast monocrop plantations. Many are in dire poverty. Ethnic-based civil society organizations and religious groups who have been opposed to the use of violence may organize people to support campaigns for justice, compensation, and the demobilization of various armed groups.

Ethnic group support for pro-democracy groups. *The armed ethnic nationalist groups generally see the pro-democracy groups as potentially more amenable to their demands than the* tatmadaw, *but they remain wary of all Burman politicians and are quick to remind foreigners that the ethnic conflict started in the parliamentary period.* Over the last 20 years, the formation of joint political and military alliances between members of ethnic nationalist groups and pro-democracy groups along Burma's borders have led to improved relations and understanding. At various points, the armed ethnic nationalist groups have issued statements in support of the restoration of democracy and Aung San Suu Kyi. They respect Aung San Suu Kyi more than other Burman politicians but still question to what extent she would be willing to put her political capital at risk to address their grievances.

At the same time, it is not clear if all of the leaders of the ethnic nationalist organizations are fully committed to democracy themselves, although they have drafted a federal constitution together with the pro-democracy groups along the Thai-Burma border. Parallel to this, the ethnic nationalist groups have been involved in drafting individual state constitutions, based on the "coming together" model of federalism, in which each state determines the powers it will have and which powers will be accorded to the central government. Although it is not clear to what extent ethnic armed groups will refer to these documents in future political talks with the central government, at least some members of the organizations have had to think through how the central and state governments might inter-relate within a democratic framework.

Ethnic-based political parties are committed to both democracy and to achieving ethnic rights. Some have had informal connections with the armed groups of the same ethnicity but have sought to further their political agenda through party politics. Hkun Tun Oo (also spelled Khun Tun Oo), the chairman of the Shan Nationalities League for Democracy, has been a particularly important connector between the NLD, the ethnic political parties, and the Shan armed groups.

A number of ethnic minorities interested in politics have joined pro-democracy parties, in some cases because they believed they could better achieve their twin goals of democracy and ethnic rights by working with more influential parties. People of mixed ethnicity have also found a home in these parties. At the same time, some ethnic minorities have become members of the military-organized Union Solidarity and Development Party. This includes people who were pressured to join and people who felt their personal interests were better served by being part of the government's party.

The role of Burmese diasporas. The larger diaspora communities are located in Burma's neighboring countries (Thailand, India, Bangladesh, and China), as well as in Malaysia, Singapore, the United States, Australia, and Canada. Smaller numbers can be found in Japan, New Zealand, and Western Europe.

The **pro-democracy diaspora** consists of exiles who fled in 1988 or after other political crackdowns. Many originally came out to Thailand and other neighboring countries, with some remaining there and others moving on to the United States and other Western countries. They are much clearer about the ethnic armed groups' grievances and have witnessed firsthand the suffering experienced by those living in the civil war areas. Burman pro-democracy exile

activists could potentially play a role in building a broader understanding of ethnic grievances, although the ethnic nationalist organizations feel that in some cases, the Burman democracy activists' alliances with the ethnic nationalist organizations have been more strategic than heartfelt. The pro-democracy diaspora has engaged in extensive lobbying and advocacy efforts with foreign governments and UN bodies. They have also provided training and support for non-violent activists inside Burma. Their role has diminished since space has opened up somewhat inside the country for politicians, activists, and the media to act more freely. There are some Burmese in exile, however, who pursued higher education abroad and now seek to assist the government in moving forward with the reform process.

There are also **ethnic minority diasporas** which include exiled ethnic minority politicians and former resistance fighters, villagers displaced by the civil war, and people who have sought greater economic opportunity and personal freedom abroad. The Burman and ethnic minority diasporas in third countries tend not to have close relations, although there are some people who move between the communities. Nevertheless, many in both groups remain suspicious of the current government and its intentions and have pressed Western governments to maintain sanctions until there is irreversible change.

There are also at least a few million economic migrants who have tended to stay out of politics, focusing instead on sending remittances to family members. Two million or more Burmese migrant workers of various ethnicities are currently working in low-skilled jobs in Thailand alone. Among the professional migrants currently residing in Singapore and Western countries, some are interested in returning to Burma to share their knowledge and skills.

