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Ceasefires sans peace process in Myanmar: The Shan State Army, 1989–2011

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Abstract

Resolving the enduring internal conflict between the central state and the ethnic nationalities in Myanmar is at the heart of the continued development of the country as a whole. However, a solution may require flexibility when it comes to defining the territorial integrity of the country and its national identity. The 1962 coup, which implemented a policy of unification through a centralised authority backed by military force, has had long-lasting consequences in the form of fragmentation and disunity that have tended to be framed as ‘rebellion’ or ‘insurgency’ by the central government. The problem of how to turn ceasefires into a successful and genuine peace process is one that Myanmar urgently faces today.

This paper examines the case of the Shan State Army – its origins, history and ceasefire agreements – in an effort to shed light on why the problem of lasting peace in Myanmar has seemed relatively intractable. The nature of past ceasefires as purely military agreements, the lack of political dialogue and the undefined powers of the military in ethnic areas are all contributing factors. Analyses of the ceasefire processes of the past as well as current problems highlight the need for the two sides to be convinced that: (1) a military solution is not possible; (2) a neutral, trusted third-party facilitator of domestic origin could help to manage distrust and negotiate compromise between the parties; (3) centralised political will for peaceful change must be present; and (4) promises need to be kept. The presence or absence of these key factors will affect the eventual success or failure of a peace solution in Myanmar.

Biography

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1. Introduction

As with a number of other states in Southeast Asia, the basis of internal conflicts in Myanmar too is conflicting points of view on three key fronts: the political legitimacy of the governing authority, the territorial integrity of the country, and its national identity.

In the case of Myanmar, not all of these problems are ranked equally by the various stakeholders. For instance, the political legitimacy of its military government has been questioned by not only ethnic minorities and armed groups but also many of the country's citizenry. This is why the changing status quo effected by the elections in November 2010, which resulted in a return to 'elected government', is seen by many within the country as a possibly positive step.¹

The issues of territorial integrity and national identity are more complex. Since around two-thirds of the population is Bamar (formerly Burman), to this majority ethnic group, a sense of defined national territory and national identity may be taken for granted. To non-Bamar ethnic groups, however, these may be deeply controversial. These, however, are not issues that have arisen only in the post-1962 era; they were pressing questions at the time of independence, around 1946–1947 and earlier as well. Indeed, they were concerns voiced by ethnic leaders in the 1930s at the Round Table Conferences in London, which debated the separation of Burma from India, as well as at the turn of the 20th century, when British administration was being implemented in the so-called 'Frontier Areas' that were kept separate from 'Burma Proper'.

Interestingly, a detailed exploration of 'whose' territory and 'whose' identity has never been comprehensively attempted. The earliest examples of a limited form of 'multi-national' conversation about these issues taking place in Burma were the Panglong conferences in 1946 and 1947. The Taunggyi All States Conference in June 1961 and the Rangoon National Conference in March 1962, which were both aimed at discussing constitutional reform, may have managed to lay the foundation for a resolution of these issues through peaceful means. However, the discussion process was abruptly interrupted by the 1962 coup, which took place on the second day of the National Conference and set the scene for unification through a centralised authority backed by military force.

This has resulted in a situation whereby 'the image of a clear national boundary within which the central state claims absolute sovereignty is [...] at odds with political practice. Historically, the Rangoon-based state rarely enforced its rules throughout much of the territory it claimed'.²

For many Bamar, their nation has existed since the mid-eleventh century in an unbroken lineage. King Anawrahta began the first 'Myanmar Naigandaw' (empire), which had to

¹ The 2010 elections represent a shift from direct military rule. Many generals have literally taken off their army uniforms and are now wearing civilian clothes. Before these elections, no Parliament had been allowed to operate within the country and elections had not been held at all for 20 years. Although individual conclusions may be drawn from this state of affairs, it should be noted that observers internal and external to the country are not all seeing the same things.

² M.P. Callahan, *Political authority in Burma's ethnic minority states: Devolution, occupation and coexistence* (Washington, DC: East-West Center Washington, 2007), 12.

contend with other indigenous nations such as the Shan, Mon and Rakhine in a continuous struggle between the 'centre' and 'periphery' that persisted until the British occupation.

To members of non-Bamar groups, history may appear different. Rather than regarding themselves as peripheral to a Bamar centre, they may have perceived the Bamar as a large and powerful nation – sometimes an ally, sometimes a conqueror, but always a power to be negotiated with for their own ends. Non-Bamar kingdoms have existed in the region for centuries. They may not have perceived the 'Bamar empire' as a continuous force through history that was always seeking control of the same territorial tracts, but rather as a significant power that waxed, waned and changed – sometimes losing swathes of territory and sometimes winning – until the British invasion marked a decisive end to any overall Bamar control.

To Bamars, the subjugation of the country by Britain was effectively accomplished by 1885, when Upper Burma was conquered. Yet in the so-called Frontier Areas, kept separate from the rest of Burma Proper, this was not the case.³

The separation of all these different territories from one another is a crucial point that must not be missed. The rise of Myanmar nationalism after the British occupation occurred in a majority Bamar population, mostly in Burma Proper. These nationalists accused the British of a deliberate 'divide-and-rule' policy, and advocated a 'return' to a unified state, implying that some kind of coherent nation had existed prior to the British invasion.

The experience of World War II and the Japanese invasion highlighted divisions in how different indigenous inhabitants perceived what was happening. In Burma Proper, nationalists who were initially allied with the Japanese later changed sides and became the new politico-military (mainly Bamar) elite. Meanwhile, groups that remained loyal to the British crown found themselves isolated even after the British reassumed control following the Japanese retreat. Feelings of division and antagonism among ethnic minorities towards Bamars were intensified by negative experiences of having fought and clashed with one another during the war.

The Panglong Agreement and the second Panglong Conference in 1947 are often cited as cornerstones of national history. The agreement was largely said to have come about because of Aung San's great charisma and the trust ethnic leaders put in him. While these factors undoubtedly played a role, the agreement was only signed by Aung San, representing the Executive Council of the Governor of Burma, the Shan *Saophas* (princes) and representatives of Shan State, the Kachin Hills and the Chin Hills.⁴ The Karen

³ The establishment of the Frontier Areas Administration (FAA) was a long process, which varied depending on the region. It initially began around 1886 among the Shan states, and was not fully established until 1892 in the Chin and Karenni areas or until 1895 among the Kachin. Although the FAA existed, the British did not have absolute control over all territory – the Wa were kept entirely separate, and, as late as 1940, the Naga were not formally under any kind of administration. See: British Government Report, 'Burma, Frontier Areas Committee of Enquiry, 1947. Report submitted to His Majesty's Government in the United Kingdom and to the Government of Burma, June 1947', in *Democracy and politics in Burma: A collection of documents*, ed. M. Weller (Manerplaw: Government Printing Office of the National Coalition Government of the Union of Burma, 1993), 31–4.

⁴ The nature of the representatives of these different areas is also complex when examined in depth. The Chin delegation, for instance, expected H.N.C. Stevenson, former director of the FAA, to attend and help translate the

participated in a limited way as observers and were not signatories.⁵ Furthermore, the agreement was only signed with the understanding that a constitutional clause would provide the Shan and Karenni the opportunity to secede from the country,⁶ if they so desired, after a 10-year trial period. This was the basis for Chapter X of the 1947 Constitution. Taking these points into consideration provides a rather different perspective of what happened at Panglong.⁷

The popular framing of history in Myanmar tends to revolve around a centralised perspective, so that the ‘rebellion’ of ‘insurgent’ or ‘revolutionary’ groups in the ethnic areas is simply seen as a problem of instability that has endured from the time of independence. On the other hand:

[t]hroughout the postcolonial era, these regions [former ‘Frontier Areas’] have never come under anything approaching central control. Large stretches of territory – perhaps as much as one-fourth of Burma’s land – and large numbers of people have been governed, administered, and exploited by armed state challengers [...].⁸

In reality, the ethnic armed groups do not all share the same goals, operate in the same way or even trust one another,⁹ just as they did not arise for the same reasons or all demand the same thing from the government. Their histories and relationships with the state have been different.

