

## Political Reform and Ethnic Peace in Burma/Myanmar: The Need for Clarity and Achievement

The clock is running down on a critical but uncertain time in national politics in Burma/Myanmar<sup>1</sup>. There can be no doubt that the country has enjoyed a period of rare optimism and reform-oriented change since the quasi-civilian government of President Thein Sein assumed office in March 2011. Among hopeful developments, a parliamentary system has been introduced, many political prisoners have been released, economic reform has begun, and peace talks between government and ethnic nationality leaders have moved towards the prospect

of a nationwide ceasefire. In response, Western sanctions have been reduced and international leaders are now frequent visitors. Certainly, compared to the previous decades of military isolationism, these have been unprecedented times of potential and hope.

For many citizens, however, this is where the good news ends. For as the countdown begins to a crucial general election later this year, warnings are accelerating of a halt in reform momentum and a more troubling

### Recommendations

Important progress has been started in national politics under the government of President Thein Sein. But as the countdown accelerates towards a general election later this year, there is a risk that political reform and ethnic peace are faltering. To avoid this, clear markers must be agreed of processes of democratic reform that guarantee the rights and involvement of all peoples and parties.

Constitutional reform and nationwide peace will be essential, and it is vital that the conduct of the general election is free and fair to ensure momentum in political reform. An inclusive political dialogue must be fostered at the national level to move beyond the practice of different parliamentary processes and ethnic ceasefire talks that do not provide a political roadmap for all citizens. It is vital that reform accords promote justice and cooperation, not exclusion and new divisions in society and politics.

Inequitable distribution of political and economic rights between the Burman-majority centre of the country and the ethnic minority borderlands continues to drive conflict. Despite ceasefires in some regions, fighting continues in others, furthering mistrust and humanitarian suffering. Military solutions cannot be imposed. If ethnic grievances and aspirations are to be addressed, political and economic reforms must be the cornerstone of peace.

International aid is welcomed as a support for socio-political reform. But as programmes diversify, it is essential that aid is targeted at the key political issues and most vulnerable communities. Solutions will not be found by only engaging, or building up, a dominant government and military system that does not represent the people; rather, it will perpetuate conflict and state failure.

reality behind many of the socio-political changes in the country. Four years into the life of the Thein Sein government, the same military-business elite remains in power, land-grabbing and other forms of economic exploitation are widespread, and ethnic conflict continues in several parts of the country. Fuelling these concerns, there has been an increase in incidents suggesting the country's military leaders are reverting to their old hard-line ways: the murder of a journalist,<sup>2</sup> the "unintentional" killing of 23 ethnic army cadets,<sup>3</sup> the continued exodus of minority Muslims from their homes,<sup>4</sup> the fatal shooting of a woman protestor at a Chinese-backed copper mine,<sup>5</sup> and the blocking by vested interests of deeper reforms.<sup>6</sup>

Hopes continue that these are momentary setbacks that must be understood in a bigger picture of national transition.<sup>7</sup> But for communities in the front-line of political change, the consequences are deeply troubling. As prospects recede of broader change before this year's general election, urgent questions are being asked about the real nature and inclusiveness of Myanmar's new political system – and whether it can deliver the peace and democratic reform sought by the country's peoples. Such concerns increased rapidly during February and March when student protests for educational change were ended by force in central Myanmar.<sup>8</sup> Meanwhile over 70,000 civilians fled their homes during fighting that broke out between government and ethnic opposition troops in the Kokang region of Shan state.<sup>9</sup>

The opening chapter in Myanmar's new political era is coming to an end. Leaders on all sides continue to proclaim good intentions to seek solutions through reconciliation and dialogue, and this is a positive asset that can be built upon. But mistrust has been growing. Uncertainties and confusion permeate the political landscape, and this is undermining the ability of citizens and communities across the country to work together in common cause.

The concern is that many actions of the central government have become a mixture of public relations and coercion, masking the determination of a military-backed elite to remain in power. If this trend continues, the best opportunity for democratic reform and nationwide peace in many decades could be lost. Rather than the Thein Sein government being the springboard for an era of political inclusion, human rights and national progress, it could come to mark a further extension in the failure of military-dominated governments in the country – albeit in new form.

As the general election approaches, it is vital that action is begun to build confidence and ensure that the country's path towards nationwide peace and democratic governance continues. This will mean clear markers of political agreement, peace achievement and reform guarantees that involve all ethnic nationalities. Such essential steps must not be postponed through another year of obfuscation or delay that simply returns the same government and unrepresentative elite to power. A forward-looking narrative of hope and inclusion has to be built. In a fast-changing world, Myanmar's peoples and the international community expect democratic reform that sustains a real and lasting peace.

## **The political landscape**

As in previous times of state transformation, a major obstacle to national agreement and cohesion is the complexity of the political landscape. After decades of military rule, the Thein Sein government has not heralded a new era of simplification and resolution in national politics. Instead, the political environment is presently at its most changeable and uncertain in over half a century. With the 2011 handover of government by the military State Peace and Development Council (SPDC: originally State Law and Order Restoration Council [SLORC]), a Pandora's box of old crises and new challenges has been opened.

In many respects, such an array of transitional difficulties could be anticipated in one of the most ethnically diverse and conflict-torn countries in Asia. As the Transnational Institute wrote in February 2011, “An inclusive endgame has long been needed to achieve national reconciliation.”<sup>10</sup> But recognition of these challenges has not made efforts towards national peace and reform any easier. Four years after the SPDC stepped down, the prospect of a new general election has brought many of the underlying challenges to the fore. Six key areas stand out.

- First, despite President Thein Sein’s recent pledge of pro-federal change,<sup>11</sup> there is still no nationwide agreement or guarantee that involves all nationalities and parties about the future direction and processes for political reform in the country.
- Second, there are no certainties about the future positions or roles of the three main groupings in national politics: the pro-military Union Solidarity and Development Party (USDP) and Tatmadaw (Defence Services); pro-democracy parties spearheaded by the National League for Democracy (NLD); and ethnic-based organisations – whether armed, electoral or community-based – that are currently at their most numerous since the country’s independence in 1948.
- Third, although discussions about charter amendments are continuing, there are still no assurances as to how, or if, the 2008 constitution will be changed or reformed.
- Fourth, as long as fighting continues in any part of the country, the achievement or maintenance of a nationwide ceasefire will always be doubtful before the polls. Meanwhile humanitarian needs remain serious in many borderland areas where over 800,000 civilians are displaced from their homes.<sup>12</sup>
- Fifth, the social environment is by no means moribund, and community activism, social media and civil society

momentum are continuing to develop rapidly – and often disaffectedly – in response to the urgent challenges of the day.

- Finally, relations between Buddhist and Muslim communities remain strained and potentially volatile, and holders of temporary identity cards, a majority of whom are Muslims, will not be allowed to vote in the polls.<sup>13</sup> In the new political era, the rise of Buddhist nationalism has become a significant, if unpredictable, socio-political force.

The result of these differing tensions and dynamics is a contentious, and often divergent, political stage. For while important socio-political energies have been released since the SPDC’s departure, political change continues to be an essentially top-down affair under the new governmental system, with Tatmadaw and related business or family interests often as privileged as they were before. In contrast, pro-democracy and ethnic nationality groups are still excluded from many aspects of governance and national decision-making. This, in turn, is feeding popular concerns about the direction of both political reforms and the ethnic peace process.

