

# CSS | ISSUE BRIEF

## ETHNICITY AND CONFLICT IN MYANMAR

### Ongoing Issues

*Zoya Raj Singh \**

#### INTRODUCTION

Nearly seven decades on, Myanmar's civil war is considered that of the longest in the world<sup>1</sup>. Inhabited by a multi-ethnic and religious population, Myanmar is best characterised as a state enthralled in a tussle for a more inclusive and democratic subsistence that acknowledges as well as harnesses its multi ethnicity to move beyond the colonial legacy it was left with. Gaining its Independence as Burma in 1948, Myanmar is one of the most demographically diverse countries in the world with over 135 officially recognised indigenous ethnic races<sup>2</sup>. Its 50.05 million population, based on the 1947 Constitution, resides in largely ethnically demarcated administrative states: seven majority Barman divisions and seven states allotted to each of the ethnic umbrella groups namely the Chin, Shan, Mon, Rakhine, Kachin, Kayin, and Kayah, and six Self -Administrative Areas<sup>3</sup>. Each of the seven ethnic groups further consist of a number of indigenous groups, for instance, the Shan who are a cumulative of 33 different groups, and the Chin who are a total of 66 sub-groups<sup>4</sup>.

Missing from the aforementioned ethnic groupings and, therefore, effectively stateless are the Rohingyas: a Muslim minority that has predominantly resided in Rakhine state, and owing to the discriminatory 1982 Citizenship Law was group was stripped off its status as citizens<sup>5</sup>. Today, the Myanmar government refuses recognition of the group, cooperation with international agencies to investigate human rights violations against ethnic minorities, and the amendment of the 1982 law that has led to the genocide of 600,000 of the 900,000 Rohingya's that had inhabited the country<sup>6</sup>. Each of the aforementioned ethnic groups has or continues to, at some point in the country's history, fight for equal rights and recognition, autonomy, a federal state, and/or the independence of their territory they were long promised. The struggle for the same manifests itself in the creation of enumerable Ethnic Armed Organisations (EAO) and often new ones being created over time.

For a state embroiled in continuous conflict with different armed actors, each with its own complexities, while in the shadow of one of Myanmar's most formidable political entities: its

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<sup>1\*</sup>\* *The Author is a Post Graduate student at the Jindal School of International Affairs and Research Assistant at the Centre for Security Studies, JSIA.*

<sup>1</sup> Miliband, D, 'How to Bring Peace to the World's Longest Civil War', 12 December 2016. Retrieved form <https://time.com/4597920/myanmar-peace/>

<sup>2</sup> International Work Group for Indigenous Affairs, 'Indigenous World 2019: Myanmar', 24 April 2019. Retrieved form <https://www.iwgia.org/en/myanmar/3432-iw2019-myanmar.html>

<sup>3</sup> Joliffe (2015), p. 3; World Bank (2019)

<sup>4</sup> See Cline (2009, p. 576) and Gravers (2014, p. 149) for a detailed explanation on the different ethnic groups.

<sup>5</sup> Joliffe (2015), p. 17

<sup>6</sup> Human Rights Watch [HRW](2020), ¶ 5

Military; the path to perpetual peace and democracy is increasingly arduous. The Myanmar Military, also known as the Tatmadaw, played a central role in the independence of the country and has ever since employed unrelenting force to stay in power through multiple military coups spanning through 1962-1988, 1988-2011, and more recently in 2021. Despite the initiation of peace process under the aegis of the 2015 National Ceasefire Agreement and the Union Peace Conference, also known as the 21<sup>st</sup> Panglong Conference, the future of peace in Myanmar remains fuzzy owing to the relationship between the various stakeholders in the peace process as well as the Tatmadaw's lack of trust and unwillingness to relinquish control to the thrice democratically elected National League for Democracy.

## MYANMAR'S COLONIAL LEGACY

The origin of Myanmar's ethnic divide is, in large parts, traced back to the British colonisation of Burma, the World War II, and the years immediately preceding the country's independence. The British administrative policy of 'divide and rule', while may have served the colonial power well, has proven injurious to most of its colonies with lasting ramifications felt even today. Burma was colonised in three phases lasting over 1824-26, 1852, and finally in 1885 with the overthrow of King Thibaw<sup>7</sup>. While the region has always consisted of a multitude of ethnic groups strung together under the aegis of a conquering power, it was the British administrative policies that resulted in the cultural and political divide the country finds itself in today. In favour of administrative ease, colonial Burma was demarcated into 'Ministerial Burma', consisting of Burmar, Mon, and Arakan majorities; and the 'Frontier Areas' inhabited by non-Burmar ethnic groups<sup>8</sup>. The alienation of both regions brought to an untimely end any possibility of bonding between the different ethnic groups that could have resulted in a sense of community and nationhood.

This divide was further deepened by the adoption of the 'martial race' policy whereby ethnic groups were classified into 'martial' and 'non-martial' race with the former comprising mainly of non-Burmar ethnic groups such as the Kachin and Chin<sup>9</sup>. Not only were the Burmese excluded from the colonial army, but the onset of Burma's colonisation also had unpopular implications on their religion and culture. The Burmese were, as they are today, a predominantly Buddhist majority with the monastic order, or *sangha*, holding considerable societal influence manifested by means of patronage received from previous rulers. However, under the British this support was discontinued, *pagodas* were turned into clubs and bars, and any retaliation against cultural disruption was brutally repressed. Myanmar's colonial period is also credited with the emergence of anti-Muslim sentiments within the country, the roots of which can be found in the migration of Muslim moneylenders and workers from Bengal in the nineteenth century, and their subsequent exclusion from the 1982 Myanmar Citizenship Law<sup>10</sup>.

By the time World War II broke out, non-Burmar ethnic groups were viewed as British loyalists and the Burmar had sufficient impetus, the Japanese promise of independence and sovereignty, to collude against the British by helping the Japanese invade the country. The ethnic groups

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<sup>7</sup> See Gravers(2014) for a detailed explanation of the Burmese kingdoms of the pre-colonial era.

<sup>8</sup> Jolliffe (2015), p. 10

<sup>9</sup> See Barua(1995) for a detailed explanation of the British 'Martial Race' Policy.