The military junta that replaced Ne Win’s one-party rule in 1988 undertook a series of negotiations with the armed ethnic groups under the initiative of then intelligence chief Lieutenant General Khin Nyunt. Official sources noted 17 ceasefire agreements in all, with those groups that agreed to the ceasefire being generically named the ceasefire groups (CFGs).¹⁰

In return for the agreements, CFGs were allowed to keep their arms and military formations, administer their own territories and engage in business activity that was often quasi-legal in nature. Some ethnic armed groups refused or were denied ceasefires and maintained armed struggle. Since the 2010 November elections, tensions have escalated steadily between the

proceedings for them. However, Stevenson did not attend, having been encouraged to retire by his British superiors, due in part to a known dislike that existed between him and Aung San. Letters and telegrams to this effect are available in the India Office Records archives of the British Library’s Asia and Pacific Affairs Section. These are classified under IOR/M/5/114 [File B (I) 1183].

⁵ J.F. Cady, *A history of modern Burma* (Ithaca: Cornell University Press, 1958), 545.

⁶ Interview with U Aung, son of Prime Minister U Nu, 11 October 2010.

⁷ For a recent introductory article on the subject, see: M.J. Walton, ‘Ethnicity, conflict, and history in Burma: The myths of Panglong’, *Asian Survey* 48, no. 6 (November/December 2008): 889–910.

⁸ Callahan, *Political authority in Burma’s ethnic minority states*, 12.

⁹ International Crisis Group (ICG), ‘Myanmar backgrounder: Ethnic minority politics’, *Asia Report*, no. 52 (May 2003): 22–3, accessed July 2011, www.crisisgroup.org/en/regions/asia/south-east-asia/burma-myanmar/052-myanmar-backgrounder-ethnic-minority-politics.aspx

¹⁰ Independent observers counted more, accounting for numerous small splinter groups with fewer than 20 fighters each. According to such independent calculations, there may be as many as 50 ceasefire groups (CFGs) in Shan State alone. See: J. Lorch and G. Will, *Burma’s forgotten conflicts: A risk for the region’s security* (Berlin: Stiftung Wissenschaft und Politik/German Institute for International and Security Affairs, 2009), 2, accessed July 2011, www.swp-berlin.org/fileadmin/contents/products/comments/2009C10_lrc_wll_ks.pdf

junta and the CFGs. As of August 2011, the situation is in flux. The ceasefires have ended with persistent fighting over several months and there have been calls for peace talks, which have not yet been successful.

Did the ceasefire agreements in Myanmar conform to a typical peace process? Peace was their result, but it was not the focus of these agreements. Lorch and Will state: 'Although the ceasefires have been for the most part quite stable, they are in no way comparable to peace treaties and are to be seen almost without exception as purely military Gentlemen's Agreements.'¹¹

It is important to consider that the agreements could be interpreted as part of a long-term military strategy on the part of the central governing authority, rather than as attempts at establishing enduring peace. It is noticeable that only one ceasefire agreement was made in writing¹² while the rest were all verbal. Though a single person, (later) Khin Nyunt, was credited as the architect of the ceasefires by the CFGs, there is no evidence to suggest that his exit from power in October 2004 could have been a significant factor in the ultimate failure of these agreements to eventually develop into successful disarmament negotiations.

No progress can be made unless both the state and the armed ethnic groups are convinced that there is no military solution to such enduring conflict. A successful peace process requires a combination of factors such as correct timing, military stalemate leading to a reformed state position, powerful civilian leadership with authority to push for negotiations and the availability of an acceptable neutral third party to facilitate dialogue.

At the present time, not all of these conditions are in place in Myanmar. Currently, the state authority appears to have successfully carried out the Seven Step Roadmap. Unlike in the Indonesian Aceh peace process, where the 2004 Indian Ocean tsunami is considered to have been a deciding factor that induced willingness to negotiate, the deadly Cyclone Nargis of 2–3 May 2008 did not open a similar window of opportunity in Myanmar because of the particular location of the affected area and because the government was determined to carry out planned constitutional referendums within the same month.¹³ There is also currently no powerful civilian leadership that can push for a negotiated settlement on terms acceptable to the CFGs. However, it is possible that, if the due process of elected government is allowed to prevail, the situation might change in the future.

Finally, there is little indication that dialogue can occur successfully at this time. There is resistance from both the governing authority and the armed ethnic groups. For instance, recent government calls for peace talks have stalled.¹⁴ The government has proposed talks on a state-by-state basis, individually with different armed groups. Meanwhile, several major ethnic armed groups belong to a coalition called the United Nationalities Federal Council (UNFC), which wants a countrywide ceasefire and discussion of national reconciliation and

¹¹ Ibid.

¹² The only ceasefire group (CFG) that received a written agreement was the Kachin Independence Organization (KIO), in 1994.

¹³ Lorch and Will, *Burma's forgotten conflicts*, 4. The devastated region is far from the operational territories of the ceasefire groups (CFGs), which are mainly along the China-Myanmar and Thailand-Myanmar borders.

¹⁴ See the Union Government's announcement No. 1/11, dated 18 August 2011. *New Light of Myanmar*, 19 August 2011.

peace.¹⁵ If a trusted domestic third-party facilitator could offer negotiated compromises between these different demands, perhaps peace talks could occur. As yet, however, no facilitator seen as trusted and neutral by all parties appears to exist.

2. Case study: Armed rebellion in Shan State and the Shan State Army

This case study of the armed rebellion in Shan State and the Shan State Army (SSA) attempts to provide a detailed example of some of the issues discussed above. The roots of armed rebellion in Shan State lie in the decade of unrest in the state prior to the military coup in 1962 as a result of the exiled KMT (Kuomintang or Chinese Nationalist Party) intrusion from China in the early 1950s and the efforts of the Tatmadaw to dislodge them. Taylor notes that the rise of Shan secessionist feelings by the late 1950s was aggravated by the negative collective experience of widespread martial law and fighting between the KMT and the Tatmadaw.¹⁶

The emergence of armed groups fighting for secession gave rise to speculations that they were politically motivated by the leading Shan politicians and Saophas of that period.¹⁷ The national federal movement to amend the Constitution was seen by the coup-makers as a pretext for Shan State to dictate terms to the central government. Army leaders directly cited the Federal movement as justification for the 1962 coup.¹⁸ Talk of ‘federalism’ is still unpopular with the central government today.

There is evidence to suggest that calls for Shan secession at the time were not a political ploy, but the expression of grievance by people who had lived under a decade of fighting and occupation.¹⁹ Prime Minister U Nu himself later stated, ‘No one in authority in the Shan State has ever said that they would fight if the Constitution was not amended in accordance with the Shan proposal.’²⁰ The 1962 coup and the arrest of a majority of Shan leaders and politicians²¹ did much to destroy the remaining Shan political trust and goodwill for the state.

¹⁵ See, for instance: S.Y. Naing, ‘Ethnic armies reject piecemeal peace talks’, *Irrawaddy*, 19 August 2011.

¹⁶ For instance, dislike of the harsh behaviour of the Tatmadaw directly influenced the formation of the early secessionist Shan National Army in 1960. See: R.H. Taylor, *Foreign and domestic consequences of the KMT intervention in Burma* (Ithaca: Department of Asian Studies, Cornell University, 1973), 19 and 52.

¹⁷ P. Hauret, ‘The Shans and General Ne Win’, in *Anuson walter vella*, ed. R.D. Renard (Honolulu: University of Hawaii, 1986), 339, 343–4, 347; F.S.V. Donnison, *Burma* (London: Ernest Benn Limited, 1970), 165.

¹⁸ M. Aung-Thwin, ‘Burma’s myth of independence’, in *Independent Burma at forty years: Six assessments*, ed. J. Silverstein (Ithaca: Southeast Asia Program, Cornell University, 1989), 24; C.T. Yawngwe, ‘The Burman military: Holding the country together?’, in Silverstein, *Independent Burma at forty years*, 81; P. Lowe, *Contending with nationalism and communism: British policy towards South-East Asia, 1945–65* (Basingstoke: Palgrave Macmillan, 2009), 122.

¹⁹ Harn Yawngwe estimates that the first Shan revolutionary group fighting for Shan autonomy could be said to have begun in 1958 with Noom Suk Han’s ‘Young Brave Warriors’ (Interview with Harn Yawngwe, 2011); C.T. Yawngwe, *The Shan of Burma: Memoirs of a Shan exile* (Singapore: Institute of Southeast Asian Studies, 1987), 116; S.A. Tun, *History of the Shan State: From its origins to 1962* (Chiang Mai: Silkworm Books, 2009), 429–30.

²⁰ That is, the proposal for a ‘genuinely federal’ system. See, Tun, *History of the Shan State*, 429.

²¹ R.H. Taylor, *The state in Burma* (London: C. Hurst & Company, 1987), 291.

