

Analysis on the NLD Government's Approach to Peace Process in Myanmar

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Abstract

The research paper aims to analyze the National League for Democracy (NLD) government's approach to peace process in Myanmar. The successive Myanmar governments have pursued peace initiatives in different approaches since independence. After assuming the power in April 2016, the NLD government clearly indicated that its foremost priority was the national reconciliation and the peace process. The NLD government has attempted to constructive dialogue to consider ways to finally end more than seventy years of armed conflicts. The previous Union Solidarity and Development Party (USDP) government had had considerably early success, agreeing bilateral ceasefires with fifteen armed groups, signing the Nationwide Ceasefire Agreement (NCA) with eight ethnic armed groups and holding the Union Peace Conference. Under the NLD government, the approach towards national reconciliation and peace process has changed. The Union Peace Conference-21st Century Panglong is part of the NLD government's new approach to pursuing peace. The NLD government has also held the three sessions of the Union Peace Conference-21st Century Panglong. However, the NLD government has faced with many difficulties and challenges to hold the scheduled peace conferences. Thus, this research tries to examine the NLD government's approach to peace process by explaining with the principled negotiation theory of Fisher and Ury (2011). Then, it also attempts to explain the NLD government's difficulties and challenges to hold the scheduled peace conferences. This research argues that Tatmadaw's focus on position not interest and lack of peace mechanism beyond NCA are the main challenges for the peace process. The qualitative research method and descriptive method were used in the research.

Key Words: Peace, Myanmar, 21st Century Panglong Conference, NCA, EAOs

Introduction

Myanmar is a multi-ethnic country with a long history of armed conflicts between the military and different ethnic armed organizations (EAOs). The successive Myanmar governments have pursued peace initiatives in different approaches since the fighting flared up in the beginning of the country's independence since 1948. Both the Union Solidarity and Development Party (USDP) government and the National League for Democracy (NLD) government have attempted to constructive dialogue to consider ways to finally end more than seventy years of armed conflicts. The USDP government had had considerably early success, agreeing bilateral ceasefires with fifteen armed groups between 2011 and 2013, eight armed groups signed the Nationwide Ceasefire Agreement (NCA) in 2015 and the first Union Peace Conference was successfully held in 2016. Under the NLD government, the approach towards national reconciliation and peace process has changed. The NLD government has made several changes to the government's structures related to the peace process. The Union Peace Conference-21st Century Panglong is part of the NLD government's new approach to pursuing peace. The NLD government has held the three sessions of the Union Peace Conference-21st Century Panglong, respectively in 2016, 2017 and 2018. Two new ethnic armed groups signed the NCA under the NLD government in 2018. They pledged to hold the peace conferences according to political dialogue framework, once in 2018 and twice in 2019. However, Myanmar government has faced many difficulties and challenges to hold the scheduled peace conferences. In doing so, there are some questions to examine the peace process. How has the NLD government approached to the national reconciliation and peace process? Why has the NLD government delayed to hold the scheduled peace conferences? To answer these questions, the research paper firstly discusses the principled negotiation theory of Fisher and Ury (2011). It also

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explains the peace legacy from the previous USDP government. Then, it discusses the approach of the NLD government to the peace process and finally analyzes the structures, negotiation bodies and working mechanisms of the NLD government with the principled negotiation theory.

Conceptual Framework and Literature Review

Roger Fisher and William Ury of Harvard (2011)¹, in their work –“*Getting to yes: Negotiating Agreement without Giving in*” have described a good negotiation as one which: “Is more than just getting to yes. A good agreement is one which is wise and efficient, and which improves relationships. Wise agreements satisfy both parties’ interests and are fair and lasting. With most long-term clients, business partners and team members the quality of the ongoing relationship is more important than the outcome of the particular negotiation. In order to preserve and hopefully improve relationships how get to “Yes” matters. Principled negotiation is a concept that is based on the book- *Getting to Yes* -by Roger Fisher and William Ury(2011). This approach to negotiation focuses on the interests of the parties and emphasizes conflict management and conflict resolution. The principled negotiation method rests on four tenets that aim to “change the game”. The four tenets of the principled approach are as follows:

(1) Separate the People from the Problem: The relationship can become entangled with the problems. However, maintaining a working relationship is critical to solving the problems. Relationship is the means to the ends of solving the issues of substance. Thus it is important to create and keep a relationship going no matter how difficult the issues are.

(2) Focus on Interests not Positions: People tend to come to negotiate with their own working theory of the situation. However, specific goals or positions may only serve immediate needs but do not serve the more fundamental interests that underlie peoples’ goals. Interests are multiple and not singular. Thus, there are possibilities for finding commonalities as a way to begin bargaining.

(3) Invent Options for Mutual Gain: To avoid the problems of limited options that lead to positional bargaining, the principled method suggests that the invention of options should be separated from the act of judging the merits and choosing options. Further, the options should be creatively expanded so that many options are on the table and that single option solutions appear to be limiting and less realistic. Once the options are identified, defined and clarified, they can be reviewed for commonalties where mutual gain can be had. The idea is to create an open atmosphere where the parties are not afraid to break frameworks and old habits in the search for novel, creative and better solutions to issues.

