

# Myanmar's Peace Process: A Nationwide Ceasefire Remains Elusive

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## I. Overview

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After more than six decades of internal armed conflict, the next four weeks could be decisive for Myanmar's peace process. The process, which was launched in August 2011, enjoyed significant initial success, as bilateral ceasefires were agreed with more than a dozen ethnic armed groups. But signing a nationwide ceasefire and proceeding to the political dialogue phase has been much more difficult. Four years on, with campaigning for the November elections already underway, a deal remains elusive. It is unclear whether a breakthrough can be achieved before the elections. Outside pressure will not be productive, but the progress to date needs to be locked in, and public international commitments to support the integrity of the process and stand with the groups that sign can now be of critical importance.

A delegation of ethnic armed group leaders met with President Thein Sein in Nay-pyitaw on 9 September, in what was widely seen as a last-ditch effort to sign a ceasefire agreement before the elections. While both sides showed flexibility and avoided deadlock, no conclusive agreement was reached. Further discussions among armed group leaders and with government negotiators will be needed to determine which groups will sign and to fix a date for the ceremony, foreshadowed for early October.

Hopes had risen on 31 March 2015, when negotiators finalised and initialled a proposed agreement that had been approved at the highest levels of government. However, a summit of armed group leaders rejected it on 9 June, proposing several further amendments and establishing a new negotiating team. They also decided that no group would sign unless all did, including three currently fighting the military in the Kokang region, who, the government insists, must lay down their weapons or agree bilateral ceasefires first.

Despite this, both sides subsequently worked hard to revive the process, and two further rounds of talks were held in July and August. A slightly revised ceasefire agreement was finalised, leaving the issue of which armed groups could sign the text as the last significant point of contention. Some armed groups signalled their willingness to sign, while others stuck to their position that any signing must be inclusive. The meeting with the president was intended to forge a compromise to overcome this last hurdle. But despite long and detailed discussions, doubts persist about which groups will sign, and when. Key will be the Kachin Independence Organization, which

is in a particularly difficult position; a bold decision and strong leadership will be required if it is to overcome its concerns.

What transpires in the peace process has important implications for the elections in ethnic areas. A nationwide ceasefire would boost trust between the armed groups and the government. The lack of a deal would make it significantly more challenging to arrange voting in conflict-affected areas and mean polling is likely to be cancelled in more places, increasing the risk of clashes or electoral security problems. In addition, persistent legal restrictions regarding the election commission and political parties' engagement with armed groups make it much harder to create the conditions of trust and security needed for credible, peaceful elections in areas they control or influence.

Medium- and long-term consequences are potentially extensive. If no deal is reached in the coming weeks, it will be many months before the peace process can be reactivated, and it is unlikely the text can simply be dusted off and signed. Many of the obstacles will remain: a mutual trust deficit and ongoing fighting raising further doubts. There will be an inevitable change in interlocutors, since the new administration will likely appoint a new lead negotiator, a military reshuffle has seen senior officers involved in the process retiring, and there will undoubtedly be new legislative representatives. Progress at that point is unlikely to be quick or easy.

This is not a perfect or even strong ceasefire agreement: military issues such as force separation, demarcation and verification are vague, not included, or require further agreement to come into force. It nevertheless represents a major success given the complex situation. If signed, it could pave the way for a more comprehensive political settlement. If not, the risk is that an inevitable loss of momentum in the peace process could precipitate an upsurge in armed clashes and less effective means to de-escalate them. Fighting in Shan and Kachin states and pockets of Kayin state could intensify and spread, possibly setting the process back further. Rising Burman Buddhist nationalism and the demands of a majority Burman electorate could also make it difficult for the next government to offer as many concessions.

The peace process is home-grown, without any international mediators, and it should remain so – this has been one of its great strengths. But the international community has been providing advice, and now is a critical moment for it to take a public stand – not in terms of pressure on the armed groups to sign the agreement, but rather public assurances of continued political support, close scrutiny of the process and appropriate assistance to affected communities. As one of two formal observers to the process (together with China), the UN has a particularly important opportunity, and obligation, to act.

Otherwise, there is a real risk that the best chance in over 60 years for a negotiated political settlement could be lost. This would not mean a return to the widespread insurgency of decades past, which is politically, economically and militarily unsustainable for many groups. But it would mean deep grievances remain unaddressed, borderland insecurity and militarisation persist, and the state-building project remains incomplete. All sides must work to avoid such an outcome, which would be to the great detriment of the whole country and all its peoples.

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## II. How It Came to This

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### A. The 2011 Peace Initiative

President Thein Sein has made achieving peace a key priority of his administration.<sup>1</sup> In two speeches in August 2011, he stated that he was “holding out an olive branch” and “opening the door to peace”.<sup>2</sup> The process was formally launched on 18 August 2011, with an announcement inviting ethnic armed groups for talks.<sup>3</sup>

After more than 60 years of debilitating conflict, there was a complex array of armed groups in a range of military situations: a number had longstanding ceasefires; the government was in armed confrontation (but not necessarily active conflict) with some that did not have ceasefires; and there was active fighting with several groups whose ceasefires had recently broken down.<sup>4</sup> The first, bilateral phase of the process involved reconfirming and formalising agreements with those that already had ceasefires (since the originals had been agreed only verbally);<sup>5</sup> agreeing new ceasefires with the non-ceasefire groups; and ending armed conflict and reaching agreements with those whose ceasefires had broken down – most critically, with the Kachin Independence Organisation (KIO).<sup>6</sup>

Despite the armed groups' initial scepticism, the process gained momentum quickly, with nine agreements in the first six months, including with major groups that had never before reached deals (see Appendix B below). The January 2012 agreement with the Karen National Union (KNU) ended one of the longest armed conflicts in the world. Government negotiators then concentrated on the last major armed group without a ceasefire, the KIO. A deal remained elusive, but after a year of intense talks, during which there were periods of serious fighting, a seven-point agreement was reached in May 2013 that, while not a formal ceasefire, provided that the parties would “take steps to achieve de-escalation and cessation of hostilities”.<sup>7</sup> Further negotiations for a full ceasefire did not bear fruit.

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<sup>1</sup> For Crisis Group reporting on Myanmar since the present government took power, see Asia Briefings N°144, *Counting the Costs: Myanmar's Problematic Census*, 15 May 2014; N°143, *Myanmar's Military: Back to the Barracks?*, 22 April 2014; N°142, *Not a Rubber Stamp: Myanmar's Legislature in a Time of Transition*, 13 December 2013; N°140, *A Tentative Peace in Myanmar's Kachin Conflict*, 12 June 2013; N°136, *Reform in Myanmar: One Year On*, 11 April 2012; and N°127, *Myanmar: Major Reform Underway*, 22 September 2011; also Asia Reports N°266 *Myanmar's Electoral Landscape*, 28 April 2015; N°261, *Myanmar: The Politics of Rakhine State*, 22 October 2014; N°251, *The Dark Side of Transition: Violence Against Muslims in Myanmar*, 1 October 2013; N°238, *Myanmar: Storm Clouds on the Horizon*, 12 November 2012; N°231, *Myanmar: The Politics of Economic Reform*, 27 July 2012; and N°214, *Myanmar: A New Peace Initiative*, 30 November 2011.

<sup>2</sup> Myanmar International Convention Centre and Union Legislature, 17 and 22 August 2011.

