

An Ethnic Quandary

Dealing with the military takeover and ethnic negotiations

It has been four months since the Myanmar military seized power from the elected National League for Democracy (NLD) and arrested most of the NLD leaders including State Counsellor Aung San Suu Kyi. The reason originally given was irregularities in the voting process and lack of redress by the Union Election Commission, which was controlled by the NLD, although such reasoning, especially amidst new accusation of corruption amongst other things remains suspect.

Soon after the coup, the military formed a body, the State Administration Council (SAC), under the control of the Commander-in-Chief of the armed forces Min Aung Hlaing. Not unsurprisingly the return to military rule was met with widespread protests in the country and condemnation from the international community while Myanmar security forces took to the streets to brutally suppress the protestors, known as the Civil Disobedience Movement (CDM). Security forces used not only riot control techniques but live-fire resulting in the deaths at the time of writing over 860 civilians had been killed, including children, and more than 4,840 civilians convicted or arrested.¹

Protests have taken place throughout the country including areas under the control of Ethnic Armed Organisations (EAOs). The EAOs, before the coup, had been involved in an NLD led and ostensibly military supported, peace process – the Nationwide Ceasefire Agreement. While the peace process had been flawed and at one point stalled for two years it was expected that 2021 could see some progress made in addressing many of the problems that had occurred.

The EAOs largely came out in favour of the protestors and the Peace Process Steering Team (PPST) an alliance of the 10 NCA-signatories² immediately issued the following statement

- 1). We condemn the Myanmar military's way of addressing the current political crisis by carrying out a coup d'état.
- 2). We demand the immediate and unconditional release of all leaders who are detained and arrested.
- 3). We urge the resolution of political problems by peaceful means and negotiation, rather than by force of arms.
- 4). We stand firm on the Nationwide Ceasefire Agreement (NCA) and act accordingly regarding the peace process.
- 5). We call for the unconditional declaration of a nationwide ceasefire.
- 6). We will collaborate with the public in seeking solutions, as we are aware of the difficulties faced by the people by the coup as well as the global pandemic (COVID-19).

7.) We call on the support of the international community including the UN in resolving the current crisis.³

That said, however, at least one ethnic political party the Arakan National Party (ANP), the biggest Arakanese political party in Arakan State, released a statement signalling that it would cooperate with Myanmar's military.

In its statement, the ANP said it will work together with the Tatmadaw to resolve specific Arakanese crises including the removal of the terrorist label for the United League of Arakan/Arakan Army, which the SAC later did.

On March 11, the PPST, which had already suspended all political dialogue with the military on February 20, held a meeting to discuss strategies to stop the Myanmar military's ongoing violent crackdown on anti-coup protesters and also future dialogue with the Committee Representing the Pyidaungsu Hluttaw (CRPH), a shadow NLD government.⁴

According to reporting there had been concerns among some EAOs that it could be dangerous for the PPST to prioritize coordination with the CRPH. One leader was quoted as saying,

We were a dialogue partner of the military. We were a dialogue partner of Daw Aung San Suu Kyi. Now we cannot stand the people's suffering. The main discussion is how to calm the situation down. We are thinking of the plight of the citizens,⁵

Despite several concerns, the Karen National Union, the Restoration Council of Shan State and the Chin National Front still held separate talks with the CRPH. In addition, the Karen National Union's Chairman Mutu Say Po wrote a letter on 22 March 2021, after Min Aung Hlaing had sent a letter requesting a meeting. The reply from Mutu Say Po stated,

The KNU finds it completely unacceptable that police and Tatmadaw personnel, whose responsibilities are to protect and defend its own people, have killed, attacked, and threatened peaceful protesters. Such events have damaged our country's reputation and caused great pain and suffering of our people.

These included a number of requirements the military had to meet before further discussions could take place these were,

1. Withdraw all riot squads and Tatmadaw troops which have been deployed against protesters and withdrawal of all Tatmadaw troops which have been deployed in ceasefire areas and send them back to their outposts and bases; Declare and implement a nationwide ceasefire.
2. Release and remove charges against those detained since Tatmadaw took over power on the 1st February 2021.
3. Fully allow access for medical assistance and healthcare to support the people's protest movement.