(4) Insist on Using Objective Criteria: When interests are directly opposed, the parties should use objective criteria to resolve their differences. Parties must first develop objective criteria that both parties agree to. Criteria should be both legitimate and practical, such as scientific findings, professional standards, or legal precedent. To test for objectivity, ask if both sides would agree to be bound by those standards.²

Research Questions

How has the NLD government approached to the national reconciliation and peace process?
Why has the NLD government delayed to hold the scheduled peace conferences?

Research Materials and Methods

Qualitative research methodology was used in this research. Primary data was collected with primary documents, press release, information and statements from Ministry of Information, National Reconciliation and Peace Center and the Union Peace Conference. The secondary data was collected from internet and Mandalay University library and International Relations

¹ Roger Fisher and William Ury. *Getting to Yes: Negotiating Agreement without Giving in* (New York: Penguin Group, 2011), 1-3.

² Ibid.

department library. The researcher has been one of the representatives of the government from political sector at the Union Peace Conference- 21st Century Panglong (second and third sessions). Thus, her experience and knowledge can contribute to the research. This research only focuses on the government's approaches and perspectives to the peace process.

Findings and Discussion

(a) Peace Legacy from the Previous USDP Government

Since the USDP government came to power on 30 March 2011, Myanmar's peace process has become a pivotal element of political reform in the country's new political era. In his inaugural speech, U Thein Sein stated that his top priority was to build national unity by addressing the decades of armed conflicts with the ethnic nationalities.¹ On 18 August 2011, the government made its first reconciliatory announcement on the peace process to invite ethnic armed groups to hold peace talks with an Announcement No.1/2011.² Initially, the plan was for ethnic armed groups to sign bilateral ceasefires with the state and region governments.

To invigorate its peace call, the government assigned two peace teams - the National Race Affairs and Internal Peacemaking Committee³ in August 2011 and the National Races Affairs and Domestic Peace Committee⁴ in September 2011 to reach out to ethnic armed groups. While the peace process gained momentum, the government attempted to better institutionalize the process by forming two critical committees. On 3 May 2012, by the Order No (12/2012) of the President Office, the government consolidated its peacemaking efforts by establishing the Union Peacemaking Central Committee (UPCC) headed by then President U Thein Sein and Union Peacemaking Working Committee (UPWC) headed by Vice-President Dr Sai Mauk Hkam.⁵ Minister U Aung Min was appointed as the chief negotiator. At the implementation level, the UPWC's U Aung Min became the government's chief negotiator supported by the newly established Myanmar Peace Center (MPC) in October 2012. The MPC was a semi-governmental organization decreed by the president, but as a NGO funded by the European Union. It was established to assist the UPCC and UPWC for the peace process.⁶ Thus, it was also formed to help spearhead the peace process.

Soon after the UPCC and UPWC were formed, the government announced a three-phase peace plan towards the peace process: state level, union level and parliamentary level talks. It was the first time the government outlined its policy on the peace process. Over the course of two years, the government's three-phase peace plan has been the prevailing scheme, with 15 out of 18 major ethnic armed groups⁷ signing a ceasefire and 11 of those groups making headway in political dialogue at the Union level agreement. The agreement with Kachin Independence Organization (KIO) was not a formal ceasefire, but contained a commitment to efforts to achieve de-escalation and cessation of hostilities. These ceasefire agreements are perceived as the main step towards the end of violent conflict in the ethnic states. The government was working to finalize all the ceasefires by the end of 2013, to hold political dialogue the following year and endorse agreements with all of the ethnic armed groups by 2015.

With some sort of agreement in place with all main groups, the focus shifted to multilateral discussions. While the government was struggling to institutionalize the peace process, ethnic armed groups were also trying to coordinate among themselves to collectively

¹ *The New Light of Myanmar*. Vol. XVIII, no.344 (31 March 2011):3.

² *The New Light of Myanmar*. Vol.XIX, no.120 (19 August 2011):1.

³ *The New Light of Myanmar*. Vol.XIX, no.126:1(24 August 2011):1.

⁴ *The New Light of Myanmar*. Vol.XIX, no.147 (15 September 2011):1.

⁵ *President Office Order: Decree 12/2012*(3 May 2012):1.[http:// www.mmpeacemonitor.org](http://www.mmpeacemonitor.org) > government-peace-plan (accessed August 28, 2019).

⁶ Min Zaw Oo, *Understanding Myanmar's Peace Process: Ceasefire Agreements*, 18.

⁷ *Deciphering Myanmar's Peace Process: A Reference Guide 2014* (Chiang Mai: Burma News International, 2014), 4.

negotiate with the government. In October 2013, the government agreed to ethnic calls for an all-ethnic meeting so that the ethnic groups could articulate their collective demands. In November 2013, the ethnic organizations formed their own negotiating team known as the Nationwide Ceasefire Coordination Team (NCCT)¹ to collectively negotiate with the government towards a Nationwide Ceasefire Agreement (NCA).² After seven rounds of negotiations, on 31 March 2015, the draft nationwide ceasefire agreement was signed by the UPWC and NCCT.³ At the signing of the final draft, both sides agreed to a seven step roadmap roadmap for peace and national reconciliation. The stages of this roadmap are: NCA signing, drafting political dialogue and negotiating security reintegration matters, holding political dialogue and implementation of security reintegration, Union Convention, Union Accord signing, Union parliament approval, and finally implementation.⁴ All these developments firmly established the peace process and charted the road map for peace: preliminary ceasefires and a nationwide ceasefire followed by a framework for political dialogue and political negotiations.