<sup>3</sup> Union Government Announcement no. 1/2011, 18 August 2011; in “Union Government offers olive branch to national race armed groups”, *New Light of Myanmar* 19 August 2011, p. 1.

<sup>4</sup> For details, see Crisis Group Report, *Myanmar: A New Peace Initiative*, op. cit.

<sup>5</sup> Only the Kachin Independence Organisation (KIO) had had a written agreement in the past.

<sup>6</sup> See Crisis Group Report, *A Tentative Peace in Myanmar's Kachin Conflict*, op. cit.

<sup>7</sup> *Ibid.*

### B. *A Proposed Nationwide Ceasefire*

With some sort of agreement in place with all main groups, the focus shifted to multi-lateral discussions. The government's aim was to distil the common elements of bilateral ceasefires into a Nationwide Ceasefire Agreement (NCA), to be signed at a high-profile ceremony with prominent international observers. The hope was to create a watershed moment by declaring an end to all hostilities for the first time since independence, so as to inject further momentum into the process and create a disincentive for anyone, including the Myanmar military, to break the peace. The next step would be to convene a national dialogue that could begin addressing the political grievances underlying the ethnic conflict.

The government had foreseen the signing of the NCA as a fairly straightforward step that would pave the way to the political dialogue phase. After initially raising the idea with ethnic groups in June 2013, it proposed a meeting with all groups to agree the NCA text, with the signing ceremony that August. But this was the first of many proposed signing dates that passed without agreement. A key issue was that the signing would not only be an historic moment for Myanmar, but also a major political victory for President Thein Sein, and powerful forces on both sides wanted to deny him such a victory.

- On the government side, longstanding executive-legislative tensions resurfaced when the signing looked imminent; Speaker Shwe Mann called a meeting of the powerful National Defence and Security Council in July 2013, publicly criticised lack of progress and insisted on a bigger role for the legislature.
- On the ethnic group side, there were divisions over who should represent the various armed groups. The United Nationalities Federal Council (UNFC) umbrella body, seen by many as fairly hardline, began positioning itself for this, and there were tensions with the other main entity, the Working Group for Ethnic Coordination (WGEC).<sup>8</sup> The UNFC's claim was given added momentum when government negotiators officially met with them in February 2013, the first time the government had met with ethnic armed groups collectively.

### C. *The Laiza Summit of Armed Group Leaders*

In order to sidestep UNFC-WGEC wrangling and in particular to ensure that all armed groups were in the peace dialogue regardless of their alliance, the KIO hosted a summit of leaders at its Laiza headquarters in October 2013. The KIO had the credibility and authority to convene such a meeting, and Laiza was one of few locations where all leaders would be comfortable: some could not travel through Thailand;<sup>9</sup> others were not ready to meet on government-controlled territory.

The summit, from 30 October to 2 November, brought together high-level representatives of seventeen armed groups. This was rare, but what was ground-breaking was that it was in Myanmar, with most delegations travelling through government-

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<sup>8</sup> The UNFC is made up of twelve ethnic armed groups (KIO, NMSP, SSPP/SSA-N, KNU, KNPP, CNF, LDU, ANC, PNLO, TNLA, WNO, MNDAA); the KNU suspended its membership in September 2014. The WGEC has a state-based, rather than armed group based membership, including armed groups and civil society representatives. A list of all armed group acronyms is provided in Appendix C.

<sup>9</sup> This applied in particular to the United Wa State Party (UWSP) leaders, who are subject to U.S. Justice Department indictments for heroin and methamphetamine trafficking.

controlled territory to reach it. The president also sent a letter of support. The session sidestepped which umbrella organisation should represent the armed groups by establishing a Nationwide Ceasefire Coordination Team (NCCT). Though its composition was predominantly UNFC, the individuals that sat on the NCCT were different – and in many cases represented more moderate factions of their organisations – than those who sat on the UNFC.<sup>10</sup> The summit also agreed an eleven-point draft outline for an NCA.

Several important armed groups were not at Laiza, so not represented by the NCCT team. The largest armed group, the United Wa State Party (UWSP), and the allied Mongla group (NDAA), both with extensive autonomy in adjacent enclaves on the Chinese border, have shown little interest in an NCA. The Shan State Army–South attended and expressed support for the outcome document but neither signed it nor agreed to NCCT representation.<sup>11</sup> This lack of full representativity would cause difficulty in later stages (see Section III below).

#### *D. Eighteen Months of Negotiation*

In early November, following Laiza, negotiators met in the Kachin state capital, Myitkyina, for the first of seven rounds of formal talks. The government came with a counter-proposal for the NCA outline, but the two positions were far apart. A short agreement was reached highlighting points of convergence and agreeing on further meetings. While the prospects for a quick deal had receded, all continued to support the process.

A second armed group leaders' summit, at the KNU's Lawkheelar headquarters in January 2014, agreed a draft NCA text that incorporated elements of the Laiza proposal and the government counter-proposal. The gap had narrowed, but there were still major sticking points, including references to "Federal" or "Union" armed forces and how this was interpreted, as well as demands that armed groups be given recognised interim administrative authority over their areas.

The second round of formal negotiations took place in Yangon in March, with the government expressing hope for NCA signing before the Myanmar New Year in April. The dynamics were positive, with some of the more sceptical leaders taking an active part and high-level Myanmar military participation. The military, while showing more flexibility, insisted that open-ended negotiations were not productive and set a 1 August deadline for agreement on the final NCA text.

The third round of formal negotiations was held in Yangon a month later. The military was represented in force and well prepared. After four days, agreement was reached on the first consolidated NCA draft. Some points remained bracketed, but there was a mutual feeling that a deal could be in reach. The military reiterated insistence on a 1 August deadline.

Beginning 10 April, serious clashes between the military and the KIO led to at least 22 combatant deaths and internal displacement of some 5,000 civilians. At KIO request, a bilateral meeting with government was held in May in an effort to de-

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<sup>10</sup> The head of the NCCT was also the general secretary of the UNFC; a majority of the membership as a whole backed the UNFC. The NCCT was made up of thirteen individuals, representing sixteen ethnic armed groups (AA, ALP, ANC, CNF, DKBA, KIO, KNPP, KNU, KPC, LDU, MNDAA, NMSP, PNLO, SSPP/SSA-N, TNLA, WNO). See Appendix C for list of acronyms.

<sup>11</sup> For unclear reasons, the National Socialist Council of Nagaland-Khaplang armed group was not invited to the Laiza Summit, so was also not represented by the NCCT.

escalate the military situation prior to the next round of peace talks. It restored a degree of trust, at least to the extent that the fourth round of negotiations took place later in May. However, there was a sense that the chances of an NCA could be receding. April's optimism had been tempered by a feeling that the clashes may have hardened the KIO position and that neither the military nor some other armed groups were willing to compromise much more on key issues.

The fifth round could only be convened in August, by when the military's deadline had been missed, which may have had an impact on the generals' subsequent attitude and actions. The sixth round was held the next month, but there was no significant further convergence, and some issues that had seemingly been agreed in August were reopened. As at many points in the talks, ability to agree on aspects of the text was more closely tied to trust between the parties than the wording itself.

