APPRAISAL ON BURMA/MYANMAR’S ROUNDBOUT ROADMAPS
Khen Suan Khai

School of Social Innovation, Mae Fah Luang University, Chiang Rai, Thailand;
Graduate School for International Development and Cooperation, Hiroshima University, Hiroshima, Japan
khen.sua@mfu.ac.th

ABSTRACT

The peace process Burma/Myanmar has got a momentum since 2011, and both government and non-State actors put endeavor to make the process move on. This research paper is a comparative study of the seven-step Roadmap of National League for Democracy (NLD) and the seven-step Roadmap of previous military junta State Peace and Development Council (SPDC). The military junta tactfully reached the seventh step Roadmap and strictly holds on to the 2008 Constitution. It guaranteed the Tatmadaw (Army) a fixed position both in politics and defense. In contrast, the civilian government and ethnic groups are struggling to sign a union agreement—the 21st century Panglong Conference Agreement. This paper argues that amending the constitution in accordance with the union agreement and the subsequent approval of the amended constitution may cause tension and pressure to be dealt with by the government, the Tatmadaw and ethnic nationalities. If the stakeholders are capable to get the union agreement to amend the constitution, there will be a wider chance to build a democratic federal union as planned in the NLD’s seven-step road map.

Keywords: Burma/Myanmar, Peace process, Political Roadmap

Introduction

In late 2016, the government of Union of Republic of Burma/Myanmar, has announced a new seven-step Roadmap towards reaching national reconciliation and peace at the Union level in Burma/Myanmar. Such a roadmap was also laid out by the SPDC military regime 2003, with the claim that it would lead to “disciplined-flourishing democracy.” This article is structured to compare the two different Roadmaps by the SPDC and the government lead by NLD; how the steps in the Roadmaps have been implemented by two different authorities and what are the complications of the Roadmaps. The purpose of this article to clarify some of the obstacles to the process of the NLD’s roadmap to national reconciliation and peace in Burma/Myanmar.

A process of reform has been on track in Burma/Myanmar since November 2010 when a new military-backed civilian government replaced the military junta. However, the key institution driving the transition process was the military regime itself, not the traditional pro-democracy

---

1 The NLD’s roadmap consists of (i) to review the political dialogue framework (ii) to amend the political dialogue framework (iii) to convene the Union Peace Conference—the 21st century Panglong in accordance with the amended and approved political dialogue framework (iv) to sign union agreement—the 21st century Panglong Conference Agreement based on the results of the 21st Century Panglong Conference (v) to amend the constitution in accordance with the union agreement and approve the amended constitution (vi) to hold the multi-party democracy general elections in accordance with the amended and approved constitution (vii) to build a democratic federal union in accordance with the results of the multi-party democracy general elections.

2 The seven-step roadmap announced by SPDC includes: (i) reconvening of the National Convention that has been adjourned since 1996; (ii) after the successful holding of the National Convention, step by step implementation of the process necessary for the emergence of a genuine and disciplined democratic system; (iii) drafting of a new constitution in accordance detailed basic principles laid down by the National Convention; (iv) adoption of the constitution through national referendum; (v) holding of free and fair elections for Pyithu Hluttaws (Legislative bodies) according to the new constitution; (vi) convening of Hluttaws attended by Hluttaw members in accordance with the new constitution, and (vii) building a modern, developed and democratic nation by the state leaders elected by the Hluttaw; and the government and other central organs formed by the Hluttaw.
opposition and international community. Constitution of the Republic of the Union of Myanmar (2008) (hereafter the 2008 Constitution) have favored the regime of limited number of elites. In 1993 they cautiously initiated the transition to safeguard their gradual withdrawal and partial disengagement from day-to-day politics. Since then, the process to draft a new constitution continued in a fourteen-year long National Convention. Against this elite regime, the prolonged resistance for democracy and ethnic armed conflicts have been ongoing in demand of consociational democracy and peace.