Over a series of subsequent ethnic conferences and new negotiating rounds (round 8 on July 22-24 and round 9 on August 6-7), most of the remaining 12 points of disagreement were negotiated on deferred for further discussion in later stages of the ceasefire and political dialogue and, as such, written into the text of the agreement. Indeed, the UPWC has invited only 15 EAOs to sign the initial NCA. The issue of inclusivity continued to be the main obstacle to the final signing of the NCA by all EAOs.⁵ The government maintained that bilateral ceasefires first needed to be signed with the Arakan Army (AA), Myanmar National Democratic Alliance Army (MNDAA) and Ta'ang National Liberation Army (TNLA). It further refused to allow three smaller groups (Wa National Organization (WNO), Lahu Army (LA), and Arakan National Council (ANC)), to sign.⁶ On 15 October 2015, in a ceremony in Nay Pyi Taw, the NCA was signed between the leaders of eight ethnic armed groups and the government. The groups which signed are as follows: Restoration Council of Shan State/ Shan State Army-South (RCSS/SSA-S), Karen National Union (KNU), Chin National Front (CNF), Arakan Liberation Party (ALP), Pao National Liberation Organization (PNLO), Karen National Liberation Army- Peace Council (KNU/KNLA-PC), Democratic Kayah Benevolent Army (DKBA), and All Burma Students Democratic Front (ABSDF). The remaining groups continued to postpone their final decision on signing the NCA.⁷ The primary objective of signing the NCA was to end armed conflicts across the country and to prepare for political dialogue with the ultimate goal of achieving peace and national reconciliation under a federal system of governance. It is furthermore important to note that more than just a ceasefire agreement, the NCA is the first step on the important road of the peace process.

Following the signing the NCA to end armed conflict and resolve political issues through peaceful means, the USDP government took formal steps to implement the basic principles, terms and conditions as provided in the NCA. A first session of the Joint Implementation Coordination Meeting (JICM), the body mandated to oversee NCA implementation, was held on 15-17 October 2015. In order to implement the peace process, the JICM established the Joint Monitoring Committee (JMC) for military and ceasefire matters and

¹ The NCCT represents 16 ethnic armed groups including: AA, ALP, ANC, CNF, DKBA, KIO, KNPP, KNU, KNU/KNLA-PC, LDU, MNDAA, NMSP, PNLO, SSPP/SSA-N, TNLA, and WNO.

² Min Zaw Oo, *Understanding Myanmar's Peace Process: Ceasefire Agreements*, 21.

³ *The Global New Light of Myanmar*. Vol. I, no.183 (1 April 2015):1.

⁴ *The Global New Light of Myanmar*. Vol. I, no.183 (1 April 2015):1.

⁵ "Myanmar's Nationwide Ceasefire Agreement" (October 2015):3. <https://isdp.eu/publication/myanmars-nationwide-ceasefire-agreement/> (accessed August 15,2017)

⁶ *Ibid*, 6.

⁷ *The Global New Light of Myanmar*. Vol. II, no.178 (16 October 2015):1-3.

Union Peace Dialogue Joint Committee (UPDJC) for political dialogue.¹ On 8 December 2015, according to Article 26 of NCA, the Pyidaungsu Hluttaw ratified the NCA, giving it legal status.² The UPDJC was formed to conduct the political dialogue between the government and EAOs.³ On 15 December 2015, a Framework for Political Dialogue was agreed, including the mandate, agenda, working methods and proportions of representatives to be included in the dialogue.⁴ The peace process and political framework was moving full speed ahead after signing the NCA.

According to the NCA, Chapter 5 Article 21.c, the first Union Peace Conference was held from 12 to 16 January 2016.⁵ Representatives from seven stakeholder groups of the government, Tatmadaw, Parliament, EAOs, political parties, ethnic minorities and other invitees that included intellectuals and intelligentsia discussed the five main topics under five separate agenda themes- political, economic and social issues, security and land and natural resources.⁶ The first Union Peace Conference approved the four point proposal; political dialogue to conclude within three to five years, a second Union Peace Conference to convene as soon as possible, the process to enable 30 percent women's participation and NCA signatories to be put on record and honored.⁷ The first Union Peace Conference was successfully held in 2016. The U Thein Sein administration had had considerably early success, agreeing bilateral ceasefire with fifteen armed groups, signing the NCA with eight ethnic armed groups and holding the first Union Peace Conference. Thus, the NCA has paved the clear directions forward towards peace for the NLD government.

(b) The NLD Government's Approach to Peace Process

After assuming the power in April 2016, Daw Aung San Suu Kyi, who headed the NLD, clearly indicated that the NLD government's foremost priority was the peace process and the conclusion of a Twenty-First Century Panglong Agreement. In her first major speech after the transfer of power, a Myanmar New Year's message to the nation on 18 April 2016, Daw Aung San Suu Kyi stated that the government would aim to bring remaining organizations into the NCA, and through peace conferences, they would continue to be able to build up a genuine, federal democratic union. The internal peace process and the establishment of a genuine, federal democratic union are closely intertwined. Thus, they need constitutional amendment.⁸ During the USDP government's tenure, the NLD was invited to participate in the peace process. Though it sent representatives, their engagement was limited. Nonetheless, the NLD government has clearly identified the resolution of the conflict with the ethnic armed groups as its foremost policy priority.