<sup>10</sup> Gravers (2014), p.144-145

were polarised once again with non-Burmar ethnicities aligned with the British and Burmar with the Japanese. The Burmese, led by General Aung San, however, soon realised the ingenuity of the Japanese promise coupled with the horrors of their regime resulting in their defection to the British side of the war in the hopes of negotiating independence. The Burmese Independence Army formed under the Japanese was renamed the Burma National Army (BNA) and entitled to form a political wing called the Anti-Fascist People's Freedom League (AFPFL), a coalition of the BNA, the Communist Party of Burma (CPB), and the People's Revolutionary Party, that spearheaded Burma's independence and went on to have considerable political legitimacy post-independence<sup>11</sup>.

The 1947 Aung Sang-Attlee Agreement brokered the final terms of Burma's Independence; however, it fell short of meeting the demands of and promises made to the various stakeholders in the same. The CPB and many of the conservative politicians within the AFPFL felt betrayed while the Frontier Area, promised independence and sovereignty by the British, were far from having their aspirations for autonomy or political power sharing realised<sup>12</sup>. The British created the Frontier Areas Committee for Enquiry to evaluate and report the political desires of the ethnic groups inhabited within the area and to determine the relationship between Ministerial Burma and the Frontier Areas. The main task of the committee was to oversee the question of how to best incorporate the latter into the Union, however, the report thus produced reflected the varying aspirations amongst non-Burman ethic groups<sup>13</sup>. The Shan and Kachin desired an autonomous state within a Federal Burma; the Chin were unclear at first but later demanded an autonomous state with the right to secede; and the Karen wished for an Independent Karen state, Karenistan<sup>14</sup>.

The issue of Frontier Area integration/independence was further tendered in 1947 at the first Panglong Conference held at Panglong in Shan State where ethnic minority leaders met with Aung Sang to discuss the future of Independent Burma, the subsequent drafting of the Constitution, and the demands of the non-Burmese ethnic groups within the Frontier Area<sup>15</sup>. However, the meeting only temporarily resolved the concerns of the parties involved. To begin with, Arakan, Mon, and a majority of the Karen leaders were excluded from the meeting on account of the conference's explicit concern with the Frontier Area, and thereby, the demands and aspirations of these groups were left unacknowledged; and no express commitment to Independence of the attending groups was made. Of those ethnic groups that were officially represented the Kachin demanded an independent state; the Chin are said to have been lost in translation; and the Shan were unclear of their demands, subsumed by the internal changes taking place in Shan State. The assassination of Aung San a few months after the conference threw the country into a period of chaos with CPB insurgencies across the country and a stalemate to the discussion of ethnic minority demands<sup>16</sup>.

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<sup>11</sup> Britannica, n.d. Retrieved from <https://www.britannica.com/place/Myanmar>; Gravers (2014), p. 146

<sup>12</sup> Tinker (1986), pp. 461-475

<sup>13</sup> Walton (2008), p. 903

<sup>14</sup> Simony (2019), p. 34

<sup>15</sup> See Walton(2008) for a detailed explanation on the 1947 Panglong Agreement.

<sup>16</sup> Jolliffe (2015), pp. 11-12

## COUPS AND CONSTITUTIONS

Since its independence, Myanmar has had three Constitutions, each of which has in one way or the other contributed towards sustaining internal conflict within the country. The nature of the constitution reflects in large part the Unionist aspirations of the government at the centre, the broken promises made to different ethnic minority groups, and the political objective and legitimacy claimed by the Tatmadaw following the coups of 1962 and 1988. The Constitutions of 1947, 1974, and 2008 have failed to resolve the perpetual complexity of national unity in the country.

The Constituent Assembly, formed and dominated by the AFPFL in 1947, was responsible for the first Constitution which allowed the Karen, and Shan states a degree of autonomy with the right to secede after ten years while the Kachin, Chin and other ethnic minorities were integrated into the Union with no decentralisation of power<sup>17</sup>. It manifested the negligence and abandonment of the explicit demands made to the other minority groups at Panglong and resulted in waves of insurgent attacks by Karen, Mon, and Arakan ethnic groups shortly after Burma gained Independence in 1948. Come 1958, the ethnic minorities, especially the Karen and Shan, were further aggrieved by the governments impediments towards their right to secede as promised by the 1947 Constitution, the pronouncement of Buddhism as the state religion, and the enforcement of the Burmese language across ethnic minority states culminating in ethnic insurrections, a call for a new constitution, a federalist movement, and renewed demands for secession<sup>18</sup>. It is in this light that the Tatmadaw initiated the Coup of 1962, lasting up to 1974, under the leadership of General Ne Win and justified on grounds of the government's mismanagement of the country and the possible fractionalisation of Burma by the federalist and secessionist demand of the ethnic minorities.

Upon gaining power, the Tatmadaw brought Burma under direct military rule governed by what it called the Revolutionary Council (RC) at the centre. It launched its long-aspired agenda, "The Burmese Way to Socialism", wherein Burma was made a one-party socialist state, manifested in the creation of the Burma Socialist Programme Party (BSPP) which was led by military orchestration; the constitution suspended; and power entirely centralised with the RC<sup>19</sup>. The implications of the same on the ethnic minorities draws directly from the Tatmadaw's belief that the ethnic diversity within Burma/Myanmar is a deterrent to the nation's unity and, therefore, should be depoliticised to the effect of acknowledging the same only when need be. The coup not only resulted in the abolition of local governments in all ethnic minority states but also a suspension in negotiations with EAOs culminating in a fresh wave of armed insurrections and the growth of various armed movements across the country. The Tatmadaw, in turn, resorted to a 'Four Cut Strategy' of counterinsurgency wherein they eliminated the supply of food, intelligence, finances, and recruits to the armed groups, however, scholars argue that the strategy in reality was an ethnic-cleansing campaign. The Tatmadaw also turned EAOs against one another, known as the *Ka Kwe Ye* campaign, in exchange for rewards such as economic benefits and increased autonomy<sup>20</sup>.