This article argues that amending the constitution in accordance with the union agreement and the subsequent approval of the amended constitution may cause tension and pressure to be dealt with by the government, the Tatmadaw and ethnic groups. Yet, if the stakeholders are capable to get union agreement to amend the constitution, there will be a wider chance to build a democratic federal union as planned in the NLD’s seven-step road map.

Military Junta’s Seven-step Roadmap to Democracy

This section discusses how the successive military regimes have designed its seven-step roadmap to guarantee itself as a “guardian” of the country. They did so by granting the military 25 percent of the seats in the parliament along with the control of key cabinet posts. In August 2003, 15 years after the coup in 1988, the military junta, SPDC, had unveiled the “seven-step roadmap to democracy.” It was a plan to create what military generals called a "developed and disciplined-flourishing democracy." The plan was the military to exert great control over the nation. The SPDC had always targeted to hold a dual role for the military in politics and in defense, similar to Dwifungsi model5 of its ASEAN counterpart Indonesia. This roadmap served as a basis for the military junta to create a space to sustain military power and transform itself from De Facto Government to De Jure Government under the constitution. SPDC’s seven-step roadmap to democracy was non-inclusive and in short of timeline. The military junta took more than sixteen years to draft the 2008 Constitution in Burma/Myanmar, which was the fourth step of the seven-step roadmap. The NLD had walked out of the National Convention in 1995, thereby leaving the whole constitutional process in the hands of repressive junta. The junta was quite well-prepared to move forward to draft a constitution which protect its interest to permanently ensure military control over civilian executive and legislative bodies at all levels of government. Artfully delineated the steps of the roadmap through a new

---


4 Dwifungsi (“dual function”) was a doctrine implemented by Suharto's military-dominated "New Order" government in Indonesia in 1966. Dwifungsi was used to justify the military permanently increasing its influence in the Indonesian government, including reserved military-only seats in the parliament, and top positions in the nation's public service.


constitution which was to safeguard their gradual withdrawal, the junta has manipulated 2010 election in order to continue military dominance in the parliament by crafting military-backed party Union Solidarity and Development Party (USDP) to win the election. Since then, the hybrid civilian government has been convening Hluttaws (The Assembly of the Union) in accordance with its 2008 Constitution which was the achievement of the sixth step of SPDC’s “seven-step roadmap to democracy. In this delicate process, the military has been “caretaking” most of the political process by “transit” quasi-civilian government till 2015, and by saving twenty-five percent of the seats in the parliament. With a very systematic transition plan, as many scholars argued, the military with its preservation of power is the key and the essence of Burma/Myanmar political transition which they named “disciplined democracy” under the military’s disciplines. Among the glut adjectives used to describe democracy such as “authoritarian democracy”, “autocratic democracy”, “illiberal democracy”, the junta has reached its last step of the seven roadmap - what Stephen McCarthy called “military-dominated democracy” or “disciplined democracy.”

Thein Sein’s administration has been far from perfect, but soon after winning the seats he initiated the long-awaited peace process which could be one of his most successful legacies. The Nationwide Ceasefire Agreement (NCA) initiated by Thein Sein government in early 2011 was construed as a vital step for peace process in Burma/Myanmar, because the long-lasting armed conflict between the Tatmadaw and EAOs is one of the major key barriers impeding development in the country.

1. The Peace Process Since 2011

This section discusses how the hybrid government has handled the transition from fully military-ruling system to a more disciplined democratic government. Ethnic nationalities in Burma/Myanmar have been in one of the longest-running armed conflict in modern times in defense of their identity, and resistance against the military regime for autonomy and equal treatment. The core causes of ethnic grievance in Burma/Myanmar are ethnic nationalities’ lack of influence in the political decision-making processes and the absence of development in the country, especially in ethnic areas. The main objective of the peace process in the country is to establish a “union” based on the principles of democracy and federalism in accordance with the outcomes of political dialogue and in the spirit of Panglong. The Spirit consists of democratic rights, national equality and the right to self-determination.

