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MYANMAR'S PEACE PROCESS UNDER SUU KYI: UNDERSTANDING THE FAULT LINES

Abstract

Before British occupation in Myanmar, the then Burma, the frontier areas of the country enjoyed autonomy under the dynastic rulers. The British colonials consolidated the country under a central rule. When anti-British movement started in Myanmar, the ethnic groups of frontier areas reclaimed their autonomy. The unanimous leader of Myanmar's independence movement General Aung San desired an integrated Myanmar and reached in an agreement naming Panglong Agreement 1947, where all the stakeholders agreed to secure the identity and status of all ethnic communities and to develop a federal system where every community can get equal status. The assassination of General Aung San and subsequent military takeover of 1962 pushed the country towards a long-term ethnic conflict. The military rulers failed to accommodate demands of the ethnic communities and a policy of segregation undermined the nationality of ethnic groups. After seven decades, Aung San Suu Kyi's arrival to power in 2015 raised new hope for reconciliation and the elected government of Myanmar started new peace process. But, the longstanding mistrust and conflict between the military and the ethnic groups are making the process difficult. Present study identifies the fault lines of new peace process and finds that the deficit of trust, the point of non-secession principle, disagreements on the incorporation of ethnic soldiers in the national military and debates on constitutional amendments are the main challenges towards a peace agreement between the government and ethnic communities of Myanmar.

Keywords: Myanmar, Peace Process, Panglong Agreement 1947, Aung San Suu Kyi, Military, Ethnic Armed Organizations (EAOs)

1. Introduction

Since independence in 1948, ethnic conflicts remain a major challenge to the national integration of Myanmar. In the pre-colonial Myanmar, the frontier areas of the country were enjoying autonomy under the dynastic rulers. British colonial rulers unified the country under a single administration. When anti-British movement started in Myanmar, ethnic minorities of the frontier areas reclaimed

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their autonomy and joined in the movements against British rule. The unanimous leader of the independence movement of Myanmar General Aung San started negotiating with the ethnic leaders desiring an integrated Myanmar and signed Panglong Agreement in 1947, where all the stakeholders agreed to ensure equal status for all sections of the society including ethnic communities in frontier areas. The assassination of General Aung San and the military takeover of 1962 diluted the whole process of peace and the conflict escalated in the frontier regions.

The military promulgated Buddhist chauvinism and initiated military operations in the ethnic areas. Such measures escalated violence and the country entered into a long-term ethnic conflict. The second military government came to power in 1988 and signed several ceasefire agreements with the ethnic armed groups. But these ceasefire agreements were not enough to stop the violence, because the military continued operations against the ethnic armed organizations (EAO). After making the new constitution in 2008, an election was held in 2011 and another military backed government came to power. This government also failed to resolve the ethnic conflicts of the country.

However, after long struggle for democracy, Aung San Suu Kyi won the majority in a historic election held in 2015. The NLD government created a high hope for reconciliation in Myanmar as it committed for resolving ethnic conflicts and declared for constitutional amendment. The NLD government adopted initiatives to restore peace and stability in Myanmar. It has arranged the historic Union Peace Conference- the 21st Century Panglong for three times during its three years of tenure. But, the historic stalemates towards the process are preventing any effective progress to develop a mechanism where all the stakeholders can agree. In this respect, the main objective of present study is to understand what are the main fault lines which are preventing newly initiated peace process under Aung San Suu Kyi.

The article is divided into six sections including introduction and conclusion. Second section discusses how the colonial rulers dealt with the ethnic minority issues of Myanmar. It will explore the genesis of ethnic conflicts in the country. Third section analyses the initiatives of General Aung San for resolving ethnic conflicts and the core principles of the Panglong Agreement of 1947. This section also focuses on the rise of Buddhist chauvinism under the military rulers of the country. Fourth section highlights the peace initiatives under the 21st century Panglong conference initiated by the NLD government. Fifth section identifies the fault lines which are barring the progress of peace process between the government and ethnic minorities.

2. The Genesis of Ethnic Rivalry

Myanmar, the then Burma, was ruled by a number of dynasties- the Pagan dynasty, the Ava dynasty, the Toungoo dynasty and the Konbaung dynasty. The dynastic rule continued until the British dethroned the last king Thibaw Min in 1886. In the pre-colonial Burma, ethnic Bamars were 69 per cent of the total population living in the Ministerial Burma or Burma proper and the rest were the ethnic minorities living in the frontier areas¹ or the scheduled areas.² There was constant rivalry among the ethnic groups in the pre-colonial Myanmar as Matthew Walton has stated, “[it] is known that throughout the pre-colonial period there were frequent wars between nominally independent kingdoms.”³ The British colonial rulers consolidated Burma proper and frontier areas under same administration. The frontier areas were governed by their usual tribal chieftains.

The British intrusion had brought notable change in the Burmese geopolitical and economic ownership. Three major changes happened during the colonial period. Firstly, the British rulers excluded Buddhism and the Buddhists from politics and sponsored Christianity which was accepted by many ethnic communities. The monarchs, from the first ruler Anawrahta of 11th century to the last ruler, Thibaw Min in the 19th century, were from the Buddhist religious community and all of them patronized Buddhism of Theravada tradition and mingled Buddhism with politics to justify monarchic rule. The Monarch formed the Sangha of Buddhist monks which spread the knowledge of the just ruler according to Buddhism and rationalized the importance of religion-based Buddhist society. Buddhist monks were given the highest respect and position in the royal palace as well as in the society. The Sangha of the monks established educational institutions to spread the knowledge of Buddhism. The Ministerial Burma became the hub of Buddhist religion on that time.

The frontiers’ ethnic minorities were the worshippers of natural forces. They practiced different religious rituals and worshipped natural power- “the native spirit, indigenous form of animism.”⁴ When the British occupied Burma, the Colonials not only divorced Buddhism from politics but also disrespected by replacing the Pagodas with Cathedral and Upper Burma Club for the British officials.⁵ The British also controlled the movement of the monks and banned the donation for the Monks. The British rulers abandoned Buddhist educational institutions and established

¹ Ardeth M. Thawngmung, “Beyond Armed Resistance: Ethno-national Politics in Burma (Myanmar)”, East-West Center, Policy Studies No. 62, 2011, p. 3.

² David I. Steinberg, *Burma/Myanmar: What Everyone Needs to Know*, New York: Oxford University Press, 2010, p. 20.

