The Peace Process and National Political Dialogue

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Sponsored by the Programme on Modern Burmese Studies at St Antony’s College and the International Gender Studies Centre at Lady Margaret Hall, University of Oxford
Myanmar has taken another important step toward democratization, following the 2015 election victory of the National League for Democracy (NLD), led by Daw Aung San Suu Kyi. But decades of military repression, ethnic conflicts, political exclusion, abuse of natural resources and the environment, neglect of health, education, and infrastructure, and mismanagement of the economy, have left serious challenges for this new government.

On Monday 15 February, 2016, the Programme on Modern Burmese Studies at St Antony’s College and the International Gender Studies Centre at Lady Margaret Hall convened a workshop entitled “Towards Democracy and Reconciliation: Challenges Facing Myanmar’s Incoming Government.” Co-organized by Dr Daw Khin Mar Mar Kyi and Dr Matthew J Walton, the workshop brought together over a dozen UK experts on Myanmar, drawn from academic, advocacy, and activist communities.

Presenters focused on the challenges facing the new NLD-led government, identifying key stakeholders, persistent and emerging impediments, and potential policy responses. Subjects considered included military legacies, governance concerns, social issues, land and resource management, and conflict and displacement.

With the success of the event, the co-organizers saw an opportunity to effectively channel the insights of the participants into policy-making conversations in Myanmar’s government, civil society, and other political institutions. They also sought to contribute to the developing public discourse on political reform in the country. Participants were asked to transform their presentations into short policy briefs that could be of use to ministries, parliament, and other decision-making bodies in Myanmar. The collected briefs were edited by the co-organizers and translated into Burmese.

Please note that the views and positions presented in these briefs represent the authors and are not necessarily the views of the Programme on Modern Burmese Studies, St Antony’s College, the International Gender Studies Centre, Lady Margaret Hall, or the University of Oxford. In some cases, the views of different authors may diverge or conflict. We believe that including multiple different perspectives in a collection of policy briefs is valuable in fostering public debate in Myanmar.

We intend for this to become a regular event and policy brief series, which can draw on existing expertise among those studying Myanmar, including increasing numbers of scholars and advocates from the country. These and future briefs will be available electronically at the Programme on Modern Burmese Studies website (www.sant.ox.ac.uk/research-centres/programme-modern-burmese-studies) and the Oxford Feminist E-Press (theoxfordfeministepress.wordpress.com/). Please feel free to contact us with any questions or feedback.

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အဲဒါကို ဗဟုိွင္းဴဖစ္ဴပီးကုိ ဴမန္မာႎိုင္ငံအစိုးရ，အရပ္ဖက္လူမေရး၏ အန္အယ္လ္ဒီအျစားရမႀ ရင္ဆိုင္ေနရသည့္ အခက္အခဲမဵားအေပၞ အေလးထားခဲ့ဴပီး ၂၀၁၆ခုႎႀစ္ ေဖေဖာ္ဝၝရီလ ၁၅ရက္ တနလႆာေနႚတၾင္ စိန္အန္ေထာ္နီေကာလိပ္ရႀိ ေခတ္သစ္ဴမန္မာေလ့လာေရးဌာနႎႀင့္ ေလဒီမားဂရက္

ဤတင္ဴပထားခဵက္မဵားမႀာ စာေရးသူမဵား၏ သေဘာထားအဴမင္မဵားသာဴဖစ္ဴပီး စိန္အန္ေထာ္နီေကာလိပ္ရႀိ ေခတ္သစ္ဴမန္မာေလ့လာေရးဌာနႎႀင့္ ေလဒီမားဂရက္

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Potential progress on the peace process and national reconciliation is heavily dependent on the actions of the Myanmar military (Tatmadaw), including its relationship with the new National League for Democracy (NLD)-led government. The NLD has expressed its determination to amend or replace the 2008 Constitution, a key step in bringing the military under civilian government control. Effectively, this would require a sweeping security sector reform (SSR) process, an impossible task until the military decides that it will accept civilian control. As yet, the military has appeared content to hand over certain powers, while reserving key powers to itself, as mandated in the constitution it designed.