(i) New Peace Structure and Mechanism under the NLD Government

The NLD government has made several changes to the government's structures related to the peace process. Daw Aung San Suu Kyi gave the first concrete indication of her plans at a 27 April JMC meeting, calling for a national peace conference within the next two months in her effort to bring eternal peace to the country. She also stressed the need to hold the national peace conference like the historic Panglong Conference concurrently with the nationwide ceasefire. She would make efforts to bring non-signatory groups into the nationwide ceasefire deal as a priority. She also appointed Dr Tin Myo Win as the peace negotiator for the nationwide ceasefire agreement.⁹ The main objective to the meeting was for the peace process

¹ *The Global New Light of Myanmar*. Vol. II, no.179 (17 October 2015):2.

² *The Global New Light of Myanmar*. Vol. II, no.232 (9 December 2015):2.

³ *The Global New Light of Myanmar*. Vol. II, no.238 (15 December 2015):3.

⁴ *The Global New Light of Myanmar*. Vol. II, no.239 (16 December 2015):2.

⁵ *The Global New Light of Myanmar*. Vol. II, no.267 (13 January 2016):1.

⁶ *The Global New Light of Myanmar*. Vol. II, no.268 (14 January 2016):1.

⁷ *The Global New Light of Myanmar*. Vol. II, no.271 (17 January 2016):1.

⁸ *The Global New Light of Myanmar*. Vol. III, no.2 (18 April 2016):1.

⁹ *The Global New Light of Myanmar*. Vol. III, no.12 (28 April 2016):1-3.

to go on smoothly, to reform the MPC, to reorganize the UPDJC structure and also to prepare for the Union Peace Conference. In regard with CSOs, they have decided to hold a CSO forum as a parallel to the political dialogue.¹In referencing the historical Panglong Conference, Daw Aung San Suu Kyi meant to convey the impression to return to the spirit of unification and mutual goodwill and trust: evoking the Panglong Spirit.

The government also announced the new peace architecture on 31 May 2016, with three sets of structure: JMC and UPDJC, the NRPC and a Panglong 21 Preparatory Committee and subcommittees. The UPDJC was formed with 16 representatives from the government, 16 from EAOs and 10 from political parties.²According to President's Office Order 50/2016, on 11 July 2016, in order to set necessary policies and guidelines for ensuring the successful implementation of national reconciliation and peace process the NRPC was formed. The new centre is headed by Daw Aung San Suu Kyi.³Formally the NRPC has replaced the Union Peace Central Committee (UPCC) but like the MPC is responsible for peace negotiations and provides a venue for meetings and office for the UPDJC-U and JMC-U. It is a government institution under the State Counsellor Office, staffed by civil servants and governed by civil service laws and financial rules. In order to prepare for the successful holding of the 21st Century Panglong Conference and involvement of all stakeholders, a Panglong-21 Preparatory Committee was formed with the President's Office Notification 26/2016, also chaired by chief negotiator Dr Tin Myo Win. To hold talks respectively with NCA- signatories and non-signatories, subcommittee 1 led by Lt-Gen Yar Pyae, and subcommittee 2 led by Dr Tin Myo Win, were also formed.⁴Thus, Daw Aung San Suu Kyi personally assumed a leading role in the the peace process upon assumption of government, fundamental changes of the peace architecture have been implemented.

(ii)Peace Conference Preparations

Regarding the intention to make 21st Panglong Conference inclusive of all armed groups, the government has attempted to secure their participation. On 3 June 2016, as the first step, Dr Tin Myo Win met the United Nationalities Federal Council (UNFC), the main umbrella organization of Non Signatory Armed Groups (NSAGs). During the first meeting with the UNFC Delegation for Political Negotiation (DPN) in Chiangmai, Thailand, the government's peace negotiator Dr Tin Myo Win has officially invited leaders from the NSAGs to join the political dialogue framework meeting. He then met separately on 17-19 June with the UWSP and NDAA, non-signatories NCA that are not UNFC members. Subcommittee 2 also met separately with RCSS/ SSA.⁵The Chiangmai meeting was held to enable the indigenous armed groups that have not signed the nationwide ceasefire agreement- NCA to participate in the 21st Century Panglong Conference.

State Counsellor Daw Aung San Suu Kyi held a meeting with leaders of eight NCA-signatories to prepare for the 21st CenturyPanglong Peace Conference. The 28 June meeting was aimed to include others who have not signed the previous government's NCA or have been left out of the previous talks and signing. Daw Aung San Suu Kyi acknowledged the anxiety that ethnic leaders may face in the face of change, encouraging them to overcome it by trust. She explained that the new Panglong agreement is to establish peace, to establish a federal union and to create new opportunities for the future generations. They have decided to

¹*The Global New Light of Myanmar*. Vol. III, no.42 (28 May 2016):1-3.

²*The Global New Light of Myanmar*. Vol. III, no.43 (29 May 2016):3.

³*The Global New Light of Myanmar*. Vol. III, no.87 (12 July 2016):2.

⁴*Deciphering Myanmar's Peace Process: A Reference Guide 2016* (Chiang Mai: Burma News International, 2017), 57.

⁵*The Global New Light of Myanmar*. Vol. III, no.49 (4 June 2016):1-4.

hold the 21st Century Panglong Conference not later than 31 August 2016.¹ It would be a very ambitious timeframe both logistically and for obtaining buy-in of non-signatory armed groups.

