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Burma's Peace Process: Challenges Ahead in 2017

Burma (Myanmar) has been riven by a low-grade civil war between government forces and ethnic armed organizations (EAOs) since it became an independent sovereign state on January 4, 1948. The Burmese military, or Tatmadaw, used the ongoing conflict—and the perceived risk that some states could secede from the federated government—to justify seizing power from a democratically elected civilian government on March 2, 1962. Over the next 50 years, the Tatmadaw was unable either to negotiate an end to the civil war, or to win victory on the battlefield.

In 2011, Burma's military junta, the State Peace and Development Council (SPDC), transferred power to a mixed civilian/military government headed by President Thein Sein, a retired general and ex-SPDC prime minister. President Thein Sein made negotiating a nationwide ceasefire a priority, but his efforts were only partially successful. While 8 of the more than 20 EAOs signed a ceasefire agreement on October 15, 2015, most of the larger EAOs did not sign because of the exclusion of some of the smaller EAOs from the ceasefire agreement. Since then, fighting between the Tatmadaw and several of the non-signatory EAOs has continued in the states of Kachin, Karen, Rakhine, and Shan, resulting in both civilian and military casualties.

Aung San Suu Kyi and the National League for Democracy (NLD) took control of Burma's Union Parliament in January 2016 and the nation's executive branch in April 2016, after winning a landslide victory in parliamentary elections held in November 2015. Aung San Suu Kyi and the NLD have announced that ending Burma's low-grade civil war is one of the highest priorities for the new government.

Causes of the Ongoing Conflict

Burma is an ethnically diverse nation, in which the ethnic Bamar are a majority of the nation's population, but several other ethnic minorities—such as the Chin, Kachin, Karen, Karenni, Mon, Rakhine, and Shan—are the majority of the population in some regions. Burma's 1948 constitution established the Union of Burma as a federated nation, in which the separate states retained a fair amount of autonomy and the right to secede from the Union after 10 years.

The 1948 constitution was based in part on the provisions of the 1947 Panglong Agreement, negotiated between General Aung San (Aung San Suu Kyi's father) and leaders of the Chin, Kachin, and Shan ethnic minority communities. The Panglong Agreement accepted in principle the "full autonomy in internal administration for the Frontier Areas," in exchange for the ethnic minority communities joining the Bamar majority, who generally live in central Burma, to form a federated nation.

In the view of most of the EAOs, Burma's central government and the Tatmadaw have never lived up to the promises of the Panglong Agreement. Instead, these EAOs contend, the Bamar majority has used the central government and the Tatmadaw to dominate and oppress Burma's ethnic minorities. To the Tatmadaw and Burma's past military juntas, the EAOs are insurgents threatening the nation's territorial integrity. Before it will agree to a ceasefire, the Tatmadaw insists that the EAOs agree to the "Three Main National Causes"—"non-disintegration of the Union," "non-disintegration of national solidarity," and "the perpetuation of sovereignty" of the existing government. In September 2015, the Tatmadaw set out its "six principles for peace," which require the EAOs agree to remain part of Burma, accept the 2008 constitution, submit to "national sovereignty" (the legitimacy of the current central government), and abide by the laws of the central government.

Key Issues for Peace Process

Burma's peace process involves a complex interplay of several issues, including the amount of autonomy that states would retain within the federated nation; the status of the 2008 constitution; control over natural resources; the future status of the ethnic militias; the selection of participants in peace negotiations; and the sequencing of steps to peace. Most of the differences are between the Tatmadaw and the EAOs. However, the EAOs are a diverse group, and often disagree among themselves on the best approach to relations with the Tatmadaw and the NLD-led government. Like the previous Thein Sein government, the current NLD-led government frequently finds itself positioned as mediators between the Tatmadaw and the EAOs.

Nature of the Federated Union

Most of the EAOs and the UNFC seek a more decentralized federated union in which the ethnic states have a high degree of autonomy, which they contend is consistent with the Panglong Agreement. The Tatmadaw prefers a stronger central government with less state autonomy, as is reflected in the 2008 constitution.

Status of the 2008 Constitution

The Tatmadaw insists that the 2008 constitution be maintained, but may be willing to accept some amendments. Some of the EAOs, however, have called for drafting a new constitution more consistent with the Panglong Agreement. Other EAOs appear willing to accept the 2008 constitution, provided that it is amended to provide the ethnic states with sufficient autonomy.

Control over Natural Resources

Burma is a nation rich in natural resources, including some of the world's finest ruby and jade mines located in several of the ethnic states. Most of Burma's natural resources are

owned and/or controlled by the Tatmadaw and entities friendly to it, causing resentment among Burma's ethnic minorities. Control over natural resources and resulting revenues is a central factor in Burma's peace negotiations and in the terms underlying the federated union.

