

# The Importance of Legitimacy in Myanmar's Peacemaking Efforts

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## Abstract

This paper analyzes the importance of legitimacy in Myanmar's peacemaking efforts, from 2011 onwards. Government legitimacy is crucial for peace, development and administration. Lack of public support poses significant risks to the peace process. Myanmar's peacemaking efforts have been largely inspired from within, despite the influence of some outside pressures on the process. The Myanmar government has the capacity to effectively implement its vision for the peace process, if it has a strong moral leadership and if it maintains legitimacy in dealing with non-state peacemakers. Therefore, this study examines the quality of leadership and government legitimacy at the local level, drawing on fieldwork to explore different perspectives from NCA signatories and non-NCA signatories in the democratic transitional period. A better understanding of legitimacy improves the analysis of the ongoing peace process in Myanmar. The paper's findings provide insights on how the NLD government can best deal with the remaining EAGs for future political communication in order to secure a sustainable and liberal peace.

**Key words:** legitimacy, peacemaking, EAGs, Myanmar, NCA

## Introduction

Beginning in 2011, Myanmar entered a new political phase, changing its long-standing system of military rule to a democratic administrative system. Under the Union Solidarity and Development Party's (USDP) administration, '*three waves of reform*' were implemented in political, socio-economic, administrative and public-private sectors, aimed at promoting a peaceful democratic transition through the three pillars of peace, stability and development. These reform programmes were met with surprise not only within the country, but also by many members of the international community. The USDP government believed that its role was to guarantee stability and development in border regions and on this basis

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peace could be established through political negotiations and settlements with Ethnic Armed Groups (EAGs). Therefore, the USDP proposed that some EAGs participate in a proposed peace plan with the aim of ensuring all-inclusive opportunities for national reconciliation and nation-building tasks. In fact, it was a historic effort to end the six-decade armed conflicts between some EAGs and the Myanmar Defence Force (Tatmadaw).

The previous military government (1988-2011), had also endeavoured to achieve peace with all EAGs. It adopted a policy of '*arms for peace*' in their peace negotiations. Seventeen EAGs signed bilateral ceasefire agreements with the military government in 1996 (See Table 1.); however, the Karen National Unity (KNU) was a notable exception. As a result, there were no armed conflicts between the Tatmadaw and signatory EAGs for some time.

**Table 1. Ceasefire EAGs under the Military Government**

No.	Ceasefire Ethnic Armed Groups (EAGs)
1.	New Democratic Army-Kachin (NDA-K)
2.	Kachin Independence Army (KIA)
3.	Myanmar National Democratic Alliance Army (MNDAA)
4.	United Wa State Army (UWSA)
5.	Shan State Army- North (SSA-N)
6.	Kachin Defence Army (KDA)
7.	Palaung State Liberation Army (PSLA)
8.	National Democracy Alliance Army (NDAA)
9.	Pa- O National Organization (PNO)
10.	Shan State National People's Liberation Organization (SNPLO)
11.	Mon Tai Army (MTA)
12.	Kayan National Guard (KNG)

No.	Ceasefire Ethnic Armed Groups (EAGs)
13.	Karenni National People Liberation Front (KNPLF)
14.	Kayan New Land Party (KNLP)
15.	Karenni National Progressive Party (KNPP)
16.	New Mon State Party (NMSP)
17.	Burma Communist Party (Rakhine State)

Source: *Burma News International (BNI)*. “Deciphering Myanmar’s Peace Process: A Reference Guide 2015.” Chiang Mai: BNI, First Edition: August 2015.

However, before entering into the new semi-civilian political landscape, the situation deteriorated. In 2008, the newly adopted constitution mandated that EAGs transform their forces into people’s militia forces or border guard forces (PMFs/BGFs).<sup>1</sup> Major EAGs, such as the Kachin Independence Army (KIA), refused to accept the constitutional requirements. The military government announced that any ceasefire groups, who did not comply by 1 September 2010, would be declared illegal organizations.