³ Matthew J. Walton, “Ethnicity, Conflict, and History in Burma: The Myths of Panglong”, *Asian Survey*, Vol. XLVIII, No. 6, 2008, p. 893.

⁴ Francis Wade, *Myanmar's Enemy Within: Buddhist Violence and the Making of a Muslim 'Other'*, London: Zed Books Ltd, 2017, p. 22.

⁵ *Ibid*, p. 23.

missionary schools to teach Christianity instead of Buddhism. That is how the colonial government intervened into religious sphere of Buddhist people. As a result, the first anti-British protest also came from the Sangha named Young Men's Buddhist Association in 1920.⁶ In contrast, ethnic communities embraced British rule and Christianity. The arrival of British resulted in the religion-based division between the people of Ministerial Burma and Frontier Areas. This was the beginning of division and hostility between Bamar and non-Bamar people.

Secondly, after the British arrival, the Burmese economy transferred from the Bamar nationals to the non-Bamar landlords and to the immigrant Indians. The immigrant Indians controlled the Irrawaddy deltaic region which was the main rice producing land of Burma during the time. The South Indians, mainly known as Chettyars, became prominent for lending money and they were treated as the exploiters in the Burmese society.⁷ Land was grabbed by the Indian cultivators and they provided more rents than their Bamar counterparts.⁸ Indians entered into the country on an average rate of 250,000 each year in the early nineteenth century.⁹ It was stated that "[t]here were 212,000 Indians in Yangon alone versus 128,000 Bamar in 1931."¹⁰ Some cities, like Mandalay which was the most important for Shwedagon Pagoda to the Buddhist monks, had more foreigners than the Burmese. The Bamar community was segregated from the economic sphere. They felt that they are exploited by the foreigners and became minorities in their homeland.

Thirdly, the colonial rulers created and maintained the division between the ethnic Bamar and the ethnic minorities as a part of "divide and rule policy", by recruiting the ethnic people and by excluding the Bamar in the government institutions. Since the British rulers did not trust and had no confidence on the Bamar people, they depended on the ethnic people and sometimes on the Indians for administrative activities.¹¹ The lower-class positions of the government were also occupied by the Indians who spoke English better. The British military excluded ethnic Bamars gradually and was staffed with other ethnic soldiers. The colonial military was formed with 27.8 per cent Karen, 22.9 per cent Kachin, 22.6 per cent Chin, 12.8 per cent ethnic Bamar soldiers and the rest were either from India or from some other small ethnic groups.¹² The top military positions were occupied by Karen ethnic soldiers. The Burmese people were segregated from every sectors of the government. The Burmese were ruled by the colonial rulers with the help of foreign administration and ethnic army.

⁶ Ibid, p. 24.

⁷ Michael W. Charney, *A History of Modern Burma*, Cambridge: Cambridge University Press, 2009, p. 10.

⁸ Ibid, p. 10.

⁹ Francis Wade, op. cit., p. 27.

¹⁰ Ibid, p. 19.

¹¹ Kim Jolliffe, "Ethnic Armed Conflict and Territorial Administration in Myanmar", Asia Foundation, 2015, p. 9.

¹² David I. Steinberg, op. cit., p. 29.

The British rule played a significant role as a genesis of ethnic conflicts for several decades in the modern Burma. The British heightened the existing differences and instigated rivalry. What the British actually did was the construction of categorical ethnic identity and patronized some of them against others. Some ethnic communities benefited disproportionately from the British rule. There was little interaction between the Bamars and the ethnic people. The disparities in the political and economic sectors and in the administration created long-term distrust between the ethnic Bamars and other ethnic minorities in colonial Burma and subsequently it continued in independent Myanmar.

3. The Panglong Conference of 1947 and Its Aftermath

The ongoing peace process under Aung San Suu Kyi, State Counsellor of Myanmar, is the latest episode of a continuous process which started before the independence of Myanmar under the hand of General Aung San, the father of Aung San Suu Kyi. This process started in 1947 when all the parties to the conference agreed to make a federal union in Burma. Through this conference, the long animosity and distrust between the mainland Bamars and the Hill people came to an end for a short period of time. Though the conference failed because of the assassination of General Aung San and other cabinet members of the interim government of that time, it left long lasting impact on the later history of Myanmar. This section will try to shed light on the issues regarding the Panglong Conference of 1947.

There were two conferences held at Panglong, a small valley of Shan state, in 1946 and 1947 respectively, before the independence of the country. The first conference was hosted by the Shan Saophas or the Prince of the Shan state to discuss about the future status of the Shan state after independence. The Saophas invited three other ethnic groups - Kachin, Karen and Chin. The purpose of this conference was to discuss that what would be the future status of the frontier people in independent Burma. They formed "United Frontier Union consisting of Chin, Kachin, Shan, Karenni and Karen territory."¹³ Other ethnic groups were frustrated because of not having been invited in the meeting.

The second Panglong Conference became famous in which an agreement between the Burmese interim government and the hill people was signed to establish the Union of Burma based on federalism. All the Saophas of Shan state, Kachin Hill and Chin Hill, and several members of the Executive Council of the Governors of Burma were present there. In this conference, the famous promise stated by General Aung San, which was later used by many parties to argue for federalism in Myanmar, was that "[i]f Burma gets one kyat, you will also get one kyat."¹⁴ He also said that he

¹³ Matthew J. Walton, op. cit., p. 895.

¹⁴ "Beyond Panglong: Myanmar's National Peace and Reform Dilemma", Myanmar Policy Briefing, Transnational Institute, No. 21, September 2017, p. 4.

would establish “unity in diversity”¹⁵. The delegates signed an agreement on some important issues:

- The Supreme Council of the United Hill People would be established;
- This Supreme Council would recommend appointing one Councillor for frontier areas and two Deputy Councillors from different three races. The Councillor would be a member of the Governor’s Executive Council so that he could bring the issues of Hill people “within the purview of Executive Council”.¹⁶ The Deputies were responsible for their respective areas while the Councillor was responsible for whole frontier areas;
- Fundamental democratic “Rights and Privileges”¹⁷ would be ensured for the frontier people;
- “Full autonomy in internal administration for the frontier areas was accepted in principle,”¹⁸
- A future Kachin and Shan state were proposed to be established.