On 19 November, military mortar fire hit a KIO combat training centre near Laiza. Twenty-three cadets from armed groups (ceasefire and non-ceasefire) were killed and several wounded, although none from the KIO. The peace process, which already appeared stuck, was thrown into disarray. The real prospect of breakdown spurred renewed efforts. A brief "coordination meeting" of the sides was held in December, and the president attempted to inject new momentum by inviting armed group leaders to meet him in January and February 2015.<sup>12</sup>

At the same time as the second of these meetings, in an attack that may have been planned to coincide, a reactivated Kokang armed group, the Myanmar National Democratic Alliance Army (MNDAA), tried to seize Laukkai, the main town in the Kokang Self-Administered Zone on the Chinese border.<sup>13</sup> It was assisted by two non-Kokang armed groups, the TNLA and the Arakan Army (based in KIO territory). This led to some of the fiercest fighting – and biggest losses by the Myanmar army – in recent years, and the introduction in Kokang of martial law provisions of the constitution for the first time.<sup>14</sup> Nevertheless, after much informal dialogue, the seventh negotiating round was held in March. Somewhat unexpectedly, and to much fanfare, it reached *ad referendum* agreement on the NCA text on 31 March, and a "negotiation completion agreement" was signed by the government and the NCCT.<sup>15</sup>

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<sup>12</sup> At the second meeting, on Union Day (12 February), all but two (KIO and Ta-ang National Liberation Army, TNLA) of the sixteen government-recognised armed groups participated. After intensive talks led by the president, a Deed of Commitment was finalised, with an important commitment to federalism, but no other major concessions. The president, vice presidents, ministers, legislative speakers, three senior military representatives and 55 political parties (not the National League for Democracy, NLD, of Aung San Suu Kyi) signed, but only four armed groups (KNU, two smaller Karen groups and the Shan State Army-South).

<sup>13</sup> This reactivation was an attempt by the faction then previously controlled Kokang to reassert itself. For detailed discussion, see "Military confrontation or political dialogue: Consequences of the Kokang crisis for peace and democracy in Myanmar", Transnational Institute, July 2015.

<sup>14</sup> President Office Ordinance No. 2/2015, 17 February 2015. In August 2009, the army had routed the MNDAA, which had a 1989 ceasefire and controlled the Kokang region, when it refused to transform into border guard forces under partial military control. Tom Kramer, "Burma's Ceasefires at Risk", Transnational Institute, September 2009.

<sup>15</sup> "Nationwide Ceasefire Agreement between the Government of the Republic of the Union of Myanmar and Ethnic Armed Organizations" (in Burmese), fifth draft (restricted), 31 March 2015.

### III. Deadlock

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The government made clear that the NCA text had been endorsed at the highest levels of the executive, legislature and military, but armed group negotiators indicated that it still had to be endorsed at a summit of their leaders. These had been in regular contact with their negotiators, but they needed an opportunity to discuss the text collectively and ensure buy-in of groups that were not directly represented. The aim was to hold the summit in June. Unexpectedly, the UWSP, which was not represented by the NCCT and had kept distance from the talks, offered to host armed group leaders at its Pangsang headquarters. But several were not invited, and it quickly was clear the session would lack sufficiently broad representation to decide whether to endorse the NCA.<sup>16</sup> Leaders of twelve armed groups, meeting in Pangsang 1-6 May, resolved that no NCA signing would be credible while fighting continued in Kokang and other parts of northern Shan state and that the three groups involved should be given the opportunity to sign, requiring both sides to end fighting, though the government was resisting.<sup>17</sup>

#### A. *The Lawkheelar Summit*

An inclusive summit of armed group leaders was then held at the KNU headquarters, Lawkheelar, 2-9 June. Though views were divided, the meeting declined to endorse the NCA text agreed by their negotiators, deciding instead to seek twelve amendments.<sup>18</sup> Some were minor and could easily have been included if raised by NCCT negotiators, such as adding “in order to secure an enduring peace” to the “basic principles” section.<sup>19</sup> Others were more substantive, such as amending the timing of the first “negotiation meeting for the implementation of the NCA” by deleting the phrase “or within a period mutually agreed by both parties”.<sup>20</sup>

The summit also decided that none of the sixteen armed groups represented by the NCCT would sign the NCA unless all were permitted to sign, and that any non-NCCT armed group that agreed with the NCA should also be able to sign – a problem in the context of the Kokang fighting.<sup>21</sup> Signatories would have to be at the top level on both sides;<sup>22</sup> and the summit sought to have an expanded list of international observers invited to the signing, a difficulty for a government that has kept strong

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<sup>16</sup> Crisis Group interview, ethnic adviser involved in the process, Yangon, June 2015.

<sup>17</sup> The three armed groups involved in the fighting were the MNDAA, TNLA and Arakan Army.

<sup>18</sup> Crisis Group interview, armed group representative present at the meeting, Yangon, June 2015; and “Meeting decisions and minutes” (in Burmese), Lawkheelar Summit, June 2015.

<sup>19</sup> “Meeting decisions and minutes”, op. cit., NCA amendment 2-2. This is the clear intent, and the phrase is already in the preamble.

<sup>20</sup> Ibid. NCA amendment 2-3.

<sup>21</sup> The sixteen groups represented by the NCCT overlap but differ from the sixteen the government recognises (1 to 16 in Appendix B below). The NCCT member organisations include eleven recognised by the government (ALP, CNF, DKBA, KIO, KNPP, KNU, KPC, NMSP, PNLO, SSPP/SSA-North and TNLA) and five others (Arakan Army, Arakan National Council, Lahu Democratic Union, MNDAA and Wa National Organisation). Another five are recognised by the government but not NCCT-represented (ABSDF, NDAA, NSCN-K, RCSS/SSA-South, UWSP).

<sup>22</sup> Specified as the top political and military officials for armed groups (chair or general secretary and military commander) and the top executive, legislative and military officials for the government (president, vice presidents, legislative speakers, commander-in-chief, attorney general and vice chairs of the Union peace working committee).

national ownership of the process.<sup>23</sup> It was also decided to establish a new fifteen-member team (the “Senior Delegation”) to negotiate the twelve amendments. This team, which includes six NCCT members, is headed by the KNU vice chair, Zipporah Sein, who is part of a faction within the KNU leadership that has been more hardline and sceptical of the peace process.<sup>24</sup>

As most armed group leaders were aware, these decisions made it much more difficult for the NCA to be signed before the elections. There are several reasons.

*Lack of time.* By reopening a text already accepted at the highest levels of government, a further round of negotiations would be required and likely also another summit of armed group leaders to endorse the results.

*Risk of failure.* Reopening the text also ran significant risk that fragile compromises would unravel, particularly since the lead government negotiator could only convince military representatives to accept some of those by seeking endorsement directly from the president.<sup>25</sup> This was compounded by need to build fresh trust and rapport with new negotiators. The government saw that team’s leader as a hardliner and even considered that the new team may have been created not to reach a better agreement but to delay the process. Government negotiators were initially very reluctant to meet it.<sup>26</sup>

*The Kokang conflict.* The government has made clear that it is not willing to allow the groups currently fighting in the Kokang area to sign the NCA until they have signed bilateral ceasefires.<sup>27</sup> In the case of the MNDAA, there is a deep reluctance by the military to enter into talks, as it has been locked in intense fighting since the group initiated the latest round of conflict by trying to seize the town of Laukkai on 12 February, Union Day (which commemorates the signing of the Panglong agreement, and when the president was hosting armed group leaders in Naypyitaw).<sup>28</sup> The MNDAA, reportedly under Chinese pressure, announced a unilateral ceasefire on 11 June.<sup>29</sup> The government responded by demanding it surrender; the MNDAA’s two allied groups indicated they would continue to fight.<sup>30</sup> The government has remained firm that it would not invite these groups to sign the NCA with the others, although it has expressed a willingness to have bilateral ceasefire talks with the TNLA.<sup>31</sup>

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<sup>23</sup> In addition to China and the UN, the request was to include the Secretary General of the Association of South-East Asian Nations, the U.S., EU, Japan, India, Thailand, UK and Norway.