In the lead-up to Panglong 21, representatives of seventeen armed groups held a major strategy meeting in the KIO-controlled town of Mai Ja Yang, from 26 to 30 July, 2016, to coordinate positions on key issues; the UN and China attended as international observers. Sub-committee I comprising signatories to NCA reviewed the political framework and prepared to submit a draft to the conference. They have discussed to find common ground in the establishment of a federal system in the country.² Then, the Union Peace Commission held talks with NDAA (Mongla) on 31 July in Yangon. Representatives of the NDAA (Mongla) backed the government's all inclusive peace policy and pledged again not to secede from the Union, upholding it as a political principle. The government tried to avoid major delays and intended to make Peace Conference inclusive of all armed groups. Thus, Peace Negotiator has in turn met with NSAGs and State Counsellor herself met with a delegation from the UNFC to signal the government's renewed engagement of the major players in the peace process.

The government has reviewed the political dialogue framework with EAOs and political parties for the participation of NSAGs in the 21st Panglong Peace Conference. From 11 to 12 August 2016, the meeting to review the framework was held in NRPC, Yangon with the participation of representatives from the government, the Tatmadaw, the parliament and 16 EAOs. The Preparation Committee and subcommittees have tried to make proceedings inclusive at the Union Peace Conference, urging all participants to work together to achieve peace in the country through dialogue. They would implement the political dialogue framework review under the guidelines of the NCA. NCA is the only way to accomplish peace. Khu Oo Reh, head of DPN explained that the DPN would follow the announcement of the UNFC. He stressed the need to take the views of the political parties into account when reviewing the political dialogue framework. The signatories and nonsignatories to the NCA have agreed to negotiate with the government.³ At the UPDJC meeting held on 15 August, the State Counsellor stressed the need for finding common ground on the political landscape to build genuine Union and highlighted the importance of the consent of all ethnic minorities while building the future.⁴ The UPDJC also agreed on holding a national level political dialogue covering regional and ethnic matters shortly after the planned Union Peace Conference.⁵ The political dialogue framework has not been discussed yet and the UPDJC meeting focused on inclusion of all EAOs in the Union Peace Conference. In fact, they expected that NSAGs would take part in the conference and sign the NCA after the conference that would help participants to prepare for next conferences. The culmination of all these meetings was the staging of the 21st Century Panglong Conference in Nay Pyi Taw in August 2016.

(iii) Union Peace Conference- 21st Century Panglong (First Session)

The Union Peace Conference- 21st Century Panglong was held in Nay Pyi Taw from 31 August to 3 September 2016. State Counsellor Daw Aung San Suu Kyi's opening address was followed by plenary speeches from the lower and upper house speakers, the Commander-in – Chief, the KNU chairman, NLD patron U Tin Oo, the KIO vice chairman and UN Secretary-General Mr Ban Kimoon. Representatives of nearly all armed groups attended, except the AA, TNLA, MNDA and NSCN-Khaplang.⁶ While the three groups that were sidelined by the military were not on the invitee list and the UWSA walked out after the first day citing

¹ *The Global New Light of Myanmar*. Vol. III, no.79 (29 June 2016):1-4.

² *The Global New Light of Myanmar*. Vol. III, no.104 (29 July 2016):2.

³ *The Global New Light of Myanmar*. Vol. III, no.119 (13 August 2016):2.

⁴ *The Global New Light of Myanmar*. Vol. III, no.122 (16 August 2016):1.

⁵ *The Global New Light of Myanmar*. Vol. III, no.123(17 August 2016):1.

⁶ *The Global New Light of Myanmar*. Vol. III, no.138(1 September 2016):1

unacceptable protocol and it felt discriminated. To raise the profile and legitimacy of the event, the government also invited UN General Secretary. At the peace conference, 72 papers were presented by representatives from the government, the Tatmadaw, political parties and ethnic armed groups. The 72 ten-minute presentations were carried live on national television.¹ It was the first time in Myanmar that they were able to express their desires and pent up aspirations to a national audience without fear of being arrested and put in prison.

During the peace conference, representatives of the Tatmadaw and the USDP reaffirmed the need to adhere to the *2008 Myanmar Constitution* and basic principles of the NCA.² At the opening ceremony, State Counsellor Daw Aung San Suu Kyi stressed that the NCA is the first step not only towards peace, but towards the establishment of the long-held hope for a democratic federal Union. Some organizations have already signed the NCA, but there are also those that, for various reasons, have not yet signed. As future political dialogue needs to be based on the NCA, the new government has been making every effort to bring about the participation of the NSAGs.³ Commander-in Chief also reaffirmed that the Tatmadaw uphold Myanmar Tatmadaw's six point peace policy. The six principles of the Tatmadaw are: to have a keen desire to reach eternal peace; to keep promises agreed to in peace deals; to avoid capitalizing on the peace agreement; to avoid placing a heavy burden on local people; to strictly abide by the existing laws; to march towards a democratic country in accordance to the *2008 Constitution*.⁴ EAOs leaders and ethnic political parties called for greater separation of power between the states and central government: for example by allowing states to control their territory with their own constitutions, provided those do not contradict the Union Constitution.⁵ The common points of the most presentations were peace and building the country based on the principles of democracy and a federal union. The UNFC presented a 10-point agenda to bring the armed forces under civilian administration, and to appoint ethnic minorities to lead the revised union military, reorganize the country into 14 states, with the seven current states preserved, and the seven regions turned into states of nationalities.⁶ UWSA nationalities.⁶ UWSA and Tai-Leng (Shanni) Nationalities Development Party (TNDP)⁷ requested their own autonomous states and to bring the Myanmar army under civilian control.⁷ NDAA urged the government to ensure the future inclusion of Northern Alliance (AA, TNLA and MNDA). All papers presented at the conference combined and published in a book by the Ministry of Information.