The Panglong agreement was a remarkable event in the political history of Myanmar. But, the assassination of General Aung San made the agreement irrelevant. However, Matthew Walton identified three important limitations of the agreement. Firstly, the agreement at Panglong was not inclusive but was dominated and dictated by the Bamar ethnic leaders.¹⁹ It was because that only three ethnic groups were invited at the Panglong who agreed to the given policy of the interim government. Mon, Arakanese, Karenni, Wa, Naga and some others were not even invited to participate at Panglong because of their inhabitants within the territory of the Ministerial Burma. Secondly, the constitution rewritten in 1947 did not upheld the spirit of the Panglong. Instead of a federal government, the new constitution formed a unitary state or at least semi-unitary state that was conflicting to the Panglong promise. The new constitution “limited the sovereignty of ethnic minorities”²⁰ and diminished the rights of them. As a result, the ethnic minorities came up with arms and started fighting against the Bamar dominated government. Thirdly, the ethnic minorities did not agree on the Panglong agreement unanimously and harmoniously.²¹ Some ethnic representatives were challenged by other factions of its own community and some ethnic groups were not even invited. Kachin Youth League and Shan States Freedom League challenged the agreement signed by their representatives at the conference. Some ethnic groups like Karen and Karenni were determined to get full independence, not to be an autonomous state. The Chin representatives committed to be a part of the union

¹⁵ Ibid, p. 5.

¹⁶ “Panglong Agreement Paper”, Article No. 2, 12 February 1947.

¹⁷ Ibid, Article No. 4.

¹⁸ Ibid, Article No. 6.

¹⁹ Matthew J. Walton, op.cit., p. 904

²⁰ Ibid, p. 905.

²¹ Ibid, p. 906.

without even understanding the colonial concept of federalism.²² There were no such unity on political structure and mechanism for the future state among the parties to the conference. This conference generated hope among the ethnic minorities, but failed to fulfil their demands. However, the impact of the conference was significant because it upheld the wish of all the stakeholders. Walton argued that disregarding the limitations, "contemporary ethnic identity in Burma has been fundamentally shaped by the legacies of Panglong."²³

The outcome of the Panglong conference was not long-lasting. It delayed the civil war for some days but was not enough to stop it forever. The constitution of 1947 did not shape the state as federal but a unitary, may be a semi-unitary state. Internal autonomy and the political rights of the frontier people were not safeguarded. Some nationals like the Mon, Arakanese, Wa, Naga, Kokang, Pa-O and the Muslim community was not recognized. New laws and regulations were adopted by the parliament to ensure more control on the frontier areas. Failing to attain their goals, Communist Party of Burma (CPB), Kachin Independence Army (KIA), Karen National Union (KNU), Shan State Army (SSA), Arakan Army (AA), People Volunteer Army (PVA) in the Ministerial Burma and some other nationals like Mon, Pao, Rakhine and other pro-communist groups resorted to armed struggle. The newly independent country engulfed into conflict. This conflict increased and spread to different areas with the course of time.

The Anti-Fascist People's Freedom League (AFPFL) government under U Nu's leadership signed ceasefire agreement with some groups like KNU, Mon, Pao, Rakhine, CPB, who promised to stop war in return of political reform, under the 'Arms for Democracy' initiative in 1958.²⁴ The national leaders or the ethnic leaders formed the 'All States Unity Organization' with Arakan, Chin, Kachin, Karenni, Karen, Mon and Shan members in 1961 and agreed to the 'Shan State Proposal' consisting the provision of equal rights of all states in the union.²⁵ It also proposed to divide the country into eight federal states- Arakan, Bamar, Chin, Kachin, Karen, Karenni, Mon and Shan.²⁶

In 1962, the military carried out a coup led by General Ne Win who was against federalism because he believed that federalism could disintegrate the Union. He came to power to prevent territorial disintegration. He established socialism and formed Burmese Socialist Programme Party (BSPP). From 1962 to 1988, the military signed some ceasefires by forceful means like the 'four cuts strategy'.²⁷ But

²² Ibid.

²³ Ibid, p. 907.

²⁴ "Beyond Panglong: Myanmar's National Peace and Reform Dilemma", op. cit., p. 6.

²⁵ Ibid, p. 7.

²⁶ Ibid.

²⁷ 'Four Cuts' policy is such policy which purposes to cut off the supply of food, funds, intelligence and popular support for armed resistance groups in the conflicting areas.

those ceasefires did not last long. The military centralized the power by abandoning autonomy of the states and divisions and took control of the economy and politics through the “Burmese Way to Socialization” process.²⁸ The military intensified the conflict in Arakan, Chin and Kachin by enacting the Citizenship Law of 1982. Through a mass demonstration in 1988, military government was forced to leave the power. Another military government under the banner of State Law and Order Restoration Council (SLORC) came to power.

After taking power, the SLORC initiated the process of a new election with a view of drafting a new constitution. It signed the ceasefire agreement (actually verbal agreement) with sixteen groups.²⁹ But, the ceasefire was failed because the military was continuing its operations. The SLORC held an election in 1990 and the NLD won the election with large majority under the leadership of Aung San Suu Kyi. The military did not hand over power and took Suu Kyi under house arrest. It also arrested thousands of opposition members and some of the elected members of the parliament. The State Peace and Development Council (SPDC), successor of the SLORC, held a national convention consisting of 702 delegates from the NLD, ethnic leaders from different communities, the military, and experts etc., to form a new constitution in 1998.³⁰ The NLD and some other groups boycotted the convention claiming the lack of the freedom of expression. Some ethnic groups allied with the SPDC and some ethnic groups became close to the NLD which was approaching democracy and federalism. The military intensified operations against the non-signatory ethnic groups of the ceasefire agreement and pro-democracy groups until 2008 when the constitution was finally ratified.

A new election was held under the new constitution in 2011 and the Union Solidarity and Development Party led by U Thein Sein won the majority in the parliament. The NLD boycotted the election. The Thein Sein government “extended the olive branch”³¹ to the EAOs for a lasting peace in the country. Thein Sein government convened nationwide ceasefire agreement process and signed written agreements with seventeen groups including Kachin, Karen, Kayah, Mon etc.³² The government offered a Nationwide Ceasefire Agreement (NCA) to be signed by all the armed groups. After eighteen months and nine rounds of formal negotiations, eight of the sixteen armed groups signed the agreement on 15 October 2015.³³ Other groups refrained from signing the agreement because some new clashes were reported to be happened against Myanmar National Democratic Alliance Army (MNDAA), the AA and Ta’an National Liberation Army (TNLA). These groups were not present in the dialogue

²⁸ David I. Steinberg, *op. cit.*, p. 64-65.