The Tatmadaw initiated a new Constitution in 1974 wherein it promised elections and the handover of power to a civilian government, however, this was of little avail to the internal

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<sup>17</sup> Gravers (2015), p.183

<sup>18</sup> Jolliffe (2015), p. 14

<sup>19</sup> Devi (2014) pp. 46-47

<sup>20</sup> Jolliffe (2015), p. 16

conflict in the country. While the RC was dissolved and power handed over to a civilian administration, the latter was dominated by retired military officers, including Ne Win himself, and power was effectively maintained by the Tatmadaw. While creating seven Burmar divisions and ethnic minority states each, the 1974 Constitution made explicitly clear the centralisation of power and employed military dominated People's Council at the subnational levels<sup>21</sup>. Furthermore, there were no concessions made to the ethnic minority groups who had by then formed independent armed militias and once again turned to insurgency in protecting their political demands<sup>22</sup>.

Under Ne Win's regime the 1982 Citizenship Law which granted citizenship to those ethnic groups inhabiting Burma before 1823, that is, the beginning of Burma's colonial period and thereby rendering the Rohingyas, Bengali Muslims who migrated to Burma in the nineteenth century, effectively stateless<sup>23</sup>. In the meantime, the vast economic failure and deprivation caused by the 'Burmese Way to Socialism' as well as the authoritarian regime instilled by the central government resulted in the 1988 student-led demonstrations across Burma, also known as the 8888 Revolution for the auspicious date the protest was set to take place, that is, 8/8/88. The 8888 protests saw the rise of Aung San Suu Kyi, daughter of General Aung Sang and, therefore, hailed as the natural leader of the pro-democratic movement, as well as the formation of the National League for Democracy (NLD)<sup>24</sup>.

Reclaiming control over the unstable political scenario within Burma resulted in another coup d'état in 1988 with the dissolution of the BSPP and inauguration of the State Law and Order Restoration Council (SLORC), renamed State Peace and Development Council (SPDC) in 1997, under the leadership of General Saw Maung. The junta at the helm brought Burma under direct and authoritarian military rule once again, however, all the while declaring that it was a temporary arrangement until the elections to be held in 1990<sup>25</sup>. With regards the internal conflict taking place during this era, by 1988 the CPB, that had been waging insurgency across the country since 1948, occupied vast tracks of land amounting to 20,000 kilometres across Shan State and parts of Kachin State, however, 1989 marked the end of CPB armed insurrections and resulted in the formation of multiple armed groups fictionalising from the same.

The SLORC adopted an agenda of procuring as many ceasefires as possible, resulting in approximately 16 major agreements by 1995 and 17 additional by 2008<sup>26</sup>. The number of ceasefire agreements is indicative of the various number of armed groups within the country, with new ones being created with the passage of time. It is imperative to note that the ceasefire agreements, by their very nature, were extensively sporadic and were formed and broken at will, thereby, resulting in varying degrees of ceasefire agreements across the country. In addition to these agreements, the SLORC renamed the country Myanmar, officially recognised

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<sup>21</sup> Joliffe (2015), p. 17

<sup>22</sup> See Taylor (1979) for a detailed explanation of Myanmar's 1974 Constitution, as well as comparison between the latter and that 1947.

<sup>23</sup> Graver (2015), p. 148

<sup>24</sup> Meixler, E. 'How a Failed Democracy Uprising Set the Stage for Myanmar's Future', Time, 8 August 2018; Retrieved from <https://time.com/5360637/myanmar-8888-uprising-30-anniversary-democracy/>

<sup>25</sup> Sivasothy (2010), pp. 17-18

<sup>26</sup> Joliffe (2015) p. 18

135 national races, and increased militarisation across the country often resulting in some level of conflict between the Tatmadaw and EAOs who viewed their presence as an intrusion<sup>27</sup>.

In allowing for a multi-party election in 1990, the SLORC ensured it would retain governmental control and, thereby, endorsed the National Unity Party (NUP), a successor of the BSPP and dominated by military officers<sup>28</sup>. The NLD, led by Aung Sang Suu Kyi, gained immense popularity and the realisation of the same resulted in Suu Kyi's house arrest prior to the elections, however, the NLD won the election by an astounding margin, as opposed to the NUP, which pushed the SLORC to declare the results null and void. Surprised by the NLD's victory, and to retain control over governance, the SLORC declared the state's inability to hold elections without a new constitution and that, therefore, the elections were a means of selecting the Constituent Assembly, also known as the National Convention, which was only created in 1993<sup>29</sup>.

The National Convention took fifteen years to create the 2008 Constitution, which came into effect in 2011 post-elections and is heavily criticised internationally for the delayed process of its enactment and its legitimisation of the Tatmadaw's control of the country<sup>30</sup>. During the fifteen-year long process, ethnic parties sent in their demands and expectations from the new constitution, namely a federal form of government, decentralisation of power, and increased power to the states including the right to draft their own constitution, elect their own state legislative, and control taxation and defence, to name a few. Besides ensuring the creation of quasi-democratic institutions and ensuring the retention of power with the Tatmadaw, the 2008 Constitution mandated the existence of a single armed organisation and, thereby, the Tatmadaw called for a disbanding of EAO groups to form into Border Guard Forces. However, many ceasefire-armed groups disagreed, broke ceasefire agreements, and were once again at war with the state, most notably the Kachin Independence Organisation (KIO), the Karen National Union (KNU), and the Shan State Progressive Party (SSPP)<sup>31</sup>.

With the arrival at a consensus on the requirement of political dialogue as a means of establishing peace and inclusivity of all ethnic groups as well as a new round of negotiations with the insurgent groups, the National Ceasefire Agreement (NCA) was initiated in 2015 under the presidency of Thein Sein<sup>32</sup>. The NCA sought to achieve a nationwide ceasefire settlement between the State, represented by the Union Peace Working Committee (UPWC), and EAOs, brought together under the Agis of the National Ceasefire Coordination Team (NCCT)<sup>33</sup>. At present the NCA is signed by the All Burma Students' Democratic Front, the Arakan Liberation Party, the Chin National Front, the Democratic Karen Benevolent Army, the Karen National Union (KNU), the KNU/Karen National Liberation Army Peace Council, the Restoration Council of Shan State, the New Mon State Party, the Lahu Democratic Union<sup>34</sup>.

