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CENTRE FOR DEVELOPMENT AND ETHNIC STUDIES

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“Peace process and Election in Myanmar: a reality check on the process”

One of the lingering questions that have long been debated among supporters of the peace process in Myanmar is whether or not Daw Aung San Suu Kyi and leaders of the National League for Democracy (NLD) are supporting the peace process. More poignant question usually gets asked is “will the peace process be continued if NLD party forms a government?” With the landslide as well as sweeping victory of the general elections across the country of Myanmar by the National League for Democracy on November 8, 2015, “the question of what would be the policy and position of NLD, the government-in-waiting, on the whole peace process issue is becoming more relevant.”

If one would look for a clue to understand NLD`s position on the peace process question, this is Daw Aung San Suu Kyi, the Chairperson of the party, whose popularity, charisma, and sacrifice led NLD party to the resounding victories for the third time in Burma`s historic elections: 1990, 2012 by-election, and 2015. Her persistent position on the peace process has been none other than continuing the peace process. In April of this year, she has repeated her firm position stating, “I do not want to start the peace process from the scratch, but continue.” If she is the person of her own words, one can be sure that her new government will no doubt continue the peace process once there is a smooth transferring of the governing power to her political party. What is not clear at the moment is only about whether she will recognize as well as keep the existing structures, mechanisms and compositions created so far for the implementation of the whole peace process architecture.

Since she will govern the country with her new team just like other genuine democratic countries around the world, the likelihood is that she will form her new government team that will lead the peace process. No matter what teams and personalities she would newly appoint, the most important thing, however, is that NLD will not change the mutually agreed clauses contained in the Nationwide Ceasefire Agreement (NCA) text, signed between the legitimate representatives of government of Myanmar and members of the 8 ethnic armed organizations (EAOs). Worth noting here is that all key stakeholders in the peace process – both signatories and non-signatories of EAOs, the Government of Myanmar, and all political parties including NLD- have no objection to the agreed text of the Nationwide Ceasefire agreement (NCA).

For the government-in-waiting, it makes sense for NLD to be very cautious with what they say on any political issue including the peace process. Unlike their times in opposition when they could say anything against the government policies, the period now is different with their electoral victories, and therefore, it is understandable that NLD might be reluctant to publicize its full policy on the peace process especially during this interim period of transition of power. On the other hand, there is also a possibility that they might not have a firm policy adopted on the peace process. Whatever the case it is, leaders of the NLD have at least the next three months to develop their own policy on peace process before they formally inherit the governing power in March 2016.

As much as leaders of EAOs want NLD's active leadership, they are also not worried about the future peace process. If the military proxy party, led by President Thein Sein, has given his full commitment to the peace process, there is no doubt in the minds of EAO leaders that the NLD party, which was born out of the historic uprising of the people of Burma against the military dictatorship in 1988, must be more committed to the peace process. The leading EAO leader also stated, "I sincerely want to see the leaderships of NLD to show us their unconditional support as well as their willingness to lead the peace process unceasingly. But, if they seem to show that peace process is not their priority and that they are not supporting the peace process including all the achievements that we have mutually secured with the current government, NLD government will be dealing with the armed conflicts. The undeniable fact is that bringing about the so-called democratization in a multi-ethnic Union of Burma is not a solution. Any government who wants lasting peace must support the cause of our armed struggle and deal with us – the legitimate ethnic armed organizations."

Given all these hopes of conversations about NLD's electoral successes and its role on the peace process, one should acknowledge that all NLD's ongoing series of engagements since winning general election on November 8 at least demonstrate that NLD, as soon to be governing Myanmar for the next five years, is in close consultations with other key actors of the peace process and relevant stakeholders. Among others, there was a consultation meeting clandestinely held between members of Coordination Team (CT) representing the 8 EAO organizations that signed the NCA and Central Executive member of NLD on the day before the meeting of all political parties in Yangon. The meeting allowed EAO leaders that have a formal role to lead the peace process to share update on the peace process and encourage NLD to be pro-active on the peace process. Following that meeting, NLD has sent their two veterans – U Nyan Win and U Han Tha Myint- to join the meetings of all political parties, where representatives of political parties have selected 16 delegates to join the Union Peace Dialogue Joint Committee (UPDJC). When discussing the distribution of the 16 seats reserved for political parties at UPDJC, the representatives of political parties in their meeting thoughtfully gave 2 seats each to two of the largest political parties: NLD and the Union Solidarity and Development Party (USDP). Actually, NLD was even asking for 4 positions, but accepted the 2 seats given to them in the meeting. This whole issue of NLD's participation in the peace process might be unsatisfactory to some, but one should recognize that NLD has been cooperating with key parties to the peace process.