After the introduction of the 2008 Constitution, there were twenty-five armed groups participating in ceasefire talks. Five agreed to transform their forces into BGFs and fifteen remained as militias. Therefore, only five EAGs signed the ceasefire agreements with the military government. Some EAGs gave up their arms and others combined or strengthened affiliations with their main partners before the USDP government took the power in 2011.

U Thein Sein’s government therefore recognized only fifteen EAGs as major actors and officially invited them to participate in ceasefire agreements on 18 August 2011. As a result, the USDP government successfully signed bilateral ceasefire agreements (state-level) with fourteen EAGs, (the Kachin Independence Organization-KIO did not sign). Among

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<sup>1</sup> The 2008 Constitution states that the Myanmar Defence Services is the sole patriotic defence (Article 20(a)), all the armed forces in the Union shall be under the command of the Defence Services (Article 338) and the strategy of the people’s militia shall be carried out under the leadership of the Defence Services (Article 340).

those fourteen groups, only eight signed the Nationwide Ceasefire Agreement (NCA) on 15 October 2015 (See Table 2.).

The NCA is a binding deal and provides a seven-step roadmap for peace and national reconciliation, moving Myanmar towards a federal democratic state. Since 2011, for the USDP government's first five-year tenure, effective communication, negotiation, trust-building and compromise have been key elements in the peacemaking process. Although the NCA was a tangible and successful outcome for the USDP government, it was incomplete, as some major EAGs failed to sign it. Therefore, this paper studies why only eight out of fifteen EAGs agreed to follow the USDP's peace dialogues and others have preferred to keep status-quo. In order to have an insightful understanding on emerging peacemaking process, it is important to examine whether legitimacy matters in peacemaking process of Myanmar in the post-military government.<sup>2</sup>

**Table 2. Invited EAGs under the USDP Government**

No.	NCA-Members	No.	Non-NCA Members
1.	All Burma Students' Democratic Front (ABSDF)	1.	Kachin Independence Organization (KIO)
2.	Arakan Liberation Party (ALP)	2.	Karenni National Progressive Party (KNPP)
3.	Chin National Front (CNF)	3.	National Democratic Alliance Army (NDAA)
4.	Democratic Karen Benevolent Army (DKBA)	4.	National Socialist Council of Nagaland – Khaplang (NSCN-K)
5.	Karen National Union (KNU)	5.	New Mon State Party (NMSP)

<sup>2</sup> The research issues were investigated by the author while conducting interviews in Kayin State, Naypyitaw and Yangon in April and June 2016 and September 2017 respectively. Main limitations in this study are the difficulties to reach out to the active conflict zones and prohibition to contact with non-NCA members because they are under the Unlawful Associations Act.

No.	NCA-Members	No.	Non-NCA Members
6.	KNU/KNLA Peace Council (KNU/KNLA-PC)	6.	Shan State Progressive Party (SSPP)
7.	PaO National Liberation Organization (PNLO)	7.	United Wa State Army (UWSA)
8.	Restoration Council for Shan State (RCSS)		

Source: *Myanmar Peace Center*. "Peace and NCA", MPC: Yangon, 2016.

### **Peacemaking Process at the Early Years**

The Tatmadaw and the KIA signed a bilateral ceasefire pact on 24 February 1994. The USDP government took power in April 2011, and in June that year, the first armed clashes in 17 years occurred. The immediate root-cause was conflict over interests in its lucrative natural resources of Kachin State. However, the BGF issue might be a dominating factor also.

In August 2011, President U Thein Sein sent an official invitation letter to EAGs to discuss possible ceasefires as part of his domestic political reforms. On 9 October, the Union Minister, U Aung Min, who was the main person in charge of the Union Peace Working Committee (UPWC), went to Mae Sot in Thailand with a mission to meet with EAGs, based near the Myanmar-Thailand border, in particular, with the KNU. It was the first time a union-level minister travelled outside of the country for the purpose of peace negotiations. Consequently, both sides were able to establish strong trust which contributed towards persuading the KNU to take part in the peace talks. In November 2011, the Restoration Council of Shan State-Shan State Army (RCSS-SSA) was the first to sign a ceasefire pact with the Tatmadaw. In January 2012, the KNU visited Hpa-an for armistice negotiations, and likewise signed a ceasefire pact.