Clearly, much can happen in the coming months, and every day brings new headlines as different actors add their voices to the gathering debate. In his New Year’s Day speech, for example, President Thein Sein lauded Myanmar’s “new political culture”, pledging that the “2015 elections will mark the first time since our independence where elections will be contested by all the political stakeholders freely and fairly”.<sup>14</sup> Aung San Suu Kyi, in contrast, is hesitating before committing the NLD to the polls, arguing that reform has been “stalling” for two years.<sup>15</sup> Meanwhile, as armed conflict continues in the borderlands, Nai Hong Sar of the Nationwide Ceasefire Coordination Team (NCCT) has warned of a “decrease in trust” between ethnic groups and the government.<sup>16</sup> In this reform vacuum, it is

often community-based organisations that are the most vocal about developments in the country on issues ranging from peace talks and election monitoring to women's rights and the environment (see "Civil Society" below).

Such different perspectives are reflected in a political arena that is often fragmented in the field. Officially, Myanmar is still in the seventh and final stage of the SPDC's roadmap<sup>17</sup> towards "disciplined democracy". For this reason, government leaders have been very reluctant to allow significant changes to the 2008 constitution that currently empowers a pro-Tatmadaw status quo. Most obviously, 25 per cent of all seats in the legislatures are reserved for military candidates, and the key security ministries – Defence, Home Affairs and Border Affairs – are also reserved for military personnel appointed by the commander-in-chief. In addition, article 6(f) reserves the "national political leadership role of the State" for the Tatmadaw; article 20(f) affirms that the Tatmadaw "is mainly responsible for safeguarding the Constitution"; and article 436 ring-fences Tatmadaw control by stipulating that more than 75 per cent of parliamentary representatives have to approve any charter change.<sup>18</sup>

The difficulties with such a politically-loaded constitution are many, and they have become ever more apparent during the past four years. The new constitution has not resolved countrywide demands for democratic rights and representation, and calls for alternative processes of dialogue have failed to accelerate the pace of peace and reform. Rather, serving and retired Tatmadaw officers have once again demonstrated their ability to remain at the centre of national politics by managing a landscape of conflict and diversity. Indeed, since President Thein Sein assumed office, there has been an unheralded expansion in the numbers of non-state organisations within the country, including electoral, ethnic, business and community-based. But, for the moment, this dynamic does not appear to have threatened the Tatmadaw's

dominance of national politics. On New Year's Day, Kyaw Zwa Moe of the Irrawaddy Magazine captured the sentiment of many citizens when he described "Burma's democracy" as "just what the generals ordered".<sup>19</sup>

In the long run of history, it may be possible that the 2008 constitution can be reformed by political procedures that will answer many of the present criticisms and demands. This, though, is not yet certain. Over the past year ever more complicated processes have developed as government leaders have sought to keep opposition demands at bay. A general election date of late October or early November has been set by the Union Election Commission. But for many citizens, the challenge is no longer about who will win the 2015 general election but whether processes can develop by which demands for deeper political and ethnic reforms can be resolved, whether before the polls or beyond.

During March, the NLD suggested that the party will stand in the 2015 polls, while ethnic armed groups moved closer to signing an official nationwide ceasefire with the government. But such decisions were not based upon accepting the present political system, but rather to change it. Until such change happens, Myanmar's new era of democratic constitutionalism will appear a mirage.

## **The structures of political dialogue**

A plethora of controversial issues cloud arguments about Myanmar's political future that require constitutional change. Vital subjects include federalism, nationwide peace, economic and educational reforms, the role of the Tatmadaw, and land rights that protect the livelihoods of the peoples.<sup>20</sup> In the meantime, two main inter-faces have developed for dialogue in national politics:

- First, in electoral politics, the lower and upper houses of the new legislatures in Nay Pyi Taw have proven quite open for

discussion – if not rapid reform. In contrast, the third tier of the legislatures – the 14 regional and ethnic state assemblies – has generally failed to make a similar mark.<sup>21</sup>

- Second, in the conflict-zones, a variety of peace talks have evolved in different formats and groupings that have slowly moved towards the goal of a nationwide ceasefire between ethnic armed groups and the government.

In support of these developments, many restrictions on freedom of movement and the media from the SPDC era have been lifted, and the trend towards dialogue was reinforced by the NLD's 2012 by-election entry into parliament and the spread of ceasefires to include the majority of ethnic opposition forces. Meetings are commonplace in the country today between different representatives and sectors of society that were previously restricted. Without doubt, these steps towards inclusive dialogue mark one of the most progressive changes from the previous decades of military rule when repression rather than representation was too often the norm in state-society relations.

Despite these advances, there have been no tangible moments of national reform agreement and, for the moment, the parliamentary and ethnic peace processes remain on different tracks. In response, various avenues and forums have opened up as different interest groups seek to overcome the political obstacles in the way. A voting system of “proportional representation”, for example, has been proposed – and opposed – by different parties as a means to secure better political and ethnic balance in the legislatures, and there has been increasing promotion of “federalism” which had been a taboo subject ever since the 1962 coup that brought Gen. Ne Win and the Tatmadaw to power.<sup>22</sup> To date, however, such ideas have not had reform impact.

Against this backdrop, most discussions on political change in electoral circles have

come to focus on the more fundamental question as to how to “rewrite” or “amend” the 2008 constitution.<sup>23</sup> In particular, two sections are regarded as especially obstructive of progressive change: article 59(f) which bars candidates with foreign relatives from becoming president (i.e. Aung San Suu Kyi), and the constitution “master-key”, article 436, which effectively allows the Tatmadaw political control over charter amendments.<sup>24</sup>

Faced with these stumbling blocks, opposition groups have tried a number of extra-parliamentary methods to promote reform. Last year, for example, the NLD and 88 Generation Peace and Open Society circulated a petition that gathered nearly five million signatures calling for article 436 to be amended. The NLD then followed this with a demand for “four-way” talks between President Thein Sein, lower house speaker Shwe Mann (both ex-generals), commander-in-chief Sen. Gen. Min Aung Hlaing and Aung San Suu Kyi to begin negotiations in detail.<sup>25</sup> As Aung San Suu Kyi has explained, “I don't accept the idea that only parliament has the responsibility to amend the constitution. Everybody has a responsibility to do this.”<sup>26</sup>

To date, however, the amendment campaign has not brought new processes of dialogue any closer; rather, it appears to have triggered a train of government responses of increasing complexity. Last October, President Thein Sein called a brief “high-level” roundtable of 14 participants, including Aung San Suu Kyi, on the eve of President Barack Obama's visit.<sup>27</sup> This was then superseded by a proposal, endorsed by the Union parliament, for “six-way” talks on charter reform, with the addition of the upper house speaker, ex-Gen. Khin Aung Myint, and an ethnic nationality representative.<sup>28</sup> But this also appeared to hit the buffers when on 12 January President Thein Sein convened an extraordinary “48-party” meeting of selected invitees. And uncertainty deepened even further when a committee of MPs unexpectedly agreed that a proposal for a constitutional amendment

bill could go ahead, although it will still need to pass the over 75 per cent “master-key” of voting MPs.<sup>29</sup>

Eventually, with opposition groups complaining of tactical delays,<sup>30</sup> the government appeared to clarify its way forward with statements from its three key leaders, all of whom have military backgrounds. Commander-in-chief Snr-Gen. Min Aung Hlaing warned that the country was not ready for a “reduced military role” in parliament because “we are still a young democracy”.<sup>31</sup> Union speaker Shwe Mann stated that “six-party” talks would go ahead since they had been approved by the Union Assembly, the “most powerful organization making the laws for Myanmar”.<sup>32</sup> And President Thein Sein affirmed that charter reforms could only be carried out through parliament, but they must also be approved by a national referendum.<sup>33</sup> In essence, the primacy of parliamentary procedures was being reinforced under the terms of the 2008 constitution.