The signing of NCA and the legitimate representation from Myanmar government

If one looks to highlight the most political significant point from the signing of NCA, it is the unprecedented level of high-level representation of all key leaders from the powerful branches of the Government of Myanmar in signing the historic deal. To name some figures, the signatories who represent the government of Myanmar include President Thein Sein, Vice President Dr. Sai Mauk Kham, the Commander-in-Chief Senior General Min Aung Hlaing, Deputy Commander-in-Chief Vice-Senior General Soe Win, Speaker of the Union Parliament Thurah U Shwe Mann, and all Chairmen of the Parliaments. The legitimate representation from the government side is very solid, encompassing and wide-ranging, giving an unquestionable level of credibility to the signed Nationwide Ceasefire Agreement (NCA). In the modern political history of the Union of Myanmar, there has never been such

comprehensive, substantive, and politically meaningful agreement ever signed that is equivalent to the current NCA in terms of its political significance with this high-level representation from the government side. Furthermore, the legality of the agreement was also legitimized by the signing of China, India, UN, EU, Japan, and Thailand as international witnesses.

President Thein Sein's political speech at the signing ceremony underscored his government's commitment to resolving the political crises of Myanmar through a political dialogue. His speech truly reflects the nature of armed conflicts in Myanmar: democratization without peace is not the right solution to resolve the root causes of political conflict, which resonates well with the longstanding views of Ethnic Armed Organizations. He reiterates, "Peace process is the only way to end armed conflict and bring about lasting peace in this country. There can neither be peace without democracy nor democracy without peace. We must implement all provisions in NCA which includes forming the joint monitoring mechanism and other required committees as mandated by NCA. The door is widely open for groups who cannot sign at the moment to join the process whenever they are ready." In fact, due credit has to be given to the government of Myanmar for its ongoing effort and undertakings for the implementation of the agreement.

Politics with the non-signatory members of Ethnic Armed Organizations (EAOs)

Despite sharing the similar political objectives, there is a disagreement on strategic approach among EAOs, which inevitably resulted in the split into two camps: those who signed and those who did not sign NCA on October 15, 2015. Realizing the imminent split, leaders of both camps together deliberated on this very question of coordination between the signatories and non-signatories at their last summit – September 27 to 30, 2015 in Chiangmai. The prime concern at that time was, of course, over the potential widening gap of division among EAOs after the signing of NCA by 8 armed organizations. Because they could not decide the form of coordination between the two camps, the decision was to revisit this issue of coordination at their first joint summit proposed after the signing of NCA on the 15th of October.

The question was how they would coordinate between the two camps before they can form a new coordination body between the signed and unsigned EAOs. To answer this question of coordination between the signatories and non-signatories, it was agreed to coordinate through UNFC that would represent non-signatories and through a new coordinating body that would represent the 8 signatories to NCA according to the summit agreement on the 28th of September. In line with that agreement, signatories to the NCA indeed formed a new coordinating Team, later known as (CT). Following the actual signing of NCA on the 15th of October, leaders of 8 signatories proposed the convening of EAO summit - primarily between signatories and non-signatories for November 11 and 12, 2015 in Chiangmai. However, the non-signatories rejected the proposal of such joint meeting with the signatories. The reason given was that the non-signatories need to have their own internal meeting to analyze the latest political situation before making any move including meeting with their fellow brothers of those who signed NCA. Basically, some leaders of the non-signatories are of the view that "those who signed NCA have betrayed the core common position of EAO's all-inclusive policy in the signing of NCA even though they might not frame it exactly this way." With so much politicking going on among members of the non-signatories, UNFC later on took a

unilateral decision to suspend two of the founding members of the UNFC alliance- Chin National Front (CNF) and Pa-O National Liberation Organization (PNLO). Actually, the suspension of such core members from the ethnic alliance serve no common purpose in a positive sense, but are only worsening the unity among EAOs.

Until now, the signatories have made every effort to coordinate, but it is the non-signatories that have shown no urgency or interest in keeping close coordination with the signatories to NCA. Their relation between the signatories and non-signatories has been characterized by this mentality of “we versus them”. So far, the politics of the post-NCA signing period is not conducive to maintaining the level of cooperation as well as unity they have had before. The division they face is growing to the level of dissent, where leaders of the non-signatories have not only refused to attend the coordinating meeting convened by the coordination team (CT), but would question the legitimacy of anything that members of the signatories have undertaken since their signing of NCA even though mandated in the agreed text of the NCA itself. **It is important that members of the non-signatories are realistic about their own position on the process and also not try to control the activities of the signatories (as they are full entitled to do anything they agreed in the NCA text).** As it stands now, the political climate among the non-signatories is quite heated against the signatories, and is not conducive for any form of positive cooperation between the two factions anytime soon.