Future Status of the Ethnic Militias

The 2008 constitution stipulates that the Tatmadaw is the "sole patriotic defense force" in the nation, and grants the Tatmadaw direct control over all the country's security forces. The Tatmadaw insists that the EAOs disarm, demobilize, and reintegrate (DDR). Many of the EAOs wish to maintain independent state security forces; others are willing to discuss terms of demobilization only after the Tatmadaw agrees to security sector reform (SSR).

Participants in the Peace Talks

The EAOs generally agree that the peace talks should include all the EAOs. The Tatmadaw, however, have refused to participate in negotiations involving several of the EAOs with whom it is currently fighting, including the Arakan Army (AA), the Myanmar National Democratic Alliance Army (MNDAA), and the Ta-ang National Liberation Army (TNLA). Some of the EAOs refused to sign the October 2015 ceasefire agreement because other EAOs were excluded. Aung San Suu Kyi has stated that she wants the future peace negotiations to be more inclusive than past talks, but has generally supported the Tatmadaw's objection to the inclusion of the three EAOs.

Sequencing Steps to Peace

Another issue in the past ceasefire talks has been agreeing on the sequencing of the steps to peace. The Tatmadaw would prefer to negotiate the terms of a nationwide ceasefire agreement before opening up discussion on possible political reforms. The EAOs, in general, want to establish the general terms of a future federated Union of Burma before agreeing to a nationwide ceasefire agreement. Several of the EAOs have also called on the Tatmadaw to stop its assaults on EAOs as a precondition to peace talks.

NLD's Approach

On April 27, 2016, Aung San Suu Kyi met with representatives of the Tatmadaw and the eight EAOs that signed the October 2015 ceasefire agreement and announced her intention to hold a "21st Century Panglong Conference" within the next two months. Aung San Suu Kyi also renamed the Myanmar Peace Center (MPC), as the National Reconciliation and Peace Center (NRPC) and transformed it into a government agency reporting to the State Counselor.

The first session of the 21st Century Panglong Conference was held in Naypyitaw on August 31–September 3, 2016 (see CRS Insight IN10566, *Burma Holds Peace Conference*). While Aung San Suu Kyi was able to secure greater participation by the EAOs, progress appeared to be hampered by the Tatmadaw's objection to inviting the AA, MNDAA, and TNLA. Statements presented by Commander-in-Chief Senior General Min Aung Hlaing and several EAOs revealed different visions of a democratic federated state of Burma and the path to creating that state.

The second Panglong Peace Conference was held on May 24–29, 2017, with mixed results. In part due to China's intervention, the AA, the Kachin Independence Army, MNDAA, TNLA, and the United Wa State Army met with Aung San Suu Kyi during the conference. Other EAOs that had attended the first conference, however, chose not to attend. In addition, the Tatmadaw insisted on a non-secession provision in the peace agreement, to which several EAOs objected.

Escalating Fighting

Fighting between the Tatmadaw and some of the EAOs increased following the SPDC's transfer of power to the Thein Sein government in 2011, escalated after the NLD took power in 2016, and has further intensified since the 1st Panglong Peace Conference. In response to a sustained Tatmadaw offensive, a coalition of four EAOs (AA, KIA, MNDAA, and TNLA) launched a counteroffensive in November 2016 that has resulted in thousands of internally displaced persons (IDPs).

Issues for U.S. Policy

Identifying a path to a peace, and what constructive role, if any, the United States can play in helping to end Burma's civil war, raises a number of policy options, including:

1. Providing assistance to the NRPC and/or the peace negotiations. Determining how best to provide that assistance is likely to be complicated. Donors to the MPC, which included the United States, found that such assistance was seen by some EAOs as support for President Thein Sein and the Tatmadaw, undermining the donors' desire to serve as a neutral party to the peace process.
2. Encouraging or otherwise applying pressure on the key groups in the peace process to negotiate in good faith and compromise. Certain forms of assistance or support for the NLD-led government, the Tatmadaw, or the EAOs could be made contingent on progress in the peace process.
3. Selected forms of engagement or aid could be withheld from parties in Burma's peace process who are viewed as uncooperative by the United States.

Whatever action the United States may or may not choose to take, Congress and the Administration also may wish to consider the role of other interested nations—such as China, India, and Japan. China reportedly has close relations with some of the EAOs and seeks a stable and friendly neighbor on its western border. Prime Minister Narendra Modi has continued India's "Look East" policy in which Burma plays an important role as a potential significant trading partner and gateway into Southeast Asia. Japan is a growing investor and major provider of development assistance to the country.

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