2.1 The Shan State Army

In 1964, the SSA was founded by Sao Hearn Hkam.²² According to her reasoning, the 1962 coup abolished the 1947 Constitution and the Panglong Agreement on which it was based. Thus, Shan State had effectively reverted to its pre-1948 status and was now an independent state occupied by the invading Tatmadaw. Most Shan revolutionaries and independent armed groups were transformed into a single body, the SSA,²³ in order to defend 'independent' Shan State from 'invaders'.²⁴

During the 1970s, with shifts in the international politics of the Cold War and the emergence of the Golden Triangle drug operations, the SSA underwent major splits. One major faction in the north joined the Communist Party of Burma (CPB) while one major faction in the south joined Khun Sa's Shan United Army (SUA).²⁵

2.2 The 1989 ceasefires

The 1989 ceasefires were the result of the unexpected fall of the CPB, which fell apart when its discontented ethnic minority factions (notably the Wa and Kokang) rebelled against the Bamar party leadership.²⁶ The mutinies came on the heels of drastically reduced support from China in the mid-1970s and CPB's military setbacks during the 1980s.²⁷ With diminished Chinese aid, dependence on the opium trade to finance operations increased and various CPB brigades began to act independently. The final blow came with the normalisation of diplomatic and business relations between China and Myanmar. After Wa and Kokang forces drove CPB leaders into China, new and largely 'ethnic' organisations were formed.²⁸ The SSA faction in northern Shan State, which had joined the CPB, now split into the Shan State Army North (SSA-North) and Shan State National Army (SSNA) – not based on ideological differences, but because different leaders wanted to lead their own groups.

The sudden demise of the CPB, as well as changes in the post-Ne Win military organisation, led the military government to initiate a new policy, formulated by Khin Nyunt, to negotiate with the various new armed groups. Wa and Kokang leaders promptly agreed to cease hostilities. With the loss of a CPB buffer against government forces, and being short of arms

²² Also known as the Mahadevi of Yawnghwe, she was the wife of Burma's first president, Sao Shwe Thaik, who died in jail after being arrested in 1962. For an account of the forming of the Shan State Army (SSA), see the biography of Sao Hearn Hkam: P. Elliot, *The white umbrella* (Bangkok: Post Books, 1999); see also: Yawnghwe, *The Shan of Burma*.

²³ For instance, the Shan State Independence Army (SSIA) and Shan National United Front (SNUF) merged together. See: US Bureau of Citizenship and Immigration Services (USCIS), 'Burma [Myanmar]: Chronology of Burmese major opposition groups', 17 August 2000, accessed June 2011, www.unhcr.org/refworld/docid/3dedfdc24.html

²⁴ Her point of view was summarised based on an interview with Harn Yawnghwe, 2011.

²⁵ Additionally, in 1980, the separatist Shan United Revolutionary Army (SURA) was formed, which was intensely involved in the drug trade and a rival to the Shan State Army (SSA) in Shan State. See: USCIS, 'Burma [Myanmar]'.

²⁶ Callahan, *Political authority in Burma's ethnic minority states*, 13.

²⁷ T. Kramer, *Neither war nor peace: The future of the ceasefire agreements in Burma* (Amsterdam: Transnational Institute, 2009), 8.

²⁸ *Ibid.*, 9.

and ammunition, other armed groups also yielded under intense military pressure. The first of these groups to sign a ceasefire was SSA-North in 1989.²⁹

The substance of the ceasefire agreements varied from group to group, but mostly gave business concessions, allowed for autonomous tax collection and permitted groups to remain armed.³⁰ They also focused on military matters such as territorial demarcations, locations of soldiers and headquarters, and permission for CFGs to open offices in major towns and Rangoon.³¹ Callahan notes that ‘the precise terms of these agreements are not known.’³²

These ceasefires can be said to have occurred due to the central government’s new policy of neutralising the armed groups rather than demanding their total surrender, as well as the assurances put forward that CFGs would be included in negotiations regarding the country’s future. SSA-North agreed to a ceasefire due to increased pressures from the Tatmadaw, neighbouring countries and local communities under their control. Under such circumstances, putting a stop to the fighting allowed for strategic reassessment, the possibility of future dialogue with the central government and community development.

2.3 Shan groups in the post-ceasefire period

The ceasefires can also be considered as a strategic move by the military rather than a simple softening of their approach. In fact, the ceasefires satisfied a general containment policy, emphasising negotiation with individual groups. With the CPB dismantled, it was in the Tatmadaw’s interest to ensure that ethnic factions did not present a united front. Since the various armed groups did not share a particular ideology, Khin Nyunt was able to make separate deals benefiting individual leaders while maintaining their separation.³³

However, no substantial political solutions followed the ceasefires. Invitations were extended to the CFGs to attend the National Convention (NC) that began in 1993, but the participating groups found it heavy going. After the National League for Democracy (NLD) walked out of the NC in 1995, the NC was suspended for some eight years. Meanwhile, independent attempts at meeting to engage in political activity or making political statements were discouraged.³⁴

Several major developments for the SSA occurred in 1996. On 23 January 1996, SSA-North and SSNA formed the Shan State Peace Council (SSPC). The SSPC thus became the second largest CFG in Shan State.³⁵ SSA-North and SSNA have tended to cooperate based

²⁹ Ibid.

³⁰ Aung Lwin Oo, ‘Uncertainty reigns in Shan State’, *Irrawaddy* 13, no. 11 (November 2005), accessed June 2011, http://www2.irrawaddy.org/article.php?art_id=5169

³¹ Kramer, *Neither war nor peace*, 13.

³² Callahan, *Political authority in Burma’s ethnic minority states*, 13.

³³ Groups that had a stronger military position in lieu of their size, strength of arms and capabilities of resisting the Tatmadaw negotiated better deals for themselves. Interview with Harn Yawngwe, 2011; Kramer, *Neither war nor peace*, 14.

³⁴ ICG, ‘Myanmar backgrounder’, 13.

³⁵ ‘The Burma army’s offensive against the Shan State Army-North’, *EBO Analysis Paper*, no. 3 (2011): 4, accessed July 2011, http://euro-burma.eu/doc/EBO_Analysis_Paper_No_3_2011_-_Shan_State_Army-North_-_July_2011.pdf

on shared objectives,³⁶ expressing support for tripartite dialogue and releasing statements calling for a dialogue between the government and the NLD, which won the 1990 election.³⁷

That same year, Khun Sa surrendered to the State Law and Order Restoration Council (SLORC)³⁸ government. At the time, his forces were called Mong Tai Army (MTA).³⁹ Controlling large swathes of territory in southern Shan State, between the Thanlwin (Salween) and the Thai border, MTA was heavily implicated in the opium trade. Then, in the early 1990s, Thailand closed its borders to MTA. In conjunction with this move, the military apparently promised to give the Wa (under the United Wa State Party or UWSP) control over any territory it seized from MTA. Between the Tatmadaw and the UWSP, MTA was cornered.⁴⁰ Accordingly, in 1996, Khun Sa unexpectedly negotiated with the junta to retire from the drug trade and forswear insurgency⁴¹ – indicating that while the Shan revolution had furthered Khun Sa's business interests, he surrendered by entering a new business deal when these were directly threatened.⁴² The remnants of MTA that refused to surrender broke away and re-formed themselves as the old Shan United Revolutionary Army (SURA) under the leadership of Colonel (later Lieutenant General) Yawd Serk.⁴³

The re-formed SURA was then re-named SSA-South to distinguish it from SSA-North.⁴⁴ SSA-South eventually attempted to negotiate with the central government for a ceasefire agreement through SSA-North. However, the state refused by citing the precedence set by MTA's surrender.⁴⁵ Although SSA-North, SSNA and SSA-South have been in contact over time, they have remained apart until recently – not due to ideological differences,⁴⁶ but because their leaders have simply preferred to remain separate.⁴⁷

³⁶ This was also the case with smaller ceasefire groups (CFGs) in Shan State such as the Shan State Nationalities People's Liberation Organization (SSNPLO), Kayan New Land Party (KNLP) and Karenni Nationalities People's Liberation Front (KNPLF).

³⁷ ICG, 'Myanmar backgrounder', 12.

³⁸ The State Law and Order Restoration Council (SLORC) was formed after the famous 1988 democracy uprising. General Ne Win, who had ruled the country as 'President' with the Burma Socialist Programme Party (BSPP) from 1974, resigned in 1988 due to the uprising.

³⁹ MTA was formed in 1985 from the Shan United Army (SUA), Shan United Revolutionary Army (SURA) and elements of the Shan State Army (SSA) that had split in the 1970s and 1980s.