With the existing division being getting too personal, may be the best way is to let the ethnic politics takes its own course by rather focusing on doing the real works of implementing the agreed provisions in NCA. In fact, there are a certain reasons why leaders of the non-signatories are not willing to sign the NCA. Other than their adherence to the all-inclusive policy in signing NCA, the non-signatories are looking at the following two conditions: the reduction (if not elimination) of the military offensives in some ethnic states and the implementation of the agreed NCA text. Time and concrete actions on the ground are key to answering these questions of the two underlined conditions. Parties to the NCA agreement start answering this question of implementation of the NCA. Clearly, without seeing the reduction of military offensives on the ground in Shan and Kachin states, and robust mechanisms to implement the agreement, the efforts to bring on board the non-signatories to join the process would be ineffective.

On the implementation of NCA question, there are number of areas where the government proves with concrete actions. Two days before the signing of NCA on October 15, members of the signatories to NCA are officially taken off the list of the notorious unlawful association act. In additions, parties to the agreement also already set up the three main committees to lead the post-NCA process within windows of the agreed timeframes. The committees already created are the Joint Implementation Coordination Meeting (JICM), Joint Ceasefire Monitoring Committee (JCM), and Union Peace Dialogue Joint Committee (UPDJC). They also finished the military code of conduct (CoC) and Terms of reference (ToR) for the Joint Monitoring Committee. Soon, the state-level joint monitoring mechanism will be set up in Shan state to start the actual monitoring tasks. To undertake the process of developing as well as finalizing framework for political dialogue, UPDJC has also begun meeting with political parties, one of the 3 main constituencies to the political dialogue. UPDJC comprises of 48

members in total, 16 each representing the 3 constituencies: Ethnic Armed Organizations (EAO), the government of Myanmar, and registered political parties. Both EAOs and the government have already provided list of names for their respective representatives for the UPDJC. From the meeting among members of the political parties on November 21 and 22, they have also selected their representatives who would represent political parties for the 16 seats reserved at UPDJC. The main point to take away from all of these series of meetings and consultations among different working committees after the signing of NCA is that “parties to the agreement have already undertaken the actual works of implementing the agreed provisions of the Nationwide Ceasefire Agreement (NCA).”

Recommendation To the international community

With the partial signing of NCA, the role of international community is becoming more important in ensuring that the peace process is followed through to the end. It is good to be sensitive to the politics surrounding the whole peace process including the current dynamics between the signatories and non-signatories within EAOs. However, wait-and-see approach and being concerned about political correctness are no longer relevant. Otherwise, international community will be running the risk of being labelled again, “the international communities have no friend, but only promote their interests”. There are at least two things they can do to continue supporting the peace process. One is to beef up their diplomatic engagement effort with the government of Myanmar through bilateral and multilateral channel, and another is funding the peace process. More or less, many countries have already done the underlined two things and their diplomatic missions in Myanmar deserved appreciations.

In order for the peace process to be successful, it is necessary that all relevant stakeholders are supporting it. At the end, achieving lasting peace in Myanmar serves the shared interest of all citizens of Myanmar, which is a pre-requisite for the consolidation and sustainability of democratic practices in this country. The less there are spoilers, the better chance the peace process has to achieve its objectives. As such, continue trying to get the buy-in from all relevant groups who might not support the process is becoming more salient. There are two main areas that people who do not support the peace process are attentive to: the ongoing military offensives (hostilities and violence in ethnic states due to armed conflicts) and the compliance of the agreed NCA text. The international community can play an instrumental role in these two areas. First, through their diplomatic engagement, they can encourage as well as gently pressure the government of Myanmar – army in particular- to reduce (if not eliminate) their military offensives in ethnic states especially Shan and Kachin. Second, as implementation and compliance with the Nationwide Ceasefire Agreement is one of the most important areas of the process moving forward, the international community can scale up their funding to help parties to the agreement effectively carry out all programs and activities mandated in the NCA. What is and will be required is continued funding of the whole peace process.

The very big picture that the international community – especially donor communities- in particular still miss out is the depth and longevity of the sacrifices that members of the armed

resistance organizations have to suffer and endure as a result of their armed struggles. Talk to the real EAO members who choose to take up arms to fight for their people's self-determination, it is obvious that they would mention about how they brag about fighting for their people's political destiny with unspeakable level of suffering in the jungles - no food, no proper clothing, and so on. "The time now has changed from the time we first joined armed struggle some years ago," said one EAO leader, who is now a leading member of the Joint Implementation Coordinating Committee (JICM). Even now, do not ask me about how I take care of my own family needs and pay for my own food, I have nothing. Sometimes, I do not have money to pay for my taxi fare in Yangon when I came for a meeting," he added. And, he challenges with question, "With these difficulties that all my fellow members of ethnic armed organizations have to face, how can we focus on the peace process full-time like others who get a professional monthly salary?"