<sup>24</sup> “Union Day deal highlights deep divisions in KNU”, *Myanmar Times*, 20 February 2015. More hardline members of other groups are also included, weakening the influence of NCCT members.

<sup>25</sup> Crisis Group interview, government adviser present at the meeting, Yangon, May 2015.

<sup>26</sup> Crisis Group interview, ethnic adviser involved in the process, Yangon, June 2015. See also, “Gov’t must examine proposed changes to ceasefire deal: senior MPC adviser”, *New Light of Myanmar*, 13 June 2015, p. 1.

<sup>27</sup> Like the NCA, bilateral ceasefires provide for an end to hostilities but also contain provisions relevant to the particular armed group in question.

<sup>28</sup> The previous round of fighting in 2009, in which the MNDAA was routed, was initiated by the Myanmar military. See Tom Kramer, “Burma’s Ceasefires at Risk”, *op. cit.*

<sup>29</sup> “Fighting persists in Kokang despite rebels’ ceasefire offer”, *Myanmar Times*, 15 June 2015.

<sup>30</sup> “Statement of PSLF-TNLA Six-monthly Central Committee Meeting” (in Burmese), 24 June 2015.

<sup>31</sup> “Govt proposes TNLA ceasefire talks”, *Myanmar Times*, 11 August 2015.



## B. *Political Dynamics*

There were several reasons for the reluctance of some armed groups to sign the NCA.<sup>32</sup> These had less to do with its content than with broader strategic and political considerations, on which there have been divergent views among groups, and between factions within some. This partly reflects distrust among many ethnic communities of government and military intentions in the process.

Several ethnic leaders – including those of two politically influential, militarily strong armed groups, the KNU and the Restoration Council of Shan State (Shan State Army-South) – have for a few years believed that the armed groups are at their moment of maximum leverage, and that the NCA should be signed quickly in order to begin the political dialogue as soon as possible. However, others have been concerned that signing one of the president's top priorities would hand him a major political victory, something they are reluctant to do before an election. Yet others have been concerned that there is no time left to move to the next stages of the process, and since President Thein Sein appeared unlikely to have a second term, it would be better to sign with his successor, so that there would be time to carry the political momentum into the political dialogue.

Some armed groups have also been worried that they would lose influence if the NCA is signed, since political parties and other stakeholders would have more influence in the next stages, and in some cases might have stronger claims to legitimacy and representativity than the armed groups. At the same time, there is agreement among armed groups that a political solution is the only way forward, and none want to be regarded as spoilers. Most, therefore, have consistently engaged in the peace process, expressed willingness in principle to sign an NCA and even allowed the NCCT to agree a final text – but without necessarily being prepared to sign the document.

The revived conflict in Kokang added a new dimension, introducing fears that unity would be undermined if the NCA were signed without including the three armed groups involved. This was partly a question of ethnic solidarity, partly a worry that armed groups that signed the NCA while the fighting was ongoing could be blamed for freeing army reinforcements to deploy to Kokang. Such concerns have historical precedent: the KNU was criticised for signing a ceasefire in 2012, when fighting between government forces and the KIO was ongoing; the reverse occurred in 1994, when the KIO signed a ceasefire while the KNU was fighting that allegedly enabled the military to intensify offensives.<sup>33</sup>

The political economy of the conflict also influences all ethnic leaders and armed groups to an extent. It is extremely difficult to disentangle such considerations from the political factors discussed above. In general, however, those groups that are more confident about the military and economic sustainability of their armed struggle, such as the KIO, have been more sceptical in peace talks than less confident groups, such as the KNU and RCSS/SSA-S;<sup>34</sup> smaller groups with little to lose militarily have also been more sceptical.

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<sup>32</sup> The analysis in this section is based on numerous Crisis Group interviews and discussions since October 2011 with armed group leaders, negotiators and others in the peace process.

<sup>33</sup> See Martin Smith, *Burma: Insurgency and the Politics of Ethnicity* (Zed Books, 2nd ed., 1999), pp. 445 and following pages.

<sup>34</sup> Recent revelations about gems exports to China – the vast majority jade from Kachin state – give a sense of what is at stake. New customs data from China put the 2014 value at \$12.3bn, far higher

### C. *Final Efforts to Overcome Deadlock*

Faced with the possibility of the peace process collapsing, representatives on both sides made huge efforts to pursue compromise against the odds. They met in Chiang Mai on 3 July, the first official meeting between the government and the new “Senior Delegation” negotiating team. The eighth formal round of ceasefire talks in Yangon followed from 22 to 24 July, with agreement reached on ten of thirteen proposed changes to the NCA text, but no breakthrough on the key issue of which groups are eligible to sign. After a brief recess, the ninth round took place from 6 to 7 August. Agreement on the remaining changes to the NCA was reached and the text finalised.

This left the issue of signatories as the final major issue on which no agreement could be reached.<sup>35</sup> Longstanding strategic differences between and within groups threatened to fracture armed group unity. On 17 August, four groups – the KNU, RCSS/SSA-S, Democratic Karen Buddhist Army (DKBA) and KPC – issued a joint statement declaring their readiness to sign the NCA, and the All Burma Students’ Democratic Front (ABSDF) also endorsed the NCA.<sup>36</sup> An armed group summit was held in Chiang Mai from 21 to 24 August in an attempt to forge a unified position ahead of a planned meeting with the president and the commander-in-chief. This meeting failed to produce a unified position, but did reiterate the principle of an all-inclusive ceasefire, while expressing a willingness to explore pragmatic solutions. A five-member team of armed group leaders was selected to represent the armed groups in the meeting with the president, and given delegated authority to decide whether to sign the agreement.<sup>37</sup>

The meeting with the president took place in Naypyitaw on 9 September, with no conclusive agreement reached. The five armed group leaders, plus four members of the negotiating team,<sup>38</sup> set out four conditions for signing the NCA without all groups being included: that excluded groups would not face military attacks, would be included in the subsequent political dialogue, would not have humanitarian access to their areas restricted and would be removed from the list of unlawful associations. The president agreed “in principle” to an all-inclusive deal, but urged that this be achieved “progressively”.<sup>39</sup> The government remains opposed to immediate inclusion of the three groups fighting its forces in Kokang: the MNDAA, TNLA and the Arakan Army (AA). The president stated that he was in direct contacts with the MNDAA leader, was open to a bilateral ceasefire with the TNLA after which it could sign the NCA, and that the AA had the option of being included in the NCA under the auspices of another Rakhine armed group, or the KIO in whose territory it operates.

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than anticipated and equivalent to some 20 per cent of official GDP. See [comtrade.un.org](http://comtrade.un.org); and “Myanmar Business Update”, *New Crossroads Asia*, no. 29, 22 June 2015.

<sup>35</sup> The question of which international witnesses would be present at the signing was also not fully resolved, but the sense of both sides was that this would not become a sticking point. Mutual agreement was reached in the meeting with the president on 9 September (see below), with the addition of the EU and Japan to the group of witnesses (the UN, China, India, Thailand).