4. Issue orders to police and Tatmadaw troops to comply with all NCA provisions — and urgently release the following provisions regarding proper treatment of civilians:

A. Stop acts violating a person's dignity, violence, extrajudicial detention, kidnapping, torture, inhumane treatment, imprisonment, killing or causing the disappearance of individuals

B. Stop forcibly taking money, property, food, labour or services from civilians; in addition, halt unlawful and arbitrary arrest, entrapment, forced confession, lawsuits and prosecution against civilians;

C. Stop denying individuals' right to healthcare and restriction of public health resources; and halt blocking the legal transportation of medicines for public use;

D. Stop the destruction or actions that would lead to the destruction of schools, hospitals, clinics, religious buildings and their premises and the use of such places as military bases or outposts;

E. Immediately stop any form of sexual attack on women, including sexual molestation, sexual assault or violence, rape and sex slavery; End all killing or maiming, forced conscription, rape or other forms of sexual assault or violence, or abduction of children.

5. Abolish laws issued by Tatmadaw since Feb 1" that violate human rights.

6. Agree to address the root causes of internal conflict of over 70 years through negotiations.

7. Agree to accept international mediation to support negotiations to end the current military administration and transfer power to a National Unity Government.

8. The Tatmadaw should publicly declare its commitment to democracy and federalism and withdraw from active engagement in politics.

Armed Forces Day

As the military celebrated the annual Armed Forces Day on 27 March 2021 over a hundred protestors were killed by security forces. In his address, Min Aung Hlaing was reported as saying the army's job was to protect the people and promote democracy, reiterating his promise of a fresh election made after the army took power on Feb 1.

In response General Yawd Serk, chair of the Restoration Council of Shan State/Shan State Army - South (RCSS/SSA-S) stated that,

The Myanmar Armed Forces Day isn't an armed forces day, it's more like the day they killed people. It isn't for the protection of democracy as well, it's how they harm democracy,

He also stated,

If they continue to shoot at protesters and bully the people, I think all the ethnic groups would not just stand by and do nothing.⁶

The Armed Forces Day massacre and the brutality employed by security forces against defenceless protesters left the EAOs with little choice but to support the CDM movement. Many protesters were already sheltering in ethnic areas and many more were expected to join them in the hope of receiving weapons and training as fleeing protesters had after the 1988 uprising. While the KNU has said it would shelter protesters who fled to its area Padoh Saw Thamein Tun, a permanent member of the KNU's central executive committee, suggested that since it has become more difficult to reach the border areas, young city-dwellers should initiate resistance in their areas. Noting that,

Those in urban areas should stay in urban areas . . . [they] have to learn how to fight urban battles. This is an era of technology. They should be able to do it.⁷

In the meantime, the CRPH had voiced its support for the creation of a Federal Army. According to media reports, Zin Mar Aung, a National League for Democracy (NLD) MP appointed to serve as the committee's foreign minister,

We're about 80% there . . . We're discussing how we can work collectively in a situation like this. We are trying to have one united voice,⁸

Among those involved in the talks are the Karen National Union, the Restoration Council for Shan State, and the Kachin Independence Army, as well as other groups that have signed the Nationwide Ceasefire Agreement, she said, and that the CRPH is in talks with the various armed groups both individually and collectively to reach an agreement on the terms of creating a federal union, according to Zin Mar Aung.

While such an idea may be laudable, recent history has shown several problems concerning EAO alliances both political and militarily and such attempts are unlikely to result in the creation of a singular Federal Army led by any Bamar led political party or civilian government with the CRPH stating that,

All Federal Union Security and Defense forces shall be under the supervision and administration of the democratically elected civilian government.⁹

As part of political efforts opposing the military, the Committee Representing Pyidaungsu Hluttaw (CRPH), formed the National Unity Government (NUG) which appointed a full cabinet and leadership on April 16. But as noted, the EAOs are still unlikely to allow their armed forces to come under the control of a predominantly Bamar led NUG even though some ethnic political leaders are participating in it.

As Chief General Twan Mrat Naing, Commander-In-Chief of the Arakan Army noted,

The NLD government after 1988 promised federalism and they pledged this to the ethnic people, but after they came to power they didn't keep the promise," he said. "So we have learned the lesson and we are not naive anymore.¹⁰

EAO reaction to the coup

On March 17th, the CRPH declared the removal of all ethnic armed organizations from the lists of terrorist organizations and unlawful associations in what appears to be an attempt to bring the EAOs round to their way of thinking. Despite this, the EAOs have been pretty much divided on how best to adapt to the current situation. Even during the NCA period, it was obvious that individual organisations had differing objectives, and this in itself resulted in continued disagreements between the EAO-signatories on the best way to move forward with the peace process and eventual federal union.