The fact that the political fate of 55 million of the people of Burma will be impacted by the decisions of these members of the ethnic armed organizations, any peace donor country or institution has to seriously consider finding ways to support all key-stakeholders, especially ethnic armed organization leaders equally with the government of Myanmar. For the last 3 years, the funding that donor communities allocate to Myanmar peace process is too one-sided in the views of EAO leaders: members of ethnic armed organizations feel that they are under-resourced financially when they look at the lucrative amount of funding the government of Myanmar has received in the name of peace process. In the views of ethnic armed organizations, 80 percent of the so-called funding for Myanmar peace process from foreign countries as well as institutions is geared towards supporting only the government of Myanmar and its technical teams. "It is not fair for members of the government technical team (they are not even the policy makers) to receive a fat monthly salary from peace donor countries while most of our EAO key actors on the peace process have no money to pay for our own basic needs, let alone the salary to survive" said, one EAO veteran leader.

They also complain the fact that the government has surplus financial resources to organize a large public gathering in different capitals of Myanmar to tell their own versions of the peace process while EAOs have no penny to run any workshop to do the same. "We want to tell our people about our own version of the peace process, but we do not have the resources to do so. How can we expect our people to stay abreast of what we do?" Overall, one should rightly question the decision of some of the peace donor countries, especially who would give 80 percent of their funding for Myanmar peace process to only the government of Myanmar and its technical team, while members of ethnic armed organizations have to struggle financially even to pay for their own food when they come to Naypyidaw and Yangon for meeting with the government? With these kinds of financial imbalances facing the whole process, the time has come for members of the Peace donor countries and institutions to review their funding policies and take a balanced approach in managing their peace funds to equally fund both parties in future. It is also advisable that the government of Myanmar allocate enough budgets for their own peace process from their own revenues.

EAO leaders must educate their own constituencies

In talking with some leaders of the non-signatories to NCA, one of the reasons that they gave in not signing NCA is the opposition from the general public. “When we consult with our public about whether we should sign NCA, their response is that we should not”. As they want to embody democratic values in their movement, it makes sense for leaders of EAO to be very concerned about the voice of the public. However, one has to note that the overwhelming majority of the general publics are not well-informed about the text of the NCA. Not just the general public, the unfortunate reality is that not all leaders of the EAO have a full understanding of the provisions of the NCA. This lack of a clear understanding about the ultimate goal of peace process, the steps it would take, and all the agreed clauses of NCA are very concerning. Without fully understanding what is in the agreement, how would one know about the benefits as well as the flaws of NCA?

Quite frankly, any EAO leader to make a final decision about either the signing or against the signing of NCA without fully understanding the text of NCA is very risky politically. The same is true for the general public. It is possible that the general public do not have a full understanding of the NCA text. They might urge their leaders not to sign simply because they see the military offensives still ongoing in some parts of Burma. If there are some EAO leaders who would not sign NCA just because the general public is not supporting it, then what becomes absolutely necessary is to educate the general public about the content, process, and both the advantages and disadvantages for ethnic people according to the text of the NCA. No one should use the general public as the scapegoat for either signing or not signing NCA. It would be unfair to expect the general public to say yes or no to the signing when they are not well-informed about the NCA. Therefore, if the general public voice is used as either for signing or against NCA, the time has come for leaders of EAO to thoroughly study the content of NCA and educate the general public.

Conclusion

All parties who signed the Nationwide Ceasefire Agreement (NCA) have made a strong commitment and take the systematic steps to materialize the agreed clauses in the NCA. These levels of commitment, cooperation, and joint steps actively taken for the historic peace process have never existed in the history of this country. In fact, all parties who join the peace process are making a sustained effort to find a negotiated solution to the very root cause of the country’s political crisis, without which there can never be lasting peace in the country of Myanmar. By signing the NCA, all parties commit to a peaceful mean of political dialogue: the government abandons its policy of more-than-half a century by committing to the goal of achieving democracy and federalism; the Armed forces also agreed by signing the NCA that the country’s problem can only be resolved not on the battle field, but on a political dialogue table. The same way, the ethnic armed organizations also denounce the right of secession by signing the NCA, and committed to ensuring the integration of the common Union of Myanmar under a genuine federal system. All sides abandon their all creeds to take a new political step for the future betterment of the common Union. But, unless the NCA is implemented to fully materialize, such commitments will remain only on paper.