The positive progress shocked the government and local community, particularly as the KNU had been fighting against successive governments in Myanmar for over 60 years. At the time, KNU leaders were very eager to achieve peace, stability and development for not only their state, but also for the whole country. Some criticized that it was too early to sign the agreement, worried that there may be negative risks in future. Nonetheless, the bilateral ceasefire pact between the early signatories became the model

for others to follow. Since that time, the peace process gained momentum and the UPWC met separately with other major EAGs. Starting in late 2013, a series of ceasefire talks occurred between the government and allied EAGs bodies concerning activating the NCA.<sup>3</sup> By August 2013, fourteen EAGs concluded bilateral ceasefire pacts with the government. On 15 October, after taking over 22 months, the NCA was signed by the government and agreed EAGs in front of the domestic and international witnesses and ratified by Hluttaw (Parliament) on 8 December 2015. During the negotiation talks, building trust and attaining political legitimacy among multiple stakeholders were the main challenges and those were the major decisive factors for the success of the peacemaking process. High expectations, a lack of unity and institutional trust, the influence of external players, and criticism voiced by some political leaders, posed other significant challenges, also.

### **Main Factors that create Legitimacy in Peacemaking Process**

Gaining public legitimacy is a critical factor for ruling governments, not only in implementing peace and development processes, but also in building effective government administrative capacity. Having a strong public recognition contributes to a government's effectiveness in carrying out its institutional and functional operations. On the other hand, lack of public support poses significant risks and sometimes leads to increased instability in the country. It is highly unlikely that achieving absolute peace or positive peace could be completed within a short period of one government's tenure. However, it is more likely that a government who possesses public support and its dialogue partners' trust will be successful in beginning to build peace. The engagement of all key stakeholders will increase trust and will grant legitimacy to the government's peacemaking process. Taking enough time for political dialogues is necessary, and one government's possession of public support for the political process would be helpful in paving the way for the next government to take continued responsibility for an all-inclusive peace.

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<sup>3</sup> On 16 February 2011, the Committee for the Emergence of Federal Union (CEFU) was transformed into the Union Nationalities Federation Council (UNFC) as a coalition of original six CEFU members plus new six members of ethnic armed groups. In November 2013, the Nationwide Ceasefire Coordination Team (NCCT) is composed of the UNFC-based 16 members.

In this study, the government's legitimacy in peacemaking process is assessed using two principle approaches: one is a *normative* approach and other is an *empirical* approach (Andersen, 2012). Legitimacy can only be confirmed by a qualitative concept of the actions and situations of the state/government and by key players in a given society. Andersen labelled the state-centred normative approach one in which the state's legitimacy can be characterized by western universal values such as building democratic systems, respecting human rights, implementing the rule of law, and so on. Legitimacy can, therefore, be viewed through a set of '*right standards*'. In this traditional view, building a state on democratic forms, whether explicitly or implicitly, is the only path to legitimacy within the domestic and external environments. At this point, the normative view would require an understanding of the peace process as it is influenced by external forces of democratization, which may overlook important factors related to Myanmar's internal context.

The second approach, the empirical one, generally describes how multiple non-state actors view and respond to a particular topic within a specific context. Andersen (2012) describes a sociological understanding of legitimacy that is logically influenced by different social norms such as legality, appropriateness, morality and constitutionality, which vary according to particular contexts. In this paper, the relationship between legitimacy and peacemaking efforts of Myanmar is much better understood inductively from an empirical regime than deductively from a normative understanding. This study argues that Myanmar's peacemaking efforts are largely inspired from within, despite the influence of some outside pressures on the process.

In 2011, Myanmar ended its prolonged military administration and started on a path towards a new democratic state. The military government transferred the state's power by holding a multiparty election in November 2010 without any political violence in the country. In that election, the USDP won and ruled the country for a five-year term. Holding an election has come to be considered by many in the international community, as a core foundation of democracy. Constitutionally, the elections were required within a particular timeframe and thus became an important political inflection point. At that time, the political maturity of public was at a low level and most mainly concerned with '*regime change*'.

