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An analysis of the negotiations between the government of Myanmar and the Kachin Independence Organization

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Abstract

The ongoing conflict in Myanmar between the government and the Kachin Independence Organization (KIO) is one of the longest-running in the world. Government negotiators have been able to reach ceasefire agreements with numerous other non-state actors operating in other parts of the country as part of their plan to eventually create a comprehensive, nation-wide peace agreement. However, the negotiations with the KIO have been long and tumultuous. Previous ceasefires have broken down, so a new round of talks are currently underway. This article systematically analyzes the recent negotiations and offers new insights to help move the peace process forward.

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Myanmar is a small and diverse country that shares borders with India, China, Bangladesh, Laos, and Thailand. It has only recently begun to emerge from years of internal strife, military rule, international isolation, and harsh sanctions. For many decades Myanmar was under British rule and administered as a province of the Indian Empire until it gained independence from the Commonwealth in 1948.

The military held power in the country after a military coup in 1962. Nevertheless, a new constitution was drafted in 2008. Parliamentary elections were eventually held in November 2011, and in January 2012 when parliament convened, they selected former Prime Minister General Thein Sein as President.

Despite the fact that the parliamentary elections were seen as flawed by many international observers, the international community began easing sanctions, partially in response to the reforms that were occurring. One example of this was the release from house arrest of Nobel Peace Prize winner Aung San Suu Kyi in 2010, who had been held as a political prisoner for nearly 15 years (Win, 2006). Following that, President Obama made a historic trip to the country in November 2012 which was preceded by President Thein Sein announcing that additional steps will be taken to address the more than 200 political prisoners that remained in custody (Baker, 2012). Many countries also rushed to establish new diplomatic relations with the country by appointing ambassadors and establishing new diplomatic missions. New Zealand, for example, opened its embassy in September, 2013 in an effort to normalize relations with Myanmar (First Post, 2013).

Despite this apparent progress made in the political realm, Myanmar continues to struggle to manage the numerous violent conflicts that have plagued it. Myanmar has several different non-state armed groups operating within it and the government has taken an approach of pursuing separate ceasefire agreements with each of these groups while holding onto the possibility of undertaking nation-wide peace talks at a later date. Throughout the last few months of 2013 there were discussions about creating a national ceasefire agreement but these efforts faltered. Some critics of this approach state that the individual ceasefire agreements do little more than perpetuate the status quo and in doing so, real and meaningful changes are being avoided, thus effectively avoiding resolving the conflict. In other words, they have achieved a fragile conflict management of sorts, but not the more challenging and deeper goal of conflict resolution.

One such conflict that is illustrative of this point is the ceasefire agreement between the Kachin Independence Army (KIA) and the Tatmadaw (government army) in the 1990s. Even though the Kachin conflict is one of the longest-running ethnic insurgencies in Myanmar and in the world (International Crisis Group, 2013), a written ceasefire agreement was reached in 1994.

One of the reasons for the eventual breakdown of the 1994 ceasefire agreement in 2011 stems from the national elections that were held in 2010. In preparation for those elections, the government demanded that the KIA disarm and become part of the new border guard force, thus further eroding the little trust that existed (South, 2012, pp. 11-12). However, this proposition was unacceptable to the KIA because they did not have sufficient security guarantees in place should they disarm and so renewed fighting occurred (Ibid).

This latest round of fighting was supposed to come to an end on May 30, 2013 when the 7 Points Agreement was signed. However, throughout the remainder of 2013 and into 2014 there were numerous signs that this agreement would not hold as violence on the ground continued. Nevertheless, according to some:

The government is trying its best to end the conflicts. It has already done better than its predecessors, having signed 13 ceasefire agreements since the end of 2011. Some of these are merely rehashes of older ones from the 1990s, but negotiators say the new ones are better because they have been formally endorsed. (Economist, 2013)

To further reinforce this point, South (2012, p. 8) states, “whatever its faults, the present reform-minded government is serious about achieving a settlement to the country's long-standing armed conflicts, and is motivated to do so - something which cannot be guaranteed in the case of future regimes.” Similarly, some others also hold the view that the present moment is the best opportunity in the last 50 years to resolve Myanmar's conflicts (South, 2012, p. 7). Despite the recent and ongoing clashes on the ground, negotiations are currently occurring between the Kachin Independence Organization (KIO) and the government.