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<sup>27</sup> International Crisis Group (2020), p. 29

<sup>28</sup> Sivasothy (2010), p. 18

<sup>29</sup> Tonkin (2007), p. 34

<sup>30</sup> Human Rights Watch (2008)

<sup>31</sup> Jolliffe (2015), pp. 21-25

<sup>32</sup> Institute for Security and Development Policy [ISDP], n.d

<sup>33</sup> ‘Myanmar: Hope of a ceasefire agreement?’, ORF, 24 April 2015. Retrieved from <https://www.orfonline.org/research/myanmar-hope-of-a-ceasefire-agreement/>

<sup>34</sup> NCA – S EAO (n.d). Retrieved from <https://www.ncaseao.org/page/about-nca-s-eao>

However, the NCA, albeit a profound effort, remains a problematic and ambitious agreement with regards the degree of success it will afford Myanmar. The Tatmadaw recognises only ten EAOs as part of the NCCT while discarding other that make 80 percent of the armed militias in the country and, thereby, resulting in the disregard of their concerns and political legitimacy<sup>35</sup>. Moreover, with only ten signatories, many of the groups were left out of the NCCT are thereby under no obligation to disengage from insurgent activities.

## THE LAST TEN YEARS

The last decades of internal conflict within Myanmar have been centred in the Rakhine State involving the dominated by the ‘Rohingya Crisis’ and the conflict between the Arakan Army (AA) and the Tatmadaw. However, the latter has been overshadowed by the international attention given to the ‘ethnic cleansing’ and forced displacement of the Rohingya<sup>36</sup>. In addition to this, the Union Peace Conferences (UPC), also known as 21<sup>st</sup> Century Panglong Conference, have determined the scope of the peace process that is to take place.

As aforementioned, the Rohingyas are a Muslim majority group that occupy parts of the Rakhine States with their roots tracing back to the migration made from British India in the eighteenth and nineteenth centuries, however, Rohingya’s claim their relation to the fifteenth century Arakan Kingdom<sup>37</sup>. While the Rohingya’s and the international community at large view their inhabitation as legitimate on the one hand, Myanmar believes the group to be perpetrators of their own demise on the other. The racial underpinnings of this concern were further amplified in the post-independence era when Rakhine Muslims pushed for integration of their territory with East Pakistan, however, the state disallowed the same resulting in the creation of the *Mujahideen* in the 1950s<sup>38</sup>. The situation worsened with the enactment of the 1982 Citizenship Law which made explicit the statelessness of the Rohingyas in declaring any entrants into the state after 1828 as non-citizens.

The Rohingyas also face institutionalised discrimination through state-imposed restrictions on their right of movement, marriage, choice of religion, the number of children they can have, to name a few<sup>39</sup>. This has resulted in the mass exodus of the group into neighbouring countries through the 1970s, 1990s, and more recently since 2017<sup>40</sup>. Since 2012, there has been an increase in conflict between the Rohingyas and the majority Buddhists in Rakhine State, the former represented by the Arakan Rohingya Salvation Army (ARSA) and the latter by the AA. The central government permitted the former to identify themselves as Rohingyas as well as granted them the right to vote in the 2015, however, under pressure from Buddhist the same was revoked shortly after<sup>41</sup>. In 2016 and 2017, the ARSA’s attack on police outposts in Rakhine

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<sup>35</sup> Emah (2020), pp. 1-2; Minoletti & Sandi (2018), p. 3

<sup>36</sup> Mathieson (2020), p. 3

<sup>37</sup> HRW, n.d

<sup>38</sup> Kyaw (2020), p. 237

<sup>39</sup> HRW, n.d

<sup>40</sup> Kyaw (2020), pp. 235-236

<sup>41</sup> Stokke (2020), p. 23

state resulted in the identification of the former as a terrorist organisation and marked the beginning of the Tatmadaw's brutal clearance operations<sup>42</sup>.

The Tatmadaw left in its wake scores of burning Rohingya villages and indiscriminately opened fire on fleeing non-combatants resulting in the exodus of 900, 000 Rohingyas to Cox Bazaar in Bangladesh, Gender and Sexual Based Violence (SGBV) against women and children, and innumerable civilians missing or dead<sup>43</sup>. Suu Kyi's NLD government, that came to power in 2015, was heavily criticised for its silence on denial of the genocidal intent of the cleansing operation as well as its unwillingness to cooperate with international organisations to provide relief or investigate into the matter<sup>44</sup>. Fear of international sanctions led the government to form internal enquiry commissions such as the Annan Foundation and the Independent International Fact-Finding Mission on Myanmar (IIFFMM). The report produced by the latter emphasised the genocidal intent of the cleansing operations and resulted in two International criminal proceedings in 2019: at the International Criminal Court and the Internal Court of Justice, however, Suu Kyi denied the allegations made against the Tatmadaw and remained silent on the issue back home. As of today, the Rohingya continue to remain as displaced people.

The conflict waged between the AA and the Tatmadaw is termed as once of Myanmar's most serious conflicts in decades. With its roots in the Buddhist majority of Rakhine State, the AA's ethnonationalism draws from two grievances: the Rohingyas and the Burmese predominance in Myanmar, both of which have resulted in secessionist demands<sup>45</sup>. While the Rohingya's are now a non-threat to the AA, the majority of its hostility is directed towards the Tatmadaw. Created in 2009, the AA has strongholds in Rakhine and the southern part of Shan State and recruits from young and disaffected Rakhine, the latter owing to its rise in power over the span of only a few years. The AA's disaffection can be traced back to its exclusion from the NCA on account of not having met the required provisions emailed within the agreements, however, viewed as a militarily and politically insignificant group then, the AA rose to become one that challenged the government's peace efforts<sup>46</sup>.