This has implications for the peace process. The NLD may be content to delay action on constitutional reform related to military power while it asserts authority over those sectors it is constitutionally mandated to control. That would indicate a willingness to concede to the military a virtually controlling influence over the peace process. The NLD government must instead steer a path between the demands of the military and those of the ethnic armed organizations (EAOs).

Non-inclusive Nationwide Ceasefire Agreement

The Nationwide Ceasefire Agreement (NCA) was signed by government and military representatives and a group of only eight EAOs in October 2015, only a month before the November elections. Most of the actual text had been agreed on 6 months earlier; the delay in signing was over the issue of which EAOs should be permitted or required to sign. The government and military insisted that only those with bilateral ceasefire agreements would be allowed to sign. A key group of three EAOs that were still fighting (but had expressed willingness to sign) were excluded.

In addition, one of the key EAOs, the United Wa State Army (UWSA), which had agreed to a ceasefire in 1989 with the then-ruling military junta, rejected the signing of an NCA which they saw as providing less favourable conditions than those agreed to 26 years earlier.

Still other non-signatory EAOs with bilateral ceasefires have expressed their intention to sign up to the NCA or to some new agreement with the new government. Whatever path is chosen by the new government it will have to navigate divergent views on the question of inclusion and exclusion on the part of the Tatmadaw and the EAOs.

SSR vs. DDR

One of the most intractable aspects of this process concerns an on-going debate about DDR and SSR. SSR normally refers to security sector reform, which for the NLD means bringing the military under the control of the government. DDR refers to disarmament, demobilization and reintegration, which is often part of a peace process.

But for the Myanmar military, SSR means security sector reintegration, which emphasizes disarming EAOs and integrating their personnel into the Tatmadaw. Essentially this version of SSR makes it the same as DDR which almost all EAOs—NCA signatories and non-signatories—are opposed to, at least until there is a lasting political settlement.

One choice for the NLD would be to confront the military to try to bring it under the control of the government; this is unlikely to be productive. Another choice would be to defuse the potential for confrontation by going along with SSR as the military defines it. But that would mean confronting the EAOs with a demand for DDR. In fact, what is needed is a real and open discussion about how to achieve security—for Myanmar’s entire population. An open and inclusive discussion may lead to constructive ideas about achieving security at the level of the village up to the state, which could potentially defuse the DDR issue. Such open discussion could be situated within the broader national conversation regarding a federal restructuring of the government, which would give real power, including over internal security, to the states.

The sub-national context of political dialogue

The multi-faceted civil war between, on the one hand, the military and successive central governments closely related to it, and on the other, a multiplicity of EAOs reflects long-running grievances. These include what ethnic people see as a continuing lack of recognition of their claims to equal rights and autonomy within independent Burma/Myanmar ever since independence in 1947.

On the surface, there is a high level of consensus regarding the legitimacy of a series of seven sub-national
‘ethnic states’. These occupy the horseshoe of highland areas surrounding the ‘heartland’ areas of the plains of ‘Burma proper,’ which are home to the majority Burman population. Beneath this superficial consensus lies a highly complex sub-national political context. It threatens to make the post-ceasefire dialogue regarding a future re-structuring of Myanmar along federal lines very difficult. Re-structuring could be either very superficial and unsatisfying to ethnic people or, more likely, subject to endless debates and serious delays. The following points should be considered:

1. Some ethnic states are now home to expanded populations due to immigration. For example, in Kachin State there are popular fears that those calling themselves Kachin may no longer be a majority.
   a. Ethnic composition of population data from 2014 census has not yet been released and uses controversial ethnic categories.
   b. Widely expressed concerns about states as ‘ethnic states’ or as states that are designated as ethnic states since they were conceived of as providing autonomous areas which key ethnic groups could/ would identify with. (In fact it is necessary to regard all areas of Myanmar as multi-ethnic, in some places down to the village level)