<sup>36</sup> “Joint statement on signing of the Nationwide Ceasefire Agreement”, 17 August 2015; “Statement of Central Committee Meeting of All Burma Students’ Democratic Front”, 17 August 2015.

<sup>37</sup> These were the chairmen of KNU, NMSP, KNPP; the SSPP Patron; and KIO Vice-Chairman.

<sup>38</sup> That is, three members of the “Senior Delegation” and one member of the NCCT.

<sup>39</sup> Information in this paragraph from Crisis Group interviews, individual present in the meeting and individual briefed by armed group representatives on its outcome, 10 September 2015.

The three armed groups issued a statement following the talks rejecting these proposed solutions and insisting that they be included in the NCA.<sup>40</sup> The president committed to removing NCA signatories from the list of unlawful associations prior to their signing the accord, and that legal action would not be taken against non-signatories.<sup>41</sup> The commander-in-chief was on an official visit to Israel at the time of the meetings, which armed group representatives took as a negative signal. It meant that they were not able to seek commitments directly from him on military matters.<sup>42</sup> No agreement on a date for signing the NCA could be reached. Although the armed group leaders had delegated authority, they were unwilling to commit without a further meeting of armed group leaders. The largest armed group, the UWSP, has indicated that it still sees no reason to sign the NCA.<sup>43</sup> This leaves the signing of the NCA still very uncertain.

#### IV. The Provisions of the Ceasefire Agreement

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The NCA text agreed on 6 August has a preamble and seven chapters, with 33 clauses and 86 sub-clauses containing 104 specific provisions and running to twelve pages in the English version. Key provisions are:

*Preamble.* The text “recognises, reinforces and reaffirms” all previous agreements, reassuring the armed groups that the NCA will not supersede or replace bilateral ceasefires.<sup>44</sup>

*Basic principles.* These include upholding the “non-disintegration of the union and of national solidarity, perpetuation of national sovereignty” (the “three main national causes” set by the old military regime). Their inclusion at insistence of the military, which wanted to make clear separatism or irredentism was unacceptable, was controversial. But this is balanced by citing “principles of democracy and federalism” as well as liberty, equality and justice and the “Panglong spirit” guarantees of equality and self-determination (a reference to the 1947 Panglong Conference, where Shan, Kachin and Chin from the Frontier Areas agreed to be in the Union of Burma in return for promises of full autonomy in internal administration and an equal share in national wealth).<sup>45</sup>

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<sup>40</sup> “Summit of MNDAA, AA, PSLF/TNLA Leader, Press Release”, 10 September 2015. See also “Kokang groups reject direct peace talks”, *Myanmar Times*, 11 September 2015.

<sup>41</sup> Agreement was also reached that the three other small groups with no combatants – the ANC, LDU and WNO – would be able to participate in the future political dialogue without signing the NCA; they are not on the list of unlawful associations.

<sup>42</sup> Indeed, leaders highlighted the unfortunate symbolism of the commander-in-chief appearing in state media negotiating weapons purchases on the day peace talks were held. Crisis Group interview, individual briefed by armed group representatives on the meeting, 10 September 2015.

<sup>43</sup> Crisis Group interview, individual involved in the peace process, 10 September 2015.

<sup>44</sup> Important because bilateral ceasefires contain key specific provisions not in the NCA, and some armed groups (eg, UWSP) enjoy de facto arrangements that go beyond NCA provisions.

<sup>45</sup> NCA Draft, clause 1(a). On Panglong, see Crisis Group Report, *Myanmar: A New Peace Initiative*, op. cit., Section I.A. The Karen, one of the largest minorities, were only observers, and there were strong critics also among other ethnic groups.

*Religion and the state.* Included among the “basic principles” is that diversity of the peoples and cultures is embraced, and Myanmar is “a secular state”. This differs somewhat from the constitution, which “recognises the special position of Buddhism as the faith professed by the great majority of citizens” but “also recognises Christianity, Islam, Hinduism and Animism”.<sup>46</sup> Constitutional change would be required to give legal effect to the NCA formulation, which could be difficult in the current environment of Buddhist nationalism.

*Military code of conduct and troop deployment.* Specific provisions for all parties are set out prohibiting certain activities in ceasefire areas (attacks, reinforcement, recruitment, new bases, laying landmines, etc.), except under specified conditions or as agreed, as well as hostile propaganda or defamatory statements about the other party. There is also provision for joint cooperation on landmine clearance and administering rule of law in ceasefire areas. On troop deployment, there are provisions to avoid clashes, including immediate communication between opposing forces in case of direct contact; cooperation in demarcating base areas and agreement on their number; and limiting deployments to demarcated areas. Unarmed troops may travel freely; armed troops may only enter areas controlled by the other party with permission.<sup>47</sup>

*Civilian protection and humanitarian assistance.* Provisions include prohibition on subjecting civilians to violence, sexual violence, degrading treatment, arbitrary detention, forced displacement or relocation, extortion, forced labour, land confiscation, looting, destruction of property or restrictions on free movement or access to education, health care, livelihood or hindering of religious or cultural activities, as well as joint efforts to improve livelihoods by development aid. Joint management of humanitarian aid is envisaged, including that government, ethnic armed groups and regional organisations will collectively coordinate and administer local and international help for internally displaced people (IDPs) or other populations suffering hardship; that any resettlement or return of IDPs will be voluntary, safe and dignified; and that the parties will cooperate in verification and resettlement of refugees.<sup>48</sup>

*Further steps before military provisions come into force.* All parties must notify their troops of NCA signature within 24 hours and its detailed provisions within five days, but the provisions on code of conduct, civilian protection and other military matters would not come automatically into force. Within fourteen days of signing, a first “Joint Implementation Coordination Meeting” will be convened to “define the exact timeframes governing ceasefire related matters” and adopt rules and regulations “within one month of signing”.<sup>49</sup>

*Monitoring and verification.* No independent monitoring is provided. Rather, a “Joint Monitoring Committee” would be formed at the coordination meeting mentioned above to monitor compliance. It would have government and armed group representation along with “trusted and well-respected individuals”. The parties would jointly decide on “the role of representatives from foreign governments and international organisations” involved in the peace process, “either as observers, advisers or to provide necessary technical assistance” to the committee. Any necessary facts and data

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<sup>46</sup> NCA Draft, clause 1(e)-(f); 2008 constitution, Sections 361, 362.

<sup>47</sup> NCA Draft, clauses 5, 7, 8.

<sup>48</sup> NCA Draft, clauses 9 and 10.