In 2011, the basic principles of NCA and Framework for Political Dialogue (FPD) are agreed by the government, Tatmadaw and 16 EAOs. This version includes the three demands from ethnic nationalities: democratic rights, national equality and the right to self-determination; Lawkapala Principles: liberty, equality and justice; and the Three Main National Causes of the Tatmadaw: the principles of non-disintegration of the union, non-disintegration of national solidarity and perpetuation of national sovereignty. Since early 2011, Burma/Myanmar’s peace process, as a central element of political reform, received a high status in the country’s new political epoch. Within two years of a “new peace process,” the government reached state level ceasefire agreements with fourteen armed groups. By 2006, 25 groups had agreed to ceasefire with the

---


9 The agreement was signed between the Government of the Republic of the Union of Burma/Myanmar and the EAOs on October 15, 2015, and unanimously ratified by the Pyidaungsu Hluttaw on December 8, 2015.

10 Chapter 1, 1(a) of NCA and Chapter 2, 2(a) of FPD.

11 The deterrent Principles Buddhism which guard the world from falling into chaos
The 6th Asian Academic Society International Conference (AASIC)
A Transformative Community:
Asia in Dynamism, Innovation, and Globalization

SPDC. The agenda agreed in each state level agreement include initiative for political dialogue and development issues. The peace process since the U Thein Sein’s administration has got a momentum and both government and non-state actors including EAOs, political parties, and civil society groups put endeavor to make the process move on.

When NLD won 2015 Burma/Myanmar election, the government also promises to establish rule of law, peace and national reconciliation in the country. Hence, the government is committed to carry on the peace process initiated by the previous government and to implement the principles and objectives of NCA and FPD. Thus, longtime Burma/Myanmar watchers agree that a lasting resolution of ethnic conflicts requires more than forging ceasefires or merely absence of war. Therefore, it will need further concrete measures. As agreed in union level ceasefire agreement, each step requires concrete measure and clear time-line. It had been under negotiation since August 2011 until present. It is indispensable to have a peace architecture which is composed of process and substances. The ongoing peace process in Burma/Myanmar has not reached the political dialogue stage in which the political decision-making processes and social, economic and cultural development in the country will be discussed.

2. NLD’s Roadmap for National Reconciliation and Union Peace

This section discusses how the NLD government continues with the peace process according to Chapter 5 of the NCA to guarantee political dialogue so that there can be a Union Accord for national reconciliation and peace.

The years 2016 and 2017 are marked by multiple agendas and variegated political interests in Burma/Myanmar, from NLD’s second time landslide election victory to the government’s nationwide ceasefire agreement with EAOs. Yet, the first fully civilian government after five decades has sundry domestic complications to handle ahead and has been under sustained domestic and international pressure to bring comprehensive political changes for the pursuit of positive peace in Burma/Myanmar. The peace process has not made progress in certain aspects as clashes between Tatmadaw, and EAOs continue. The NLD government get both support and opprobrium of the people at the same time. More than two years since assuming office, the NLD government has been trying to carry on the peace process sensibly by initiating peace process with several ethnic groups on the one hand, and a balanced relationship with the Tatmadaw, on the other hand. There are two major issues that encumbered the NLD government from carrying out its steps of roadmap for national reconciliation and peace in the country. First, the NLD government’s conflict resolution method in the case of the Rohingya Muslim community in Rakhine State has been the central focus of the international community. Second, the government’s incapability over the incessant attacks of Tatmadaw against EAOs causes growing concerns of both international and domestic non-state actors.

The NLD government has an urgent priority to adopt policies and implement concrete measures to prevent outbreaks of violence both for the short and long-term. The party leadership, for its part, has to put grave endeavor in releasing the clear stances of the

---


13 In the case of Burma/Myanmar, “state” has two different meaning depending on the context. The first is “state” as a country, and the other is a “state” referring to different ethnic area such as Kachin State and Chin State. There are seven states in Burma/Myanmar, namely Chin State, Kachin State, Karen State, Kayah State, Mon State, Rakhine State, and Shan State.