The USDP, the winning party, formed the government, but it was termed as a semi-civilian government or military-backed government because it was mostly composed of former retired military-generals who took high-ranking positions in the government. There was a mixture of military actors in the government, some of whom held legitimacy in the eyes of the EAGs due to their military experience. Regarding the government legitimacy, one respondent from NCA regime said that his armed group strongly believed in the USDP government and its peacemaking plan because most of the high-level officers and peace-negotiators came from the former military government and they totally understood how to deal with them in case of truces and peace talks. He also added that their problem was a political issue, not a military one, so that the military-backed USDP government knew what the EAGs wanted and how it could solve such kind of problem under the current political context. By so doing, the USDP government had taken the moral legitimacy from its conflicting partners.

In addition, former President U Thein Sein is regarded by internal and external constituencies as a reformist because he has introduced a series of democratic reforms in gradual progress. His major political liberalizations included the release of political prisoners, negotiation with the invited EAGs for internal peace and national reconciliation, allowing the formation of labour unions, recognition of the role of civil society organizations, lifting media censorship, the establishment of the National Human Rights Commission, permitting the NLD to contest the 2012 By-Election, meeting with Daw Aung San Suu Kyi for face-to-face dialogues in 2011, and allowing former political dissidents to come back to the country. Therefore, it could be said that U Thein Sein's government held a normative legitimacy. However, some invited EAGs did not extend the government legitimacy because their main concerns rested in the moral measurements concerning the nature of the peace policy as well as the strategies and methods and negotiation styles which would be deployed.

Using the empirical or sociological approach, it is important to assess how the NCA signatories and local community viewed the USDP's peacemaking efforts. At the beginning, the USDP government was in favor of its predecessor's principle on disarmament and/or transforming their forces into PMFs/BGFs. EAGs interpreted the proposed peace plan as one that the government would achieve through coercive methods. One interviewee from NCA members explained that the 2011 government's

peace plan centred more strongly on ‘*Negotiated-Surrender*’ than on a politically ‘*Negotiated-Settlement*’. He said that the EAGs allied body wanted political talks to be carried out first, in which they would discuss about the constitutional amendment and their long-standing demand to self-determination. At that time, the government reacted strongly to words such as: federalism, revolution, armed ethnic groups or ethnic armed groups, existing constitution and laws, insurgent, terrorist, enemy, and Panglong spirit or Panglong promise.

U Thein Sein’s government shifted its priority from *disarmament first* to *ceasefire first* in 2012. The USDP government accepted the word ‘*federalism*’ and acknowledged an amendment of the constitution according to the peace roadmap. Moreover, it tried to avoid several problematic terms in their peace negotiation talks. In return, some powerful EAGs became more willing to sign the NCA in 2013 after the negotiated partners established a relative trust-building. At the end, they inked the NCA in 2015. The USDP government and the NCA members changed their stance from *positional bargaining* to *integrative bargaining* in order to catch up with political ends maximization during the transitional period.

With the purpose of building a new political culture and ending the long-running armed conflicts, compromise and consensus were two main conflict resolution themes of the USDP government. Moreover, one respondent said that the method U Thein Sein’s government used was based on salient principles such as equal footing in ceasefire negotiations, acceptance of constitutional amendment towards a federal democratic union, no talking about arms surrender and no discussion about secession. Due to these principles, some EAGs decided to come to the peace table and share their historical grievances. All actors agreed the importance of political inclusion in a federal democratic state. As a result of fact-to-face dialogues, confidence-building measures (CBMs) began to gradually improve.

As a result of long-term relationships with the government, some EAGs realized that the government’s political reform was quite similar to their concept of a new federal state. In comparison with previous governments, the USDP government seemed to compromise as much as it could in order to gain political legitimacy and credit from its non-state actors. The government also appeared to voluntarily give up a level of

political control in exchange for building greater public trust in the peacemaking process.

One interviewee from the Democratic Karen Benevolent Army (DKBA) strongly acknowledged the importance of the negotiators' personal style and attributes to the success of the process. He mainly highlighted the ability and flexibility of Union Minister U Aung Min, the government's lead negotiator, who had a relative power to deal with the EAGs on behalf of the government. His good reputation, along with his fair and accommodating helped build trust and improve the strength of the peace negotiations. His military background was likely also an asset in ceasefire talks. He, and his unusual negotiation style, were main factors behind the signing of the NCA.