<sup>49</sup> NCA Draft, clauses 3, 5(j) and 11.

are to be given to the committee on request, “except information related to national defence and security”. Provision is also made for ethnic armed groups that sign to open liaison offices “in mutually agreed areas”, in addition to those stipulated in bilateral ceasefires.<sup>50</sup>

*Political roadmap.* The subsequent steps set out for the peace process are:<sup>51</sup>

1. Signing of the NCA and submission to the legislature for ratification.
2. Drafting a framework for political dialogue “by representatives of the government and ethnic armed organisations”, including mandate, agenda, working methods and proportions of representatives, to be adopted within 60 days of NCA signing by the signatories “in collaboration with all relevant stakeholders”.
3. Convening the political dialogue within 90 days of NCA signing, with all parties endeavouring to work on a consensus basis. It would consist of successive rounds, including representatives of government (legislature, executive, military), armed groups, registered political parties and “ethnic representatives and other relevant representatives”, including a “reasonable number” of women. The contentious issue of a “union army” would be discussed.<sup>52</sup>
4. Convening a Union Peace Conference.
5. Signing a Union Accord containing the decisions of that conference, which would be “the basis for amending, repealing and adding provisions to the constitution and laws, in line with agreed procedures”.
6. Submitting the Union Accord to the legislature for ratification.
7. Implementation of Union Accord provisions and “security reintegration”.<sup>53</sup>

*Responsibilities of the parties.* There are guarantees of no arrests or legal repercussions for any person involved in activities under the NCA, “except for reasons of upholding the law”;<sup>54</sup> and that all armed groups that sign would be exempt from the Unlawful Associations Act, and no person or organisation associating with signatories would be subject to that act or the restrictions in the Political Parties Registration Law.<sup>55</sup>

*Transitional provisions.* Considerable time was spent negotiating a provision recognising and endorsing for a transitional period the de facto authority of armed groups in their areas of control and that some have longstanding parallel service delivery mechanisms. The text reflects this by recognising that signatory armed groups “have

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<sup>50</sup> NCA Draft, clauses 12, 15 and 16.

<sup>51</sup> NCA Draft, clauses 20-23, 26.

<sup>52</sup> The ethnic armed groups' June 2015 Lawkheelar Summit resolved to work with government for at least 30 per cent women's participation. The issue of a union army (NCA Draft, clause 1(c)), which some ethnic armed groups refer to as a “federal army”, has been elaborated in different ways – from the military better reflecting the country's ethnic diversity, to the proposal for each ethnic state to have its own army, along with a Burman (majority ethnicity) force. Crisis Group interviews, KNU, SSA-South representatives, Yangon, November 2013, September 2014.

<sup>53</sup> That is, security sector reform/disarmament, demobilisation and reintegration. The NCA uses a neutral term since the former is sensitive for the government and the latter for armed groups. Talks on security reintegration would be held in parallel with the political dialogue.

<sup>54</sup> Ie, not an amnesty, but assurance that implementing the agreement would not have negative legal repercussions, important given some broadly-worded security laws remain on the books.

<sup>55</sup> NCA Draft, clauses 24-26. See Section V below for further discussion regarding elections.

been responsible for development and security in their respective areas” and that “during the interim period of holding peace talks” certain programs will be carried out in joint consultation in these areas. It further provides that if there are projects “that may have a major impact on civilians living in ceasefire areas” their planning and implementation shall be undertaken with relevant armed groups and local communities “in accordance with the standards of the Extractive Industries Transparency Initiative”.<sup>56</sup>

Finalisation of a draft NCA text was a significant step but meant as only the first in the process, with long, difficult political dialogue needed before a comprehensive peace agreement – the “Union Accord” – could be reached. Many of the most challenging issues, including what form of federalism might be envisaged, how revenue sharing would be done and the future status of the armed groups and their possible integration into the military were deferred to the political dialogue. So too were some technical military issues on ceasefire monitoring and code of conduct.

Thus the text is neither a classic ceasefire agreement – many of the military issues such as force separation, demarcation and verification are vague, or not included, or would require further agreement to come into force – nor is it a political agreement, as it references many political issues but defers detailed discussion. This hybrid status reflects the genesis of the document and the diverse set of actors and priorities around the peace table, as well as political constraints. As a ceasefire document, this means it is very weak, but as experts have pointed out, this does not mean the peace process cannot succeed, as there are many examples of comprehensive peace accords being negotiated while fighting continued.<sup>57</sup>

## V. Elections and Peace

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The elections have undoubtedly impacted the peace process, due both to timing (constitutionally mandated) and their effect on political dynamics. Developments in the peace process have also impacted the elections, in terms of electoral security, and the ability of parties and the government to engage with armed groups.

### A. Electoral Security

Lack of an NCA would make ethnic-area elections more fraught. With the peace process unresolved, security arrangements have become more sensitive and difficult, and there will likely be heightened suspicion over their administration in the periphery.<sup>58</sup>

The lack of a nationwide ceasefire means both armed groups and the military may feel less constrained. In many conflict-affected areas, there is considerable scepticism – or simply lack of interest – in the elections, and some armed groups will have no strong incentive or wish to facilitate them. The military will also be less concerned about ensuring they go ahead in armed group areas. It blames the armed groups for

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<sup>56</sup> NCA Draft, clause 25. Myanmar became an Extractive Industries Transparency Initiative candidate country in July 2014.

<sup>57</sup> Crisis Group interview, peace process expert, Yangon, September 2015. Colombia offers a current example that is being closely watched by some involved in Myanmar's process.

<sup>58</sup> On electoral security, see Crisis Group Report, *Myanmar's Electoral Landscape*, op. cit.

the failure to sign a deal, and sees them as having broken the “gentlemen’s agreement” of initialling the March NCA text.<sup>59</sup> This could set the stage for tenuous relations on the ground in some areas, particularly Kachin and Shan states, and increased risk of clashes and escalation.

As in the 2010 and 2012 elections, polling will be cancelled in many areas for security reasons. A few weeks before the vote in 2010, the election commission listed areas “in no position to hold free and fair elections”.<sup>60</sup> Most were insecure or conflict areas in the ethnic borderlands, including four townships in Shan state controlled by the UWSP ceasefire group that did not allow elections to proceed; two constituencies in the Kachin state legislature; and some 300 village-tracts across 32 townships (but no entire constituencies), with Kayah state most affected. Detailed reasoning was not disclosed, raising questions whether political rather than security considerations may have been behind some decisions.<sup>61</sup> Perceptions are critical. In the current environment, they could give rise to claims of minority communities being selectively disenfranchised to skew results, so impacting on the credibility of the elections.

#### B. *Engagement with Armed Groups on the Elections*

Minimising electoral security risks requires dialogue between the election commission and ethnic armed groups, at both the political level and, on more practical issues, at the local level. Such interactions have been significantly constrained by legal considerations. The home ministry has declared many armed groups illegal under the 1908 Unlawful Associations Act,<sup>62</sup> and action has been taken or threatened against political parties on this basis.<sup>63</sup> This makes it an offence to have contact with them, including, in principle, for government officials. In practice, the peace process has made some interactions on issues such as the census and elections possible, and the election commission chair has also separately had some limited dealings with armed group leaders.<sup>64</sup> More regular meetings with the election commission at different levels were envisaged after signing of the NCA, which provides for delisting signatory armed groups as unlawful associations; the delay in signing the NCA means these are unlikely to take place.<sup>65</sup> This is a lost opportunity to build confidence, exchange technical information, and mitigate risk.

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<sup>59</sup> Crisis Group interviews, individuals involved in the peace process knowledgeable of the military’s views, Yangon, June 2015.

<sup>60</sup> “Areas where elections will not be held”, five Union Election Commission Notifications, nos. 99/2010-103/2010, 16 September 2010.

<sup>61</sup> Crisis Group interview, individual working closely with the Union Election Commission, Yangon, February 2015.

<sup>62</sup> See, for example, declarations in respect of the ABSDF and RCSS/SSA-South, home affairs ministry notifications, nos. 4/2005 and 5/2005, 28 August 2005 (in *New Light of Myanmar*, 29 August 2005, p. 16). Under the Act, the power to make this determination is with the head of state, implemented by the home ministry.