14 The Northern Alliance is a military coalition in Burma/Myanmar composed of four ethnic insurgent groups: the Arakan Army (AA), the Kachin Independence Army (KIA), the Myanmar National Democratic Alliance Army (MNDAA) and the Ta’ang National Liberation Army (TNLA). Since December 2016, the Northern Alliance has been in fierce military confrontations with the Tatmadaw (Myanmar Armed Forces) in the towns of Muse, Mong Ko, Pang Hseng, Namhkam and Kutkai in Shan State.

©Copyright 2018 proceeding of the 6th AASIC
government on societal issues, such as condemnation of all forms of religious hatred, violence and hate speech, and outbreak of armed conflict, and in adopting necessary laws.

Soon after taking the government seats, Daw Aung San Suu Kyi, the State Counselor and head of the National Reconciliation and Peace Center, laid out a simplified seven-step roadmap towards reaching national reconciliation and peace. This roadmap is in fact based on the FPD which was negotiated and drafted by the Union Peace Dialogue Joint Committee (UPDJC). This revamped seven-step roadmap primarily aims to achieve the following objectives: to sign a peace agreement based on the results of peace conferences, to amend 2008 Constitution, and to build a democratic federal union.15

The UPDJC has initiated a review of five sectors consisting of political, social, economic, security, land and natural resource issues. These issues should be first discussed separately for each ethnic nationality in its respective state, because the problems they face vary. Then, the issues can be discussed at the launch of the national-level political dialogue collectively. The sooner the political dialogue reaches agreement, the sooner the task of state building can be implemented. Since Daw Aung San Suu Kyi came into power, the Union Peace Conference is called the 21st Century Panglong. So far, she has held three conferences.

The challenge at this point is whether the government and the Tatmadaw really would be able to pave the mechanism for all EAOs to become parties to peace process so that all peace stakeholders would be able to focus solely on the substance – national reconciliation for genuine peace. Currently, the civilian government pay more attention to the proper relation with the Tatmadaw than taking care of ethnic political and armed groups. Following the OECD Evaluation Guideline to the peacebuilding, the current situation can be analyzed in the following ways. Up until now, there is no proper operational prevention (i.e. immediate measures applicable in the face of crisis), and structural prevention (i.e. measures to ensure that crises do not arise in the first place, or if they do, that they do not recur) in the peace process of Burma/Myanmar.16 There is no such applications of structural or diplomatic measures to prevent tensions and disputes from escalating into violent conflict. Anyhow, peacebuilding should start as early as possible without waiting for the post-conflict17 phase. To have a political guarantee is the main objective of stakeholders in the peace process of Burma/Myanmar. The objective is to build a democratic federal union. There is an option for amending, repealing, and adding provision to the Constitution and laws, if the political dialogue reach to agreement and the Union Accord or Pyidaungsu Accord is ratified by Pyidaungsu Hluttaw. Civil society groups, political parties, and EAOs have been pushing for constitutional amendments even before having a peace agreement. Section 436 of the 2008 Constitution gives the military a veto over constitutional change. NLD has tried to amend the constitution once in 2014 by petition-calling, and another time in 2015 by proposing changes through a constitutional amendment committee set up by former Speaker Thura U Shwe Mann. However, both attempts failed. Unless amending the 2008 Constitution or introducing a new one, the Tatmadaw will always have dominance over legislature. Hence, to prioritize the 2008 Constitution amendment or to sign a union agreement is still a big challenge. The absence of a proper constitutional reform process in turn, will hinder the peace agreement at the union level. The Tatmadaw has made appallingly clear in the six-


17 The term “post-conflict” itself is controversial in the case of Myanmar as while some of the EAOs are in the process of NCA and peace process, many EAOs are still in the battle fields.
point policy\textsuperscript{18} to strictly abide by the existing law and to stick with the 2008 Constitution, that guaranteed the military a fixed position both in politics and defense. The last two points of the policy is contradicted with the fifth step of NLD seven-step roadmap, to amend the constitution in accordance with the union agreement and approve the amended constitution.