²⁹ “Beyond Panglong: Myanmar’s National Peace and Reform Dilemma”, *op. cit.*, p. 13.

³⁰ “Human Rights Yearbook 1996: Burma”, National Coalition Government of the Union of Burma, 1997, p. 33.

³¹ “Perspectives on the Myanmar Peace Process 2011– 2015”, *Swisspeace*, 2016, p. 5.

³² *Ibid.*, p. 5.

³³ *Ibid.*, pp. 6-7.

and their absence was the opposite to the agreed principle of 'inclusivity' by both the government and the ethnic groups.³⁴ It was the highest form of political development in last six decades in Myanmar. The new peace initiative of the NLD government was also based on the NCA drafted by the Thein Sein government.

4. Peace Process under Suu Kyi

All Myanmar citizens did burst into joy when the NLD under Suu Kyi got the majority in the parliament in the historic election held in 2015. For her family background, her own sacrifices such as passing one and half decades of house arrest alone leaving her husband and children abroad, Suu Kyi established her image as uncompromising character for democracy and human rights. She has emerged as the last hope in Myanmar who could make the country peaceful, democratic and prosperous. After winning the election of 2015, Aung San Suu Kyi declared, "The peace process is the first thing the new government will work on. We will try for the all-inclusive ceasefire agreement. We can do nothing without peace in our country".³⁵ After taking power, Suu Kyi government initiated some institutional re/arrangement and policies for conflict resolution. The government also arranged the Union Peace Conference to talk with all the ethnic armed groups. This section highlights what policies and initiatives are taken by Suu Kyi government to bring the conflict to an end.

The new government of Suu Kyi understood that the existing institutions were not effective enough for conflict resolution and reconciliation. Suu Kyi replaced the "Myanmar Peace Center" (MPC) with the "National Reconciliation and Peace Restoration Center" (NRPC) consisting of eleven members and put it under the office of the State Counsellor.³⁶ The government established it as the "first track decision" making institution. The purpose of this institution was to make policies for national reconciliation process; to lead the guidelines paving the way for participation of all the stakeholders; and to work for establishing a democratic federal union in Myanmar. The government reformed the existing Union Peace Dialogue Joint Committee (UPDJC) that was responsible for holding political dialogue with the ethnic groups and Suu Kyi became the chair of the committee. It was formed with the representatives of the NCA signatory ethnic groups and the government. The objective of the committee is to find out policy and mechanism for building a democratic federal union in Myanmar.

The most important attempt by Suu Kyi to restore peace and stability was the Union Peace Conference- 21st Century Panglong. It was first national conference after Suu Kyi's ascendancy to power. There had been three conferences on that banner

³⁴ Ibid, p. 7.

³⁵ "Myanmar's Suu Kyi says peace process will be government's priority", *The Reuters*, 04 January 2016.

³⁶ "MPC to Be Renamed 'National Reconciliation and Peace Center'", *The Irrawaddy*, 28 April 2016.

since 2016 and all that three were arranged under the guidance of the UPDJC. In the opening day of the first conference, there were representatives from the government, the Parliament, the Tatmadaw, seventeen ethnic armed groups (Signatory and Non-signatory), foreign diplomats and the then UN General Secretary, Ban Ki Moon. Only three ethnic armed groups, the TNLA, the AA and the MNDAA were denied to invite in the conference because of their continuous fighting against the Tatmadaw and appeal for new NCA draft.³⁷ The UWSA walked out of the conference because they were allowed only observer status rather than delegate status.³⁸ No concrete decision was made at the first conference. The success lies on the gathering of different groups under the one umbrella and the interactions among the different stakeholders. Though no decision was made, every delegate talked about their grievances and desires. Most of the delegates urged for federal democratic country except the Tatmadaw. In this conference, it was promised that this type of conference will be held after every six months. Suu Kyi envisioned the year of 2017 as the “Year of Peace”.³⁹

Following the first peace conference, the government has published a “roadmap for national reconciliation and union peace”, which showed the future framework for working to bring peace. This roadmap articulated with a view to review and amend the political dialogue framework; convening the Union Peace Conference- the 21st Century Panglong; amending the constitution; holding the multi-party democratic general elections and lastly building a democratic federal union in accordance with the results of the multiparty democratic general elections.⁴⁰ This was the most robust and exhausted planning for peace in the history of Myanmar. The second and the third conference was held in accordance with the roadmap.

The second Panglong conference was held on 24-29 May, 2017 after being postponed for several times. This conference produced a mixed result like *Frontier of Myanmar* reported, “[i]t began with a good-cop, bad-cop routine: State Counsellor Aung San Suu Kyi’s optimistic speech followed by a threat from the Commander-in-Chief towards armed groups rejecting the NCA.”⁴¹ About 700 delegates participated in the conference from the government, the Tatmadaw, eight signatory EAOs and some non-signatory groups. The Tatmadaw barred the presence of the non-signatory ethnic groups earlier but they were invited later as guest status. A new coalition of EAOs, the Union Political Negotiation Dialogue Committee (UPNDC), emerged before the second conference. The existing coalition, United Nationalities Federal Council (UNFC), lost its key member KIA. The UNFC wanted to refrain from participating

³⁷ “Mixed results at latest Panglong peace conference”, *The Frontier Myanmar*, 30 May 2017.

³⁸ “UWSA pulls out of Panglong”, *The Myanmar Times*, 10 September 2016.

³⁹ “Mixed results at latest Panglong peace conference”, op. cit.

⁴⁰ “The government’s roadmap for national reconciliation and union peace”, *The Global New Light of Myanmar*, 16 October 2016.

⁴¹ “Mixed results at latest Panglong peace conference”, op. cit.

in the conference because of the absence of inclusivity.⁴² They attended the first conference and declined from the second one. But the TNLA, the AA and some others were invited as observer status. The UPNDC which included the KIA and the UWSA attended the conference as guest status. It was a major blow for the hope of most inclusive conference ever.