The foundation for legitimacy in many conflict areas in Myanmar is peace and development. While conducting fieldwork in Hpa-an, Kayin State, many local community members said they had no fear about armed conflicts during the ceasefire period and they could do their daily livelihood, stating that these are the main advantages of the peacemaking process. Armed groups in Kayin State (Tatmadaw, KNU, DKBA and other PMFs/BGFs) are allowed to travel without arms in their respective controlled areas with a prior permission to enter. During the ceasefire time, there were no reports of the Tatmadaw forcing local people into labour as porters, or of seizing private vehicles for military purposes. The government issued national registration cards to the local people in conflict zones and implemented several basic infrastructure development projects in order to improve transportation and communication. In such circumstances, the local community's support to peacemaking efforts of government increased and provided the process with local legitimacy.

Another important factor that contributed to the legitimacy of the government peacemaking process is the principle of '*all-inclusiveness*.' The government, Tatmadaw and EAGs are often considered the three main players in ceasefire negotiations, but it would be useful to consider, as well, the role of other key stakeholders such as political parties, Hluttaws, women, youth, local community, civil society organization (CSOs), and so on. Their inclusion could generate stronger legitimacy in peace process, or prove to be a fatal weakness, as will be discussed at the following section.

### **Main Factors that Weaken Legitimacy in the Peacemaking Process**

The lack of all-inclusiveness in the peace dialogues was a major factor contributing to the lengthy negotiations for the NCA and a reason why many did not sign. In early 2014, the government put pressure on EAGs to sign the NCA. A liaison officer from the KNU thought that the USDP government was using these dialogues to seek political credit in the run-up to the 2015 elections in order to increase their chances for a second term in office. However, he denied that the KNU had this motive in mind themselves when they signed the NCA prior to the election.

The concept of 'all-inclusiveness' becomes very controversial during NCA discussions that is likely to have weakened the government's legitimacy in the eyes of some powerful EAGs. The USDP government refused to invite several newer, small EAOs such as the Arakan Army (AA), for peace negotiations because it believed these groups to be dependent on larger groups (such as KIO/KIA, for example). The government suggested that the AA should integrate into a banner of KIO/KIA or Arakan Liberation Party-ALP/Arakan Liberation Army-ALA. The UPWC claimed that the AA and other two groups (Ta'ang National Liberation Army-TNLA and Myanmar National Democratic Alliance Army-MNDAA) had to legally surrender their weapons and after that, they would be eligible to enter into the NCA regime.

An officer from Tatmadaw explained that these three groups were excluded from the NCA regime because the AA received training from the KIA. The government did not know the AA existed before fighting with the KIA in 2011. However, the KIO/KIA brought the AA as the NCCT member for its political advantages. The MNDAA was given no option except to give up their weapons. The government offered to sign a bilateral ceasefire agreement with the TNLA first and then said it could be considered as a member of NCA regime.

Under such circumstances, the government likely anticipated a decrease in its legitimacy. Therefore, it allowed these three groups to take part in political and peace talks, under the condition that they agree to temporarily keep their arms and weapons in the hands of a third EAG along with a legal announcement of disarmament. This '*lock-in-key*' principle, adopted by the government, partly blocked its peacemaking efforts and also damaged its gaining legitimacy because the government has taken an upper hand in dealing with these groups.

Another three groups (Araken National Council-ANC, Lahu Democratic Union-LDU, and the Wa National Organization-WNO) were allowed to attend the Union Peace Conference, held in January 2016. In the eyes of Tatmadaw, no bilateral agreements or NCA were necessary for those three groups because they had no exact territory, no army, and no history of armed conflicts with the Tatmadaw. However, they were not given equal status with other EAGs for those same reasons. Finally, the issue of groups excluded from the NCA led to a challenge of the government's legitimacy and, as a result, seven EAGs did not ink the NCA under the USDP government. Nonetheless, the UDSP government effectively took a political credit by persuading some major and powerful EAGs to sign the NCA before ending their time in office.