The role of civil society organizations. There are a growing number of civil society organizations inside Burma that are active in the ethnic states.[19] Religious leaders have served as go-betweens in the peace process and witnesses at some of the peace talks. Religious organizations, both Buddhist and Christian, as well as secular organizations, have sought to provide humanitarian assistance to those displaced by the conflicts and to provide water and sanitation, health, education, and social welfare services in the areas they can access. Some have also taught leadership and community organizing skills, peace-building, the principles of democracy, and environmental awareness. Literature and culture associations have promoted the study of native languages and the celebration of traditional events. Religious personages and organizations have been particularly involved in the promotion of native languages, as successive governments have generally refused to allow the teaching of ethnic languages in schools.

Ethnic minority activists based in Burma's neighboring countries, particularly Thailand, have also formed a range of civil society organizations focused on ethnic issues. There are relief and development groups, human rights groups, women's rights groups, and environmental groups, all of which have members who travel in and out of the ethnic states and seek to expose injustices and provide assistance. Civil society groups have an important role to play both in both supporting the peace efforts and ensuring that citizens' human security needs are met.

[19] See Tom Kramer, *Civil Society Gaining Ground: Opportunities for Change and Development in Burma*, Transnational Institute, the Netherlands, November 2011.

7. CHALLENGES TO RESOLVING THE ETHNIC CONFLICT

Although there is a will on the part of the regime, various ethnic factions, and civilians to resolve the ethnic conflict, there are complex challenges that must be addressed to establish a sustainable, and satisfactory, peace. This section outlines these challenges and necessary conditions by which they can be overcome.

Differing views on the devolution of power. For the past 50 years, members of the army (and society at large) have been indoctrinated that federalism is tantamount to anarchy and secession, and the *tatmadaw* leadership has asserted the need for a strong, centralized state in order to hold the union together. Thus, the primary goal of the army has been to establish control over all the territory within the boundaries of modern Burma. In the last two decades, as possibilities for large scale development projects financed by foreign companies have emerged and new areas rich in natural resources have been discovered, the army leadership has been even more eager to gain control over these territories. The army has inched steadily closer to achieving this goal, as *tatmadaw* troops have been able to move deeper into the ethnic states and build the roads and military bases and outposts necessary to support a permanent presence.

Although the previous military government recognized that some accommodation to ethnic nationalists' demands needed to be made in the 2008 constitution in order to placate the ethnic minorities; to date, the *tatmadaw* has not been prepared to accept a genuine federal union with significant power transferred to the ethnic states. They worry that the states would inevitably move toward independence, particularly if they had the power to raise their own money through the sale of natural resources and taxation of trade.

While the Thein Sein administration has talked about ethnic equality and amending the constitution, they haven't made any specific statements regarding the devolution of power. The roadmap clearly states, however, that the ethnic armed organizations would have to renounce secession and commit to the "non-disintegration of the union". Most of the ethnic nationalist groups would go along with this if significant powers were devolved to the ethnic states and mechanisms were in place to ensure irreversibility. However, they would almost certainly insist on continuing to hold their arms in their areas until they were convinced that ethnic rights were guaranteed and that the *tatmadaw* would abide by the agreement. The Shan and Karenni armed groups have asserted their people's independence in the past (and had the right to secede under the 1947 constitution) and might initially put up resistance, but they would follow the lead of other ethnic armed organizations if the process were moving forward.

The current president, cabinet ministers, and military leadership know little about how federalism has worked in other countries. Some senior members of the government may shift their positions on these issues, but whether most or all of the key leaders, including the *tatmadaw* commander-in-chief, Min Aung Hlaing, and the USDP Secretariat can be brought on board is unclear. Few individuals in the armed ethnic groups or the ethnic-based political parties are well-versed in federalism, making it more difficult to persuade the military leadership that federalism can work smoothly.