These announcements, however, did not mark the end of reform uncertainty, and within days the likelihood of a constitutional referendum was called into question when Buddhist monks threatened mass protests following a parliamentary decision to allow voting rights to the holders of temporary national identification cards, a majority of whom are Muslims in the northern Rakhine state.<sup>34</sup> The plight of this population, many of whom self-identify as Rohingya, is among the most contentious issues in Myanmar politics,<sup>35</sup> and the leader of the Buddhist nationalist movement, the monk U Wirathu, released a public statement asking the president, parliament and election commission to rescind such cards.<sup>36</sup> In response, the government quickly gave way, announcing that temporary cards will be withdrawn altogether by the end of May. In effect, over one million people will be disenfranchised.

With the election clock ticking, the consequence of so many different actions

was that, whether government leaders were stalling or not, polling day continued to move closer without any agreements on the shape or timetable for constitutional reform. Instead, for many citizens it appeared that, just as in 2010, the government’s election campaign was beginning early, based around control of the national landscape and the promotion of the USDP-Tatmadaw as the guardians of both the country and political reform.

These perceptions deepened when, in an unusual decision, President Thein Sein declared martial law in response to a resumption of fighting in the Chinese-speaking Kokang region, a draconian move that won rare praise for the Tatmadaw on social media platforms in the country.<sup>37</sup> In the first use of emergency legislation under the 2008 constitution, Snr-Gen. Min Aung Hlaing claimed that the Tatmadaw was waging a “just war” in defence of national sovereignty.<sup>38</sup>

Equally ominous, concerns about a regression in the political climate were also gathering pace in central Myanmar where student calls for educational reform spread to several towns. As all sides are aware, students have often been a catalyst for political protest in the country. In an echo of the past, the Minister of Home Affairs Lt-Gen. Ko Ko accused the students of being the “puppets” of political parties and “foreign organisations” and of being manipulated by “extremists”.<sup>39</sup> In response, Ye Yint Kyaw, a leader of the Committee for Democracy Education Movement, said such language showed that the “quasi-civilian government still has the same attitude as its former self: the military regime, who always tried to smear public movements, political parties and students”.<sup>40</sup> Subsequently, the police physically cracked down on student marchers at Letpadan in scenes that shocked the world while civilian auxiliaries, reminiscent of the Swan Arr Shin from the SPDC era, re-appeared to break up protests on the streets of Yangon.<sup>41</sup> President Thein Sein, however, was unapologetic, telling the BBC that it is the Tatmadaw that

has initiated reforms and “is assisting in the flourishing of democracy in our country”.<sup>42</sup>

The stage is delicately set. For the moment, the general election seems certain to go ahead. In early March, President Thein Sein met with Aung San Suu Kyi for just the sixth time during the past four years, and the NLD subsequently said that it is considering to stand for election in this year’s polls. Many challenges, however, lie ahead that could yet determine the outcome of this year’s voting. Parliamentary by-elections were cancelled by the Union Election Commission last year,<sup>43</sup> and the NLD and allied ethnic parties boycotted the 2010 polls. But on present trends, a more open contest appears likely and, providing that balloting is free and fair, there is every chance that the NLD and allied parties will win. Against this backdrop, political tensions are set to increase in the coming months as all sides seek to position themselves for advantage. Myanmar’s democratic future is at stake.

### **The structures of ethnic dialogue**

Similar uncertainties over procedures have continued to undermine progress on ethnic peace talks, and, initially, they also appeared to be losing momentum during the early months of 2015. In a change from the individual negotiations that characterised peace talks under the SPDC regime, the Thein Sein government has concentrated on the achievement of a “nationwide ceasefire agreement” (NCA) to mark the new political era. To date, however, a defining process of inclusion and implementation has proven difficult, despite considerable international support and the apparent willingness of all sides to talk. In the coming months, events in the ethnic borderlands could well become as important in determining Myanmar’s reform path as the general election itself.

Given the long history of ethnic conflict, rapid change was never expected. As in any struggle with many fronts, it is hard to construct a single narrative. The current

peace dialogue is only the third major cycle of national peace negotiations since Myanmar’s independence in 1948.<sup>44</sup> Nevertheless some fundamental flaws have remained in the way. No linkage, for example, has been made between the structures of political reform and peace talks in the country; historic tactics of “divide and rule” have continued; there have been obvious differences of opinion between President Thein Sein and Tatmadaw commanders in the field; and the handling of the peace talks has been largely delegated to a government-affiliated body, the Myanmar Peace Center (MPC), which is majority Burman and, as a technical team, has no powers to negotiate.

The result has been a conflict paradox. For while Tatmadaw commanders have pursued “military first” strategies in the resource-rich northeast of the country, government officials appear to have gone out of their way to make peace agreements with ethnic forces elsewhere, some of which – notably the Karen National Union (KNU) – had never made real ceasefires with any central government before. Indeed a reverse symmetry has developed during the past four years, with the northeast borderlands changing from a region of relative peace to a conflict-zone while the southeast borderlands have made the first tentative steps towards national reconciliation since independence in 1948. In consequence, despite the signing of new ceasefires, it has been difficult for many communities to build trust in government peace initiatives, a concern heightened because there has been little progress in addressing the essential political and economic challenges in the interim.<sup>45</sup>

At the same time, it is important to emphasise that obstacles and delays have not only occurred on the government side. In particular, there have been differences of opinion – as well as capacity – between the more than 20 ethnic opposition forces in the field. Since 2011, for example, the 12-party United Nationalities Federal Council (UNFC), which includes both ceasefire and non-ceasefire groups, has emerged as the

main ethnic alliance. But the UNFC does not include such important groups as the country's strongest ethnic force, the United Wa State Army (UWSA) nor the Restoration Council of Shan State/Shan State Army (also known as Shan State Army-South: RCSS/SSA-S).<sup>46</sup>

To try and address these differences, a Nationwide Ceasefire Coordination Team (NCCT) was set up in November 2013 by 16 ethnic organisations to negotiate with a government Union Peace Working Committee (UPWC), headed by ex-Maj-Gen. Aung Min, a minister in the president's office. Subsequently, the NCCT and UPWC set up a joint working committee to draft a nationwide ceasefire pact, with the intention of bringing in parliamentary and Tatmadaw representatives – a key ethnic demand – during the next stage of discussions.<sup>47</sup> Tatmadaw officers initially proposed a date of 1 August 2014 for final agreement,<sup>48</sup> but the timetable continued to be pushed back. Meanwhile discussions continued through seven rounds and several ceasefire drafts, narrowing down from an initial 112 to “eight” and then “four points of disagreement”<sup>49</sup> before the conclusion on 31 March this year of an NCA “draft” that needs the approval by the leaderships of the different organisations prior to official signing, provisionally in May or June.<sup>50</sup> Careful scrutiny is now underway before a summit of ethnic nationality leaders. “There has been an opening, not a breakthrough,” cautioned an NCCT representative.<sup>51</sup>