The stakeholders discussed on five sectors- political, security, economic, social and natural resource and environment. All the stakeholders agreed on all the principles of political, economic, social and natural resource sectors.⁴³ In this conference, 37 points agreement paper, known as the Union Accord, was signed by the parties. Only they disagreed on security sector including "the existence of a sole Tatmadaw and the fate of the EAOs."⁴⁴ The second conference faced a deadlock on the principle of non-secession and the integration of the ethnic armed groups into the Tatmadaw. The Tatmadaw demanded the non-secession principle from the EAOs.⁴⁵ The ethnic leaders frequently recalled the constitution of 1947 which had a provision stating "... every State shall have the right to secede from the Union"⁴⁶ The Tatmadaw defined the principle of secession as the threat to the territorial integration of Myanmar. The EAOs tried to uphold the spirit of the Panglong conference of 1947 and the military upheld the spirit of territorial integration. These uncompromising issues halted the discussion of the second Panglong conference.

The third conference was held in Nay Phi Taw from 11-16 July 2018. The aim of the conference was written as follows: "to establish a Union based on democracy and federal system that assures democracy, national equality and self-determination rights, founded according to the outcomes of the political discussions."⁴⁷ There were delegates from the ten signatory EAOs, four non-signatory groups that have previously signed bilateral ceasefire agreements: UWSA, KIA, the Mongla-based National Democratic Alliance Army (NDAA), the Shan State Army-North (SSA-N) and three non-signatory groups that have never signed bilateral ceasefire agreements: TNLA, AA and the Kokang-based MNDAA. The Tatmadaw Commander-in-Chief Senior General Min Aung Hlaing urged the non-signatory ethnic groups to sign the NCA. He emphasized that not signing the NCA is "against the current democratic ethics."⁴⁸

The third conference experienced many stalemates during the negotiations. The delegates signed 14 points accord which is known as the Union Accord II. Out of the fourteen points, seven points were on social matters, four points were on

⁴² "Second 21st Century Panglong Conference", *Burma Bulletin*, Issue. 125, p. 2.

⁴³ Ibid.

⁴⁴ Ibid.

⁴⁵ Ibid.

⁴⁶ The Constitution of the Union of Burma, 1947, Chapter-X.

⁴⁷ "14 points signed as Part II of Union Accord", *The Global New Light of Myanmar*, 17 July 2018.

⁴⁸ "Controversy, progress at the third Panglong conference", *The Frontier Myanmar*, 16 July 2018.

political sector, two points were on land and environment related and one point was on economic equalities.⁴⁹ It was the second time when the parties to the conference overlooked the security sector which includes the principle of secession and the integration of the ethnic army into the Tatmadaw. The EAOs and the Tatmadaw confronted on the name of the state. The Tatmadaw proposed the Republic of the Union of Myanmar and the EAOs proposed the Union. The UPDJC, the coordinating body, negotiated the solution on the "Union of Myanmar".⁵⁰

Any success of the negotiations is not yet visible. Fighting is still going on in Kachin state after breaking the ceasefire agreement of 2011. The second quarter of 2018 saw the conflict being intensified for using heavy weapons, artillery and aerial bombing by the Tatmadaw displacing thousands of civilians.⁵¹ The Shan state also witnessed intra-ethnic violence between the Restoration Council of Shan State (RCSN) (NCA signatory) and the SSA (non-signatory) for territorial control.⁵² The TNLA also fought against the Tatmadaw in Shan state.⁵³ In Karen state, the Karen National Liberation Army (KNLA) clashed with the Tatmadaw. Mon State Liberation Army (MSLA) also clashed with the military which has displaced about 2,400 people in the early part of 2018. The NLD government under Suu Kyi could not change the situation. The escalation of violence increased the concern about the success of the peace process. However, the peace initiative has facilitated a new opportunity for interactions among the conflicting groups and the government.

5. Understanding the Fault Lines

The Panglong agreement of 1947 was the last resort to peace in the independent Myanmar. General Aung San is still respected for his tremendous contribution in the formation of the agreement. After assassination of Aung San, the country lost its destination and fought for last seven decades to find a solution of the ethnic conflicts in the country. Aung San Suu Kyi's arrival to power have increased the hope that she might took strong and effective measures to resolve the crisis and unite the country in line with the vision of Aung San. Therefore, Suu Kyi government initiated 21st Century Peace Process. But, when the stakeholders come to table, they find further progression of negotiation difficult. Present section identifies major stumbling blocks in the process of a successful negotiation between the government and ethnic minorities of Myanmar.

⁴⁹ Ibid.

⁵⁰ Ibid.

⁵¹ "Myanmar army killing civilians in escalating conflict in Kachin, warns UN", *The Guardian*, 01 May 2018.

⁵² "Myanmar: 19 die in fresh clashes between army and rebels in Shan state", *The Guardian*, 12 May 2018.

⁵³ Ibid.

Longstanding Mistrust

The peace process is obstructed due to mutual distrust and suspicion among the social and political stakeholders, mainly between the Tatmadaw and the ethnic groups. Such mistrust and rivalry have a long history. During the colonial period, the ethnic minorities and the Bamar community did not enjoy a good relation, even they had hardly engaged and interacted politically as a result of the “divide and rule” policy of the British colonial rulers. The frontier people collaborated with the British and enjoyed more autonomy. After independence, all the groups from different ethnic backgrounds agreed for the first time at Panglong to establish a federal union in Myanmar. But the military intervention of 1962 hampered the state building process and closed the political interaction among the ethnic leaders. The military dictated the fate of the nation for last seven decades. The “four cuts policy” critically paralyzed the lives of all ethnic armed and civilian people. The frontier people always supported a non-military rule in the country desiring that it will help to protect their identity and rights.

The Tatmadaw was formed mainly by Bamar ethnic people and the Bamar nationalism is the core value of it. During the independence in 1948, the top three position of Tatmadaw were held by Karen ethnic soldiers. In today's Tatmadaw, there is no ethnic soldier serving the Tatmadaw as Brigadier General position.⁵⁴ Most ethnic soldiers join the Tatmadaw as foot-soldier or junior officer.⁵⁵ The Bamar dominated military controls the executive, the judiciary and the legislature and other important institutions of the government such as the Defence Ministry, Home Affairs Ministry and Border Affairs Ministry, the Police Force, the Border Guard Force and other paramilitary forces, Intelligence Department etc.⁵⁶ The Frontier people have systematically been excluded from the government institutions. The Bamar dominated military controlled economy and military patronizes religious hatred against the non-Bamar ethnic minorities.⁵⁷ As a result of Bamar domination and huge concentrated power of the Tatmadaw, the ethnic people do not trust that any government can end the conflict and bring peace without the consent of the military.