⁴⁰ Kramer, *Neither war nor peace*, 10–11.

⁴¹ In exchange for surrender, Khun Sa was permitted to live in Rangoon and engage in legitimate business enterprise there. *Ibid.*, 13.

⁴² Yawnghwe notes the focus on Khun Sa as the region's drug kingpin was short-sighted. See: C.T. Yawnghwe, 'The political economy of the opium trade: Implications for the Shan State', *Journal of Contemporary Asia* 23, no. 3 (1993): 316–8.

⁴³ 'The Burma army's offensive against the Shan State Army-North', 4; Kramer, *Neither war nor peace*, 13.

⁴⁴ An International Crisis Group (ICG) report notes: 'Unlike the MTA [Mong Tai Army], which was basically a drug army operating and dominated by leaders of Chinese descent, the SSA (South) appears to be a true Shan nationalist force.' See: ICG, 'Myanmar backgrounder', 6.

⁴⁵ Kramer, *Neither war nor peace*, 13; ICG, 'Myanmar backgrounder', 6.

⁴⁶ In an International Crisis Group (ICG) interview in 1999, then Colonel Yawd Serk stated that Shan State Army- South (SSA-South) took a nationalist position, declaring that Shan State was an independent nation, but was supportive of tripartite dialogue about a genuine federal state system. See: ICG, 'Myanmar backgrounder', 6.

⁴⁷ Interview with Harn Yawnghwe, 2011.

After its 1996 formation, the SSPC began to build political contacts with other members of the Shan opposition. At a meeting in April 2000, held for security reasons in secret, important figures in the SSPC such as Major-General Hso Ten (SSA-North) and Colonel Gunyawd (SSNA) discussed how to improve political development in Shan State with representatives of the Shan Democratic Union (SDU), a sort of Shan government-in-exile that was formed in 1996. These representatives were Chao Tzang Yawnghwe (advisor to the SDU) and Sao Sengsuk (SDU spokesperson), both of whom had once held leadership positions in the original SSA before being purged.⁴⁸

In the legal political arena permitted by the junta, the Shan Nationalities League for Democracy (SNLD) was the most successful ethnic political party during the 1990 elections, winning 40 per cent of the seats they contested in Shan State. In the aftermath of the junta's refusal to accept the 1990 results as a mandate for the winning party to form a government, the SNLD maintained a low profile for almost a decade. However, by early 2000, SNLD party chairman Khun Htun Oo was engaging in overt political activity, giving interviews to local and foreign media and meeting with foreign dignitaries.⁴⁹ By 2001, he had reportedly sought official permission for ethnic minorities to meet and work at developing a common political position. He proposed a nationwide ceasefire and granting freedom of assembly and meeting for dialogue, including giving free passage for non-CFGs to attend such a meeting, as well as asking for the re-instatement of banned political parties.⁵⁰ In 2002, SSNA and SSA-North gave a mandate to SNLD to represent them politically.⁵¹

2.4 The Seven Step Roadmap, 2003

During the 1990s, following the elections, the ruling junta gave no clear indication of its intended future direction. Then, in 2003, the Seven Step Roadmap unveiled by Khin Nyunt marked a clear beginning to a new political project by the State Peace and Development Council (or SPDC, as the junta's name has been since 1997), which outlined the roadmap in seven stages. The key steps were: the re-introduction of the NC (point 1), drafting a new Constitution (point 3), having a referendum on the Constitution (point 4), holding elections (point 5) and convening Parliament under the new Constitution (point 6).⁵²

The NC was reinstated in May 2004, with all ceasefire and armed groups invited to attend. This was followed by the arrest of Khin Nyunt in October 2004 and his retirement – perhaps due to internal power play in the SPDC – which cemented General Than Shwe's position.⁵³ This was a development that sparked a period of increased tension with the CFGs, as the key military negotiator was no longer in power.

⁴⁸ 'The Burma army's offensive against the Shan State Army-North', 4.

⁴⁹ ICG, 'Myanmar backgrounder', 14.

⁵⁰ *Ibid.*, 15.

⁵¹ T. Kivimäki and M.B. Pedersen, 'Burma: Mapping the challenges and opportunities for dialogue and reconciliation' (Report prepared for the European Commission on behalf of the Crisis Management Initiative (CMI), Martti Ahtisaari Rapid Reaction Facility, April 2008), 86.

⁵² D. Arnott, 'Burma/Myanmar: How to read the generals' "roadmap" – A brief guide with links to the literature', *Burma Library* (2004), www.ibiblio.org/obl/docs/how10.htm

⁵³ Kramer, *Neither war nor peace*, 34; K. McGeown, 'Khin Nyunt's fall from grace', *BBC News*, 19 October 2004, <http://news.bbc.co.uk/2/hi/asia-pacific/3756052.stm>

In accordance with the roadmap goals, the SPDC began to systematically pressurise the CFGs to give up their arms. In February 2005, the president of SSPC General Hso Ten and chair of SNLD Khun Htun Oo⁵⁴ were arrested on charges of 'sedition', along with seven other Shan leaders at a meeting in Taunggyi to discuss the junta's political roadmap.⁵⁵ Following these arrests, SSA-North withdrew its participation from the NC.⁵⁶

In April and May 2005, the SSNA's 11th and 19th brigades, respectively, were pressured to surrender their arms.⁵⁷ As a result, SSNA under Colonel Sai Yi moved its remaining three brigades south and joined SSA-South. SSNA leader Colonel Sai Yi became the deputy commander of SSA-South under Lieutenant General Yawd Serk.⁵⁸ By June 2005, Tatmadaw military offensives in Shan State had effectively ended the ceasefire with SSNA.⁵⁹ At the time, SSA-North remained intact, composed of three brigades, one border force and an HQ Security Force.

2.5 The Constitutional Referendum and Border Guard Force decree: Aftermath

One strategy of the central authority has been to use the new Constitution and elections process to invalidate the existence of the armed groups. The ceasefires arranged by military negotiators under Khin Nyunt avoided political settlements, stating that political discussion could only be successfully carried out within a new NC or with a new government.⁶⁰ As emphasised by Lorch and Will, the ceasefires did not include guarantees of autonomy rights, political promises or specific economic commitments from the government to the people.⁶¹ As a result, to negotiate effectively with any new government, ethnic leaders hoped that the CFGs would maintain their forces and territories until after the elections, and then consider the modalities of local administration reform and disarmament.⁶²

The Border Guard Force (BGF) decree in April 2009 obviated any possibility of political negotiation with a new civilian government. The BGF decree stated that armed groups should be placed under the authority of the Tatmadaw, officers over 50 years had to retire

⁵⁴ General Hso Ten and Khun Htun Oo received prison sentences of 106 years and 93 years, respectively.

⁵⁵ 'Ethnic politics in Burma: The time for solutions', *Burma Policy Briefing*, no. 9 (February 2011): 8, accessed July 2011, www.tni.org/briefing/ethnic-politics-burma-time-solutions

⁵⁶ Also, the loss over time of leaders and advisors interested in political solutions, with long experience in the struggle, has challenged the establishment of a united and strong cooperative front. For instance, all participants from the Shan State Peace Council (SSPC)/Shan Democratic Union (SDU) meeting in 2000 are no longer active: General Hso Ten (arrested, 2005), Colonel Gunyawd (deceased, 2005), Chao Tzang Yawnghwe (deceased, 2004) and Sao Sengsuk (deceased, 2007).

⁵⁷ 'The Burma army's offensive against the Shan State Army-North', 4.

⁵⁸ N. Chann, 'Shan group denies regime allegation', *Irrawaddy*, 14 June 2005, accessed June 2011, www.irrawaddymedia.com/article.php?art_id=4711; Interview with Harn Yawnghwe, 2011.

⁵⁹ Global IDP Project, 'Burma: Displacement continues unabated in one of the world's worst IDP situations' (report dated 27 June 2005, Oslo: Global IDP Project, Norwegian Refugee Council, 2005), 3, accessed in June 2011, <http://reliefweb.int/sites/reliefweb.int/files/resources/DF4DA63B7FAC4625C125702E0047E572-IDP-myan-28jun.pdf>

⁶⁰ Z. Oo and W. Min, *Assessing Burma's ceasefire accords* (Washington, DC: East-West Center Washington, 2007), 33.

⁶¹ Lorch and Will, *Burma's forgotten conflicts*, 2.

⁶² 'Ethnic politics in Burma', 9.