<sup>63</sup> In May 2014, a political party member was arrested under the Act after he and other political party members met with the RCSS/SSA-S armed group at one of its liaison offices; after an appeal to the president he was released. In April 2015, the Mon state sub-commission of the UEC issued a warning to a political party, the Mon National Party, for issuing a joint statement on education reform with the NMSP armed group. Crisis Group interview, individual with knowledge of the incidents, Yangon, August 2015.

<sup>64</sup> Crisis Group interview, individual working closely with the Union Election Commission, Yangon, February 2015.

<sup>65</sup> NCA Draft, clause 24(b).

Ties on the ground between key actors will importantly determine the security environment. The political party law says parties may be deregistered for “contacting or abetting directly or indirectly an insurgent organisation and individuals in revolt with arms against the State”.<sup>66</sup> In theory this obliges the election commission to deregister those in contact with ethnic armed groups. It would not apply to NCA signatories.<sup>67</sup> Such contacts have remained illegal, closing off avenues for negotiating access to armed-group-controlled areas for campaigning, or alleviating tensions or suspicion. Such issues are not uncommon: the Red Shan (Tailai) and Northern Shan Ethnic Solidarity Party has been critical of the KIO for alleged forced recruitment in its community; the NLD has complained that the Pao National Organisation (a militia and political party) has intimidated its members and prevented NLD access to its area; the Shan Nationalities Democratic Party has said the Shan State Army-North (SSA-N) has intimidated its members; and the Ta-ang National Party accuses the RCSS/SSA-S of abducting local party leaders.<sup>68</sup>

## VI. Prospects

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### A. Next Steps

While some progress was made at the 9 September meeting with the president, the hoped-for deal was not secured. The armed group delegation will report back to another summit of armed group leaders to be held 24-26 September. It seems highly unlikely that any progress will be made by then in discussions between the government and the three excluded groups. The government is pushing for a tentative date for the NCA signing of around 2 October, but this timeframe has not been agreed to by the armed groups, which had proposed mid-October.

There are three scenarios going forward. First would be that all fifteen groups invited by the government will sign the NCA,<sup>69</sup> which seems extremely unlikely. Second is that the armed groups maintain a unified position by all deciding not to sign without the inclusion of the remaining three groups. This also seems unlikely, given the stated intention of a number of groups to sign. The third possibility, where some groups sign and others do not, appears most likely. The implications of this would depend on precisely which groups sign. Two large groups – the KNU and RCSS/SSA-S – are willing to sign. If the largest group, the UWSP, does not sign, this would probably not be too damaging, given that it has had a stable ceasefire since 1989. The key group will be the KIO, which is large, has no formal ceasefire, and with ongoing clashes with government forces occurring with its armed wing and several other armed groups in or near its areas. Weighing heavily on the KIO is the fact that Kachin civil

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<sup>66</sup> Section 12(a)(iii) of the 2010 Political Parties Registration Law (as amended).

<sup>67</sup> Specifically mentioned in NCA Draft, clause 24(b).

<sup>68</sup> See “Red Shan protest forced recruitment by KIA”, *The Irrawaddy*, 20 December 2013; “NLD members threatened at gunpoint to resign in east Burma”, *The Irrawaddy*, 23 May 2013; “Five years ago, people were afraid of politics”, *Myanmar Times* interview with SNDP chairman, 23 March 2015; and “Ethnic armed group accused of abducting local party leaders in Shan state”, *The Irrawaddy*, 23 June 2015.

<sup>69</sup> That is, the fourteen groups with bilateral ceasefires, plus the KIO (see appendix B).



society and some religious leaders remain extremely sceptical of the merits of signing the NCA.<sup>70</sup>

The KIO therefore faces the most difficult decision of the major groups, and its inclusion in the NCA is widely seen as the litmus test of a credible agreement. Its decision is unclear, but views within the organisation appear finely balanced, and it could go either way. A partial signing without the KIO could be a significant blow to the credibility of the NCA. It would undermine armed group unity and could increase tensions within armed groups between factions for and against signing.

## B. *Future Scenarios*

Even if the NCA is signed before the November elections, time will have run out for the next crucial political steps in the peace process, which will enter a long hiatus. There is a five-month period between the election and the transfer of power to the new administration at the end of March. The new government will have many pressing priorities, and the country shuts down for two weeks in April for its main annual holiday. The next administration will not be able to turn its attention to launching its peace strategy and appointing a new lead negotiator before May 2016 at best. There will then be an inevitable period of confidence building before the process can begin to tackle the difficult issues.

What happens then is uncertain. If the NCA has not been signed, it is hard to imagine the text simply being dusted off and signed. If it has been, the next steps in the peace process will almost certainly have to be redefined to fit the post-election context and the views of the new government. It is also likely to be more difficult to bring the military on board a future peace process. An article in a Myanmar newspaper (under a pseudonym) that appears to reflect the military's position stated this explicitly, calling the delay in signing the NCA a mistake, as "no matter who comes to power after the election, it will be the army that the ethnic groups have to negotiate with".<sup>71</sup> Whoever it is, the next president's relations with the military are unlikely to be as close as the current administration, unless Thein Sein were to somehow achieve a second term. While the military appears committed to the process, it has strong views about its form and feels more concessions have already been made than it is comfortable with.<sup>72</sup> The commander-in-chief is not likely to retire in the next year, and his personal concerns with the process – perhaps reflected in the fact that he was away for the crucial 9 September meeting – can have a big impact on future negotiating space.

The long hiatus in the process, followed by a potentially more difficult environment, is not a context in which the armed groups are likely to secure further concessions. Indeed, this hiatus will reduce the momentum for peace and combatant restraint on the ground, making clashes more likely. While bilateral ceasefires remain in force to deal with some clashes, in the absence of a political process and signed nationwide

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<sup>70</sup> Crisis Group interviews, individuals having a detailed knowledge of KIO considerations, Yangon and Bangkok, September 2015.

<sup>71</sup> Aik Nge, "ရှုံးမယ်မှန်းသိသိနဲ့ တိုက်ရတဲ့ တိုက်ပွဲ" [Fighting a battle knowing it will be lost], *The Voice*, 25 June 2015.

<sup>72</sup> Crisis Group interviews, individuals involved in the peace process knowledgeable of the military's position, Yangon, June 2015. See also "Myanmar commander-in-chief gives exclusive interview to Mainichi Shimbun", *The Mainichi*, 11 June 2015; Aik Nge, "ရှုံးမယ်မှန်းသိသိနဲ့ တိုက်ရတဲ့ တိုက်ပွဲ" [Fighting a battle knowing it will be lost], *op. cit.*

ceasefire deal, it would make de-escalation harder. Rising Burman Buddhist nationalism and the demands of a majority Burman electorate could also make it difficult for the next government to offer as many concessions – including promises of federalism and resource sharing – as the present one.

### C. *Achieving the Best Outcome*

If the significant progress made to date in the peace process cannot be consolidated through the signing of the NCA, the long hiatus and political uncertainties present a real risk that the best chance in over 60 years for a negotiated political settlement to the conflict could be lost. This would not mean a return to the widespread insurgency of decades past, which is politically, economically and militarily unsustainable for many groups. But it would mean that deep grievances remain unaddressed, insecurity and militarisation persist in the borderlands, and Myanmar's state-building project remains incomplete, to the detriment of all.