The military did not counter hate speeches and hate crimes in the society and divided the society based on religious and racial lines. The Buddhist Bamar has alienated other religious cults like Muslims and Christians. The Bamar ethnic dominated government has alienated other races like Kachin, Mon, Shan, Karen, Karenni etc. This polarization has been deepened by the military in two ways- by enacting some laws and through patronizing Buddhist extremism. The first attempt

⁵⁴ “Why Ethnic Armed Groups Cannot Accept the Burma Army’s Demand for a Single Army”, *The Karen News*, 07 November 2018.

⁵⁵ *Ibid.*

⁵⁶ The Constitution of Myanmar 2008, Chapter- I, Article No. 20.

⁵⁷ Francis Wade, *op. cit.*, p. 165-190.

of polarization was from the U Nu government when Buddhism was recognized as state religion by enacting the State Religion Promotion Act-1961 to get political allegiance from the Buddhist Bamar people.⁵⁸ This act created unrest in the Christian dominated Kachin state and the Muslim dominated Rakhine state. The second attempt was from the Ne Win government when it endorsed the Citizenship Act-1982, which categorized all the citizens of Myanmar into three classes- Citizen, Associate Citizen and Naturalised Citizen.⁵⁹ This act disqualified Rohingyas from the citizenship rights. It also shattered the relations among the Buddhist and the Muslim community in Rakhine state. Another law which polarized Myanmar society is the Protection of Race and Religion Law-2014, which barred inter-religious marriage and robbed the rights of women to choose their spouses. It also empowered the local government to control reproductive rights to ensure Buddhist demographic status-quo. These kinds of polarization have generated mistrust and wariness among the ethnic minorities.

Another way of spreading communal hatred in Myanmar is the activities of the extremist Buddhist monks. U Wirathu and R K Narayana are the two most hardliner figures in Myanmar who operated to spread violent activities in Rakhine state and other parts of the country. They are spreading not only religious extremism but also Bamar centric ultra-nationalistic and chauvinistic sentiment. Ma Ba Tha, the Association for Protection of Race and Religion, is such an organization which comprised of thousands of ultranationalist Buddhist monks and is led by famous extremist, Ashin Wirathu.⁶⁰ It ran the 969 Movement which motivated the people to boycott the Muslims in all spheres of life in 2012.⁶¹ The military led USDP government supported its development. The Protection of Race and Religion Act-2014 was also promoted by Ma Ba Tha. Though this organization has been banned in 2017, it rebranded its name to the Buddha Dhamma Charity Foundation. These chauvinist groups spread propaganda and misinformation about the peace process and create racial and ethnic tension.⁶² These distrust, suspicion and lack of confidence are preventing a successful negotiation for peace.

The Issue of Non-secession Principle

The reconciliation process has been pushed back by the issue of non-secession principle. The basic 41 principles drafted for discussion included, "no part or territory of the Union shall ever secede."⁶³ But the ethnic groups, mainly Shan state, raised the issue of the right to secede from the federation. It argued that the

⁵⁸ "Nationalists mark anniversary of divisive state religion bill", *The Myanmar Times*, 01 September 2015.

⁵⁹ "Citizens of Myanmar", *The Myanmar Times*, 22 September 2017.

⁶⁰ Matthew J. Walton and Susan Hayward, "Contesting Buddhist Narratives: Democratization, Nationalism, and Communal Violence in Myanmar", *East-West Center, Policy Studies*, No. 71, 2014, pp. 12-16.

⁶¹ *Ibid.*

⁶² "Can Anyone Stop Burma's Hardline Buddhist Monks?", *The Atlantic*, 06 September 2017.

⁶³ "Panglong spirit and the right to secession", *The Frontier Myanmar*, 25 September 2017.

constitution of 1947 stated, "... every State shall have the right to secede from the Union"⁶⁴ after ten years of independence. During the drafting of the 1947 constitution, there were only four ethnic groups demographically and politically significant- Bamar, Chin, Shan and Kachin. Bamar ethnic community was the nucleus and other three were the clusters. Chin was given the status of Special Division. Only Kachin and Shan state were given the right to secede.⁶⁵ But now there are many ethnic groups which are demographically significant and has the power to secede. The Tatmadaw fears that if the right to secession is assimilated in the constitution, they can secede and eventually Myanmar will be divided. The military drafted constitution of 2008 stated, "[In]o part of the territory constituted in the Union such as Regions, States, Union Territories and Self-Administered Areas shall ever secede from the Union."⁶⁶

The provision of the right to secede came to an end in 1958 when Shan state was going to secede and firmly in 1961 when General Ne Win occupied the power and ruled the country with iron-fist until 1988. The military constitution of 1974 and 2008 incorporated the non-secession clause, but these two constitutions were as unacceptable to the Bamar community as to the ethnic minorities. Now, the military is against the secession principle and the NLD government also feels discomfort with this provision. The military's commander-in-chief, Senior General Min Aung Hlaing, repeatedly said, "no part of the territory...ever secede from the Union."⁶⁷ It seems to be a threat to the political actors to agree on such peace deal which is embracing a coercive means for cooperation.

The EAOs, mainly Shan Nationalities League for Democracy, argued that they had signed the NCA which upholds "non-disintegration of the Union, non-disintegration of national solidarity and perpetuation of sovereignty."⁶⁸ The relations between the union and federation must be based on trust and confidence not by domination and power. But there is immense distrust and lack of respect between the Tatmadaw and the EAOs. The EAOs argued that the provision was opposite to the spirit of the 1947 Panglong, as the right to secede was the promise of independence.⁶⁹ The leader of the 1947 Panglong, General Aung Sun, was more liberal or he handled the matter politically. The Tatmadaw has fought a long war against the EAOs to keep the territory integrated and it defined the principle as a threat to territorial integration. Some EAOs have also proposed alternative wording instead of non-secession like conditional secession principle. There is no such example of including non-secession principle in the constitution of a federal union. There are several examples of federalism like the United States, Canada and India, but none of the countries included such

⁶⁴ The Constitution of Myanmar 1947, Chapter-X.

⁶⁵ "Secession in a democratic system?", *The Myanmar Times*, 27 June 2016.