However, the larger ethnic armed organizations (with a few thousand to over 10,000 troops each) are insisting that greater degree of autonomy be accorded to the ethnic regions than has been granted in the 2008 Constitution. Like the National League for Democracy, they would also want to eliminate the army's reserved seats in the national Parliament and in state assemblies and rescind the clause which allows the military to take power if the National Defense and Security

Council sees fit. This council is comprised of the president, the commander-in-chief of defense services, the two vice-presidents, the speakers of the upper and lower houses of Parliament, the deputy commander- in-chief of the defense services, the defense minister, the foreign minister, the interior minister, and the minister of border affairs. For a constitutional amendment to pass, at least 75% of the members of parliament must agree. This would mean that the leadership of the army, which holds 25% of the seats in parliament, and of the USDP, which holds the majority of elected seats, would have to support it. This only seems achievable if a compromise could be reached to gradually reduce the military's power in politics over a period of time.

One Army, one command. Equally critical is the issue of how the ethnic nationalist forces would be integrated into the *tatmadaw*. *Without trust and legally institutionalized guarantees of autonomy, the larger armed groups will not be willing to integrate into the national army.* At the same time, the military leadership cannot accept the idea of having multiple armies in the country indefinitely. The larger armed groups are in a better position to resist integration into the *tatmadaw*, but some of the smaller armies which the *tatmadaw* has turned into militias or border guard forces may also reassert their independence if there is the space to do so. Since the Karen armed struggle broke out in 1949, the *tatmadaw* leadership has been reluctant to promote non-Burmans to senior positions in the army, but that would have to change.[20] Ethnic minority officers would have to be promoted to top positions and forces in the ethnic states would have to be largely under the control of ethnic minority commanders, at least in the short term. Much trust-building would have to be done to persuade the resistance forces to integrate (and/or demobilize) and to persuade the *tatmadaw* leadership to give significant authority to non-Burmans in the army in the future.

Control over resources and other business interests. The ethnic states are rich in natural resources (including timber, gems, minerals, metals, and gold) and contain rivers which can be dammed for hydroelectric power. In addition, many proposed energy and industrial projects require roads, railroads, and pipelines to run through the ethnic states to neighboring countries (particularly China and Thailand, but also India and Bangladesh). As a result, a wide variety of actors have interests in securing access and control over the areas controlled by non-state armed groups.

The ethnic nationalist leaders feel that the ethnic state governments should have primary control over development projects and revenues in their states. Particularly given that in the parliamentary period, the central government did not follow through on promises to invest in the development of the ethnic states and divisions, ethnic nationalist leaders feel that the ethnic states cannot count on the central government. The energy projects (gas and hydropower) are particularly contentious issues, as currently the states where the projects originate receive none of the benefits either in terms of access to the energy or revenues. The energy all goes either to neighboring countries or to central Burma. At the same time, key players in many of the non-state armed groups have personal interests in resource extraction and economic development projects.

While there could be various arrangements to allow for joint planning, joint use, and joint revenue sharing, few in the government, military, ethnic nationalist organizations, or ethnic political parties have specific knowledge of how this has worked in other countries and how it might work in Burma. Providing opportunities for all key stakeholders at the union and state

[20] Before independence, General Aung San appointed a Karen, General Smith Dun, as commander-in-chief of the newly integrated army. He was removed from his position after the Karen insurrection began even though he insisted on his loyalty to the *tatmadaw* and the Union.

levels to learn about and observe such mechanisms in practice will be critical to building confidence on both sides so that a range of viable options can be explored.

Drug production and trafficking. The government's roadmap includes a requirement for ethnic armed groups to cooperate in the elimination of narcotic drugs. However, the continuation of drug production and trafficking (both heroin and methamphetamines) is in many ways a shared interest of some ceasefire groups, militias, and sections of the *tatmadaw*. Opium poppies are now cultivated primarily in central and eastern Shan State, with the encouragement or direct involvement of some of the militias and *tatmadaw* officers.[21] Seven militia leaders reported to be involved in the drug trade are currently members of the national parliament and Shan State assembly, representing the government's Union Solidarity and Development Party.[22] Burma today is the number one producer of amphetamine-type stimulants and the second largest producer of opium.[23]

If an eventual peace package allows sufficient autonomy for the armed organizations and militias that are involved in drug production and trafficking to continue their activities, they would be happy to go along with it. Any arrangement that hinders their ability to continue to prosper from the drug trade could lead to their becoming spoilers. If the *tatmadaw* leadership had the will, the *tatmadaw* could disarm or integrate many of the small militias, but the *tatmadaw* would not easily be able to take on the United Wa State Army. It is possible that some of the current drug traffickers will move more fully into legitimate business activities as such opportunities expand. However, others, including some in the *tatmadaw* and other government agencies (such as the police and customs), will continue to seek profits from the drug trade or could act as spoilers themselves if they believe their interests are threatened.