Regarding with the union peace conference, several groups felt the conference had been hastily convened, and there was considerable unhappiness at flawed arrangements. The participating organizations submitted 72 proposals regarding the establishment of a federal union, but the conference was billed as a symbolic launch, without discussions or decisions. Thus, the conference format did not allow any agreement. Armed group delegations were dissatisfied to the logistics.⁸ Some of these issues arose from the tight timeframe for convening the conference, but others appear to have been the deliberate result of the government's

¹ *The Global New Light of Myanmar*. Vol. III, no.141(4 September 2016):1

² *Union Peace Conference -21st Century Panglong(First Meeting) Record* (Nay Pyi Taw : Ministry of Information, 2017), 260.

³ *The Global New Light of Myanmar*. Vol. III, no.138 (1 September 2016):3.

⁴ *Union Peace Conference -21st Century Panglong(First Meeting) Record*,22.

⁵ *Union Peace Conference -21st Century Panglong(First Meeting) Record*,96.

⁶ *Ibid.*,281

⁷ *Union Peace Conference -21st Century Panglong(First Meeting) Record*,201-03.

⁸ Myanmar's Peace Process: Getting to a Political Dialogue (October 2016):7.

<https://www.crisisgroup.org/asia/south-east-asia/myanmar/myanmar-s-peace-process-> (accessed November 21,2017)

approach to organizing the Union Peace Conference- 21st Century Panglong. In a short time span, the NLD government, under the leadership of State Counsellor Daw Aung San Suu Kyi, has altered the mechanisms of the peace process.

(iv) Union Peace Conference -21st Century Panglong (Second Session)

The government has indicated that it plans to hold such 21st Panglong Conferences every six months. This would impose a rigid set of deadlines on a process that must achieve the buy-in of diverse stakeholders on very contentious issues. Challenges lie in the preliminary matters that must be settled before the next session, the content of future political discussions and the political and security context. Decisions on difficult issues were postponed until after the conference, there was not yet agreement on topics to be included and how a series of national dialogues to feed into the next Panglong -21 would be conducted.¹ Thus, in order to organize the national dialogues, the fifth meeting on reviewing the framework for the political dialogue was at the NRPC in Yangon from 16 to 17 September 2016. The launch of the national level political dialogue would represent all inclusiveness with opinions and voices of the people including ethnic people.² The meeting focused on what sections of the agenda should be treated ethnically, regionally and topically at the launch of the national level political dialogue. They agreed to make no change to the five sectors and ten points included in the NCA. The outcomes of the national dialogue would be discussed at the UPDJC, whose final outcomes would be brought to the Union Peace Conference for further discussion. A nine-member working team for drawing procedures for national level dialogue was formed during the fifth meeting. The team has been tasked with drawing procedures and discussion titles based on outcomes of the UPC for national level political dialogue as well as a list of participants.³ The government had taken a more open to NSAGs and was trying to include them to include them in the political dialogue and not just observe as in the previous government.

The government has taken to move forwards on the way to build a union based on federalism. At the first anniversary of NCA, the State Counsellor clearly indicated the NLD government's seven-point roadmap for national reconciliation and union peace. The NLD government's roadmap are: to review the political dialogue framework; to amend the political dialogue framework; to convene the Union Peace Conference-the 21st Century Panglong in accordance with the amended and approved political dialogue framework; to sign union agreement; to amend the constitution in accordance with the union agreement and approve the amended constitution; to hold the multi-party democracy general elections in accordance with the amended and approved constitution; and to build a democratic federal union in accordance with the results of the multi-party democracy general elections.⁴ Thus, the government has tried to review and amend the political dialogue framework with stakeholders. A huge amount of procedural work and negotiation was required before the second session of peace conference.

In order to make more efforts for inclusiveness of the peace process, there is need for negotiations to secure signing of the NCA by non-signatories and agreement on a revised political dialogue framework, followed by national dialogues in each state and region. All these steps are difficult, time-consuming or both, particularly getting more groups to sign the NCA. In spite of the optimistic changes with the NLD government and the NCA's establishment of new structures for political dialogue and conflict resolution, four main combatant groups under the banner of the Northern Alliance remained persistent in their armed struggle. Thus, the State Counsellor held talks with the Peace Process Steering Team (PPST) of

¹ Myanmar's Peace Process,9

² *The Global New Light of Myanmar*. Vol. III, no.154 (17 September 2016):3.

³ *The Global New Light of Myanmar*. Vol. III, no.155 (18 September 2016):1.

⁴ *The Global New Light of Myanmar*. Vol. III, no.183 (16 October 2016):1.

armed groups in Nay Pyi Taw on 23 January 2017. In addition to discussing the armed conflicts in northern Myanmar and its impact on the peace process, the two sides also talked about reaching concrete results in the 2nd session of the Union Peace Conference.¹ On 1 March 2017, State Counsellor met with the DPN from the UNFC at Nay Pyi Taw and discussed codes of conduct in political discussion concerning the NCA.² Then, the representatives from the government and the UNFC reached an agreement in principle over nine points proposed by the UNFC. Both sides decided to urge all EAOs to take part in peace process and to attend Union Peace Conference.³ In fact, the NLD government had taken a more open attitude to non-signatories and was trying to include them in the political dialogue.