2. Ethnic states are home to a multiplicity of sub-ethnic identity groups increasingly hostile to subordination to major ethnic communities (e.g. Shan)
   a. The 2008 constitution legitimized autonomous areas at different levels in the hierarchy of administrative units (though with limited real autonomous powers) and so encouraged sub-ethnic visions of separatism;
   b. Some states have a solidly established history of being constituted of a multiplicity of sub-state units – for example, British colonial authorities’ recognition of the ‘Federated Shan States’.
   c. Again drawing on the Shan case, the ceasefire area of the UWSA allowed the emergence of virtually a fortress state within Shan State. This has raised concern within Shan State that the UWSA will seek recognition of a Wa State.

3. Ethnic parties suffered heavy losses in recent elections in most ethnic states (with the partial exceptions of Rakhine and Shan). This leaves many ethnic communities without powerful advocates other than EAOs.
   a. There was bad feeling in many ethnic communities to the unwillingness of competing ethnic parties to collaborate or unite.
   b. Constituent states have no constitutions of their own. This means that at present, state level elections for state representative bodies are determined by the national constitution and tied to national elections. The result is that voters must vote for two national bodies as well as the state body, increasing the chances that state-level issues, that might favour ethnic parties, get overshadowed by national political issues.
   c. The NLD chose to use the 2008 constitution to its own advantage, appointing chief ministers from among its own ranks in all states instead of establishing a more democratic practice and allowing state representative bodies to choose their own chief ministers to be endorsed (not selected) by the President.

The opportunity to build trust

Ethnic areas subject to ceasefires experience an influx of outside business and state-driven development interests at the expense of ethnic communities. The longer an outcome of political dialogue is delayed, the more ethnic communities will have been squeezed out. For ethnic communities, the immediate issues are land, drugs, and the continuing experience of the Myanmar military as a foreign, occupying force. The following issues could be used to build trust among the government, military, EAOs, and ethnic communities:

1. A new national land law was introduced in 2012 which made no recognition of customary law which has been a significant fact of life in ethnic areas. Since land, land holding and land grabbing have become so prominent, a trust-building move would be to recognize the damage being done, suspend the application of the new land law in ethnic states and acknowledge that land law would be an appropriate power to devolve to the states in order to give official recognition of land held under customary law.

2. The language issue—including official recognition of ethnic languages and use of ethnic languages in government schools—has been a key ethnic grievances. Some ethnic advocacy groups have received concessions to teach ethnic languages in government schools but little headway has been made regarding mother tongue early years education. A presidential declaration of support regarding the value of ethnic languages for teaching purposes and for their formal recognition would have great symbolic significance. The government also needs to commit resources to funding mother tongue education.
3. Ceasefires or no ceasefires, the reality for ethnic communities that have known armed conflict is of the Tatmadaw as an ‘enemy’ and an occupying army. The Tatmadaw should be encouraged to make a public commitment to decreasing its presence in ethnic states after signing ceasefires.

4. The sense of foreign occupation is exacerbated by the control of sub-national administration by the General Administration Department of the Ministry of Home Affairs, which is controlled by the Tatmadaw. It is essential that state-level authorities be given the power to create systems of local administration that can recognize local history, culture, language and customary law. This would require that the role of the General Administration Department in ethnic states be devolved to state governments.

5. In areas of active conflict, local communities are directly targeted by the Tatmadaw, suspected of supporting EAOs. In recent years, these assaults have become even more devastating due to the increased practice of using aerial power for attacks on ethnic villages. The government must urgently work with the Tatmadaw and EAOs to end the fighting in active conflict zones. Without this essential step, any other trust-building efforts will not be seen as sincere and could further cement the divides between and within signatory and non-signatory EAOs.