(the highest ranking and main leaders in the armed ethnic forces are often aged over 50 years) and contingents of Tatmadaw members would join every battalion. It was seen as a demand for surrender, and was therefore greeted with dismay by major armed groups.⁶³ One source stated that the BGF decree was in contradiction to all previous SPDC instructions and assurances on cooperation with the CFGs.⁶⁴ Many smaller groups accepted; however, stronger, older and more politically conscious groups such as the New Mon State Party (NMSP), Kachin Independence Organization (KIO) and UWSA (military arm of the UWSP) refused to acquiesce unless political concessions were granted.⁶⁵

In August 2009, the CFG Myanmar National Democratic Alliance Army (MNDAA) in Kokang was attacked by SPDC troops sent to support a breakaway MNDAA group that had accepted the BGF scheme.⁶⁶ While this was portrayed by the Tatmadaw as being part of drug eradication efforts, it was refuted by others who argued that the drug trade could not have existed on the scale it did without the complicity of members of the military.⁶⁷ The Kokang incident deepened misgivings among the CFGs about the long-term intentions of the central governing authority. During the final months of 2009, the Tatmadaw issued an order for SSA-North to become a militia (*pyithusit*) or Home Guard Force (HGF).⁶⁸

There have been numerous indications that the BGF decree was intended as a means of neutralising the CFGs, either by forcing them to accept the disadvantageous BGF status or revert to open warfare.⁶⁹ It provoked non-cooperation from the CFGs. For the government, non-cooperation would allow the removal of their legal status and legitimatise military offensives against them. After the Kokang incident, it became apparent to the armed groups that they had to not only find means to resist joining the BGF but also avoid direct confrontations that they were likely to lose. On 22 April 2010, the commander of the Tatmadaw North-eastern Region Command, Major-General Aung Than Tut, met with top leaders of SSA-North in Lashio. At the meeting, the primary leader of SSA-North, Major-General Loimao, and 12 other top members accepted the HGF proposal. However, the SSA-

⁶³ 'Burma in 2010: A critical year in ethnic politics', *Burma Policy Briefing*, no. 1 (June 2010): 8, accessed June 2011, www.tni.org/briefing/burma-2010-critical-year-ethnic-politics

⁶⁴ 'The Kokang clashes – What next?' *EBO Analysis Paper*, no. 1 (September 2009): 2, accessed June 2011, http://euro-burma.eu/doc/EBO_Analysis_No_1_%28Kokang%29.pdf

⁶⁵ 'Ethnic politics in Burma', 9.

⁶⁶ 'Burma in 2010', 8; Mungpi, 'Fighting breaks out between Kokang and government troops', *Mizzima*, 27 August 2009, accessed June 2011, www.mizzima.com/news/inside-burma/2687-fighting-breaks-out-between-kokang-and-government-troops-.html

⁶⁷ Canadian Friends of Burma (CFOB), 'Burma's drug situation', accessed June 2011, www.cfob.org/burmaissue/drugs/drugs.shtml; A.W. McCoy, *The politics of heroin in Southeast Asia* (New York: Harper & Row, 1972); SHAN, *Hand in glove: The Tatmadaw and the drug trade in Shan State* (Chiang Mai: Shan Herald Agency for News, 2006), accessed June 2011, www.burmalibrary.org/docs07/HandinGlove.pdf; Alternative ASEAN Network on Burma (ALTSEAN), *A failing grade: Burma's drug eradication efforts* (Bangkok: ALTSEAN, 2004), accessed June 2011, www.altsean.org/Docs/PDF%20Format/Special%20Reports/Failing%20Grade.pdf

⁶⁸ The Home Guard Force (HGF) is equivalent to the Border Guard Force (BGF), the difference in name stemming from the fact that the HGF does not operate along the borders.

⁶⁹ See, the instance of the Kachin Independence Organization (KIO), which made sustained efforts to negotiate with the State Peace and Development Council (SPDC), including offering to disband their army in exchange for a political solution. 'The Kokang clashes – What next?', 4.

North 1st Brigade refused the HGF proposal and was subsequently attacked by the Tatmadaw.⁷⁰

When the final SPDC deadline for accepting BGF status passed on 1 September 2010, a core group of CFGs that still had not complied were informed by the SPDC that their ceasefire status had been revoked. However, all CFGs and militias that accepted the BGF decree or changed into a militia form (pyithusit), such as the HGF militia form taken by the 3rd and 7th brigades of SSA-North, were given permission to form political parties and field candidates in the 2010 elections.⁷¹

There have been some attempts by non-BGF and non-pyithusit armed groups to form ethnic alliances. In September 2010, the KIO, NMSP and SSA-North 1st Brigade CFGs met with the non-ceasefire Karen National Union (KNU), Karenni National Progressive Party (KNPP) and Chin National Front (CNF) to form the Committee for the Emergence of a Federal Union (CEFU) – a working committee that would discuss the federal issue and develop potential joint military and political strategies.⁷² By February 2011, this had evolved into the UNFC,⁷³ a position that appears to have driven these groups further away from the government's stance.

2.6 The 2010 elections and Shan ceasefire groups

The threat of an all-out war that could derail the election process was not acceptable to the SPDC, which is perhaps why the unresolved BGF issue was deferred until after the elections. The results of the elections, perhaps disappointing to the opposition groups at the national level, have had some positive results at the state (the seven ethnic states in the Union) level.

The United Nationalities Alliance (UNA) parties such as the SNLD decided not to participate in the elections as a sign of protest.⁷⁴ However, the current head of the Shan Nationalities Democratic Party (SNDP) is a former MP-elect from the SNLD.⁷⁵ The SNDP is an independent Shan party, popularly known as 'White Tiger'.⁷⁶ Meanwhile, the military-sponsored political party – the Union Solidarity and Development Party (USDP) – chose five BGF and militia leaders as its representatives in northern Shan State. Though these representatives were ethnic leaders, they were largely expected to tow the central government's line.⁷⁷

The parties represented in the state assembly in Shan State are as follows. Out of a total 143 seats in the State Parliament, the USDP received 54 seats, or 37.7 per cent. The military received 36 seats, as it was mandated 25 per cent representation. The other ethnic

⁷⁰ 'The Burma army's offensive against the Shan State Army-North', 5.

⁷¹ 'Ethnic politics in Burma', 9.

⁷² 'The Burma army's offensive against the Shan State Army-North', 4.

⁷³ Ibid., 7.

⁷⁴ In any case, they may or may not have actually been allowed to register. See: 'Ethnic politics in Burma', 11.

⁷⁵ Ibid., 12.

⁷⁶ The tiger is a longstanding and well-known Shan symbol.

⁷⁷ Ibid.

parties share the remainder of the seats, or around 37 per cent⁷⁸, which is a significant size (Table 1).

Table 1: Representation of ethnic parties in the Shan State Parliament.

Party	No. of seats
Shan Nationalities Democratic Party (SNDP)	31
PaO National Organization (PNO)	6
Taaung National Party (TNP)	4
Inn National Development Party (INDP)	3
Wa Democratic Party (WDP)	3
Kayan National Party (KNP)	2
National Unity Party (NUP)	1
Lahu National Development Party (LNDP)	1
Independents	2

Source: ‘Shan-Danu chosen as Chief Minister of Shan State’, *Shan Herald Agency for News*, 18 February 2011, accessed July 2011, http://shanland.org/index.php?option=com_content&view=article&id=3472:shan-danu-chosen-as-chief-minister-of-shan-state&catid=85:politics&Itemid=266; ‘A changing ethnic landscape: Analysis of Burma’s 2010 polls’, *TNI Burma Policy Briefing*, no. 4 (December 2010): 3 and 6, accessed June 2011, <http://www.tni.org/briefing/changing-ethnic-landscape-analysis-burmas-2010-polls>

Having collectively won more than 25 per cent of the seats in the Shan State legislature, if united, the ethnic parties can call for special sessions of the legislature and initiate or block impeachments against local public officials. At the national level though, they have virtually no influence over policy or law making. Nonetheless, the freedoms they currently enjoy to meet and discuss local issues, whether of social, cultural or economic nature, are entirely unprecedented.