⁶⁶ The Constitution of Myanmar 2008, Chapter- I, Article No. 10.

⁶⁷ "Persons & Issues in the News in 2018", *The Irrawaddy*, 22 December 2018.

⁶⁸ The Constitution of Myanmar-2008, Chapter- III, Article No. 65.

⁶⁹ "Secession in a democratic system?", op. cit.

principles in the constitution. Therefore, the issue of secession remains a challenge towards the peace process.

Accommodating Ethnic Soldiers in Tatmadaw

Another important building block is the concept of federal army of the EAOs. The EAOs want to keep their forces under their own control so that it can protect their lives and properties from external and internal threat. But the Tatmadaw wants to incorporate the ethnic forces to form only one military for the union. There are many reasons for which the EAOs are reluctant to merge their forces. The ethnic forces have fought the war for nearly seven decades against the Tatmadaw.⁷⁰ Thousands of ethnic soldiers died in this war. It is difficult for the ethnic minorities to cooperate with such a military that had long time rivalry with them.

The Tatmadaw was also accused of ethnic cleansing in the Rakhine state of Myanmar. Some higher ranked military officers have been accused of war crimes and crimes against humanity.⁷¹ It has been accused of using child soldiers, forced labour and torture as a means of war against the ethnic people.⁷² The constitution of 2008 has given immunity to these kinds of crimes of the Tatmadaw.⁷³ There is an accusation of discrimination and racism against the Tatmadaw. The military did not allow ethnic candidates to take training at National Defence Service Academy, most prestigious military training school in Myanmar.⁷⁴ It has segregated the non-Bamar soldiers from the forces and has taken the Bamar nationalism as its core value. Another significant matter is that civilian control of the military is absence in Myanmar. The Tatmadaw itself makes all kinds of decision regarding how to lead the force where to run an operation and when it will stop.⁷⁵

Although the ethnic armies did not fulfil the expectations, they protected the lives and livelihood in the ethnic areas and the ethnic people respect them as their national hero. They attained the support of ethnic people against the threat of Tatmadaw.⁷⁶ Therefore, people have trust and confidence on the ethnic forces. The Tatmadaw has deployed its ten thousand soldiers in the ethnic areas to control and to suppress ethnic armed struggle. It is claimed that if the EAOs disband the ethnic armies, they can be suppressed by the Tatmadaw. There is a fear of suppression among the

⁷⁰ "Why Ethnic Armed Groups Cannot Accept the Burma Army's Demand for a Single Army", *The Karen News*, 7 November 2018.

⁷¹ *Ibid.*

⁷² "Impunity Prolonged: Burma and its 2008 Constitution", *International Center for Transitional Justice*, September 2009, pp. 10-30.

⁷³ *Ibid.*

⁷⁴ "Why Ethnic Armed Groups Cannot Accept the Burma Army's Demand for a Single Army", *op. cit.*

⁷⁵ The Constitution of Myanmar 2008, Chapter- VII, Article No. 343.

⁷⁶ "Why Ethnic Armed Groups Cannot Accept the Burma Army's Demand for a Single Army", *op. cit.*

ethnic people for their past experience. For them, there is no point to join the national army. The EAOs are not ready to lay down their arms to that force which has killed their fellow citizens and exploited their resources.

The EAOs argued that during the independence period, “the national armed forces were still organized largely along ethnic lines. For example, there were the Burma Rifles, Karen Rifles, Chin Rifles, and Kachin Rifles, all of which were part of the Union armed forces but led by their respective ethnic commanders”⁷⁷ to safeguard their respective borders after the British had left. The ethnic minorities proposed to reform the armed forces based on the ethnic lines so that no threat exists there. They also proposed that the government has to demilitarize the ethnic regions and withdraw its troops stationed in those areas. But the Tatmadaw thinks that the existence of federal armies will pose threat to the union integration. Hence, reaching in an agreement on the issue of accommodating the ethnic forces in the national military is difficult.

Amendment of the 2008 Constitution

The NLD led government has not made it clear that how it will amend the constitution of Myanmar drafted in 2008. The government is yet to develop a mechanism to enhance the confidence of the EAOs about bringing the constitutional amendment for final reconciliation. It is not clear when and how the NLD will amend or how it will convince the Tatmadaw to amend the 2008 constitution. The Tatmadaw possesses strong constitutional power in Myanmar. According to the constitution of 2008, 25 per cent of the parliamentary seats would be reserved for the serving military officers both in the House of Representative and in the House of Nationalities⁷⁸ and then the constitution has required having the support of 75 per cent members of the parliament and to hold a nationwide referendum on which about more than half votes have to be positive to amend the constitution.⁷⁹ For the amendment of the constitution, a national referendum is compulsory.

The military appoints six of the eleven members of the most powerful National Defence and Security Council, which dictates the state's security matters. The Tatmadaw is not under the control of the president. The executive is also dominated by the military. In this respect, the amendment of the constitution is difficult. The military is the most powerful actor in Myanmar politics. The NLD government first took attempt to amend the constitution in 2015. However, the military blocked the attempt. The bill was voted by 70 per cent of the members of the parliament affirmatively, but it needed 75 per cent of the total vote. The NLD blamed the military for halting the reform of the constitution.

⁷⁷ Ibid.

⁷⁸ The Constitution of Myanmar 2008, Chapter- IV, Article No. 109 & 141.

⁷⁹ The Constitution of Myanmar 2008, Chapter- XII, Article No. 436.

The NLD spokesperson Dr Myo Nyunt once said, "We are waiting for the right time."⁸⁰ The NLD government has prioritized the peace building process instead of amending the constitution. Aung San Suu Kyi said that the constitutional amendments and the peace process are interconnected.⁸¹ But the problem is that who will decide what is more important than the other to accomplish. It is thought that the NLD government is not interested to make any confrontation with military on the issue of amending the constitution at this moment.

The NLD government has to cooperate and compromise with the military to bring any change to the constitution. The question is how much compromise both the military and the NLD government will do to make an end to the long-standing conflict. Therefore, the whole peace process will be in danger if the NLD government fails to amend the constitution. The military wants the Union Accord to be signed first, but the EAOs emphasize on the amendment of the constitution. The NLD government have not developed any framework yet to engage all the stakeholders how to progress on the issue of constitutional amendment.