Whilst being embroiled in ceaseless combat with the Tatmadaw, the AA's relationship with the NLD was one marked by distrust owing to the NLD's collaboration with Tatmadaw as well as its criticism of the AA<sup>47</sup>. The AA is infamous for its abduction of political rivals and their families as a means of warfare, such that of NLD member Hawi Ting in 2019 and the arrest of Tun Myat Naing's wife and children in Thailand<sup>48</sup>. Some of the other EAOs responded to the conflict between the Tatmadaw and the AA by signalling their support for the latter. The Northern Alliance members, a coalition of EAOs namely the AA, Ta'ang Liberation Army (TNLA), and Myanmar National Democratic Alliance Army (MNDAA), declared military

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<sup>42</sup> Kyaw (2020), p. 236

<sup>43</sup> Albert & Maizland (2020)

<sup>44</sup> HRW (n.d)

<sup>45</sup> Mathieson (2020), pp. 238-241

<sup>46</sup> Mathieson (2020), p.4-5

<sup>47</sup> Kyaw (2020), p.242

<sup>48</sup> Mathieson, (2020), p. 8; Kyaw (2020), pp. 241

assistance to the AA in the face of the Tatmadaw<sup>49</sup>. In August 2019, the AA and its allies signalled the wish for a ceasefire and peace talks to negotiate the subsequent signing of the NCA<sup>50</sup>. A temporary truce was arrived at in November amidst continuing negotiations that prioritised the need to terminate fighting and ensure safety of the local people<sup>51</sup>. Talks between all parties in January 2021 resulted in the extension of the truce to the end of February, however, the Tatmadaw initiated a coup on 1st February and thereby plans for talks were automatically cancelled thereafter<sup>52</sup>.

An extension of the peace process launched by the NCA, the UPC is a biannually held political dialogue kickstarted by the NLD government in 2016 and address broad principles related to the social, political, security, land, and economic sectors<sup>53</sup>. Held every year since, with the exception of 2019, the UPC has been imperative in bringing together the EAO, the Tatmadaw, and the NLD civilian government, along with ethnic political parties and civil society groups, to reach agreements that sustain comprehensive peace. UPC I held in 2016 was attended by a broad range of EAO, both signatories and non-signatories of the NCA, with the exception of the AA, TNLA, and MNDAA, a total of 850 attendees. Despite the widespread attendance, the conference was criticised for its lack of inclusivity, especially of the politically and militarily influential ones; the haste with which it was organised; and that it was only for symbolic purposes with discussion and deliberation of important issues reserved for after the conference<sup>54</sup>.

UPC II was held in 2017 with the ultimate goal of reaching a Union Peace Accord. The attendees of the conference reached a consensus on 37 of the 41 points on socio-economic and political issues that were raised including the ethnic states' rights to form their own laws and constitution and prohibition of special privileges to any EAOs. However, the contentious issues that lacked discussion and were pushed to the next Conference were that of a federal army and the right to secede. The former has been debated since the signing of the NCA and reflects the lack of trust between the EAOs, and their wish to retain their own individual armies for fear of a return to state's oppression of their aspirations; and the Tatmadaw, which believes a single national army would ensure territorial integrity and national unity. With regards the secession, although the EAOs signed the NCA which entails within it the principle of non-secession, the

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<sup>49</sup> Weng, L. ‘AA Can’t Count on Northern Allies for Help on Battlefield in Rakhine’, The Irrawaddy, 5 June 2019. Retrieved from <https://www.irrawaddy.com/opinion/analysis/aa-can-t-count-northern-allies-help-battlefield-rakhine.html>

<sup>50</sup> Wunna, S., & Thura, M. ‘Tatmadaw, govt to discuss peace talks with Arakan Army’, Myanmar Times, 19 August 2020. Retrieved from <https://www.mmtimes.com/news/tatmadaw-govt-discuss-peace-talks-arakan-army.html>

<sup>51</sup> Wunna, S. ‘Talks between Tatmadaw, Arakan Army proceed smoothly’, 22 December 2020. Retrieved from <https://www.mmtimes.com/news/talks-between-tatmadaw-arakan-army-proceed-smoothly.html>

<sup>52</sup> Wunna, S. ‘Tatmadaw looks to ceasefire pact with AA after politicians’ release’, 4 January 2021. Retrieved from <https://www.mmtimes.com/news/tatmadaw-looks-ceasefire-pact-aa-after-politicians-release.html>

<sup>53</sup> International Growth Centre [IGC] (2018), p. 4

<sup>54</sup> International Crisis Group (2016), pp. 3-9

EOA's refusal to use the term non-session in the UPC text created renewed tensions. Moreover, the UPC II also failed to reach an agreement on the issue of self-determination<sup>55</sup>.

UPC III held in 2018 took place in the shadow of conflicts between the Tatmadaw and various EAO in Shan, Mon, Kachin, and Karen States. While 14 points related to socio-economic and land sectors were agreed to, the conferences were concluded in annoyance and continued lack of trust between the parties involved owing to the abject deviation from discussing issues of autonomy of ethnic states as well as the continuing conflict taking place in various states<sup>56</sup>. UPC IV, although set to take place in 2019, was postponed and instead various informal and formal talks took place between the state and EAOs. Conflict between the Tatmadaw and the EAO such as the KNU continued while promises of resuming the formal peace process were made and broken<sup>57</sup>. The fourth edition of the UPC was finally held in 2020 with care for COVID 19 protocols and restrictions and attended by 10 EAO, the Tatmadaw, the civilian government, and various political parties.

Concluding with the signing of the III Union Accord, the conference witnessed the stakeholders' commitment to establishing a Democratic Federal Union (DFU) manifested in the consensus on 51 principles necessary to establishing a DFU. In addition to this, 21 principles were seen as crucial in clarifying the NCA and ensuring the continuation of the peace process post the 2020 November elections and the EAO were given a guarantee of its non-obstruction. Not without a deadlock, the conference fell short in reaching a consensus on non-secession and security reforms, and once again the issue of the inclusivity of all EAO was reflected in the exclusion of the influential Federal Political Negotiation and Consultative Committee (FPNCC), consisting of TNLA, UWSA, AA, MNDAA, and the Kachin Independence Army<sup>58</sup>.