Conflicts between rival armed groups in various ethnic areas. There are political and territorial disputes not just between the Burmese government/*tatmadaw* and the ethnic resistance armies, but also between some of the ethnic resistance armies who stake claims to overlapping territories or consider themselves the representatives of overlapping populations. This includes conflicts between groups of the same ethnicity as well as between groups of different ethnicities. Conflicts between rival armed groups in various ethnic areas involve political control, business interests, and displaced civilians.

Two important examples are the Karen National Union and Democratic Karen Buddhist Army (DKBA) in Karen State and the Shan State Army-South and United Wa State Army in southern Shan State. In Karen State, both the KNU and DKBA claim to represent the Karen people, but the two armies have fought each other, and individuals affiliated with one side or the other cannot easily return to live in areas controlled by the other army. Some battalions in the DKBA made common cause with the KNU after refusing to transform into a border guard force, but they have now made their own ceasefire with the government. In southern Shan State, the United Wa State Army has refused to leave the areas it now controls and the tens of thousands of people who have been moved from the northern command area would have no home if forced to leave. Much of their land in the north has been transformed into monocrop plantations. Given the rich agricultural land and lucrative licit and illicit business opportunities along the Thai-Burma border, it will not be easy to move the United Wa State Army out. On the other hand, the Shan State Army-South will certainly push for this.

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[21] Involvement includes direct purchasing, trafficking, taxing, and receiving bribes and protection money.
[22] Shan Herald Agency for News, "Druglords in Parliament," *Shan Drug Watch*. October, 2011, pp. 19-24.
[23] See *Southeast Asia Opium Survey 2011*, United Nations Office on Drugs and Crime, Vienna, 2011.

Any of these four armies could become spoilers if they feel that a proposed peace settlement disadvantages them at the expense of their rival. In the Karen case, it is possible that civil society organizations, Karen political parties, and others could put sufficient pressure on both organizations to accept an agreement in which both had to transform into political parties and compete in the electoral arena, but the integration or demobilization of their troops will still be challenging.

There are also tensions between smaller ethnic minority populations, such as the Pa'o, Palaung, and Lahu, and ethnic Shans, the majority population in Shan State. One of the Pa'o National Liberation Organization's principles for political negotiations is that the larger races should not oppress the smaller races, and here they are referring as much to the Shan as the Burmans.

In northern Arakan State, there are severe strains between the Buddhist Arakanese and the Muslim Rohingya population. Although there are very small Arakan and Rohingya armed groups, they are not the real problem. Successive military governments have imposed draconian restrictions on the Rohingya, whom they would like to drive out of Burma. They have severely limited their mobility, their ability to obtain a marriage license, and their right to have children. People from other parts of Burma have been encouraged by previous governments to resettle in this area, and the government has been loath to allow the return of Rohingya refugees from Bangladesh, asserting that they are not Burmese citizens.[24] Arakanese nationalists have supported the military governments' policies, which include not recognizing the Rohingya as a national race, and are determined to prevent the expansion of the Rohingya population in the state. Many Buddhists, and Buddhist monks, in the country express similar attitudes toward the Rohingya, and if the Rohingya were to demand their rights along with other ethnic nationalities, ultranationalist Arakanese and Burman politicians or military officers could certainly become spoilers by refusing to accept this. Most of the ethnic nationalist armies have been reluctant to make common cause with the Rohingya for fear of upsetting Arakanese and Burman allies and due to their own prejudices.

Human security. Ensuring that displaced people can return home or be resettled in areas where they feel safe and can make a living will be an enormous challenge. An estimated 450,000 people have been displaced in eastern Burma, some multiple times.[25] Over 137,000 Karen and Karenni refugees remain in camps along the Thai-Burma border, tens of thousands of displaced Shan are living in temporary settlements in Shan State and in Thailand, and 55,000 displaced Kachin are in camps and other locations in northern Kachin State and China. Many of those living in refugee camps in Thailand were born in the camps and have no home in Burma, let alone Burmese citizenship. Others will not be able to return to their former villages because so many landmines have been laid by both the *tatmadaw* and ethnic resistance armies.