It was obvious from the onset of the coup that neither the United Wa State Army (UWSA) nor the National Democratic Alliance Army (NDAA) would take a position regarding the military's overthrow of the NLD government. However, members of the Northern Alliance which includes the Kachin Independence Organisation (KIO), the Ta'ang National Liberation Army (TNLA), Arakan Army (AA) and Myanmar National Democratic Alliance Army (MNDAA), the latter three acting as the Three Brotherhood Alliance would at least proffer some support for the CDA movement and the CRPH.

On 30 March 2021, the Three Brotherhood Alliance issued a statement noting that it is reconsidering its ceasefire with the military and,

. . . our organizations will willingly continue to cooperate with other relevant organizations to maintain border stability, combat and prevent the spread of Coronavirus, guarantee public safety and implement international counter-terrorism issues.

The Myanmar Army must immediately stop violently cracking down on peaceful protesters and killing innocent civilians. The political solutions demanded by the public need to be addressed as soon as possible. If not, our Three Brotherhood Alliance will have to support and cooperate with our oppressed brethren and multi-ethnic people who are waging the Myanmar Spring Revolution in self-defence against the Myanmar Army.¹¹

In Karen State's Fifth Brigade area, the Karen National Liberation Army launched an offensive against the Tatmadaw on Armed Forces Day. The KNLA 5th Brigade seized the Thee Mu Hta military base in Mutraw (Hpapun) district killing ten.

Saw Htoo Ka Shaw, the tactical commander of the KNLA's Brigade 5 was reported as saying,

The KNU's armed wing, the Karen National Liberation Army (KNLA), is fighting to overthrow Myanmar's fascist dictatorship along with students and other citizens.¹²

He also noted,

In our area, we do not want the [junta's] army and soldiers that commit such acts. There should be no place on earth for those who commit inhumane acts,

The Tatmadaw retaliated with airstrikes over several days resulting in loss of life, numerous casualties, and thousands of people fleeing to the Thai-Burma border.

It would appear that the KNU's 5th Brigade had taken a unilateral decision to heighten the conflict in an area that had already seen the most skirmishes in KNU controlled territory since the signing of the NCA. In a statement, it reasoned,

Despite the Nationwide Ceasefire Agreement (NCA), the Burmese military has been expanding its military presence in several Karen territories for months causing fear and displacement. They have been pushing ahead with their military road-building, sending in more troops, shelling into villages, and flying surveillance drones.¹³

It also noted,

It has been several months since the KNLA issued a notification on December 1, 2020, that stated that unless the Burma Army committed to meaningful implementation of the NCA, the KNLA would be justified in defending its territories, administration and protecting its people.¹⁴

According to state media, the KNLA 5th Brigade was responsible for 25 ambushes since the coup attacking local commands in Hpa-an, Thaton, Toungoo and Bawnetgyi areas with 107-MM rockets. It also noted,

Regarding the attacks, the Tatmadaw, with high tolerance to restore eternal peace, warned the central committee of KNU several times, including condemnation and giving notices to the KNU to respect the facts of NCA via Joint Ceasefire Monitoring Committee, National Solidarity and Peace-making Central Committee. However, KNLA's Brigade-5 did not follow the instructions of KNU Central Committee members and KNLA Chief and continue to carry out actions to disrupt the NCA.¹⁵

The KNU HQ, which had already voiced its disapproval of the Myanmar military's taking of power from a democratically elected government also voiced its concerns over airstrikes against its people and demanded the military desist and return the country to the democratically elected government.

With fighting breaking out in Karen State, the Kachin Independence Organisation/Kachin Independence Army (KIO/KIA) also increased the number and frequency of attacks on the Myanmar security forces, while skirmishes had continued after the coup, on March 25 The KIA seized the junta's Alaw Bum base in Dawphoneyang, southern Kachin a major loss for the Tatmadaw. In addition, the KIA has also engaged troops in Northern Shan State's Kutkai.

Although both the KNLA 5th Brigade and the KIO have suggested that their military activity has been increased due to the military's seizing power after the election, it cannot be ignored that the chaos that has ensued has allowed the two groups to further their territorial objectives. Many EAOs have also said that they cannot negotiate with an illegal, unelected leadership, however, several peace talks have taken place in the past with unelected military leaderships including the BSPP, SLORC, and SPDC. Col. Naw Bu in charge of KIO/A's information department was quoted as saying in August 2020 the KIO would not respect the election results because,

... the election was based on a constitution designed by the Tatmadaw. We do not accept this constitution and, therefore, we do not accept the [results of] general election either,¹⁶

While the EAOs are accommodating and to some degree training fleeing protestors, they are unlikely to arm them. While the 1988 uprising and the creation of the All Burma Student Democratic Front (ABSDF) in Karen and Kachin territories are often quoted as a template, this is unlikely to happen in 2021. The situation is manifestly different as are the objectives of individual EAOs which still maintain they are seeking equality, rather than just democracy. While some may argue you can't have one without the other, a few groups including the UWSA and NDAA have not put their role in a democratic federal union as its priority, rather they either seek statehood or greater autonomy.