The KIO is represented in the current peace talks by a rotating delegation with a technical advisory team providing additional support (Myanmar Peace Monitor, n.d.). A group of concerned Kachin businessmen have also formed a support group to assist with the talks between the KIO and the government by providing financial and logistical support services (Ibid). The government side is represented by Aung Min, a former railways minister, who is now leading the negotiations from within the president's office (Economist, 2013). He is reportedly an astute negotiator who has earned much respect due to his openness,

honesty and willingness to change (Ibid). His negotiation efforts are supported by the European Union and other donors via the Myanmar Peace Center where his secretariat is housed (Ibid).

There are no international third-party mediators leading the talks. However, there have been some outside observers allowed into the talks including representatives from the Center for Humanitarian Dialogue and Harn Yawngwe from the Euro Burma office (Myanmar Peace Monitor, n.d.)

Analysis of the Current Government-KIO Negotiations

I – The Parties

The main parties to this conflict are predominantly the KIO plus the government of Myanmar. However, as discussed below, there are other parties as well that must be considered in this analysis. Adding further complexity, some of the parties are motivated by political agendas and others by economic concerns, thus there is a mix of “greed and grievance” motivations driving the parties (South, 2012, p. 19).

- **More than just the KIA to consider**

The KIA has allies such as the Ta’ang National Liberation Army, the Arakan Army and the All Burma Students Democratic Front (ABSDF)-North, but what will happen to these groups if the KIO reaches a ceasefire (Keenan, 2013)?

Any future negotiations, therefore, are going to have to look at the always tricky question of participation. That is, there is always a challenge in balancing the number of people at the negotiating table so that it does not become overloaded, therefore stifling meaningful dialogue versus ensuring that all the parties to the conflict are adequately represented in the talks. Moreover, the issue of a post-conflict role for these armies will need to be resolved for a lasting peace to occur.

- **What role for the international community and other third parties?**

According to one international observer of some of the peace talks in Myanmar, there is an insistence by the government that they will handle the peace talks on their own using “the Burmese way” (Centre for Peace and Conflict Studies, 2013, p. 3). However, it is difficult to imagine how much progress can really be made without allowing the international community to play a larger role since there is ample and growing evidence that outside support will help ensure that a lasting peace is achieved (Hampson, 1996; Fortna, 2004; Toft, 2010). On the other hand, even if it might be required, there is a chance the international

community would not take up a larger role unless doing so somehow advances their own interests as well, and the Kachin state likely holds a limited geo-political importance in the calculations of most Western states.

That is not to say that the international community has been absent. For example, “the Peace Donor Support Group (PDSG) and Myanmar Peace Support Initiative (MPSI) have been set up to provide both political and practical support to the peace efforts of President U Thein Sein, the Myanmar Government and non-state armed groups (NSAGs),” according to the Royal Norwegian Embassy in Bangkok (2012).

- **Coordination between outside actors is occurring**

Despite the fact that outside actors have played a limited role and that there might be a need for them to play an even greater role in the future, there is some evidence that they are aware of the need to coordinate their efforts. If more outside parties are allowed to enter into the peace talks, then there will of course be an even greater need for coordination of efforts and perhaps it would be wise to consider ways to do this at this stage.

- **Regional actors such as China and Thailand can exert influence**

Any good analysis of the parties in a conflict needs to examine any outside or secondary parties plus the regional actors. China is one such regional actor that can exert influence in Myanmar. As Yawngwe and Than (2013, p. 15) state, “China is historically, and currently, Myanmar’s most powerful neighbour and an economic partner interested in fuel extraction (gas and oil), hydropower opportunities, logging (teak and rubber), and mining of precious metals and other mineral resources. The fact that a large number of these resources are found in ethnic states makes China an interested party, willing or not, in Myanmar’s internal conflict.” Moreover, they go on to state that, “China is also interested in Myanmar from a security point of view, since the two countries share a 2,000 km border -- illegal border activity, fighting and refugee migrants are all disruptive occurrences for China” (Ibid).

Because of this proximity and interest in the conflict, China has taken steps in the past to press the parties towards resolution. China, therefore, can be viewed as a potentially powerful regional force that can support a lasting resolution of the conflict in the Kachin state and future negotiations should consider how to maximize and leverage this force towards making a positive impact.

Additionally, South (2012, p. 19) also notes that some opposition groups operate around the border areas and in neighbouring countries. So, this is another good reason to

employ a more regional approach to the peace process. Thailand and the Association of Southeast Asian Nations (ASEAN) are two other parties, in particular, that could play prominent roles in future peace talks. In fact, Myanmar has taken on a growing role in ASEAN including hosting the annual summit (Gearan, 2014) and it is, therefore, well-positioned to support the peace process.

II - The issues

▪ Nature of the issues

According to Yawnghwe and Than (2013) there are three key issues driving all of the internal conflicts in Myanmar:

1. the political legitimacy of the government,
2. territorial divisions, and
3. national identity.