The first- ever JICM meeting under the NLD government was held in Nay Pyi Taw on 24 April 2017. The meeting agreed to form working groups during the period and JMC agreed to settle the disputed issues including demarcation between the Tatmadaw and RCSS. At the meeting, discussion were held on the date to hold the UPC, finding out all acceptable basic principles in the second session, groups that cannot hold national level political dialogues and matters for national ethnic armed groups to take part in peace process more than ever. According to the agreement of the JICM, Union Peace Conference-21st Century Panglong (second session) would be held on 24 May.⁴ On 12 May 2017, the UPDJC has reached agreement on 21 points under six political headings, 10 points in seven titles of the economic sector, four points in social sector, six in the land and environment sector for a total of 41 points. The respective working committee members discussed the basic principles for each sector and submitted to the UPDJC for approval. The UPDJC would submit the proposed 41 facts to the Union Peace Conference. The attendants then discussed the invitation program to invite EAO who have not signed the NCA to attend the second Union Peace Conference-21st Century Panglong.⁵

The second session of the Union Peace Conference-21st Century Panglong was held from 24 May to 29 May 2017. In her opening speech, State Counsellor mentioned that she had three main goals for the conference. Ending decades of near-constant civil war and then establishing a federal union was her top priority. Her second goal was for all parties to sign a NCA. The final goal of the conference was to discuss the principles on which political dialogue would be based.⁶ The Northern Armed groups had attended at the peace conference opening ceremony as as special guests. Out of the 41 points discussed -covering political, economic, social, security, and land and environmental issues - the conference was able to reach agreement on 37 points, largely in a consensus manner. The agreed-upon points included a Union based on democracy and federalism, with the right to self-determination; no ethnic races to be given special privileges; and states and regions to write their own constitutions and laws in accordance with the *2008 Constitution*. The 37 points, which were proposed by the UPDJC, were the results of state and regional level political dialogues, which include 12 with the political sector, 11 with the economic sector, four with the social sector, and 10 with the land and environment sector. Agreements have yet to be reached on key principles of federalism such as equality and self-determination, which have been kept for further deliberation and discussion in the next round of the peace conference. The 37 points confirmed by the Union Peace Conference-21st Century Panglong (second session) were then signed as part of the Union Accord.⁷ In fact, non-secession principle and self determination principle were agreed as a package at the working

¹ *The Global New Light of Myanmar*. Vol. III, no.283 (24 January 2017):1-2.

² *The Global New Light of Myanmar*. Vol. III, no.320 (2 March 2017):1.

³ *The Global New Light of Myanmar*. Vol. III, no.322 (4 March 2017):3.

⁴ *The Global New Light of Myanmar*. Vol. IV, no.8 (25 April 2017):7.

⁵ *The Global New Light of Myanmar*. Vol. IV, no.26 (13 May 2017):3.

⁶ *The Global New Light of Myanmar*. Vol. IV, no.38 (25 May 2017):3.

⁷ *The Global New Light of Myanmar*. Vol. IV, no.43 (30 May 2017):7.

group level. However, when ethnic groups did not agree to put the words in the Union Accord, Tatmadaw also did not allow the self-determination principle as the agreed principle. Two of the most critical outstanding issues involve the question of a “federal army” and “secession,” which are the two inherent elements of a federal government envisioned by the country’s ethnic minorities.

(v) Union Peace Conference -21st Century Panglong (Third Session)

There were a number of notable developments that had occurred in the lead up to the third session of 21st Century Panglong Conference. The most significant development in the lead up to the third session was the accession of two more ethnic armed groups to the NCA in February 2018. On February 13, the New Mon State Party(NMSP) and the Lahu Democratic Union (LDU) signed the NCA with the government, becoming the first two armed groups joining the NCA in time of the NLD government. It was a long process that resulted in signing the NCA. Both the NMSP and the LDU are small armed groups, however, so while the new signatories increased the number of signatories committed to the NCA. The Peace Commission held a total of 18 meetings, 9 formal meetings and 9 informal meetings with DPN and UNFC within an 18 months period. The meetings started off with seven groups, but due to various circumstances only two groups made it to sign.¹ The NMSP requested to give sufficient time to participate the conference after signing the NCA. The UPDJC meeting was held for NMSP to hold national level political dialogue. The NMSP held the national level political dialogue. Only after this the third session of 21st Century Panglong conference was held.