**Political dialogue as a re-imagining exercise**

Repeatedly during the ceasefire process, Tatmadaw demands have been seen by many observers—especially by EAOs—as demands for surrender. This has created a threat of deadlock that could undermine a credible beginning of political dialogue. The government, in inviting EAOs to participate in its “21st Century Panglong” proposal, suggested that discussions would focus on security and politics. While that truncated agenda was quickly disputed, it may, in fact, be a way to open discussion of fundamental reform of political and security structures. National reconciliation in Myanmar must include a conversation about the creation of a new defence and security structure, as part of reorganizing the distribution of power between the centre and the states, especially the ethnic states.

Internal security at the state level cannot be achieved while the main threat to the security of the people is the national military. It can also not be achieved simply by deploying the national police force. The constituent states must have internal security arrangements, maybe their own state police; this could ultimately absorb many EAO personnel. Whatever the possibilities, it will require (at some stage) the full-scale redesign of Myanmar’s defence and security structures. Putting this security reform in the context of broader political reform, addressing this substantial agenda will require all of the major players, including the government, the Tatmadaw and the EAOs, to be willing to re-imagine themselves. The government ought to courageously take the lead in initiating this self-reflection and ensuring that it is an essential part of the national political dialogue process.

**ALAN SMITH** completed his Ph.D. in 1991 at Monash University, Melbourne, Australia, on the situation of West Papuan refugees in Papua New Guinea. Since 1993 he has been based in Thailand, initially working on education and capacity-building activities with refugees, ethnic community leaders and exiles, from 2003 conducting community development and capacity-building activities inside Myanmar.
ျပာင္းလဲမၼႃပႂလုပ္ဴပီး ထိပ္တိုက္ရင္ဆိုင္မၼ္ အလားအလာကုိ ထိန္းသိမ္းလိုက္ႎိုင္ပၝသည္။ သိုႚေသာ္လည္း ထိုသိုႚဴဖစ္ပၝက တိုင္းရင္းသား ငငိးခဵမ္းေရးလုပ္ငန္းစဥ္၏ အစိတ္အပိုင္းတစ္ရပ္ ဖစ္ေလ့ရႀိပၝသည္။

သာမန္အားဴဖင့္ SSRဟူသည္ လံုဴခံႂေရးကၸ ဴပႂဴပင္ေဴပာင္းလဲမၼ္ကုိ ရည္ညၿန္းဴပီး ၄င္းမႀာ NLDအတၾက္ တပ္မေတာ္ကုိ အစိုးရ၏အုပ္ခဵႂပ္မܬေအာက္ လက္နက္ကိုင္အဖၾဲႚအစည္းမဵားအဳကား ပၝဝင္ခၾင့္ဴပႂရန္လိုလားေကာင္း သတ္မႀတ္ေပးထားသည့္ကၸမဵားကို ခဵႂပ္ကိုင္ထားရင္း တပ္မေတာ္အာဏာႎႀင့္ပတ္သက္၍ ဖၾဲႚစည္းပံုအေဴခခံဥပေဒအရ အပစ္အခတ္ရပ္စဲေရးႎႀစ္ဦးသေဘာတူထားသူမဵားသာလ႖င္ လက္မႀတ္ထိုးခၾင့္ဴပႂမည္ဟု အစိုးရႎႀင့္တပ္မေတာ္တိုႚမႀ အခိုင္အမာ ေဴပာဳကားခဲ့ပၝသည္။

ဤသည္မႀာ ဴငိမ္းခဵမ္းေရးလုပ္ငန္းစဥ္အတၾက္ သၾယ္ဝိုက္သည့္ဂယက္ရိုက္ခတ္မႀးရႀိပၝသည္။

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သူများအားလုံးအတွက် စာရင်းကို ဖော်ပြရန် အောက်ပါ စာလုံးအများကို ပြုပြင်ထားပါသည်။