The 2021 coup d'état certainly, however, the future of the peace talks that were promised to be continued regardless of the November 2020 elections hinges on the relation between the three main parties to the UPC, that is the Tatmadaw, the democratically elected NLD government, and the EAOs. So far, the Tatmadaw has proclaimed the sluggish nature of the peace process a fault of the NLD, one amongst the reasons cited for the need to raze the party from power and dissolved its peace process mechanism called the National Reconciliation and Peace Centre. In turn, the junta promises EAOs, such as the AA and its allies in the Northern Alliance, that the ceasefires established would remain affective in spite of the coup. Many EAO have indicated a boycott of the military led negotiations and written to the Tatmadaw leadership condemning its actions notably the Pa'O National Liberation Army, however, others such as the AA have agreed to work with the military junta. This is in large part to the organisations strained relationship with the NLD<sup>59</sup>.

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<sup>55</sup> Kipgen, N. "The Continuing Challenges of Myanmar's Peace Process", The Diplomat, 6 June 2017. Retrieved from <https://thediplomat.com/2017/06/the-continuing-challenges-of-myanmars-peace-process/>

<sup>56</sup> Choudhury, A. "The Third 21<sup>st</sup> Century Panglong: A Review", Institute for Peace and Conflict Studies, 2 August 2018. Retrieved form [http://www.ipcs.org/comm\\_select.php?articleNo=5499](http://www.ipcs.org/comm_select.php?articleNo=5499)

<sup>57</sup> Nyein, N. "For Myanmar's Peace Process, 2019 Ends With Little Progress to Show", OCHA, 9 December 2019. Retrieved from <https://reliefweb.int/report/myanmar/myanmar-s-peace-process-2019-ends-little-progress-show>

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<sup>59</sup> Bociaga, R. "Myanmar's Generals' Path to Eternal Peace", The Diplomat, 8 February 2021. Retrieved from <https://thediplomat.com/2021/02/myanmar-generals-path-to-eternal-peace/>

## GENDER IN CONFLICT

With regards the internal wars in Myanmar, little information is available on the impact of the conflict on women and persons of other genders and often inaccurate data, if any, is provided on the same<sup>60</sup>. This is to say that the documentation of the internal conflicts remains largely androcentric. A gendered analysis of the conflict brings to light the intersectional nature of the conflict, which is also mirrored in the Tatmadaw's employment of SGBVs as a counterinsurgency tactic against men, women, and transgender ethnic minorities alike<sup>61</sup>. Currently, the country ranks 148 of the 189 countries in the Gender Equality Index owing to the cultural entrenchment of gender relations and the lack of legal implementation<sup>62</sup>.

Women's participation in armed ethnic violence is limited to the subordinate positions they occupy in their respective EAOs with leadership position occupied dominantly by male combatants<sup>63</sup>. The recent conflicts between the AA and the Tatmadaw saw an increased number of recruitments amongst women due to a multitude of reasons ranging from the economic destitution of Rakhine State to the disaffection felt amongst the female populace<sup>64</sup>. However, based on the experiential narratives gathered by Kolås and Meitei (2019)<sup>65</sup>, women are given limited training while being encouraged to participate in administrative activities such as the financial or information divisions of the groups, and are generally disengaged from front-line combat. The roles occupied by women during conflict mirror the gendered hierarchies prevalent during peacetime and entrenched in the socio-cultural fabric of Myanmar. With the male dominant recruitment of armed ethnic groups, women subsequently become the breadwinners of the family a face cultural and societal pressures in addition to the instability and vulnerability created by conflict.

Over the last decade, there have been increased calls from women's grassroots groups to increase the participation of women in the peace-process following the 2015 elections and the signing of the NCA<sup>66</sup>. In addition to Suu Kyi's call for and promise to ensure the participation of at least 50% women in political processes, parties to the NCA signed the Framework for political dialogue in 2015 and pledged to reach 30% of women's participation in the NCA, however, no party was able to achieve the mark and the 2021 coup has put a halt on any peace-processes all together<sup>67</sup>.

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<sup>60</sup> Myanmar Policy Briefing [MPB] (2016), p. 2

<sup>61</sup> HRC (2020)

<sup>62</sup> HRC (2019), ¶ 48

<sup>63</sup> Kolås & Meitei (2019). ¶ 2

<sup>64</sup> ‘Why more women are joining Myanmar’s Arakan Army insurgency’, The New Humanitarian, 18 November 2020. Retrieved from <https://www.thenewhumanitarian.org/news-feature/2020/11/18/myanmar-women-army-arakan-rakhine-female-soldiers-peace>

<sup>65</sup> Due to the lack of documentation of the experiences of women during conflicts, experiential narratives provide a crucial first-hand account of the implications of conflicts on women. See Kolås and Meitei (2019) to read the narratives provided by women part of Myanmar's ethnic armed groups.

<sup>66</sup> MPB (2016), p.2

<sup>67</sup> Kolas & Meitei (2019), ¶ 1

## INTERNATIONAL ACTORS

Regional relations have had considerable influence on the conflicts within Myanmar's borders<sup>68</sup>. Listed below are the most dominant international actors:

### China

An immediate neighbour with growing influence in the region, China has been Myanmar's closest ally since its inception in 1948. While China supported the CPB insurgencies from 1948-1989, it shifted its support to the Tatmadaw regime by supporting its actions during the 1988 pro-democracy demonstration and Myanmar in turn supported China's stance on the 1989 Tiananmen Square protests<sup>69</sup>. China's strategic interests in Myanmar can be broadly categorised into that of economic and security. On the economic front, China has invested in the Kyaukphu Special Economic Zone as part of its Belt and Road Initiative and relies heavily on Myanmar for natural gas. With regards security, many of the EAOs such as the United Wa State Army (UWSA) and the AA, are located on the borderlands between both countries creating considerable fear that the conflict may spill-over the border into China<sup>70</sup>. To this end, China holds considerable influence over a few EAOs, most notably the UWSA and the AA, and was a witness to the signing of the 2015 NCA<sup>71</sup>.