As these detours exemplify, there have been many hurdles along the way, prompting a number of alternative approaches to try and hasten a formal ceasefire signing. Government officials, especially, have been keen on an official NCA in place before the polls. Most obviously, at his “48-party” meeting in January President Thein Sein spoke of bringing in a “third force group” in addition to the UPWC and NCCT.<sup>52</sup> Then, in the run-up to Union Day on 12 February, the concept of a new six-point “interim agreement” or “deed of commitment

for peace and national reconciliation” was promoted, promising a form of federalism for the country. Intermediaries privately urged ethnic leaders to make a nationwide agreement while Thein Sein is president, the impression being left that the next government might not be as amenable to dialogue after the general election. Such pressures, however, did not go down well with ethnic opposition leaders. In the event, just four nationality forces signed with the government on Union Day, and only from the southeast borderlands.<sup>53</sup>

Opposition caution was underpinned by disquiet on a number of issues. First, the notion that any treaty needs to be made with President Thein Sein not only suggested that it will be better to wait until the next government to finalise any agreement but it also seemed to confirm a suspicion that UPWC-MPC meetings are not representative of the real USDP-Tatmadaw powers behind the scenes. As such, few ethnic leaders saw the need for an interim or separate deed which was regarded as a distraction, and even division, that could halt progress towards the achievement of a nationwide agreement with all groups. Second, only certain UNFC members were invited to the Union Day ceremony, raising questions over the government's real motives. It was also noted that commander-in-chief Snr-Gen. Min Aung Hlaing was absent on the day.

Third, the resumption of fighting in Kachin, Kokang, Palaung (Ta-ang) and Shan territories during the Thein Sein government has caused great suffering and mistrust, despite the peace progress in other parts of the country. For this reason, achieving a lasting solution is regarded more important than signing documents in haste.<sup>54</sup> Fourth, since the killing of 23 allied cadets in unprovoked Tatmadaw shelling in the Kachin state last November, reports of army operations and human rights abuses have accelerated in northeast Myanmar, including the alleged rape and brutal murder of two Christian teachers in January.<sup>55</sup> Indeed, Union Day was superseded by news of heavy



casualties and thousands of refugees fleeing from conflict after hostilities revived in the Kokang region.<sup>56</sup> Such negative reports only deepened concerns that, while the government is promising peace talks on the one hand, the Tatmadaw is pursuing a “war of attrition” on the other.

Finally, the greatest cause of ethnic doubt is that, after many decades of struggle and numerous peace meetings, there are still no guarantees on the table over political dialogue and the shape of political reform in the country. As a result, a ceasefire agreement without political commitments is not regarded as a reliable step forward but a potential trap that could become the cover for ever greater intrusion by outside political and economic interests into ethnic minority lands. In particular, acceptance of the present political system could mean envelopment in a constitutional straitjacket that will make meaningful dialogue impossible.

In this respect, ethnic leaders have been disconcerted by a Tatmadaw insistence on the realisation of “six-point peace principles”, including respect for the 2008 constitution, that nationality parties believe could undermine the scope for political negotiations in the future.<sup>57</sup> Already it is noted that the NLD and other electoral parties are struggling against a constitutional squeeze. Equally problematical, the Tatmadaw has been reluctant to allow independent monitoring following ceasefire signing, and progress has been slow in establishing transparent and guaranteed security arrangements in a transitional process from military ceasefires to political dialogue and reform after a nationwide ceasefire accord.

For the moment, such controversial issues do not appear to have been resolved in the draft NCA. Running to seven chapters, 33 sections and 86 points, Tatmadaw representatives have continued to insist on adherence to their “six point” principles, and there remain differences of opinion over which armed ethnic organisations should be represented as

signatories, with the government recognizing 16 groups and the NCCT advocating another six more.<sup>58</sup> Delays could also occur if any of the different sides promote amendments before a formal signing. Nevertheless NCA supporters believe that three historic targets have been achieved through the draft NCA – the goal of federalism, an end to armed ethnic organisations who sign being considered “unlawful associations”, and political dialogue, and it is intended that structures will develop to broaden the scope of dialogue to include political parties and other representative groups. “A milestone for the president, one step forward for Burma’s ethnic armed groups,” commented the Chin activist Cheery Zahau.<sup>59</sup>

With an NCA draft and a general election scheduled for later this year, Myanmar could therefore be standing on the brink of historic change. The road ahead, however, is very uncharted. Although it is recognised that the Thein Sein government has made important steps in national reconciliation, ethnic leaders are very aware from previous ceasefire experiences that agreements can be called off at any time or have caused further political division without leading to the achievement of the autonomy and nationality rights that were promised at independence in 1948. Indeed one of the most fundamental issues was among the last to be addressed during the current peace process: whether political dialogue should start “before” or “after” the agreement of a nationwide ceasefire. In essence, it will be after, with only the structures of political dialogue currently being framed.

This failure means that, on present trends, the 2015 general election will go ahead without political agreement and political dialogue unlikely to begin before 2016 when a new government is in office.<sup>60</sup> Meanwhile, as fighting continues in the Kachin and Shan state borderlands, there are also some ethnic parties that could be excluded from any “national” agreement. As Gen. Gun Maw, chief negotiator of the Kachin Independence Organisation (KIO), recently

warned, “signing the ceasefire does not mean achieving peace”.<sup>61</sup> Work on the difficult issues, he said, is only just beginning.

Amidst the present difficulties, therefore, it is important not to lose sight of how much the political landscape has changed during the past four years. After five decades of censorship and isolation under military government, discussion on ethnic reform is no longer forbidden, ceasefires have spread to many conflict-zones, and recognition is widespread that ethnic peace and reform are central to future stability and socio-political progress. This is also understood by international donors and governments that have begun to invest heavily in supporting the achievement of peace and democracy. Yet many dilemmas still remain. On Union Day, Thein Sein publicly stated his commitment to federalism and peace:

“The government has been relentless in its efforts to sign a nationwide ceasefire agreement and has been holding all-inclusive political dialogue with all national political forces with the aim of developing a union based on a federal system and a genuine peace that puts an end to the armed conflicts that have raged for over six decades, ever since independence was regained.”<sup>62</sup>

In the coming years, the citizens of Myanmar will hope that these bold words become true.

### **The main socio-political groupings**

After decades of ethnic conflict and political malaise, it should not be surprising that the national landscape presently reflects an often conflicting picture of socio-political momentum within the country. But, in general, most social and political activities fall into just four main groupings as different parties seek to gain space within the new political environment: the USDP-Tatmadaw government; pro-democracy parties; ethnic-based parties; and civil society or community-based organisations. All four

groupings existed at the SPDC’s handover of office; all have been galvanised into new forms and directions during the past four years of political change; and it will be the relationships and dynamics of these groups and organisations that do much to determine the country’s reform path during the next decade.

### **USDP-Tatmadaw government**

In a major shift in foreign perceptions, a great deal of credit has been given by the international community to the Myanmar government during the past four years as socio-political reform has begun. Even when obvious crises have occurred, they tend to be regarded by the international community as exceptions that should not be allowed to upset the bigger picture of national change. Yet, despite several years of increased openness in Nay Pyi Taw, the inner workings of the government are often as little-known today as they were during the SPDC era.