Fortunately, all of the parties are clear about the issues and their positions regarding each one. The fact that the issues are generally agreed-upon by everyone is a good sign; however, because some of the issues are about less tangible matters such as identities they will likely be more difficult to negotiate.

However, there is also the challenge of scaling-up from the various separate regional ceasefire agreements and translating them into a comprehensive, national peace agreement. Unfortunately, this is a unique yet necessary approach given the multiple conflicts occurring in the country. Consequently, the negotiators will likely face many difficulties formulating a full peace agreement that adequately addresses the numerous (and seemingly mutually exclusive) interests. A new, national peace agreement may be reached that excludes some states or organizations that are unwilling to compromise as easily as some of the others parties - including possibly the KIO. Contingency planning for this possibility could be done now by considering several different ways to formulate an agreement that will meet everyone's interests. These draft agreements will help all the parties to articulate their interests on the various different issues and then could be used later on to help guide the peace talks.

On the other hand, assuming that most of parties, including the KIO, are brought into the political arena via the new peace agreement, then what might be achieved is a Nepal-like situation where the peace process stalls due to ongoing distrust between the political

parties. To avoid this scenario, it is necessary to build good, trusting relationships right now during the ceasefire negotiations.

III - The behaviours

- **Say one thing and do another**

Broadly speaking, the behaviours displayed by the parties seem to contradict their stated desire of trying to achieve peace. There is also a concern regarding whether the army is prepared to follow the agenda laid down by the government negotiators and there is evidence of the army not following ceasefire orders (South, 2012, p. 17) with the obvious implication being that the behaviour of the army will need to be brought in-line with any new peace agreements and that they will remain under civilian control. At best, what has been achieved so far is an occasional negative peace (ie, the absence of direct violence) with frequent flare-ups of violence.

IV - The attitudes

- **There is a hope for future peace**

Unlike many conflicts where large segments of the population are seemingly keen to carry on waging their struggle, there is a stated hope for a future peace in Kachin state and this is a positive factor that future peace processes can build upon. So, there seems to be a spirit of wanting peace and this should be built upon.

- **The value of peace is recognized by some**

In terms of the attitudes, even though the “spirit” of peace is being undermined by the behaviours, as previously described, some people still recognize the value that even a negative peace can bring and it will be important for the peace process to further reinforce these positive attitudes towards peace and help to spread them more widely.

- **Trust is an essential but missing ingredient**

Understandably, after decades of conflict, it is reasonable to expect that the parties will harbour a great deal of mistrust. The questions are what is being done to build trust between the parties and is it enough?

Trust is often a vital ingredient in any peace process and some mechanisms like confidence-building measures (Fortna, 2004) can help the parties to build trust. Unfortunately, any indication of trust-building activities occurring is not evident. One

recommendation stemming from this analysis is that starting a new joint de-mining operation to build trust and reduce poverty should be given serious consideration.

- **There is a need for reconciliation**

With any long running violent conflict there is a need to reconcile past differences. This is essential for moving forward and for building a new, more trusting relationship. There is little evidence of reconciliation occurring. So, future peace talks should consider the question of reconciliation and design a customized process that would fit the needs of the local context.

- **There is a need for a conflict analysis and learning exchange**

There is little evidence of new and creative thinking being exhibited by the parties. While the conflict is inherently unique to the local realities in the Kachin state, it is not entirely unlike other conflicts. Thus, an informal relationship building and visioning exercise could be conducted that would involve learning lessons from other similar conflicts in the world and how they were resolved. Then, this occasion could be used to analyse the KIO-government conflict and brainstorm in a safe environment some possible future scenarios.

Conclusion

The peace process in Myanmar is extremely complex due to the number of different conflicts that are occurring, each with a different mix of actors involved. The response of the government has been to address each of these conflicts separately in a stand-alone manner in the sense that it has pursued separate ceasefire agreements with different non-state actors operating in different regions of the country while concurrently discussing the need for an overarching national ceasefire and eventually completing a comprehensive peace plan.

So far, the ceasefire agreements have created a patchwork of some peaceful states and others where the political issues, geographic location and/or abundance of resources makes the creation of even a negative peace much more difficult to achieve.

Kachin state is a good example of this. Rich in natural resources and straddling the border with China, it is one of the more restless states in Myanmar. This article examined some of the more recent negotiations. While it found that there is a recognized desire for peace on both sides, this analysis also discovered that the conflict issues do not easily lend themselves to resolution. On the flipside, there are also a number of factors at play that are conducive towards peace. So, a lasting resolution to this conflict that satisfies all the parties' interests is still possible and a number of tips for future negotiations were also presented here.

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