Owing to the creation of the UWSA's territory into a Self-Administered Area which has entitled the group with great autonomy and freedom, the group has benefited from its relations with China manifested in the availability of 24-hour electricity, establishment of social services, urban infrastructure, and even weaponry<sup>72</sup>. The AA has shown its inclinations towards China by publicly welcoming Chinese investment in its region. Moreover, China is viewed as the only international actor with enough elbow room to play a key role in the AA-Tatmadaw peace process<sup>73</sup>. With regards the 2021 coup, China made evident its position by blocking the UN's condemnation of the same while the Chinese government released a statement stating it 'noted' the recent development<sup>74</sup>.

### India

Civilizational neighbours, the Myanmar-India relationship is characterised by one that is people-to-people. India supported the pro-democratic movement but a shift in its foreign policy from idealism to realism led the country to form diplomatic ties with the Tatmadaw<sup>75</sup>. India's assistance to the SLORC/SPDC derives from its strategic interest of countering China's influence in Myanmar. The common ethnicity shared by Naga insurgents on both sides of the

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<sup>68</sup> Cline (2009), p.585

<sup>69</sup> Legêne & Ytzen (2015), p. 109

<sup>70</sup> Mathieson (2020), p. 18

<sup>71</sup> ISDP (2015), p. 6

<sup>72</sup> Cline (2009), p. 586; Joliffe (2015), p. x

<sup>73</sup> Mathieson (2020), p. 19

<sup>74</sup> 'Myanmar coup: China blocks UN condemnation as protest grows', BBC, 3 February 2020, Retrieved from <https://www.bbc.com/news/world-asia-55913947>

<sup>75</sup> Legêne & Ytzen (2015), p. 11

border has resulted in Naga insurgents providing assistance to one another as well as India and Myanmar conducting joint counterinsurgency activates in the 1990s and well into the 2000s<sup>76</sup>. In 2019, the militaries of both countries launched Operation Sunrise, a cross border counterinsurgency operation aimed at the EAOs, AA and National Socialist Council of Nagaland – Khaplang, residing near the Indo-Myanmar border in North-East India<sup>77</sup>. In addition to this, the Indian government has supplied arms to the Tatmadaw as aid in its fight against insurgents, and in 2019 both countries signed a Memorandum of Understanding on Defence Cooperation to enhance security and defence assistance, offering to train Myanmar army officers in Indian military academies across India<sup>78</sup>. With regards the 2021 coup, India has expressed its “deep concern” of Tatmadaw’s 2021 coup without outrightly condemning the same<sup>79</sup>.

## Bangladesh

While both countries have had cultural and people-to-people relations since pre-colonial times, more recently Myanmar-Bangladesh ties are marked by distrust and finger-pointing owing to the Rohingya Crisis. Sharing a border with Rakhine, Myanmar’s institutionalised discrimination and the Tatmadaw’s purge of the Rohingya’s has resulted in the mass migration of the ethnic group to Cox Town in Bangladesh in the 1970s, 1990s, and 2017<sup>80</sup>. While supporting Muslim and non-muslim insurgent groups in Myanmar, Bangladesh has cracked down on the cross-border activity between both countries<sup>81</sup>. With failed repatriation efforts in 2018 and 2019 and both countries blaming one another for the same, Bangladesh is now relocating the Rohingyas to the Bhasan Char, a remote set of islands that resurfaced in the Bay of Bengal only two decades ago<sup>82</sup>. Bangladesh continues to urge international pressure on Myanmar to take the displaced social group back but to no avail<sup>83</sup>. The country has condemned the 2021 military coup with express hope of continuing the repatriation process<sup>84</sup>.

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<sup>76</sup> Cline (2009), pp. 585-586

<sup>77</sup> “India Myanmar conduct joint operation to destroy militant camps in Northeast”, The Hindu,

<sup>78</sup> Banerjee, 2020; “India-Myanmar Joint Statement during the State Visit of the President of Myanmar to India (February 26-29, 2020)”, Ministry of External Affairs, 27 February 2020. Retrieved from <https://mea.gov.in/bilateral-documents.htm?dtl/32435/IndiaMyanmar+Joint+Statement+during+the+State+Visit+of+the+President+of+Myanmar+to+India+February+2629+2020>

<sup>79</sup> ‘We believe rule of law and democratic process must be upheld, says India on Myanmar coup’, 2 February 2020. Retrieved from <https://timesofindia.indiatimes.com/india/we-believe-rule-of-law-and-democratic-process-must-be-upheld-says-india-on-myanmar-coup/articleshow/80640644.cms>

<sup>80</sup> Cline (2009), p. 585; HRW, 2019

<sup>81</sup> Cline (2009), p. 585

<sup>82</sup> Paul, R. ‘Bangladesh to move more Rohingya Muslims to remote island, despite outcry’, Reuters, 14 February 2021. Retrieved from <https://www.reuters.com/article/us-bangladesh-rohingya/bangladesh-to-move-more-rohingya-muslims-to-remote-island-despite-outcry-idUSKBN2AE0FX>

<sup>83</sup> Banerjee (2020), p. 4

<sup>84</sup> Nandini, N. ‘Bangladesh Condemns Myanmar Military Coup, Urges Rohingya Repatriation Should Continue’, Republic World, 2 February 2021. Retrieved from <https://www.republicworld.com/world-news/rest-of-the-world-news/bangladesh-condemns-myanmar-military-coup-urges-rohingya-repatriation-should-continue.html>

## **Thailand**

With the Thailand-Myanmar border inhabited by Shan and Karen ethnic groups, the former has been home to numerous refugees and EAO leaders in exile. During the 1960s, with the intention of isolating the communists, Thailand tolerated insurgents on the border and even provided them with aid and shelter. With a dwindling of the threat posed by the communists, the 1980s witnessed increased trade between both countries, particularly that of logging which resulted in revenue for the Myanmar government and reduced coverage for insurgents<sup>85</sup>. While Thailand has been pushing refugees back into Myanmar, Thai NGOs provide assistance to armed groups such as the Pa-O National Liberation Organisation in terms of health and educational services to the local populace along its border<sup>86</sup>. Having witnessed two coup d'états since 2006 and with a military backed government at the helm, Thailand's response to Myanmar's 2021 coup was one of acceptance rather than condemnation<sup>87</sup>.