In the absence of information, a general narrative has developed in diplomatic and media circles of there being four elements in the USDP-Tatmadaw leadership: a reformist presidency, a USDP-led parliament that shows some independence, a counterbalance of Tatmadaw hardliners, and a complexity of business interests whose activities are difficult for government reformers to control. Meanwhile public relations engagement on key policy issues often appears to have been subcontracted to civilian experts, including former political exiles, in such new bodies advising the president as the Myanmar Peace Center and the Myanmar Development Resource Institute.

Although these changes were unprecedented at their inception, many aspects of this new system of governance have worked generally well. This has underpinned confidence that, under President Thein Sein, the country is embarked on the road towards peace and democracy. By any international standards, the modernising changes in such

conurbations as Yangon during the past four years are remarkable. Last November, UN Secretary-General Ban Ki-moon once again praised President Thein Sein for "the momentous changes taking place in Myanmar as the country progresses on the path of democracy and reform."<sup>63</sup>

Uncertainties, however, are rising as a general election approaches that is supposed to determine the country's reform path for another five years. The present national workings of government are hardly inclusive or fit-for-purpose if sustainable progress is to continue into the new political era. Such concerns are felt as much within the USDP-Tatmadaw leaderships as the general population. Many fundamental questions remain. After decades of military-controlled government, will the Tatmadaw allow polls to go ahead that, as in 1990, could be won by the NLD and pro-democracy parties that challenge the existing status quo? Are other USDP-Tatmadaw leaders as committed to pro-federal change as President Thein Sein? How will USDP and Tatmadaw officials align themselves in months ahead? And, as President Thein Sein has himself hinted, can the general election take place without the maintenance of an inclusive nationwide ceasefire?<sup>64</sup>

The scale of the challenges cannot be underestimated. Since the 1962 coup that brought the Tatmadaw to power, the military-political leadership has been notably unchanging, being dominated by just two commanders-in-chief, Gen. Ne Win (1962-88) and Snr-Gen. Than Shwe (1992-2011). From time to time, there have been purges or shake-ups, most recently in 2004 when the military intelligence chief and then prime minister, Gen. Khin Nyunt, was arrested and removed from office. But for the most part, while there have often been differences of opinion among military leaders, a key element in national control is that they have been careful not to let them develop into conflicts of interest. In the meantime, Tatmadaw personnel and their families have developed into a significant sector of society that is majority

Burman, dominant in many walks of life, and presently finding new form in the USDP as well as such powerful economic bodies as the Union of Myanmar Economic Holdings and Myanmar Economic Corporation. Financial transparency in the country remains low and, during the Thein Sein government, military-backed interests have continued to expand their ascendancy in many economic spheres.<sup>65</sup>

The dilemma, then, is how such continuity in Tatmadaw authority will develop in the new era of multi-party democracy. At present, Snr-Gen. Than Shwe remains behind the scenes in Nay Pyi Taw and, although he is retired, the current leaderships of the USDP, Tatmadaw and National Defence and Security Council are all former or serving officers who were very much his appointees. As the influence of Than Shwe recedes, however, speculation is widespread over the identities and policies of the next generation of Tatmadaw leaders who face the task of taking constitutional government forward. It is generally agreed that Thein Sein has achieved the first task of ushering in the new political system, but whether he will continue as leader after the general election is less clear. For this reason, three other former or serving generals are often mooted as faction leaders or presidents for the future.<sup>66</sup> Shwe Mann, the lower house speaker and present USDP chairman, who has shown commitment to parliamentary reform; Aung Thaung, a veteran hardliner with political and economic influence;<sup>67</sup> and the present commander-in-chief Min Aung Hlaing who has not ruled out becoming president after military retirement.<sup>68</sup>

Such personalities, however, provide few clues as to how the USDP-Tatmadaw leaderships will position themselves in the coming months. Having halted parliamentary by-elections last year, it is generally assumed in opposition circles that the government will postpone this year's polls if instability or political loss threaten. Many citizens have been heartened by President Thein Sein's recent words of commitment to federalism

and a nationwide ceasefire. But the USDP is yet to promote a clear manifesto and, during the past few months, optimism has been undermined by a series of disquieting events, including Tatmadaw offensives in the northeast of the country, a crackdown on student and protest groups,<sup>69</sup> and apparent support for discriminatory race and religion laws promoted by Buddhist nationalists.<sup>70</sup>

Such ambiguities in government behaviour are prompting concerns that the USDP-Tatmadaw leadership have already decided to face the general election on the basis of a national security agenda that could see reform momentum curtailed. “What significant reform steps have been taken in the last 24 months?” Aung San Suu Kyi recently asked.<sup>71</sup> Similarly, the Shan political analyst, Sai Wansai has wondered whether the contradiction between ceasefire agreements and Tatmadaw offensives is not so much differences between “reform” and “hard-line” factions as government and military groups “playing good-cop, bad-cop”.<sup>72</sup> In this sense, the government is enjoying a win-win situation: gaining from crackdowns on internal critics but also winning international praise when it promises reform. At root, the KIO’s Gen. Gun Maw believes that there is a particular challenge in achieving Tatmadaw reform. “Because it is an institution in itself and not a political party,” he said, “it cannot let go of its political power and change like a political party.”<sup>73</sup>

Foreign analysts are also charting some very different views on government intentions. The International Crisis Group, for example, has argued that, since 2011, the Tatmadaw has genuinely embarked on democratic transition to cede political and economic control, while the Euro-Burma Office warns that “any attempts to remove its role in the running of the country could prove to be counter-productive”.<sup>74</sup> In contrast, the International Human Rights Clinic at Harvard Law School recently concluded that three Tatmadaw generals could be held responsible for “war crimes and crimes against humanity”,<sup>75</sup> and controversy has

occurred in the UK over taxpayer funding for Tatmadaw training courses.<sup>76</sup> As the US military analyst Col. Tim Heinemann warned, those who seek to concentrate on the Tatmadaw as the “center of gravity for reform” fail to understand the need for a very different kind of armed forces in such a multi-ethnic country as Myanmar.<sup>77</sup> In his view, “professionalization of the Tatmadaw alone” is likely to ensure the “continued exploitation” of ethnic minorities, assuring “more conflict in the future”.<sup>78</sup>

In summary, four years after the SPDC stepped down, a return to the days of the military strongmen who ruled the country for half a century presently seems unlikely, but a clear vision for the next generation of USDP-Tatmadaw leadership is yet to be revealed. With a general election approaching, it is a vacuum that is unlikely to last very long. Government officials continue to assure that the Tatmadaw will retreat from national politics in pace with the success and stability of political reform. But there are no clear procedures for such handover or transition and, in the coming year, there appears a very real chance that Myanmar’s military leaders could lose the political prop of the USDP in the legislatures. Like Gen. Ne Win’s Burma Socialist Programme Party before it, Than Shwe’s USDP is expected to face a real test for popular survival when put to the public vote. A year from now, the complexion of USDP-Tatmadaw-government relations could look very different.