In other cases, villagers' land has been taken over by the *tatmadaw* or other armed groups for military bases and private enterprises, by local or outside business people, or by settlers from central Burma or China. Those inhabiting the land now will not give it back easily or at all, particularly since the villagers generally did not have land titles.

In addition, many displaced people are afraid to live near *tatmadaw* bases and camps even if there is no fighting, as the *tatmadaw* soldiers routinely demand food, money, and forced labor from nearby villagers. This behavior is unlikely to change unless the battalions are sufficiently supplied

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[24] For a fuller description of the plight of the Rohingya see: Amnesty International, *Myanmar: The Rohingya Minority: Fundamental Rights Denied*, May 2004.

[25] For more details of conditions for displaced people see: Thailand Burma Border Consortium, *Displacement and Poverty in South East Burma/Myanmar - 2011 Survey*, Bangkok, Thailand, 2012.

with food and other necessities. Currently, they are expected to provision themselves through battalion farms and business enterprises, but in practice, they extort food and money from villagers. *Tatmadaw* soldiers have also committed rape with impunity.[26] Orders requiring soldiers to leave civilians alone would have to be given and enforced. Since the 2008 constitution asserts that the military has full control over its own affairs, only the military leadership can decide if soldiers committing abuses will be tried (in military courts) or punished.

One recent positive step is the government's decision to allow the International Labor Organization to distribute leaflets in ethnic languages in the ethnic states regarding reporting mechanisms for citizens who are the victims of forced labor. Yet *if the ethnic minority populations feel they are continuing to be disadvantaged and discriminated against, they may give up hope in the peace process. If they feel that Burmans and outsiders are taking control of the resources and productive land in their states, there may be support for a renewal of armed struggle or for acts of violence*.

Transitional justice. Transitional justice will be a highly sensitive issue for both the *tatmadaw* and the ethnic armed groups. Human rights and women's organizations representing various ethnic groups from Burma have called for the United Nations to establish a commission of inquiry to investigate war crimes and crimes against humanity committed under the previous regimes. This has also been supported by pro-democracy groups in exile, and Aung San Suu Kyi came out in favor of it in June 2011, saying a commission should determine what abuses have occurred and how they can be prevented in the future. However she would be highly unlikely to push for punitive measures, as this could derail a transition.

As noted above, *tatmadaw* soldiers have committed extensive abuses in the conflict areas or on or near *tatmadaw* military camps in the ethnic states. The non-state armed groups have also committed human rights abuses, and although they are generally believed to have committed far fewer abuses than the *tatmadaw*, they will be concerned to protect their men as well. Both sides may agree that abuses should not be investigated, but this may not be accepted by all political parties and civil society groups in the country.

8. CONCLUSION

Achieving genuine peace in Burma is extremely challenging given the large number of players, the depth of mistrust, and the army's reluctance to give up power. Any of the armed groups who feel that they are being forced to accept unacceptable terms could refuse to go along with the terms, resume fighting, or sabotage infrastructure and development projects connected to the government. The ethnic armed groups' responses to the previous regime's border guard force proposal demonstrate that they will not give in if they feel they have the strength to put up a fight. The Kachin Independence Army, for instance, began recruiting new soldiers as soon as they realized the *tatmadaw* was willing to use force to get its way. Ethnic civilian populations could also support a return to armed struggle, as the Kachin civilian population has over the past few years.[27]

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[26] Numerous reports by Amnesty International and Human Rights Watch as well as by Burmese and ethnic-based human rights groups and women's organizations have documented *tatmadaw* abuses.

[27] Many Kachin have become radicalized in the last few years after the regime refused to consider Kachin demands for ethnic rights or to respect Kachin opposition to the Myitsone Dam project which would

Oil and gas pipelines and hydropower projects could be key targets for spoilers. In 2011, an armed group in Shan State held three Chinese engineers and their interpreter hostage for three months, apparently as an act of protest against the Tasang dam project.[28] Other tactics could include attacking *tatmadaw* outposts or planting explosives near locations associated with the military or the government.