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၁၁ ဗိုလ်ချုပ်မှူးကြီးမွတ်မှု့မှာ အုပ်ချုပ်ခြင်းစနစ်အား ကြည့်ရှုရန် ပြီးလျက် တိုးတက်မှုများကို ပြုလုပ်ရန် များစွာ အုပ်ချုပ်ခြင်းများကို အောက်ပါပေးပါ။
ႎိုင္ငံေရးႎႀင့္ လံုဴခံႂေရးဖၾဲႚစည္းပံုမဵားကို အေဴခခံကဵကဵ ဴပႂဴပင္ေဴပာင္းလဲေရးအတၾက္ ပၾင့္လင္းစၾာေဆၾးေႎၾးႎိုင္သည့္ နည္းလမ္းတစ္ရပ္ဴဖစ္ႎိုင္ပၝသည္။

ဴမန္မာႎိုင္ငံအမဵိႂးသားရင္ဳကားေစ့ေရးတၾင္ အထူးသဴဖင့္တိုင္းရင္းသားဴပည္နယ္မဵား၌ ဗဟုိႎႀင့္ဴပည္နယ္အဳကားအာဏာခၾဲေဝမ။ကုိ အသိအမႀတ္ဴပႂဴခင္းအတၾက္ အစိတ္အပိုင္းတစ္ရပ္အဴဖစ္ ကာကၾယ္ေရးႎႀင့္လံုဴခံႂေရးဖၾဲႚစည္းပံု အသစ္တစ္ရပ္ဖန္တီးေရး ေဴပာဆိုေဆၾးေႎၾးရပၝမည္။

အမဵိႂးသားတပ္မေတာ္သည္ အမဵားဴပည္သူလံုဴခံႂေရးအတၾက္ အဓိကဴခိမ္းေဴခာက္မ။ဴဖစ္ေနသမ႖ဴပည္နယ္အဆင့္တၾင္ လံုဴခံႂေရးရႀိႎိုင္မည္ မဟုတ္ပၝ။ အမဵိႂးသားရဲတပ္ဖၾဲႚကုိတပ္ဴဖန္ႚခဵထားရံုဴဖင့္လည္း ဴပည္နယ္အတၾင္းလံုဴခံႂေရးရႀိႎိုင္မည္မဟုတ္ပၝ။ ဴပည္နယ္မဵားအတၾင္းလံုဴခံႂေရးအစီအစဥ္မဵားထားရႀိရမည္ဴဖစ္ႎိုင္ေခဵမည္သိုႚပင္ရႀိေစကာမူ(တစ္ခဵိန္ခဵိန္တၾင္)ဴမန္မာႎိုင္ငံ၏

ကာကၾယ္ေရးႎႀင့္လံုဴခံႂေရး ဖၾဲႚစည္းတည္ေဆာက္ပံုမဵားကုိ အဴပည့္အဝေဴပာင္းလဲရန္ လိုအပ္မည္ဴဖစ္ပၝသည္။ ပိုမိုကဵယ္ဴပန္ႚသည့္ ႎိုင္ငံေရးဴပႂဴပင္ေဴပာင္းလဲမၵိုဴအတၾင္း လံုဴခံႂေရးဆိုင္ရာဴပႂဴပင္ေဴပာင္းလဲမႀကိုထည့္သၾင္းဴပီး ဤသိုႚအေရးပၝသည့္အစီအစဥ္ကုိ ကိုင္တၾယ္ေဆာင္ရၾက္မည္ဆိုပၝက အစိုးရ၊ တပ္မေတာ္ႎႀင့္ လက္နက္ကုိင္အဖၾဲႚအစည္းမဵားအပၝအဝင္ အဓိကပၝဝင္သူအားလံုးမႀ ကိုယ့္ကုိယ္ကိုယ္ အေတၾးအေခၞသစ္ဴဖင့္ဴပန္လည္စိတ္ကူဳကည့္ရန္လိုပၝမည္။