### **Pro-democracy groups**

In many respects, the NLD played its most important trump card when, in 2012, it agreed to stand in by-elections to the legislatures, winning 43 of the available 45 seats. At a stroke, the NLD provided legitimacy to the 2008 constitution and 2010 general election, both of which it had rejected until then. This, in turn, paved the way for an amelioration in the political environment and reduction in Western sanctions. Whether, however, the NLD is poised to win the 2015

general election or lead the next government is more problematical. On a free and fair vote, it is generally assumed that, as in 1990 and 2012, the NLD will again win majorities to the legislatures. But the USDP-Tatmadaw are likely to be determined in trying to control the outcome of voting; pro-Tatmadaw articles in the 2008 constitution will limit any electoral win; and, after two decades in the political shadows, the NLD is itself facing significant problems in developing into a modern national party. Aung San Suu Kyi very much remains its figurehead leader.

In response to these challenges, the NLD has revived elements of its earlier strategy as a “mass movement for democracy”. Aung San Suu Kyi and other party leaders have continued to tour the country, while the campaign for constitutional amendments with the 88 Generation Peace and Open Society has become the cornerstone of its reform strategy. But the transition from a protest movement to a party potentially preparing for government has not been without its difficulties. Aung San Suu Kyi has been criticised for recommending that the Chinese-backed copper mine at Letpadaung be allowed to continue; the rift with the breakaway National Democratic Force has not been mended; and the party has appeared reluctant to support student protests for educational reform.<sup>79</sup> This political hesitation has raised questions as to whether a more radical reform movement could emerge if the NLD does not succeed in its parliamentary goals. A frequent complaint is that party leaders have become “isolated” from civil society.<sup>80</sup> According to the former student activist Min Zin, “Many Burmese worry that the current mainstream opposition, represented mainly by the NLD, is failing to capture broader public discontent.”<sup>81</sup>

Perhaps, then, the most ominous challenge is a perception that party leaders have become too cautious about speaking up for the rights of ethnic minority peoples. In recent months, the NLD has resumed relations with the eight-party United Nationalities Alliance (UNA) that won

seats in the 1990 general election, agreeing a three-point goal of amending the 2008 constitution, ensuring free and fair elections, and convening “genuine” political dialogue among the country’s political stakeholders to revive political reform.<sup>82</sup> But this has not quietened criticisms that, for a party with a strong human rights reputation, the NLD has not been sufficiently vocal in condemning Tatmadaw operations in the Kachin and Shan states nor anti-Muslim discrimination and violence in the Rakhine state.<sup>83</sup>

In their defence, NLD officials point out that, with little power in their hands, they have been walking a political tight-rope for the past four years, seeking compromise from the USDP-Tatmadaw government on the one hand while seeking to represent popular aspirations on the other. Only with an NLD election victory, they argue, can the party begin negotiation on the real issues of political and ethnic reform. In the meantime, Aung San Suu Kyi has urged promotion of the “rule of law”.<sup>84</sup> But, in private, NLD leaders also admit to concerns that speaking up for minority rights could be detrimental for the party. Already the leader of the anti-Muslim “969” movement, the Buddhist monk U Wirathu, has warned that an Aung San Suu Kyi presidency could bring “chaos”.<sup>85</sup> The deaths of over 250 people (mostly Muslims) and internal displacement of 140,000 civilians (also predominantly Muslims) during the past three years are a stark reminder of the dangers of communal violence.<sup>86</sup> In consequence, after 25 years of hardship and struggle, the NLD is having to consider whether taking a tough public stand on these issues could cost the party victory at the polls.

A difficult time lies ahead for the NLD. Victory could be tantalisingly close, but there have been too many disappointments in the past for naïve optimism now. Given the uncertainties in the political landscape, the NLD took a long time before preparing to commit to the 2015 polls, preferring to concentrate on the push for constitutional amendments – and a boycott is still not ruled out if constitutional change is not certain.<sup>87</sup>

But party leaders always knew that another boycott will be a high-risk strategy that its opponents would want it to take. In effect, the party would find itself back in the political wilderness while national transition goes on without it. Depending on reform progress, the NLD now intends to stand in the polls with the goal of reforming the constitution, but the party will need great skill and vision to drive political momentum forward in the coming months. As Aung San Suu Kyi said on Independence Day this year, the NLD needs “to grow wiser in order to implement peace and development”, but achieving this, she warned, will be “a harder task than fighting”.<sup>88</sup>

### **Ethnic-based groups**

At present, the ethnic political landscape is at its most potent and unpredictable in many decades. It is a time of upheaval for political and ethnic movements that can be compared with previous eras of national transition during 1948-53, 1962-68 and 1988-93. Over 100 electoral or armed ethnic groups presently exist,<sup>89</sup> and there has been a significant rise in community-based activism. Meetings have accelerated between different groups and parties, and there is generally a common focus on the goals of federalism and nationwide peace. But for the moment, organisational activities can largely be divided between parliamentary and peace talk avenues for promoting constitutional reform, and this is an unhelpful division that nationality leaders believe is holding back political progress. Underpinning this concern is the view that ethnic minority peoples, who constitute an estimated third of Myanmar’s population, missed out during previous eras of political transition, and there is a determination that this should not happen again.

Among electoral parties, three main coalitions have developed during the past four years: the eight-party United Nationalities Alliance of parties from the 1990 general election that boycotted the 2010 polls and is close to the NLD; the 15-party

Nationalities Brotherhood Federation (NBF) that consists mostly of ethnic parties that won seats in the 2010 polls and are planning an additional Federal Union Party in this year’s election; and a smaller Federal Democratic Alliance that includes the National Democratic Force and other Burman-majority parties as well as two ethnic minority parties.

The situation, however, is not set in stone, and there have been frequent re-alignments, founding of new parties, and differences of opinion in reform detail. UNA members, for example, want to see an eight state demarcation in a new federal system (i.e. Burman, Chin, Kachin, Karen, Kayah [Karenni], Mon, Rakhine and Shan), while the NBF calls for a federal system of 14 states, using the territorial delineations of the 1974 and 2008 constitutions. More controversially, the Rakhine National Party, which is a merger of two Arakan parties, has become the leading voice in promoting the Buddhist cause in the Rakhine state and strongly lobbied against citizenship rights for Muslims who identify themselves as Rohingya.<sup>90</sup> But, in general, most electoral parties are focusing on the need for a federal or “union” political system as opposed to the centralised or “unitary” constitution that exists at present. “We believe in federalism, we fought for it, we’ve been to jail for it,” said Khun Tun Oo, UNA spokesperson and chairman of the Shan Nationalities League for Democracy.<sup>91</sup>

Importantly, too, support for pro-federal reform has notably increased during the life of Myanmar’s new parliament. Presently, twenty nationality groups are represented in one form or another on the political map, whether by states, “self-administered” territories or reserved electoral seats.<sup>92</sup> But with the USDP-Tatmadaw dominant in the legislatures, disquiet has been growing at the lack of empowerment for local peoples at both the national and state/region levels of government. There has, for example, been little progress on language rights for non-Burman peoples;<sup>93</sup> unpopular land laws were written into place in 2012 that

undermine rather than protect the rights of local citizens;<sup>94</sup> and a controversial Population and Housing Census was carried out, in conjunction with the UNFPA and international donor support, on the flawed basis of 135 “national races”, a confusing designation that is widely rejected.<sup>95</sup> Of particular concern, even while conflict continues in the borderlands, a draft National Land Use Policy has been developed that does not protect the rights of ethnic minority peoples nor prevent land-grabbing and environmental destruction.<sup>96</sup>