One NCA signatory shared that a comment delivered by a charismatic leader can negatively affect a government's legitimacy. In September 2015, for example, Daw Aung San Suu Kyi said, "Not to rush the deal, but work slowly on an agreement that would ensure long-lasting peace and stability".<sup>4</sup> She made the statement ahead of a meeting on a draft NCA between the dialogue partners on 9 September in Naypyitaw. Some have claimed that it was her comment which caused a delay in signing the NCA by some EAGs. Moreover, her NLD party also expressed reluctance to sign the NCA because it failed to cover the entire nation.<sup>5</sup> Some felt that the NCA's partial coverage would create of misunderstanding among NCA and non-NCA members.

One NCA member said that the remaining EAGs (esp. KIO/KIA) might have chosen not to sign the NCA, in order to provide their signature at a time when it would give more political legitimacy to the incoming NLD government. The EAGs knew that the NLD was likely to win the 2015 elections and non-NCA members hoped to get a better deal with the new elected government than they were being offered by the military-backed government. However, it now appears that the NCA cannot be reopened for negotiations. Another reason why the KIO/KIA did not sign the NCA may have been the business profits from its illegal trading and markets. Many theorise that EAGs are likely to benefit from stronger business opportunities

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<sup>4</sup> *Mizzima News*. Aung San Suu Kyi Reiterates Armed Ethnic Groups shouldn't rush NCA. 7 September 2015. From <http://www.mizzima.com/news-domestic/aung-san-suu-kyi-reiterates-armed-ethnic-groups-shouldn%E2%80%99t-rush-nca>

<sup>5</sup> *Mizzima News*. Why Aung San Suu Kyi did not sign the NCA. 8 December 2015. From <http://www.mizzima.com/news-domestic/why-aung-san-suu-kyi-did-not-sign-nca>

under weak rule of law and instability in their territory, thus preferring continued conflict over peace for economic reasons.

An officer from the Myanmar Peace Center (MPC) stated that overly high expectations of the peacemaking process can trigger a decline in legitimacy if they are not handled appropriately. All stakeholders need to know that peacemaking is a long-term process. Sometimes, when the public wants to have peace, stability and development within a short period, and the ceasefires and other initiatives do not meet with their hope, it could result in a decline in legitimacy. Therefore, all players must systematically arrange the socio-political mechanism for communicating realistic expectations to local communities about what can be achieved in regards to peace and development within specific negotiating periods.

It is also important to have legitimacy within EAGs alliances. The UNFC was faced with disunity and finally it disintegrated. Among its 13-members, only eight EAGs were invited to peace talks and four EAGs signed the NCA. In this context, the lack of team spirit and the UNFC's inward-looking interests caused the breakdown of unity. As one respondent explained, the EAGs' representatives had no mandate and authority to decide or to express their opinions regarding the negotiations process. Their political leaders were the main decision-makers and all representatives needed to get their approval. The representation of EAGs thereof or lacked internal legitimacy and contributed to the low institutional trust that hindered the peacemaking process.

Another important factor that needs to be considered is the role of external actors. Some external actors have been willing to help the peacemaking process by deploying their influence and resources. Sometimes, this external assistance can generate positive incentives for EAGs to take part in the negotiations. Other times, it can put negative pressure to increase the possibility of hostilities. However, most have attached their political and economic interests rather than a good support. China was recently involved in the peacemaking process of Myanmar. An NCA member said that the KIO/KIA invited China as an observer to be increase the likelihood of real and true ceasefire talks. However, he argued that the KIO/KIA has commercial links with China legally and/or illegally and KIA has more politicized than others EAGs. On the other hand, the government and Tatmadaw did not want it to join the negotiations because they want China to uphold the non-interference principle regarding

Myanmar's peacemaking process. Therefore, the intervening of external actor might produce a positive outcome and a negative instability.