This is something that armed group leaders are weighing very carefully. The KIO is in a particularly difficult position, and a bold decision and strong leadership will be required if it is to overcome its concerns and decide to sign the text. Outside pressure to do so would probably not be appropriate or constructive. However, there is a critical role for the international community at this juncture, in presenting informed diplomatic perspectives on the political context and the risks of failure. Commitments now from important political actors – including the US and the EU and its member states – that there will be increased international focus on the peace process and the situation in armed group areas, can be important in giving armed groups more confidence in taking the difficult decision to sign the NCA. While this can be (and sometimes has been) done in private meetings, detailed, specific public commitments are important at this moment, given the important role of community views.<sup>73</sup>

As one of only two formal observers to the peace process (along with China), the UN also has an important role to play. It is among the best-informed outside actors on the peace process, and has good relations and credibility with the parties. Now is a moment when its influence can be strongest, and given its privileged position as an observer, it has an obligation to make the most of this influence. This should go further than technical assistance and an assurance that it will be a witness to any eventual NCA signing.<sup>74</sup> It requires a system-wide effort, coordinated at the level of the Secretary-General, to leverage the organisation's position to maximise the chances of a sustainable deal. This would ideally be framed not as warnings of the risks of not signing – which can (and have) been misinterpreted as applying undue pressure<sup>75</sup> – but in terms of a clear and detailed public position on what the UN system can deliver following an NCA signing. This includes humanitarian support to displaced and other affected populations, mobilisation of donor funding in support of ceasefire areas and conflict-affected communities, and continued high-level political engagement and support.

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<sup>73</sup> The Pease Support Group, a grouping of international donors to the Myanmar peace process, issued a statement on 8 August stating that “the international community is ready to continue offering its help throughout this process” and encouraging a spirit of compromise. This went largely unnoticed and unreported, and did not contain detailed commitments.

<sup>74</sup> See “Interview: Vijay Nambiar, the UN's observer to Burma's peace talks”, *Democratic Voice of Burma*, 8 September 2015.

<sup>75</sup> *Ibid.*

## **VII. Conclusion**

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Failure to sign a nationwide ceasefire agreement before the elections would be a lost opportunity for a country mired in internal armed conflict for more than six decades. While the text is far from perfect and many concerns of armed group leaders are understandable, a decision not to sign carries potentially greater risks.

With elections less than two months away, a long hiatus in the peace process is inevitable. With no ceasefire in place, this period will be all the more fraught, and it is far from clear that a better ceasefire deal will be on the table in the future. Indeed, there is serious risk that conflict could escalate, further setting back the process. Post-election political realities will also complicate the situation.

A rare moment of relative unity within the government and among armed groups has not yet translated into a signed agreement. It may be much harder to re-establish it to secure a deal in the post-election environment. Without this, the hopes of ethnic communities for a stable peace and a negotiated settlement to their longstanding grievances may not be realised, with the risk of the borderlands remaining marginalised and mired in greater insecurity.

**Yangon/Brussels, 16 September 2015**

Appendix A: Map of Myanmar



## Appendix B: List of Ceasefire Agreements

	<b>Armed Group</b>	<b>Previous ceasefire</b>	<b>New ceasefire signed</b>
1	United Wa State Party (UWSP)	1989	6 Sep 2011
2	National Democratic Alliance Army (NDAA, "Mongla" group)	1989	7 Sep 2011
3	Democratic Kayin Benevolent Army (DKBA)*	1995, broke down in 2010	3 Nov 2011
4	Restoration Council of Shan State/Shan State Army-South (RCSS/SSA-South)	No	2 Dec 2011
5	Chin National Front (CNF)	No	6 Jan 2012
6	Karen National Union (KNU)	No	12 Jan 2012
7	Shan State Progress Party/Shan State Army-North (SSPP/SSA-North)	1989, broke down in 2011	28 Jan 2012
8	New Mon State Party (NMSP)	1995	1 Feb 2012
9	Karen National Liberation Army Peace Council (KPC)	2007	7 Feb 2012
10	Karenni National Progressive Party (KNPP)	1994, broke down same year	7 Mar 2012
11	Arakan Liberation Party (ALP)	No	5 Apr 2012
12	National Socialist Council of Nagaland-Khaplang (NSCN-K)	No	9 Apr 2012
13	Pao National Liberation Organisation (PNLO)	No	25 Aug 2012
14	All Burma Students' Democratic Front (AB-SDF)	No	5 Aug 2013
15	Kachin Independence Organisation (KIO)	1994, broke down in 2011	No <sup>†</sup>
16	Ta-ang (Palaung) National Liberation Army (TNLA)	No	No
17	Myanmar National Democratic Alliance Army (MNDAA, "Kokang" group) <sup>‡</sup>	1989, broke down in 2009	No

\* Also known as Kloh Htoo Baw ("Golden Drum" group). Formerly Brigade 5 of the Democratic Kayin Buddhist Army, which reached a ceasefire in 1995. In 2010, the DKBA agreed to transform itself into border guard force units; its Brigade 5 commander disagreed, forming the breakaway Kloh Htoo Baw group. It reached a ceasefire with the new government in November 2011. The group subsequently changed its name to the "Democratic Kayin Benevolent Army" (thus, replacing "Buddhist" with "Benevolent" but the same acronym).

<sup>†</sup> An agreement was signed on 30 May 2012. It was not a formal ceasefire, but contained inter alia a commitment to "efforts to achieve de-escalation and cessation of hostilities".

<sup>‡</sup> The MNDAA's 1989 ceasefire ended after an attack by the Myanmar army in 2009, with one faction being routed (and its leaders fleeing to China) and the other agreeing to become a border guard force unit under the partial control of the Myanmar army. The routed faction subsequently reactivated, with support from other groups. It is not included in the government's list of sixteen recognised groups.

### Appendix C: List of Armed Group and Alliance Acronyms

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AA	Arakan Army
ABSDF	All Burma Students Democratic Front
ALP	Arakan Liberation Party
ANC	Arakan National Council
CNF	Chin National Front
DKBA	Democratic Karen Benevolent Army
KIO	Kachin Independence Organisation
KNPP	Karenni Nationalities Progressive Party
KNU	Karen National Union
KPC	Karen National Union/Karen National Liberation Army Peace Council
LDU	Lahu Democratic Union
MNDAA	Myanmar National Democratic Alliance Army (Kokang)
NCCT	Nationwide Ceasefire Coordination Team
NDAA	National Democratic Alliance Army (Mongla)
NMSP	New Mon State Party
NSCN-K	National Socialist Council of Nagaland-Khaplang
PNLO	Pao National Liberation Organisation
RCSS/SSA-S	Restoration Council of Shan State/Shan State Army-South
SSPP/SSA-N	Shan State Progress Party/Shan State Army-North
TNLA	Ta-ang National Liberation Army
UNFC	United Nationalities Federal Council
UWSP	United Wa State Party
WGEC	Working Group for Ethnic Coordination
WNO	Wa National Organisation

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## Appendix D: About the International Crisis Group

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The International Crisis Group (Crisis Group) is an independent, non-profit, non-governmental organisation, with some 125 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

Crisis Group's approach is grounded in field research. Teams of political analysts are located within or close by countries at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, it produces analytical reports containing practical recommendations targeted at key international decision-takers. Crisis Group also publishes *CrisisWatch*, a twelve-page monthly bulletin, providing a succinct regular update on the state of play in all the most significant situations of conflict or potential conflict around the world.

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