In response, government ministries have begun to show willingness to allow consultation on such issues as land rights, drug reform and education legislation. But it remains uncertain how much officials will listen, and this is spurring nationality parties to campaign for more radical reform. Having boycotted the 2010 polls, in February the UNA decided to contest this year’s general election in order to change the 2008 constitution that members “do not like” or “trust”.<sup>97</sup> “We compete in this election with the objective of being able to amend the constitution,” said the Mon National Party central executive member Nai Kyaw Win.<sup>98</sup> Even so, some UNA members still consider a boycott possible if the political environment worsens during the coming months.<sup>99</sup>

A similar focus on pro-federal solutions exists among armed ethnic groups. At present, there are over twenty armed opposition organisations in the borderlands, including non-ceasefire and ceasefire groups. In addition, there are 23 Border Guard Force (BGF) battalions, some of which are former ceasefire groups, as well as over 50 other government-backed militia, several of which are headed by elected members of the legislatures representing the USDP. Against this militarised backdrop, veteran armed opposition organisations, such as the Kachin Independence Organisation, Karen National Union and Shan State Army, continue to be widely regarded in many communities as the “mother parties” of their nationality movements. Several date back

to the parliamentary era after independence and have built up extensive administrative systems in the borderlands. Ethnic politics mostly developed in two blocks during the long years of struggle: the federal-seeking National Democratic Front, formed in 1976, and a “people’s alliance” of forces, spearheaded by the United Wa State Army, which broke away from the Communist Party of Burma in 1989.<sup>100</sup>

In a historic change in strategy, a majority of members in both groups agreed to ceasefires with the government during the SLORC-SPDC era, and a number attended the National Convention that drew up the 2008 constitution. Ceasefire delegates, however, claimed that their demands were marginalised or ignored.<sup>101</sup> Meanwhile the country’s oldest nationality force, the KNU, never agreed a truce with the military government, preferring to ally with the National Coalition Government Union of Burma and other democracy activists in exile. Ethnic distrust then deepened in 2009 when the SPDC ordered all ceasefire groups to transform into the newly-created BGFs under Tatmadaw control. This was followed by a military offensive, headed by the then Lt-Gen. Min Aung Hlaing who subsequently became commander-in-chief, to support the imposition of a BGF on the Myanmar National Democratic Alliance Army (MNDA) in the Kokang region.<sup>102</sup> Such tactics only exacerbated the situation. The BGF strategy was widely regarded as a “divide and rule” starting-point in the SPDC’s campaign to ensure USDP-Tatmadaw dominance in the regime change about to come, and the major ceasefire groups continued to refuse to transform. In essence, accepting BGF status would have weakened groups militarily without addressing their political goals.

Expectations, therefore, were very low when President Thein Sein assumed office in March 2011. As a result, it is important to stress that Thein Sein’s personal commitment has been a highly critical element in supporting a national mood change during the past four

years and hopes that negotiated solutions can be found. Promising an end to fighting, Thein Sein declared in London in July 2013, “We are aiming for nothing less than a transition from half a century of military rule and authoritarianism to democracy.”<sup>103</sup> Buoyed by such words, new ceasefires have spread since 2011 to the majority of armed ethnic groups; aid programmes have reached to more conflict-zones with the backing of international donors; and a new culture of face-to-face meetings has taken root.

During the past year, however, peace momentum has appeared to flag and, despite talks proceeding through various ceasefire drafts to a provisional “nationwide ceasefire agreement”, no political conclusions have been reached that are binding on the country’s constitutional future. Instead, a mutual blame game has surfaced that will have serious consequences if left unresolved. On the government side, ethnic opposition groups are accused of inconsistency and internal divisions.<sup>104</sup> On the opposition side, there is a more basic issue of lack of trust, and grievances have deepened on a number of key issues during the past four years. With the 31 March signing of a draft NCA, optimism has revived. But after decades of conflict, confidence-building will clearly be a long-term task.

Three main areas of grievance exist: social, economic and political. First, the breakdown of ceasefires and resumption of fighting in Kachin, Shan, Palaung and Kokang regions in northeast Myanmar during the Thein Sein presidency have been a major setback that has caused widespread resentment. If the Tatmadaw thought it could win a quick military victory, the plan has badly backfired. The Kachin and northern Shan states were regarded as among the most successful ceasefire areas under the SLORC-SPDC government and were the territory from which broader peace and civil society initiatives emerged during the 1990s. Today, with heavy loss of life, renewed human rights abuses and over 150,000 new refugees and IDPs, the pledges of peace have a very hollow

ring in many communities. The question as to why this has been allowed to happen during a time that peace was being promoted elsewhere in the country is one that needs serious answers. Equally important, even in other areas of Myanmar where ceasefires have been sustained, the long-needed tasks of community rebuilding have scarcely begun. Many peoples continue to struggle in conditions of great poverty and hardship in the ethnic borderlands, with a steady flow of migrants still seeking new lives abroad.

Second, and related to this, the events of the past four years have reinforced the perception that the primary interest of the USDP-Tatmadaw elite, who are mostly ethnic Burmans, is more about the land and natural resource potential of the minority borderlands – not the rights of the local peoples. Initially, President Thein Sein gained great credit for his suspension of the China-backed Myitsone dam in the Kachin state for the life of the current government. But even before political agreements have been reached, a surge in land-grabbing and major projects is now underway around the borderlands that are attracting considerable international attention and investment. These include the oil and gas pipelines from the Rakhine state through the Shan state to China, the Dawei Special Economic Zone (SEZ) in the Tanintharyi region and Kyaukphyu SEZ in the Rakhine state, as well as a host of agricultural, hydro-electric and other natural resource projects.<sup>105</sup>

As Myanmar reforms, economic progress that benefits the people is clearly welcomed. Ethnic armed groups also raise taxes from unregulated businesses such as logging, and there is particular controversy over the narcotics trade, one of the world’s largest, with different sides exchanging allegations over culpability for trafficking that includes pro-government groups.<sup>106</sup> But, in general, the impression is widespread that the most important economic initiatives during the past few years have been driven by business interests linked to the families of government and Tatmadaw leaders. In Myanmar today,



the Defence Services control the country's largest business conglomerates and most lucrative economic sectors.<sup>107</sup> For this reason, opinion has deepened that the government's "military first" policies in the northeast of the country are very often to provide security to business projects, including jade, agriculture and energy development, in which USDP-Tatmadaw leaders have a financial interest. Said one Kachin business leader, "the tree is standing in our garden, but we are not allowed to eat the fruit."<sup>108</sup>

Finally, as social and economic grievances continue, sentiment has strengthened among ethnic leaders from all backgrounds during the past four years – whether armed, electoral or community-based – that only an agreement that guarantees inclusive political reform for all nationality peoples can bring lasting peace and justice to the country. In the coming months, it is hoped that the final agreement of a nationwide ceasefire will mark an important first step, but real political dialogue has yet to begin and many controversies lie ahead. For example, although talk of federalism is now permissible, it is difficult to envisage Tatmadaw leaders agreeing to ethnic demands for a "federal army" at any time in the near future. Similarly, as fighting continues in northeast Myanmar, there are still communities, notably in the Kokang region, who appear excluded from any immediate prospect of peace. Nevertheless, despite the obvious difficulties, there is still a belief among leaders from all ethnic backgrounds that, if negotiations can take place in the spirit of equality in the Panglong agreement back in 1947, solutions will eventually be achieved. Never, it would seem, has there been a more opportune moment for national reconciliation.