Key positions in the Shan State legislature – Chairman of the Chamber Sai Htun Yin (USDP Taunggyi), Speaker of the House Sai Long Hseng (USDP Kengtung) and Deputy House Speaker Sai Kham Mart (USDP Lashio) – have now been filled entirely by USDP candidates.⁷⁹ The top position of Chief Minister of Shan State, which constitutionally must be filled by presidential appointment, has also gone to Sao Aung Myat (USDP), who is a former military officer. While relatively well received by non-USDP members of the legislature, it remains to be seen how he will fulfil the role.⁸⁰

⁷⁸ ‘Shan-Danu chosen as Chief Minister of Shan State’, *Shan Herald Agency for News*, 18 February 2011, accessed July 2011, http://shanland.org/index.php?option=com_content&view=article&id=3472:shan-danu-chosen-as-chief-minister-of-shan-state&catid=85:politics&Itemid=266; ‘A changing ethnic landscape: Analysis of Burma’s 2010 polls’, *TNI Burma Policy Briefing*, no. 4 (December 2010): 3 and 6, accessed June 2011, www.tni.org/briefing/changing-ethnic-landscape-analysis-burmas-2010-polls

⁷⁹ Hseng Khio Fah, ‘No surprise, USDP MPs elected as speakers of Shan State legislature’, *Shan Herald Agency for News*, 1 February 2011, accessed August 2011, www.shanland.org/index.php?option=com_content&view=article&id=3441:no-surprise-usdp-mps-elected-as-speakers-of-shan-state-legislature&catid=85:politics&Itemid=266

⁸⁰ Sao Aung Myat is the son of a traditional Saopha family. Comments by assembly members included approval of the fact that he spoke the Shan language. See: ‘Shan-Danu chosen as Chief Minister of Shan State’.

Although the USDP is seen as the former junta's proxy party, not all of its members share the same ethos and social background. Some are credible representatives, with real interests in community welfare, who were co-opted by the USDP to enhance its legitimacy.⁸¹ Yet, it is still too early to judge the effectiveness of the state legislature in dealing with local issues at this juncture. The members of the Shan State cabinet who were sworn in on 30 March 2011 are presented in Table 2.

Table 2: Members of the Shan State cabinet sworn in on 30 March 2011.

Portfolio	Member
Security and Border Areas	Col Aung Thu (military appointee)
Planning and Finance	Hkun Thein Aung (USDP)
Economy	Thaung Shwe (USDP) ⁸²
Transport and Communications	Tu Maung, Tachilek (USDP)
Agriculture Forestry	Sai Hsa Lu, Kutkhai (USDP)
Health and Education	Dr Myoe Tun, Laogai (USDP)
Electric Power	Sai Tun Yin (USDP)
Technology and Mining	Sai Ai Pao (SNDP)
Construction	Sai Naw Kham (SNDP)

SNDP – Shan Nationalities Democratic Party; USDP – Union Solidarity and Development Party.

Source: 'New Shan State chief sworn in', *Shan Herald Agency for News*, 31 March 2011, accessed August 2011, http://www.shanland.org/index.php?option=com_content&view=article&id=3564:new-shan-state-chief-sworn-in-&catid=85:politics&Itemid=266

A further seven ministers oversee the ethnic community affairs of the Bamar, Kachin, Kayan, Lisu, Lahu, Akha and Inn ethnic minority groups within Shan State. Some observers believe that the inclusion of SNDP members in the cabinet was designed to limit opposition from the significant SNDP faction in the Shan Parliament.⁸³

2.7 After the elections: New conflict

Beginning in January 2011, sporadic fighting has erupted between SSA-North and SSA-South and the government's military forces. On 25 March 2011, a proposal was made to the new Parliament that a peaceful resolution to the conflict should be attempted with all the armed groups involved. The proposal was defeated by 520 votes to 106,⁸⁴ raising the spectre of a military solution.

⁸¹ 'A changing ethnic landscape', 5.

⁸² Thaung Shwe has since voluntarily resigned.

⁸³ 'New Shan State chief sworn in', *Shan Herald Agency for News*, 31 March 2011, accessed August 2011, www.shanland.org/index.php?option=com_content&view=article&id=3564:new-shan-state-chief-sworn-in-&catid=85:politics&Itemid=266

⁸⁴ Ahunt Phone Myat, 'Parliament snubs ethnic harmony bill', *DVB*, 28 March 2011, accessed July 2011, www.dvb.no/news/parliament-snubs-ethnic-harmony-bill/14991

Given the intensified fighting that followed in May, June and July of 2011, the agreement in May 2011 to merge SSA-North and SSA-South⁸⁵ was understandable, given the increased threat against both groups and the lack of ideological differences between them. However, how successfully the commanders of the SSA-North 1st Brigade, Pang Fah, and SSA-South, Yawd Serk, will be able to collaborate remains to be seen.

The re-formulation of SSA from SSA-North and SSA-South on 21 May 2011 created an operational area stretching from the Thai border up into central Shan State, stopping short of Lashio.⁸⁶ McCartan noted that, as a consequence, hopes by Tatmadaw officers for a swift victory have diminished and instead 'the conflict has expanded as former ceasefire groups have allied themselves with existing insurgent armies'.⁸⁷

The major armed groups operating in Shan State, which were CFGs that refused to join the BGF, include UWSA (a Wa group with an estimated 30,000 troops), the National Democratic Alliance Army (NDAA; a Shan and Akha hill-tribe group with an estimated 5,000 troops), SSA-North (the remainder of the 1st Brigade led by Major-General Pang Fah) and the Kachin Independence Army (KIA) 4th Brigade in Shan State (estimated to have between 4,000 and 5,000 men).

2.8 Conflict in Shan State and the role of China

The conflict in Shan State has had an unprecedented economic impact in recent months. It was reported that two sites of concentrated violence in the past months, Momauk, in Kachin State, and Hsipaw, in Shan State, are both very close to major Chinese energy projects. Other sites of Chinese hydropower operations have also been near conflict zones. For instance, SSA has been fighting the Tatmadaw near Tasang Dam, the largest of more than 40 Chinese dam projects in the country. Northern Shan State, where the KIA and SSA have long operated, is also the site of the last stretch of the long controversial Shwe Gas Pipeline.⁸⁸ Control over these areas of vital economic interest is perhaps a motivating factor for the central government.

China is historically, and currently, Myanmar's most powerful neighbour and an economic partner interested in fuel extraction (gas and oil), hydropower opportunities, logging (teak and rubber), and mining of precious metals and other mineral resources. The fact that a large number of these resources are found in ethnic states makes China an interested party, willing or not, in Myanmar's internal conflict. China has invested substantial resources in the country, based on its deep interest in establishing a route through Myanmar to the Indian Ocean⁸⁹ and its success in securing a major gas deal in 2007.⁹⁰

⁸⁵ Hseng Khio Fah, 'SSA "South", SSA "North" declare "we are one"', *Shan Herald Agency for News*, 23 May 2011, accessed June 2011, www.shanland.org/index.php?option=com_content&view=article&id=3708:ssa-south-ssa-north-declare-we-are-one-&catid=85:politics&Itemid=266

⁸⁶ B. McCartan, 'Myanmar tilts towards civil war', *Asia Times Online*, 29 June 2011, accessed June 2011, www.atimes.com/atimes/Southeast_Asia/MF29Ae02.html

⁸⁷ Ibid.

⁸⁸ F. Wade, 'Energy-hungry China winces as civil war unfolds in Burma', *Asian Correspondent*, 16 June 2011, accessed July 2011, <http://asiancorrespondent.com/57529/energy-hungry-china-winces-as-civil-war-unfolds-in-burma/>

⁸⁹ W. van Kemenade, *Détente between China and India: The delicate balance of geopolitics in Asia* (Hague: Netherlands Institute of International Relations, Clingendael Diplomatic Studies Programme, 2008), 174.

China is also interested in Myanmar from a security point of view, since the two countries share a 2,000-km border – illegal border activity, fighting and refugee migrants are all disruptive occurrences for China. To combat organised criminal narcotics groups that range the China-Myanmar border and contribute to China's drug problems, China has used its economic leverage in border areas, where local authorities depend on Chinese investment, to curb and stamp out drug production.⁹¹ China, however, occasionally faces its own problems internally, with discord between Kunming and Beijing sometimes developing when policy diverges.⁹² A further problem is that many ethnic groups such as the Shan, Wa, Lahu, Kachin and Lisu straddle the Myanmar-China border. Should fighting continue, these Chinese citizens might choose to become involved in the conflict.

It has been pointed out that in China's official view, reinforcing the military keeps the country stable,⁹³ thereby protecting China's economic projects and investments. The current conflict situation raises questions about where support from China will end up standing as the conflict escalates, threatening business interests and aggravating security concerns. During a visit to Beijing in May 2011, President Thein Sein was reminded by Beijing that stability along the border should be a primary concern for the new government.⁹⁴ The position China takes is subtle and rarely overt – while diplomatic policy and state relations tend to be performed in private, they are believed to be in favour of maintaining the status quo.