The Peace Process Steering Team

While the PPST has made some overtures in support of the NUG what degree of support each member will give to the NUG and the shadow government's aspirations for taking control of the country remains uncertain. Ethnic leaders, while initially voicing support for the CDM/NUG movement have begun to realise that their future objectives may not be accomplished by a NUG government, which, despite its numerous proclamations might find its own decisions rescinded should the NLD leaders be freed, thus sowing further doubt in any negotiation process.

Regardless, all PPST members agreed on 27 April to use the NCA to stop the killings and initiate talks amongst all stakeholders to resolve the political crisis by inviting NCA witnesses to mediate. These witnesses it suggested would include the UN, EU, China, India, Thailand, and Japan.

Not long after, on 10 May 2021, KNU Chairman General Mutu issued a statement on abiding by the current NCA process. It said all sides should seek solutions to the political problem through dialogue. Padoh Saw Shwe Maung, Chairman of KNU 6th Brigade (Dooplaya District) endorsed the statement resulting in a number of Karen CSOs and 5th Brigade supporters denouncing the move.¹⁷

In the statement, he called on all stakeholders to maintain the peace by abiding by the NCA's frameworks and expressed a desire to solve the political problem through dialogue. Even though the CNF, one of whose leaders is in the NUG, withdrew its signature, the PPST went ahead with the letter to NCA witnesses on 11 May a day before the RCSS, whose leader Yawd Serk is chairman of the PPST, was due to meet with the UN Special Envoy on Myanmar Christine Schraner Burgener on 12 May.

While there was no response from China - India, Japan, Thailand, the EU, and the UN unofficially welcomed the initiative. The Tatmadaw heard about the NCA witness letter and Lt-Gen Min Naung of the National Solidarity and Peacemaking Negotiation Committee (NSPNC), wrote to the PPST welcoming EAO commitment to NCA and reaffirmed the Tatmadaw's commitment but questioned why EAOs had invited witnesses without agreement from the Tatmadaw. Not long after the Tatmadaw was able to pressure the DKBA, KPC, ALP, PNLO, and NMSP to withdraw their signature from the NCA witness letter.¹⁸

Min Naung's letter also stated that the Tatmadaw would only accept foreign countries as technical support, observers, and advisors but there could be no involvement in the mediation as it is not within the bounds of the NCA. Additionally, the PPST proposal also involved organizations including the CRPH/NUG which are designated as illegal organizations and therefore cannot participate in the process.¹⁹

Although the KNU has emerged as an important participant in guiding the way forward, a number of mixed messages have emerged as to who is guiding KNU policy. As noted earlier, the KNLA's 5th Brigade has decided to pursue its own policy regarding not only the post-coup military regime but had also done so before that. As a result, the General-Officer-in-Command (GOC) of the Karen National Liberation Army, Gen. Johnny, issued a statement to those who may seek a different path to the elected KNU leadership.

It noted, that the KNLA will follow the announcement that was released by the KNU's chairman Saw Mutu Say Poe on 10/ 5/ 2021 and will obey the framework of the NCA signed by the KNU it also stated that KNLA members must obey the military rules of the KNLA.²⁰

More importantly, the NUG has made many pronouncements that the current NLD leadership may not necessarily follow through on. The Rohingya issue including their full recognition as citizens and the scrapping of the 1982 citizenship law may play well to the international audience but may not be welcomed by a majority of the people or certain NLD leaders. The NUG's support for the Rohingya has already created concerns within the Rakhine nationalist movement and the Arakan Army. Arakan Liberation Party (ALP) spokesman Lieutenant Colonel Khaing Kyaw Hlaing stated,

Everyone knows the Bengali [Rohingya] issue is sensitive in the country. The NUG was only formed recently and our party says a nascent government should not be making these decisions without consulting Rakhine revolutionary groups, stakeholders and civil society organizations.²¹

In reference to the creation of a singular NUG led army, AA Commander Twan Mrat Naing points out,

Working with EAOs and participating in a federal army is not the same. Forming one army is a different set of plans. You would have to place all armies in a single chain of command . . . The idea is good, but in reality to substantiate this concept is not that easy or practical.²²

What should be a major concern for EAOs is the current preponderance of NUG encouraged People's Defence Forces (PDFs) in ethnic states. These local civilian militias have been especially active in Chin and Karenni States and a number of regions and while the numbers of actual military casualties seem inflated in the media, their existence in areas where EAOs operate could be detrimental to the organisation's ability to represent and provide security for their populations.