For this reason, ethnic nationalities in Burma/Myanmar are skeptical about the effective cooperation between the NLD government and Tatmadaw in implementing Security Sector Reform (SSR), Disarmament, Demobilization and Reintegration (DDR), and inclusive nationalism promotion. The aim of SSR is “the efficient and effective provision of state and human security within a framework of democratic governance.”\textsuperscript{19} SSR aims at improving safety and general welfare by establishing effective and accountable security institutions. Oversight of these institutions are controlled and operated by civilians that adhere to international human rights. For EAOs, DDR is simply giving up their weapon as there is a political guarantee that they are reintegrated as civilians into society and can become active participants in the peace process. The assimilation and absorption of the linguistic, social, and cultural values of the ethnic nationalities and also their role in politics has made the ethnic nationalities to make a trust fall.\textsuperscript{20}

Ethnic groups, especially the EAOs have accepted SSR as an indispensable part of the peacebuilding process. SSR concerns the legal and/or political framework, management and capacities and systems of government, mechanism for interaction among security actors, and culture of service. Starting to discuss SSR even before political dialogue can be a good initiative to adjust peace dialogue framework. The primary concern of both signatory and non-signatory EAOs of NCA is whether state security institution serve the people. Currently the Tatmadaw controls security management and oversight bodies as well as justice and law enforcement institutions such as defense, law enforcement, correction, and intelligence services, as well as the institutions responsible for border management, customs, and civil emergencies. “National Defense and Security Council” serving as the highest authority in the Government of Burma/Myanmar, is dominantly in the hand of the commander-in-chief of the Tatmadaw through appointment of six out of the eleven members in the council. The relationship between the Tatmadaw and EAOs will be a central issue in SSR. The role of Tatmadaw is not about whether it should be political or apolitical, but how much and what kind of law. The involvement of the military in politics can range from having influence on policy making to running direct military rule. Until or unless security issues are addressed at the outset of peace implementation, and only if the SSR is linked to broad national reform agenda, political dialogue will be dynamic and perked up. Resolving problems with existing understanding of nation-building process and SSR should be the very first agenda in the Union Peace Conference, which is the third step of the 2016 Roadmap.

DDR could be used as a tool for a broader SSR. In the present Burma/Myanmar peace process, it is totally uncertain that conventional DDR program will avail to support stability and reconciliation. EAOs in Burma/Myanmar have regarded DDR with great suspicion as the history has daunted them that disarmament without a comprehensive

\textsuperscript{18} The six-points policy of the Tatmadaw are (i) to have a keen desire to reach eternal peace, (ii) to keep promises agreed to in peace deals, (iii) to avoid capitalizing on the peace agreement, (iv) to avoid placing a heavy burden on local people, (v) to strictly abide by the existing laws, and (vi) to march towards a democratic country in accord with the 2008 Constitution.


political settlement leads to grievances. Until now EAOs prefer not to focus on disarmament yet, because there is no political guarantee in the country that the Tatmadaw will not attack them again. The lesson that disarmament would be a big mistake without having a genuine peace agreement is learnt by an EAOs. It is worth considering reversing DDR into RDD (Reintegration, Disarmament, and Demobilization), which is currently referred to as ‘third generation DDR’. This procedure begins by providing both economic and political incentives for reintegration and only ends with some form of disarmament or arms control. Social and economic reintegration of armed combatants is actually a significant concern of EAOs as that would address their grievances or ‘root causes’ for their taking up arms in the first place. A political dialogue can happen only when trust building and reconciliation initiative takes place through democratic-friendly development projects. Concentrating more on actual delinquencies on the ground would speed up peacebuilding. Henceforward, there is a big question mark on whether the stakeholders leaped basic stages without addressing the root causes of conflicts in Burma/Myanmar.