Inclusion of All Armed Groups in the Negotiation Process

The peace process has been hindered for non-participation of more than half of the EAOs who have not signed the NCA. The Tatmadaw has barred them from participating in the peace process though they have attended the third Panglong conference as observer or guest status. The newly formed Federal Political Negotiation and Consultative Committee (FNPCC), known as the Northern Alliance, has not attended the Panglong conference.⁸² The FNPCC is formed with AA, KIA, MNDAA, and TNLA, UWSA, SSA, and the Shan State East National Democratic Alliance Association (SENDAA). Only ten out of twenty-one EAOs has signed the NCA. The rest of them have demanded a new draft of the NCA with new provision but the Tatmadaw has rejected it. If all the EAOs do not participate and agree to leave violent activities, the progress of peace process will be difficult. The Tatmadaw has not agreed yet to include all the stakeholders including the non-signatory groups in the negotiation process.

Besides, the ongoing conflicts between the EAOs and the Tatmadaw are also an important challenge to the peace. The Tatmadaw is fighting in Kachin, Arakan and Shan states against the Northern Alliance. It is using its extreme military power to force the EAOs to come to the table. The EAOs are not so powerful as they have no such institutional arrangements and modern weapon supply. The policy of the Tatmadaw is to capture as much as land and natural resources of the ethnic areas to cripple the EAOs

⁸⁰ "NLD 'Waiting for the Right Time' to Amend Constitution", *The Irrawaddy*, 9 May 2018.

⁸¹ "Aung San Suu Kyi amends her stand on constitutional reform", *The Frontier Myanmar*, 28 May 2018.

⁸² "China's Stake in the Myanmar Peace Process", *The Diplomat*, 15 August 2018.

fighting capability so that they become bound to join the peace process. Such policies of the military are complicating the negotiation process.

The ethnic conflicts are connected with the business interest of the military. It controls all the big conglomerates of Myanmar. The military is benefited from the extracted natural resources from the periphery, home of the ethnic people. A report by Global Witness estimated, "the military, its cronies and the major drug lord control tens of billions of dollars from the jade trade in war-torn northern Kachin State."⁸³ It was also reported, "the military has seized land for agri-business and for hydroelectric dams which produce electricity sold to neighbouring China."⁸⁴ It extracted rubies, gold, timber and other natural resources by exploiting the ethnic people. It has used the ceasefire agreement to extract resources. The ongoing conflicts benefit the military economically. Therefore, they are not always eager to resolve the crisis.

Aung San Suu Kyi's arrival to power raised new hope among the people of Myanmar for the resolution of long-standing rivalry between military and ethnic groups. Most of the EAOs are engaged in the process. But the long-term mistrust among the stakeholders is preventing any substantive progress in the process. Constitutionally, Tatmadaw has strong influence in the executive and legislative, and in the policy making process. When the issue of constitutional amendments comes to the front, the NLD government cannot avoid the influence of the military. Moreover, the inclusion of ethnic soldiers in the national military remains a major issue of debate. On the other hand, without engaging all the arms groups in the negotiation process, any fruitful discussion for the solution to the conflict would be difficult to achieve. While the EAOs are focusing on the constitutional amendment, the military wants to observe the developments of negotiation. In addition, the business interest of the military is also connected with the control of the frontier areas of Myanmar. Therefore, the success of the NLD's new peace process depends on how it can minimise the existing rivalry and mistrust between the military and the EAOs.

6. Conclusion

The colonial rule changed socio-political and economic character of Myanmar. While the dynastic rulers offered autonomy in the frontier areas, the British rulers adopted a central administration. The colonial rulers divided the country on the basis of ethnic identity to strengthen their control and to exploit the resources of the country. The British rulers instigated rivalry among the ethnic communities and facilitated some of the ethnic minority groups in favour of them. While the anti-British movement inception in the country, the frontier areas started reclaiming their autonomy what they had enjoyed

⁸³ "For Myanmar's Army, Ethnic Bloodletting Is Key to Power and Riches", *The New York Times*, 27 January 2018.

⁸⁴ Ibid.

before British rule. General Aung San communicated with all the ethnic minorities and engaged them in a negotiation process to prevent any disintegration of the country. He signed Panglong agreement in 1947 with ethnic minorities. On that agreement, it was agreed that the equal rights for all ethnic minorities would be protected and, the religious and cultural integrity of all the communities would be preserved. But, the assassination of General Aung San demised the hopes of any kind of peace in Myanmar. The military coup of 1962 changed the trajectory of the country and the principles of the Panglong agreement were denied. The military rulers declared the supremacy of Buddhism and adopted policies to segregate ethnic minorities from the mainstream society. Such kinds of policies led the country towards a long-term conflict and violence.

The leader of democratic movement of Myanmar, Aung San Suu Kyi, was always vocal about the rights of the ethnic minorities in the country and promised that she would start new peace process again. Therefore, her arrival to power in 2015 raised new hopes among the people about the resolution of seven-decade long conflict between the military and the ethnic minorities. The NLD government initiated new peace process terming it as 21st century peace process. The government declared new road map for reconciliation in the country. A number of institutions were also established by the government to engage all the stakeholders in the negotiation process. There are already three conferences held to discuss the issues of debate among the stakeholders.

A number of critical issues are making obstacles to make Aung San Suu Kyi's peace process successful. For long times, the military and the ethnic minorities are fighting against each other, therefore, a deep mistrust is prevailing between them. The military drafted the present constitution in 2008 which has provided unprecedented power to the military and it has made the amendment process of the constitution complicated. When the NLD government takes any initiative for amending the constitution, the military can easily halt the initiative. The EAOs are demanding for the amendment of the constitution to accommodate the equal rights for all the ethnic minorities, but the NLD government has little to do without the consent of the military. In the negotiation process, the issue of non-secession principle remains a major concern for the stakeholders. In the Panglong agreement of 1947, there was a provision that if any frontier region desires to leave the federation, the union would allow it. The military is vehemently opposing any such provision at present. This remains a critical point of stalemate. The EAOs are not interested to integrate their armed forces into the national military. On the other hand, it is difficult for military to accept the presence of federal army within the country's geographical boundary. Nevertheless, the military has business interests in the frontier areas. It is benefited from the natural resources of the frontier areas. Therefore, reaching in an agreement for which the military may lose control over the politics, economy and resources of frontier area would be difficult. Such kinds of fault lines are preventing any visible progress in the peace process initiated by the NLD government.