There is, however, a growing warning. The more the present political system is imposed without reform agreement, the more ethnic leaders fear that their peoples will be left behind. Ceasefires have already existed for over two decades, so suspicions are deepening that different government activities are not

so much reform-focused as delaying actions to support Tatmadaw entrenchment in the new political era. Having been marginalised during previous times of political transition, ethnic parties are struggling hard to prevent this happening again. It is vital that reform accords promote justice and cooperation, not new divisions and future discord.

Thus while attention focuses on the technicalities of a "nationwide ceasefire agreement", the need is now urgent to integrate the processes of reform dialogue between the different parliamentary and peace procedures. The outcomes of both will determine Myanmar's political destiny. But as one ethnic representative in the UWPC-UNFC talks recently warned, "they are already dividing up the pie, and by the time we have finalised our political dialogue, it will already be finished".<sup>109</sup>

## **Civil society**

One of the most notable aspects of socio-political transition during the past four years is the accelerating role of civil society and community-based organisations. Little research has been conducted into the political impact of this issue. But evidence suggests that, while many groups want to keep a distance from political roles, they also believe that their activities are a key element in supporting peace and political reform.<sup>110</sup> In consequence, civil society organisations (CSOs) have become among the most dynamic actors in addressing social and humanitarian needs and reflecting the popular concerns of the day.

As a multi-cultural land, Myanmar's troubled history has always reflected aspects of the socio-political paradigm: "weak state, strong societies".<sup>111</sup> It was never the case that civil society went away under military rule; rather, it was tightly controlled and repressed. After independence, much community activism survived in cultural and faith-based groups and, in an anomaly during the Ne Win era, faith-based groups were often

allowed to take part in social and welfare activities, provided that they remained under evangelical auspices. Following the ceasefires of the SLORC-SPDC era, local NGOs were allowed to form and international NGOs to return. From a slow beginning, this saw a steady expansion in civil society activism that saw popular expression in the “Saffron Revolution” protests in 2007 and the humanitarian response to the tragedy of Cyclone Nargis the following year. Security pressures and government regulation, however, remained problematical, and many community networks and activists preferred to stay in low-profile.

It was thus only after the Thein Sein government took office that many civil society organisations began to proliferate so obviously and play a public role, and this has become an integral part of the reform environment. Given their diversity, it is difficult to generalise about their goals and intentions across a broad social and political spectrum. But any understanding of the country today means engagement with their interests, and this is a significant change in the political landscape that both domestic and international leaders have come to recognise.

In the main, CSOs are primarily engaged in social and welfare affairs, such as the nine-party Joint Strategy Team in the Kachin state. But, as political transition continues, many are also lobbying for needed reforms. In recent months, for example, more than 50 CSOs held a meeting with the Union Election Commission to agree a code of monitoring conduct for the general election;<sup>112</sup> 31 CSOs met to express concern about the draft national land use policy;<sup>113</sup> 180 CSOs called on parliament to drop proposed race and religion bills that they believe could “destroy the stability” of society;<sup>114</sup> 25 CSOs met with the Nationwide Ceasefire Coordination Team to promote transitional justice and a truth commission;<sup>115</sup> over 61,000 people and 131 CSOs and political parties signed a petition demanding a halt to dam constructions on the Salween river;<sup>116</sup> over 200 CSOs signed

a statement that, due to the absence of laws protecting ethnic minority rights among others, this is not the time for an investment agreement with the European Union;<sup>117</sup> 123 CSOs called for the government to investigate the disappearance of a Kachin woman, Sumlut Roi Ja, at the hands of soldiers;<sup>118</sup> 54 CSOs and nationality parties condemned the Tatmadaw shelling of the KIO training school in which 23 ethnic army cadets died;<sup>119</sup> and more than 40 CSOs called for an investigation into the death of the journalist Aung Naing Kyaw (Par Gyi) in Tatmadaw custody in Mon state.<sup>120</sup>

In summary, Myanmar’s political path may be uncertain, but civil society momentum has become a key factor in driving national change forward and is an important signpost for the future. As the 2013 Ramon Magsaysay Award winner Lahpai Seng Raw recently said: “Peace requires the people. It is a social state and cannot be developed by military men.”<sup>121</sup>

## Conclusion

Myanmar is at a critical stage in political transition, and the events of the next few months will have defining impact in establishing the course of peace and political reform in the 21<sup>st</sup> century. There can be no doubt that important steps in socio-political reform have started during the past few years and, as long as a spirit of dialogue and reconciliation continues, a progressive future will be achievable. There is, however, a long way to go, and warning signs are appearing as a general election approaches towards the end of this year. Modernising change is bringing new social challenges, inclusive peace is yet to be established, and political tensions are once again rising over the real path of reform in the country.

This uncertain picture of reform also presents challenges to the international community. International praise was swift with the agreement of a draft nationwide ceasefire accord in March.<sup>122</sup> But as the UN High Commissioner for Human Rights

Zeid Ra'ad Al Hussein recently warned, transition in Myanmar has been regarded as “a story of promise and hope” but now “seems headed in the wrong direction and needs urgently to get back on track”.<sup>123</sup> The difficulty is that the international community, too, faces challenges in adapting to the new political environment. For two decades, Western governments and donors mostly had a very simple plan to support reform: boycott and sanctions. Since 2011, however, they have rapidly changed to new policies of engagement, with a diversity of aid and development programmes. But this does not make playing an effective role any easier, as experiences in other conflict-divided countries have shown.

In the final analysis, then, it must and will be Myanmar's peoples who determine their political future. Selective evidence can be chosen to suggest some very different pictures of the country's present condition. The difficulty is that clear evidence is lacking of sustainable peace achievement and reform agreement at this critical time, and Myanmar's troubled history does not provide hopeful evidence for a forward-looking narrative that all sides can support and relate to. If, however, democratic transition and conflict transformation are to succeed, this is precisely the challenge that the country's leaders must address in the coming months. The prospect of a nationwide ceasefire agreement, political dialogue, constitutional amendments and a general election in the coming months all provide the opportunity for different parties to work constructively together, but state failure and instability will continue if they are used to pursue conflict and self-interest by new means. Political solutions cannot be imposed by any party. They can only be built by the participation and representation of all the peoples of Myanmar.

## Endnotes

1. In 1989 the then military government changed the official name from Burma to Myanmar. They are alternative forms in the Burmese language, but their use has become a politicised issue. Myanmar is mostly used within the country and in international diplomacy, but it is not always used in the English language abroad. For consistency, Myanmar will be used in this report. This is not meant as a political statement. For a discussion of the difficulties in using “ethnic” or “nationality” terms in the country, see, “Ethnicity without Meaning, Data without Context: The 2014 Census, Identity and Citizenship in Burma/Myanmar”, TNI-BCN Burma Policy Briefing Nr 13, February 2014.
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10. “Ethnic Politics in Burma: the Time for Solutions”, TNI-BCN Burma Policy Briefing Nr 5, February 2011.
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This publication was made possible through the financial support of Sweden. The contents of this publication are the sole responsibility of TNI and can under no circumstances be regarded as reflecting the position of the donor.

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