The contested peace process in Burma/Myanmar is impeded on multiple fronts. The 21st Panglong Conference to get peace accord (third step of the roadmap) could not be held every six months as planned. It has been delayed and postponed several times. There should be dialogue between political authorities and the security sector leadership on a regular basis and continuous interaction, which has not been realized. To sign the union peace agreement (fourth step of the roadmap) is also strenuous in practice. While Tatmadaw sees DDR as the core to the peace process and still gives priority to protecting the 2008 Constitution while NLD sets up in its fifth step of the roadmap constitutional amendment in accordance with the union agreement and its approval. It is alarming now that peace process will reach a

Conclusion

The military junta has guardedly initiated the transition through a new constitution which safeguarded their guardianship political role. This carefully-planned constitution-making process itself is the military junta’s “power sharing strategy” to keep its political significance in the post-junta system. The 2008 Constitution preserved the legal instruments that enabled the Tatmadaw to intervene as a “guardian” in the political arena. By initiating a “well-thought-out”, “caretaking”, and “pacted” transition since 2011, the Tatmadaw has been always targeting to have a dual role for the military in politics and defense.

The current government held the 21st Panglong Conference as its third step of the seven-step roadmap. However, ethnic nationalities have serious concern whether Tatmadaw and the government have been collaborating in peace process approach. The clear confronting point is that Tatmadaw strictly holds on to 2008 constitution while NLD sets up in its fifth step of the roadmap constitutional amendment in accordance with the union agreement and its approval. It is alarming now that peace process will reach a


deadlock if conflicts remain unresolved. Hence, one of the chief policy or governance purpose of SSR in Burma/Myanmar is to go beyond the traditional notion of national sovereignty and national security in the country. It remains to be seen how big a political space the government, including Daw Aung San Suu Kyi as a figurehead of the movement, will be able to work effectively towards the change.

In the era of NLD government, to hold the multi-party democracy general elections in accordance with the amended and approved constitution as the sixth step, is still just a proposal. To be able to do so, Burma/Myanmar is indigent in terms of having more inclusive and nationally focused political parties along with ethno-regional based parties which already exist. In Burma/Myanmar, there are no strong and stable enough opposition political parties, especially representing the ethnic nationalities, and the political parties are still struggling to play these admittedly idealized roles. Burma/Myanmar needs to build political parties as institution that can collectively solve problems and deliver credible commitments. Without the dynamic participation of national and ethnic-regional based political parties, negotiation among the government, Tatmadaw, and NCA signatories EAOs will not be able to solve the long-lasting conflict in the country. Hence, inclusive participation of well-informed stakeholders in the Union Peace Conference (third step) to be able to sign Union Peace Accord (fourth step) can channel to the sixth step of the roadmap.

Therefore, there are three crucial issues to reach to the final step of NLD’s roadmap. The first is to get a political guarantee which affirms democracy and federal union state is under the negotiation process through ceasefire agreements and peace conferences. Second, until or unless the Tatmadaw is willing to take national security under civilian supremacy, the peace process still will be futile. Ethnic armed conflict will be put to an end once the political guarantee is implemented in accordance with democratic principles which assure civilian supremacy. Hence, the political will of Tatmadaw can help to reach up to the fourth step of the seven-step roadmap. Is it possible to amend the 2008 Constitution? Even if 75% of all the representatives of Pyidaungsu Hluttaw have agreed to amend, 25% of the seats in Pyithu Hluttaw and Amyotha Hluttaw respectively, are reserved for the Tatmadaw. The constitution amendment procedure is depending on the good political will of the Tatmadaw. Now is the golden chance for Tatmadaw to save the legacy it has lost sixty years ago, and to build trust and love from the people. Smooth procedure of step one to five of the roadmap will guarantee the last two steps, which are to hold the multi-party democracy general elections in accordance with the amended and approved constitution, and to build a democratic federal union in accordance with the results of the multi-party democracy general elections.

---

24 Article109 (a) and (b), 141 (a) and (b), Constitution of the Republic of the Union of Myanmar (2008)

©Copyright 2018 proceeding of the 6th AASIC