## **United States (US)**

Although not a regional neighbour of the state, US engagement in Myanmar has been significant in its impact. It was one of the first to recognise independent Burma and assisted the same with economic aid all the while, and with the establishment of a communist regime in China, providing covert aid to the Kuomintang taking refuge within Myanmar till the 1950s<sup>88</sup>. By 1979 the BSPP reformulated some of the socialist policies instilled by the 1962 coup and reponed the Myanmar to foreign aid and investment, resulting in a resumption of US aid to the country. However, the same was short lived owing to the 1988 coup and the junta's refusal to recognise the 1990 election results which caused the US, along with other international actors, to stop aid and put sanctions on Myanmar. While the US' interests in Myanmar can also be seen to draw directly from cold war paranoia and the threat of a rising China, more specifically given the latter's shared boundary with and influence in Myanmar, the production and supply of heroin from Myanmar to the US was another major issue. In this light, the US has provided Myanmar with the equipment to carry out narcotics surveillance, however, it is alleged that the same was used instead used against the Karen and other EAOs as cross-border drug trafficking is lucrative means of finance for the rebels.

Over the last few years, the US involvement in Burma has been two-fold, one to counter terrorism, and the other to protect human rights as seen violated by the Tatmadaw's numerous coups and treatment of ethnic minorities. While the latter has resulted in multiple sanctions on the country and more recently with visa restriction, with regards the former Myanmar and the US signed the US -ASEAN Joint Declaration for Cooperation to Combat International Terrorism in 2002. This meant a crackdown on armed groups deemed "terrorists" by the Tatmadaw, especially Muslim rebels in Rakhine state who were seen on tape training at Al

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<sup>85</sup> Cline (2009), p. 585

<sup>86</sup> Jolliffe (2015), p. 67

<sup>87</sup> See Abuza, Z. 'The Thai Playbook for Myanmar's Coup Leaders', *The Diplomat*, 9 February 2021. Retrieved from <https://thediplomat.com/2021/02/the-thai-playbook-for-myanmars-coup-leaders/>; 'West condemns Myanmar coup but Thailand, Cambodia shrug', *Bangkok Post*, 1 February 2021. Retrieved from <https://www.bangkokpost.com/world/2060651/west-condemns-myanmar-coup-but-thailand-cambodia-shrug>

<sup>88</sup> Legêne & Ytzen (2014), p. 117

Qaeda camps in Afghanistan<sup>89</sup>. There has been increased pressure on the US to ramp up its efforts in Myanmar's peace process, and its presence has been requested by more than one EAO, although there have been Chinese attempts to block the same<sup>90</sup>. The US' response to the 2021 coup was one of immediate condemnation followed by the imposition of sanctions on all military leaders, their families, and business interests while demanding a return to democracy<sup>91</sup>.

## CONCLUSION

The undercurrents of ethnic conflict in Myanmar pre-date the country's independence yet the effects of the same are felt even today. In large part, it is the colonial policies implemented upon the country's colonisation in the eighteenth century that deepened the ridge between the majority Burmese and minority ethnic groups. While the ramifications of the British 'divide-and-rule' and 'martial race' policies created a sense of strife that has prevented the materialisation of national unity, the years following Burma's independence in 1948 furthered amplified this division. In particular, the numerous constitutions the country has had, that of 1947, 1974, and 2008, have each served to undermine the aspirations of the diverse populace residing within the country. This has resulted in the formation of numerous EAOs that represent the 135 officially recognised ethnic nationalities, and the outbreak of insurgencies across the country. In addition to this, the many coups staged by the Tatmadaw have added to the insurgents' cause for autonomy and secession. Dominated by the Burmese and with a socialist outlook that views diversity as the root cause for Myanmar's national disunity, the Tatmadaw have been at the centre of Burma/Myanmar's political affairs since Independence. This has led military leaders to view themselves as the protectors of the Union that they view as being threatened by fragmentation.

Over the last decade, the ethnic conflict in Myanmar have been dominated by the Rohingya Crisis and conflict between the Tatmadaw and the AA. Both incidents have a common denominator: the Myanmar Military. Although the Tatmadaw secured numerous ceasefires from the 1990s onwards, the peace-process has been fragile with both sides breaking these agreements at will. Further attempts were made with the 2015 NCA and the UPC held since 2016, however, these have proven futile on account of the exclusionary nature of the agreement. The implication of the same can be seen in the most recent conflicts that took place between the Tatmadaw and the AA. Despite the initiation of a formal and comprehensive peace process found in the NCA and subsequently the 21<sup>st</sup> Century Panglong Conferences, the lack of inclusivity of all ethnic groups and their representatives, as well as the state's refusal to negotiate the creation of a DFU, federal army, security reform, the issue of secession, and most importantly a lack of democracy have been recurring themes that reflected the lack of trust between the parties involved.

The implications of the 2021 coup can be predicted from Myanmar's oft-repeated struggling for power and democracy. Democracy in Myanmar has been fleeting and the 2021 coup reflects the cause of the same, that is, the Tatmadaw's refusal to relinquish power over to the democratically elected NLD party lead by Aung San Suu Kyi. Threatened by the NLDs

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<sup>89</sup> Steinberg (n.d)

<sup>90</sup> Kuok (2014), p. 5

<sup>91</sup> Strangio, S. "Following Coup, US Targets Myanmar's Military with Sanctions", *The Diplomat*, 11 February 2021. Retrieved from <https://thediplomat.com/2021/02/following-coup-us-targets-myanmar-military-with-sanctions/>

popularity and its agenda to amend the constitution, particularly the parts that a lot a massive share of power to the Tatmadaw, the latter once again has displayed its unreconciliatory position regarding the state and how it should be lead. The international community, especially its neighbours, can play a huge role in influencing the internal conflict in Myanmar, and given the Tatmadaw's subjugation of democracy, should encourage the country to acknowledge the will of its citizens. However, fifty-eight years and three coups later, the Tatmadaw, despite the international pressure of the past and present, will always use whatever means necessary to remain in power. Although the military has confirmed its commitment of sustaining the ceasefire agreements and continuing the peace process, it may seem too soon to predict the future of the same. As aforementioned, the future of peace in Myanmar rests on the relationship between its three main stakeholders: the NLD, the Tatmadaw, and all the EAOs.

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