The NLD government held the Union Peace Conference -21st Century Panglong (Third Session) in Naypyitaw from 11to 16 July 2018. State Counsellor Daw Aung San Suu Kyi then delivered an opening address, followed by speeches from Commander-in-Chief of Defence Services Senior General Min Aung Hlaing, KNU Chairman Saw Mutu Sae Poe, and ANP Vice President Daw Aye Nu Sein. The government invited 17 EAOs, including 10 EAOs that are signatories of NCA, alongside 7 others that haven’t signed the conference. At the third session, the UPDJC working committees had submitted four points for the political sector, one for the economic sector, seven for the social sector and two for the land sector, a total of 14 points. 10 points of the economic sector were originally submitted to the UPDJC, but a mutual agreement was reached on only one point.² During the conference, some terminological changes in the political sector and some disagreements, finally an agreement was reached on the 14points in connection with the four major sectors. At the third session of the Union Peace Conference- 21st Century Panglong, 14 points were signed as the second part of the Union Accord.³ The participation of all the seven ethnic armed groups from northern Myanmar was a good initiation for all inclusiveness. The participation of two NCA new members-NMSP and LDU- and NSAGs has made the conference significant. The second session of the Union Peace Conference-21st Panglong Conference agreed 37 points and third session agreed another 14 points. So, the Union Accord would have 51 agreed points.

(vi) Challenges of the Peace Process

The NLD government has pledged to hold the Peace Conferences, once in 2018 and twice in 2019. However, it has faced many difficulties and challenges to hold the Peace Conferences. According to Roger and Ury (2011), the quality of ongoing relationship is more important than the outcome of the particular negotiation. After assuming the power since 2016, the NLD government has attempted to deal with EAOs through the informal, formal and numerous types of discussions. Thus, it was able to hold the three conferences. Although the NLD government has not held the union peace conference after third session, the Peace Commission has attempted to keep the informal relationship with the EAOs. In any peace process,

¹ *The Global New Light of Myanmar*. Vol. IV, no.303 (14 February 2018):7.

² *The Global New Light of Myanmar*. Vol. V, no.87 (13 July 2018):13.

³ *The Global New Light of Myanmar*. Vol. V, no.91 (16 July 2018):2.

communication is the key to mitigate the conflicts. Thus it is important to create and keep a relationship going no matter how difficult the issues are.¹ Then, in analyzing with the NLD government's negotiation bodies and mechanisms, firstly, the national political dialogue holds at the regions and states, then, their outcomes become the proposals for the Union Peace Conference. But these proposals have to submit to the UPDJC for approval. The UPDJC is the decision making body and discusses to get the common ground. When interests are directly opposed, the parties should use objective criteria to resolve their differences. Parties must first develop objective criteria that both parties agree to.² The proposals to the Union Peace Conference are already approved by the UPDJC with common ground. In regard with the concept of separate the people from the problem, the NLD government has tried to understand the stakeholders' viewpoints by holding the first session of the 21st Century Panglong Conference. At the conference, the 73 papers from different stakeholders were presented from their perspectives on formation of federal state. At the second session conference, the issue of establishing a single national army followed by the principle of non-secession and the right to self-determination for ethnic minority groups that make up a package deal. In principle, the EAOs accepted the idea of a single army, but its structure and responsibility need to be discussed before full agreement. But, Tatmadaw urged them to accept the basic principles. Thus, the issues of non-secession, proposed by the Tatmadaw and related to self-determination, also remain unresolved. In such case, Tatmadaw also firmly held their position of six point peace policy. So, it is difficult to negotiate for such package deal and single army because of Tatmadaw's focus on position not interest. The biggest obstacle is persuading all ethnic armed groups to sign the NCA. The State Counsellor and Commander -in-Chief reaffirmed that the NCA is the first entry into the Political dialogue. Indeed, despite continuous peace talks, most of the strongest armed groups are still nonsignatory, and armed clashes continue in many ethnic regions. Moreover, even though the non-signatory EAOs were allowed to attend sessions of the 21st Century Panglong Conference as observers, they were forbidden from participating in the talks and decision-making. Since inclusive participation of all ethnic armed groups is vital for a successful peace process, bringing the non-signatory groups to the formal peace negotiation table remains a great challenge for the government. Since the signing of the NCA, it remains the problem. Thus, Roger and Ury suggested the concept of invent options for mutual gain.³ But, the NLD government can review and amend the political dialogue framework. So, in order to make all inclusiveness in the political dialogue, the NLD government has to consider alternative mechanism beyond NCA and broaden the options on the table rather than only look for a single solution.

Conclusion

The NLD government has attempted to end the longlasting conflicts with the ethnic armed groups. During the USDP government, the bilateral ceasefire was the initial step and it had attempted to negotiate with multilateral discussion and to sign the nationwide ceasefire agreement and then to held political dialogue. Thus, the NCA has paved the clear directions forward towards peace for the NLD government. During the NLD government, the peace architecture had been changed and peace structures of previous government were reformed. The role of State Counsellor and the UPDJC is significant and Peace Commission and peace negotiator Dr Tin Myo Win have attempted to construct the formal and informal meetings to solve the conflict. The NLD government has convened the three sessions of peace conference. But, the government has faced many difficulties and challenges to hold the planned peace conferences. After analyzing with the principle negotiation theory, it is found that Tatmadaw firmly upholds it's six point peace policy and focuses on position not interest. So, it became the

¹ Roger and Ury, 2

² Roger and Ury, 2

³ Roger and Ury, 1-3

positional bargaining on peace process. Another significant challenge is the implementation of NCA. NCA is the first entry to peace dialogue and rigid mechanism. The condition is that only the signatories to NCA are eligible to participate and discuss at the conference. However, political dialogue framework can be reviewed and amended. According to reviewed and amended framework, the peace dialogue can be convened with all inclusiveness. Thus, to make all inclusiveness in the peace process, the NLD government needs to be good civil military relations and to consider peace alternatives beyond NCA.

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