While it could be argued that these groups have been created by ethnic people themselves there is no visible command and control structure and as such, they resemble local armed gangs rather than the freedom fighters the press suggests. The extra-judicial killing of so-called 'Dalan' or informers has increased with little to no recourse to the rule of law. Indiscriminate bombings of both not only state but also other civilian structures has caused further injury and death.

The EAOs are faced with an unenviable choice, while most EAOs would like to see a genuine federal and democratic union it is not clear whether the NUG will be able to provide such. Most ethnic struggles began not for democracy or autonomy but largely equality. If anything, the previous four years of NLD rule taught the EAOs that such things are not that easy to accomplish whether it was due to military and NLD intransigence or just a lack of cohesion in developing a strategy that would suit all stakeholders.



At this moment in time, most EAO leaders recognise the fact that while they are sympathetic to the struggle of the NUG and CDM movement they have to be more adaptive to the situation on the ground. They recognise for actual change to happen dialogue to resolve political problems and not force is necessary. As discussed on 27 April 2021, they believe that progress can only be made by initiating talks amongst all stakeholders with the support of NCA witnesses to mediate.

Notes

¹ Assistance Association for Political Prisoners

² Karen National Union, Restoration Council of Shan State, Chin National Front, All Burma Students Democratic Front, Arakan Liberation Party, Democratic Karen Benevolent Army, Karen National Liberation Army-Peace Council, Lahu Democratic Union, New Mon State Party, and the Pa-O National Liberation Organization.

³ <https://www.bnionline.net/en/news/ethnic-parties-peace-team-ppst-condemns-coup-calls-peaceful-solutions-and-appeals-support-un> 9 March 2021

⁴ <https://www.myanmar-now.org/en/news/nca-signatory-eaos-discuss-how-to-prevent-further-bloodshed-by-regime>, accessed 29 March 2021

⁵ Ibid

⁶ <https://elevenmyanmar.com/news/myanmars-armed-ethnic-factions-will-not-stand-by-if-more-killed-says-one-group/>, accessed 29 March 2021

⁷ <https://www.myanmar-now.org/en/news/as-slaughter-of-civilians-continues-some-decide-its-time-to-take-up-arms> accessed 30 March 2021

⁸ <https://myanmar-now.org/en/news/were-about-80-there-crphs-foreign-minister-says-on-federal-union-talks>, accessed 25 March 2021

⁹ CRPH 'Federal Democracy Charter Part – I Declaration of Federal Democracy Union 2021'

¹⁰ <https://southeastasiaglobe.com/myanmar-federal-army/?fbclid=IwAR3YN2iI9W22SaL3eAJ6JA0B4-Z3HpksFR8VQpZIfgEE7Wzu9AIG4EXAc8s>, accessed 24, April 2021

¹¹ Three Brotherhood Alliance statement, 1 April 2021

¹² <https://myanmar-now.org/en/news/knu-seizes-control-of-tatmadaw-base-in-kayin-state>, accessed 29 March 2021

¹³ A Communique of Mutraw District/5th Brigade to the Public Regarding the Ongoing Use of Deadly Airstrikes Against Karen Civilians by the Violent Burmese military, 30 March 2021

¹⁴ Ibid.

¹⁵ <https://www.gnlm.com.mm/knlas-brigade-5-attacks-htee-mu-hta-military-base>, accessed 12 June 2021

¹⁶ <https://kachinnews.com/2020/08/13/kio-a-wont-allow-polling-in-its-area/>, accessed 12 June 2021

¹⁷ <https://www.bnionline.net/en/news/many-karen-organizations-condemn-dupalaya-statement-causing-confusion-over-knu-policy>, accessed 10 June 2021.

¹⁸ Email correspondence with individual close to the process, 2 June 2021

¹⁹ <https://english.shannews.org/archives/22821>, accessed 11 June 2021

²⁰ <https://www.facebook.com/Salween-Press>, accessed 10 June 2021

²¹ <https://www.irrawaddy.com/news/burma/myanmars-parallel-govts-rohingya-policy-angers-rakhine-groups.html>

²² <https://southeastasiaglobe.com/myanmar-federal-army/?fbclid=IwAR3YN2iI9W22SaL3eAJ6JA0B4-Z3HpksFR8VQpZIfgEE7Wzu9AIG4EXAc8s>, accessed 24, April 2021