It is not known what China has done or will do in response to the conflict and not yet clear as to the extent to which Chinese economic projects in Shan and Kachin states are being disrupted. The implications of interrupted economic projects and violence in affected areas may lead to deeply unhappy responses from China. China may, however, adopt a wait-and-see policy. At the moment, China represents an important, but unpredictable actor, who might be seen as potentially threatening by the central government and ethnic armed groups alike albeit one whom they also need.

3. Conflict resolution

3.1 Obstacles to negotiation

So long as a divide persists between what the central powers want – a strict centralised state, as outlined in the Constitution, with strong military backing – and what the ethnic groups desire – possible autonomy or self-governance along the lines of the 'federal model' – successful negotiation is hard to envision. Even if there were a neutral third-party facilitator – and no such person or body is currently accepted or trusted by both sides – it would be hard to reconcile these very different views. Indeed, long-term strategies to change attitudes may be the only way forward for the eventual resolution of such conflict.⁹⁵

⁹⁰ Ibid., 185.

⁹¹ Ibid., 178.

⁹² 'China's Myanmar dilemma', *Asia Report*, no. 177 (14 September 2009): 25.

⁹³ Van Kemenade, *Détente Between China and India*, 174.

⁹⁴ Wade, 'Energy-hungry China winces as civil war unfolds in Burma'.

⁹⁵ For an interesting and in-depth analysis of conflict dynamics and the possibilities for attitude transformation, see: T. Kivimäki and P. Pasch, 'The dynamics of conflict in the multiethnic union of Myanmar', *PCIA-Country*

At this time in Yangon itself, there is little awareness among the general populace regarding the situation in the border areas. This has long been the case and is an enduring communications problem. Fink notes that people in central Burma, who have also suffered from official corruption or violence, do not understand how much worse the situation in the war areas is, since they have not seen it for themselves. As a result, due to claims by some government media that the ethnic armies are criminal warlord-type bands and any kind of power sharing with the ethnic states would lead to total anarchy, much of the population of central Myanmar actually perceives the Tatmadaw's border campaigns as somewhat justified and are not altogether concerned by the need to protect ethnic rights.⁹⁶ Public pressure on the government to negotiate is therefore quite low.

Finally, from the point of view of the ethnic minorities, the Myanmar state and the Tatmadaw are one and the same. For a genuine peace process to evolve successfully, the state and army must appear to be obviously separate. Callahan notes the particular mindset of inhabitants of war zones, who have a reinforced view of centralised government as an unjust and exploitative system, and further consider national government and the army to be the same enemy.⁹⁷ In spite of there being a lack of united leadership often or even a clear idea of what they might be fighting for or how to achieve it, young people remain interested in joining ethnic nationalist armies, simply to try to fight against the Tatmadaw which, as they see it, has destructively affected the family and community lives of almost everyone around them.⁹⁸

3.2 Positive signs for negotiation

Daw Aung San Suu Kyi occupies a special role in the country, not least because of the sway she holds over the international community. Her open letter on 28 July 2011⁹⁹ to President Thein Sein and the KIO, KNU, NMSP and SSA calling for ceasefires and a peace process has not gone unnoticed. The Ethnic Nationalities Council (ENC) has expressed support for the letter and suggested that Suu Kyi could act as a ceasefire mediator in such negotiations.¹⁰⁰ The responses of the KIA and SSA have also been positive to her suggestions.¹⁰¹ On 19 August 2011, Suu Kyi was invited to meet President Thein Sein for a

Conflict Analysis Study (electronic edition, Berlin: Friedrich-Ebert-Stiftung, Asia-Pacific Dep., 2011), accessed July 2011, <http://library.fes.de/pdf-files/iez/07808.pdf>

⁹⁶ C. Fink, ' Militarization in Burma's ethnic states: Causes and consequences', *Contemporary Politics* 14, no. 4 (December 2008): 460.

⁹⁷ Callahan, *Political authority in Burma's ethnic minority states*, 18.

⁹⁸ Fink, ' Militarization in Burma's ethnic states', 460; Anonymous, Interview in Rangoon and border areas between June–August, 12 August 2011.

⁹⁹ Daw Aung San Suu Kyi's open letter (unofficial translation), accessed August 2011, www.burmanet.org/news/2011/07/28/daw-aung-san-suu-kyi%E2%80%99s-open-letter-unofficial-translation/

¹⁰⁰ Kyaw Kha, 'ENC wants Suu Kyi to serve as cease-fire mediator', *Mizzima*, 3 August 2011, accessed August 2011, www.mizzima.com/news/inside-burma/5717-enc-wants-suu-kyi-to-serve-as-cease-fire-mediator.html

¹⁰¹ Naw Noreen, 'Tatmadaw partially withdraws from Shan base', *Democratic Voice of Burma*, 1 August 2011, accessed in August 2011 at www.dvb.no/news/burma-army-withdraws-from-shan-base/16818

short meeting – a conciliatory and friendly gesture.¹⁰² However, in spite of the rarity of the occasion, observers were divided as to its significance.

Another development was a proposal for the establishment of a Peace Commission, which was made at a meeting of political representatives and the Union Election Commission (UEC) in Naypidaw on 27 July 2011. Chairman of the Chin National Party (CNP) Mr Zo Zam led the proposal, supported by five other representatives from the following ethnic political parties: Phalon-Sawaw Democratic Party (PSDP), CNP, All Mon Region Democracy Party (AMRDP), Rakhine National Development Party (RNDP) and SNDP. Mr Zo Zam indicated that the commission would require a third-person mediator to help in negotiating a solution for the ongoing conflicts.¹⁰³

4. Conclusion: What does the future hold?

Barring a new form of peace process or ceasefire, widespread fighting without a clear end in sight will have a disastrous effect on local populations. There are reports that the fighting in Shan State since March 2011 has already displaced 30,000 people, with reports of renewed atrocities such as rape, mutilation and executions.¹⁰⁴ The most significant gains from the long ceasefire period were that the worst human rights abuses decreased in ceasefire areas and the numbers of internally displaced persons diminished during the decades of peacetime.¹⁰⁵ It would be tragic to have this reversed.

Renewed fighting, a history of human rights violations perpetrated by the Tatmadaw and ethnic armed groups, the business side of the drug trade, and the existence of business-oriented, non-political and frequently criminal armed militias, all frequently obscure the fact that the country has a fundamental political problem regarding its various ethnicities that needs to be resolved. Although the potential sources of internal conflict in the country have been evident from as early as the independence era, a political solution for it is yet to be found. Low-intensity enduring guerrilla warfare, with all its attendant suffering, is likely to be the outcome if progress is not made on this front.

The state of ethnic discontent and continuous warfare over the past 50 years ensure the army a central position in the make-up of the country's power structure. Depending on one's individual point of view, the aftermath of the 2010 elections may mark an opening for possibilities for change in the country's history.

¹⁰² 'Aung San Suu Kyi meets Burma's president Thein Sein', *Guardian*, 19 August 2011, accessed August 2011, www.guardian.co.uk/world/2011/aug/19/aung-san-suu-kyi-meeting; Wai Moe, 'Suu Kyi "satisfied" with Thein Sein talks', *Irrawaddy*, 20 August 2011, accessed August 2011, www.irrawaddy.org/article.php?art_id=21932

¹⁰³ 'Five ethnic political parties want Peace Commission', *Khonumthung Chin News Group*, 28 July 2011, accessed August 2011, <http://khonumthung.org/?p=176>

¹⁰⁴ T. Pitman, 'Shan State fighting displaces 30,000 people this year', *Irrawaddy*, 11 August 2011, accessed August 2011, www.irrawaddy.org/article.php?art_id=21876; See also: reports and press releases by Shan Women's Action Network, accessed August 2011, www.shanwomen.org/

¹⁰⁵ *Listening to voice from inside: Ethnic people speak* (Phnom Penh: Centre for Peace and Conflict Studies, 2010), 101; Kramer, *Neither war nor peace*, 20; Callahan, *Political authority in Burma's ethnic minority states*, 13–14; Oo and Min, *Assessing Burma's ceasefire accords*, 48.

The new Constitution of 2008 provides both a clear and ambiguous national vision. As Lorch and Will point out: “Non-disintegration of the Union” and “National Solidarity” are proclaimed as highest constitutional principles.’ However, provisions are made for ‘self-administered zones’, though the powers of jurisdiction between central, regional and local authorities remain unclear.¹⁰⁶

In the new political system, there is an elected national Parliament, with 25 per cent of its seats being reserved for the military, the president is a former top-ranking military officer¹⁰⁷ and the Constitution enshrines the right for the military to be handed over power, if there is a dire threat to national security. Therefore, it seems evident that the current government is committed to national security and maintaining the country’s territorial integrity. What is not certain is what actions President Thein Sein might take in exercising his executive powers and what their consequences may be.