### **Beyond NCA and Peacemaking Efforts under the NLD Government**

Before the November election, both internal and external actors waited to see whether the USDP government would smoothly hand over the state's power to the newly-elected NLD government. Following the 2015 election, the landslide victory of the NLD raised deeper hopes towards peace, development and democracy inside and outside Myanmar. It holds a strong political legitimacy, however many of democratically elected officials lack political, military and public office experience, posing a challenge to legitimacy, particularly within the NCA and non-NCA parties. Peace and national reconciliation are NLD priorities. Thus, the NLD government announced its seven-point policy for national reconciliation and union peace on 15 October 2016.<sup>6</sup> In accordance with its policy, a series of the 21st Century Panglong Peace Conferences has been holding in order to review the political dialogue framework under the leadership of State Counsellor Daw Aung San Suu Kyi.

For some EAGs, militancy is seen as the only option to deal with the government and some EAGs have used a dual strategy for forceful and for tactical advantage. The major issue lies in the principle of 'all-inclusiveness' that has become controversial under the NLD government, particularly since April 2016. The KIO/KIA formed the Northern Alliance (Burma) together with the AA, TNLA and MNDAA as a collective self-defence alliance. Since December 2016, there have been active military confrontations with the Tatmadaw. Likewise, the United Wa State Army (UWSA) began leading the Federal Political Negotiation and Consultative Committee (FPNCC)<sup>7</sup> which is currently demanding a new formula outside of the NCA. It has demanded the government discuss peacemaking as a group including all political and military entities. However, both the government and Tatmadaw have not recognized the FPNCC. While the

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<sup>6</sup> *The Global New Light of Myanmar*, 16 October 2016.

<sup>7</sup> Its members are the United League of Arakan/Arakan Army (ULA/AA), KIO/KIA, MNDAA, TNLA, Shan State Progress Party/Shan State Army (SSPP/SSA), NDAA and United Wa State Party/Army (UWSP/UWSA).

NLD government accepts the NCA, the exclusive NCA has resulted in recent outbreaks of fighting in Shan and Kachin States.

In the external context, China has some concerns over recent conflicts between the Tatmadaw and UWSA and between Tamadaw and KIA. Under the NLD government, China acted as a broker to persuade the non-NCA signatories to attend the 21st Century Peace Conference (Panglong) in 2017. It is clear that China is playing a game with two strategies: one with providing arms to armed groups (Tatmadaw and EAOs) and another with mediating peace talks in the country. Nonetheless, its role significantly plays as a major actor in Myanmar's peacemaking process and it has political authority on non-NCA members to some extent, particularly on UWSA and KIO/KIA, to bring them into peace conferences.

The dialogue partners may today have more suspicions in peacemaking process; sometimes it may contribute '*dialogue fatigue*'. Although the NLD government has faced some political challenges raised by non-NCA parties, the NMSP and LDU agreed to take the path of NCA and signed it on 13 February 2018.<sup>8</sup> Therefore, there are ten EAGs in the NCA that would be a conflict resolution mechanism for reduction of armed conflicts and building the trust among the peacemakers.

### **Conclusion**

The peacemaking process takes time and it is essential that key decisions are made not only by parties to the conflict, but also by the public on the peacemaking approaches, strategies, plans, negotiation styles and ultimately its goals. It can be noted that trust-levels with the government were relatively high on the ground between the government and NCA members initially. There is no problem in the text of NCA because it was collectively drawn by the UNFC and non-UNFC members. Nonetheless, the more that the government liberalizes in peacemaking process, the more that government legitimacy comes into play. Sufficient political commitment is likely to succeed in bringing all participants to dialogue. Ensuring broad political inclusion can minimize hostilities and conflicts to a certain level and it can safeguard the legitimacy of government's peacebuilding tasks. Finally, it is essential to have a strong leader in charge of the process, as a leader's personal attributes can determine the success of political settlements. Therefore, the relationship between legitimacy and

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<sup>8</sup> *The Global New Light of Myanmar*, 14 February 2018.

peacemaking process of Myanmar in the post-military government is generally dominated by an empirical approach in which the perception and the degree of the population's confidence in their government decide the success of government's peacemaking efforts. However, the current Myanmar's political and peace scenarios determine that the more democratic government in Myanmar has achieved less legitimacy in terms of peace talks than its predecessor, the more authoritarian regime.

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