The military leadership or sections within the military could also act as spoilers, as they face a loss of power and sources of income for personal gain. They could attempt to thwart the peace process by ordering or carrying out attacks on the ethnic resistance armies and civilians in those areas or by obstructing the implementation of the peace accords.

Nevertheless, there seems to be a greater impetus to establish genuine peace today than there has been for decades. Robust economic development in Burma depends on peace, and many military men as well as politicians and ordinary citizens are increasingly realizing that. President Thein Sein has made peace one of his top priorities and has generated significant momentum through the quick conclusion of numerous ceasefire agreements. Aung San Suu Kyi has also prioritized ending the civil war and could play a key role in facilitating political talks as well as in convincing the population at large of the need to devolve power and recognize ethnic rights.

Looking ahead, some of the steps needed to sustain the incipient peace process and produce lasting solutions to Burma's ethnic conflict include the following:

- First, trust needs to be built between the ethnic armed groups, the government, and the *tatmadaw*. The *tatmadaw* will need to implement accords made between government negotiators and the ethnic armed groups in good faith. The frequency of human rights abuses committed against civilians in and around ceasefire areas must be dramatically reduced. Members of ethnic armed groups who are currently in prison for political charges must be released.
- There must be reasonably speedy progress toward political talks at the central government level. If the ethnic armed groups and populations feel that yet again, the military is using the ceasefires to buy time and weaken the ethnic armed groups, they will lose confidence in the process, and more moderate leaders within various organizations will be marginalized.
- The ethnic armed groups must disavow secession in return for the institution of power-sharing arrangements between various levels of government. Ethnic armed groups must not impede the development of democracy in the ethnic states.
- There should be guidance from advisors well-versed in federalism and constitution-drafting combined with study tours to countries where a devolution of power has worked well to help bring key government, military, and ethnic nationalist leaders closer together on viable models for the devolution of power.
- Pro-democracy politicians must be able to participate in the peace-making process in a meaningful way, both to ensure that the process is inclusive and to generate popular support for the agreement that is reached.
- Respected ethnic leaders from within ethnic political parties, religious orders, the civil service, and other fields should be given an opportunity to play a key role in the peace-making process in order to help build trust and solve problems as they arise.
- Civil society organizations need to be brought into the peace-making and peace-building process in order to ensure that the agreements that are made are not viewed as merely

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flood an area the size of Singapore. They are also bitter about the huge expansion of Burman and Chinese investment in the state, which has caused displacement and brought little benefit to local Kachin.

[28] "Shan Militia Frees Chinese Workers," *Democratic Voice of Burma*, August 15, 2011.

representing the interests of elite players and that all important issues are considered. Such issues include the resettlement and rehabilitation of displaced civilians, the demobilization and reintegration of soldiers, the development of alternative livelihoods, and the provision of social services.

- All refugees and internally displaced people must be allowed to return home where possible. Where not, they should be permitted to resettle, with financial support and ideally, access to land, in areas where they feel secure.
- De-mining must be carried out, so that land in former conflict areas becomes habitable again.
- The demobilization of many of the soldiers in the ethnic armies and the *tatmadaw*, together with the integration of remaining members of the ethnic armies into the *tatmadaw*. Ethnic minorities must be guaranteed opportunities to hold positions of authority in the *tatmadaw*.
- Proper sequencing of political agreements and the demobilization/integration of military forces. The ethnic armed groups need to know that their ethnic rights are guaranteed in the constitution and will be implemented before they will agree to demobilize/integrate. However, agreements could be made in advance in which the ethnic armies pledge to demobilize/integrate their troops when the specified conditions are met.
- Government permission must be granted for wider opportunities to teach ethnic languages and culture, including in the public school system. At a minimum, this should include allowing the teaching of ethnic languages in school buildings after the formal school day has ended.
- Ensuring the rapid expansion of health and education services and the creation of economic opportunities for ordinary citizens in the ethnic states so that residents of the former conflict areas do not feel they are being ignored or left behind yet again.