Regarding the resumption and success of peace talks, the scenarios are both optimistic and pessimistic. For instance, would ethnic armed groups agreeing to negotiation on the central government’s terms, on a state-by-state basis with the governments of the ethnic states, strengthen local state governments? Or, would this instead act as a decentralising factor that works in the armed groups’ favour, removing the justification for a Tatmadaw presence in these areas? Would there be disagreements between local Tatmadaw commanders and central government representatives in local governments that open up renewed spaces for dialogue and change? These are some of the positive prospects possible.

On the other hand, Fink notes that rather than a decreased army presence in ethnic areas during the long ceasefire period, the reverse has been true: ‘The number of tatmadaw battalions has increased throughout the ethnic states, even in areas where there was never any significant fighting.’¹⁰⁸ She attributes this to a desire to secure control over economic resources. In her analysis, citing Selth, Fink states the opinion that militarisation will actually continue, even as most of the armed groups are weakened, until there is an established military presence in almost all of the country, with the particular aim of maintaining economic profits.¹⁰⁹ If peace talks follow the same lines as previous ceasefires, stability may be ensured but with the continued presence of the Union’s armed forces in the ethnic states. Meanwhile, substantial economic reforms may take place nationally even as political change and engagement remain limited. This is a particularly pessimistic outlook.

As the situation continues to evolve over the coming months, it is not possible to predict what will occur. The history of the country does not provide any particularly hopeful insights for peace, but the power of hope lies in the fact that it resides in unlikely situations.

¹⁰⁶ Lorch and Will, *Burma’s forgotten conflicts*, 4.

¹⁰⁷ It is a constitutional requirement that the position of the President be filled by someone with a military background.

¹⁰⁸ Fink, ‘Militarization in Burma’s ethnic states’, 447.

¹⁰⁹ *Ibid.*, 459.

Addendum

Since this chapter's completion, over 18 months ago, enormous and unprecedented changes have taken place in Myanmar. On record, within a year, 13 new ceasefire agreements have been signed.¹¹⁰

As noted by the Euro-Burma Office (EBO),¹¹¹ there are five differences between current and past ceasefires, namely that they: (1) are written and not verbal; (2) are openly reported in the media; (3) have international interest and support;¹¹² (4) have domestic involvement at the highest level of government;¹¹³ and (5) facilitation for ceasefire groups (CFGs) to run business enterprises is restricted to legitimate business only.¹¹⁴ The EBO paper goes on to highlight five ways in which the peace process should improve.

Most recently, talks between the Kachin Independence Organization (KIO) and the central government have brought some calm to an 18-month period of violence.¹¹⁵ However, at the time of this writing, fighting has broken out between the Tatmadaw and Shan State Army (SSA),¹¹⁶ and with reports of over 40 clashes between SSA and the central government since the signing of the ceasefire agreement.¹¹⁷ This highlights the continued problems that still underlie many of these agreements.

Recent positive developments

The Myanmar Peace Centre (MPC)¹¹⁸ was formally opened in November 2012.¹¹⁹ It is seen as a government organisation under the authority of President Thein Sein's key negotiator

¹¹⁰ From December 2011 to December 2012. 'Myanmar peace process', *EBO Briefing Paper*, no. 1 (2013): 4, accessed February 2013, http://euro-burma.eu/doc/EBO_Brief_No_1_2013_Peace_Process.pdf

¹¹¹ Ibid.

¹¹² 'EU-funded Myanmar Peace Center established for ethnic peace dialogue', *RTT News*, 4 November 2012, accessed February 2013, www.rttnews.com/1997242/eu-funded-myanmar-peace-center-established-for-ethnic-peace-dialogue.aspx

¹¹³ President Thein Sein is chair of the Union-level (i.e., national) peace-making committee.

¹¹⁴ 'Myanmar peace process', 1.

¹¹⁵ 'Union level peace making committee holds peace talks with KIO', *President Office Myanmar Briefing Room*, 5 February 2013, accessed February 2013, www.president-office.gov.mm/en/briefing-room/news/2013/02/05/id-1517

¹¹⁶ Kyaw Kha, 'Tensions grow between govt and SSA-South', *Irrawaddy*, 2 March 2013, accessed March 2013, www.irrawaddy.org/archives/28217; 'Thirty Burma army soldiers killed in clashes with SSPP/SSA', *Shan Herald Agency for News*, 26 February 2013, accessed February 2013, http://shanland.org/index.php?option=com_content&view=article&id=5277:thirty-burma-army-soldiers-killed-in-clashes-with-ssppssa&catid=86:war&Itemid=284

¹¹⁷ 'Fresh tensions with Shan army have implications for Wa', *Shan Herald Agency for News*, 15 February 2013, accessed February 2013, www.english.panglong.org/index.php?option=com_content&view=article&id=5254:fresh-tensions-with-shan-army-have-implications-for-wa&catid=86:war&Itemid=284

¹¹⁸ 'Stakeholders: Myanmar Peace Centre', *Myanmar Peace Monitor*, n.d., accessed in February 2013, www.mmpeacemonitor.org/#!myanmar-peace-center/c1lkq

¹¹⁹ European Commission President, José Manuel Barroso, was present at the opening ceremony. See: 'EU-funded Myanmar Peace Center established for ethnic peace dialogue'.

Aung Min (Minister of the Office of the President of Myanmar), and serves as a channel for international funding and support.¹²⁰ While it has a unique role to play, objectively, it is 'neither independent nor neutral'.¹²¹

The Working Group for Ethnic Coordination (WGEC) was formed in June 2012, with members from ethnic armed groups, the United Nationalities Federal Council (UNFC), the Ethnic Nationalities Council (ENC) and representatives from civil society organisations. It meets monthly to plan in detail necessary political dialogue for the resolution of ethnic issues.¹²² During its conference in September 2012, the WGEC created a 'Six Point Ethnic Peace Road Map' as an alternative to the government's plan.¹²³ Of particular note was the desire expressed by ethnic armed groups for a solid political settlement prior to their giving up of arms.¹²⁴

Key issues

There is dissonance between the government perspective – that economic development will resolve current problems – and the collective perspective of the various ethnic groups – that the core issue is political in nature.¹²⁵ What is more, there is a seeming difference between what happens on the ground and official pronouncements by the President issuing instructions to desist.¹²⁶ Therefore, in order to foster trust, the civilian government must be seen to be taking real responsibility for the behaviour of the Tatmadaw and as being able to enforce the carrying out of its instructions.

In review, the problems of the past remain in essence. Despite the many ceasefires signed, these remain mere stepping stones, taken mostly at the state level, that need to be reaffirmed at the national level. To entertain a metaphor, there is no house of peace built as of yet – the foundations must be carefully laid, else the house will not stand.

¹²⁰ "'Myanmar Peace Center" opens in Rangoon', *Irrawaddy*, 5 November 2012, accessed February 2013, www.irrawaddy.org/archives/18019

¹²¹ 'Myanmar peace process', 4.

¹²² 'Peace process – Ethnic peace plan – Working Group for Ethnic Coordination', *Myanmar Peace Monitor*, n.d., accessed in February 2013, www.mmpeacemonitor.org/#!/ethnic-peace-plan/cvs9

¹²³ "'Six-point Ethnic Peace Road Map" underway', *Phoptaw News Association – Burma News International*, 11 October 2012, accessed February 2013, www.bnionline.net/index.php/news/phoptaw/13882-six-point-ethnic-peace-road-map-underway.html

¹²⁴ 'Myanmar peace process', 2.

¹²⁵ Ibid.

¹²⁶ T. Fuller, 'A ceasefire with rebels in Myanmar doesn't hold', *The New York Times*, 18 January 2013, accessed February 2013, www.nytimes.com/2013/01/20/world/asia/cease-fire-in-myanmar-with-kachin-rebels-fails-to-take-hold.html?_r=0; 'Despite President's new ceasefire directive Burma army continues offensive on SSA', *Shan Herald Agency for News*, 26 February 2013, accessed February 2013, http://shanland.org/index.php?option=com_content&view=article&id=5276:despite-presidents-new-ceasefire-directive-burma-army-continues-offensive-on-ssa&catid=86:war&Itemid=284