

The 21st Century Panglong Conference

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In what could usher in a significant moment in the country's history, Myanmar is preparing for a Union Conference to be held shortly. On 24 April it was announced that the conference would take place within the next two months.¹ The conference, also dubbed 'The 21st Century Panglong (21CPC)' is anticipated to be all-inclusive amongst Ethnic Armed Organisations (EAOs) as long as certain factors are met. Ironically, this *all-inclusive* conference will exclude civil society actors, and political parties that did not win seats in the 2015 elections. The announcement of the conference was welcomed by all sides including the eight Armed Ethnic Organisations that signed the Nationwide Ceasefire Agreement (NCA) on 15 October 2015 and those that either refused to sign it or were not invited. State Counsellor Aung San Suu Kyi was quick to point out that the Conference would be concurrent with the NCA and did not at this moment seek to replace it.

While comparisons to Panglong are inevitable with the 1947 Panglong meeting shaping the discourse of ethnic politics over the last sixty years, it is essential that a new thinking evolves to take into account the current situation. While it is important to remember that the Panglong Agreement was an essential foundation in what was hoped to be a genuine union the romanticised notion of Panglong should not be allowed to take over present realities facing the country. An essential difference between the two Panglongs is that the 1947 Panglong was a conference between equal, separate and distinct political entities – British Burma, Federated Shan States, Kachin Hills and Chin Hills - to agree to cooperate to form a new nation and seek independence from Britain, while the proposed 21CPC is a unilateral proposal by the central government to permanently end the 7-decades of internal conflict. The 1947 Conference can be described as a state-to-state conference, while the 21 CPC is a state-to-individual non-state ethnic armed organisation conference.

Aung San Suu Kyi seems intent on inheriting her father's legacy but who actually controls the process and the true role ethnic actors will be allowed to play needs further consideration.

Background to Panglong

After the advent of the British, the territory ruled by the Burman king from Mandalay became a British colony and later became Ministerial Burma (the central area, controlled from Rangoon). The independent Karenni states (Kayah) were recognized as sovereign states and placed under British protection. The numerous Shan States were later organized into the Federated Shan States and also became a Protectorate of the British Crown. The trans-Salween area (Kayin State), Chin Hills, Kachin Hills, and Naga Hills along the borders, were ruled separately from British Burma as the Frontier Areas.

For the British government, the most important objective for post-war Burma was instituting a centralised constitutional state as quickly as possible. The first blueprint for Burma, the 'White Paper' had actually been drawn up by a group of conservative MP's and approved by the exiled Governor Reginald Dorman-Smith. It recommended that the Frontier, or Scheduled, Areas, should not be included in an independent Burma unless they desired to be, stating that,

The administration of the Scheduled Areas, that is the Shan States and the tribal areas in the mountainous fringes of the country, inhabited by peoples differing in language, social customs and degree of political development from the Burmans inhabiting the central areas, would remain for the time being a responsibility of His Majesty's Government until such time as their inhabitants signify their desire for some suitable form of amalgamation of their territories with Burma proper.²

However, Admiral Mountbatten, the Supreme Allied Commander, who had taken over the actual administration of the liberated areas of the country, decided that only he could make a decision on the future of Burma and he alone was responsible for all policy decisions in South-East Asia. Mountbatten had agreed that the Aung San and Ne Win led Anti-Fascist Organisation (AFO) and the Burma National Army (BNA) should be combined with British forces, however, Aung San was insistent that he, and the AFO, should be accorded ally status.

Mountbatten requested that Dorman-Smith tell Aung San that the AFO would be considered for the then ruling Governor's Council. Dorman-Smith refused in an action which was further supported by the Chiefs of Staff who warned Mountbatten of the risks of encouraging the BNA which they instead recommended be disbanded. Despite such warnings, the BNA was recognised as the Patriotic Burmese Forces (PBF) on the 30 May.

Mountbatten put forward his decision in a directive, 'Policy towards the Burmans', 3 days later:

The guiding principle which I am determined shall be observed is that no person should suffer on account of political opinions honestly held, whether now or in the past, even if these may have been anti-British.³

Mountbatten's directive was issued without the official approval of the British government and put forward a policy in marked contrast to that of the Americans. Mountbatten had decided on his own the political future of Burma. Mountbatten's decision to support Aung San's Anti-Fascist People's Independence League (AFPIL), was opposed by former Prime Minister Churchill, Dorman-Smith and General Slim. As early as July 1945, reports regarding the AFPIL suggested that ethnic and Burman communities had disparate views in relation to the future. According to an August 1945 report:

The Anti-Fascist People's Independence League has been very active in forming local branches over most areas of Liberated Burma. It is now emerging as a Communist organisation and is an up-to-date version of the old Thakin party; it aspires to be the main political power in Liberated Burma. It is interesting to note that the Karens and the Arakanese have disassociated themselves from the movement and are endeavouring to set up their own Independence Movements.⁴

British officials, especially Dorman-Smith, had constantly warned Whitehall about the dangers of dealing solely with Aung San and members of the AFPIL who it was believed were not representative of the Burmese population as a whole. Pethick-Lawrence, the secretary of State for Burma, noted in a 1945 memorandum his belief that the AFPIL:

...has established itself in a dominating position and claims to be accepted as speaking on behalf of Burma. There is, however, clear evidence to suggest that it has acquired this dominating position in the countryside by the menace of the armed force of the Patriotic Burma Forces and because more moderate political elements in Burma have hesitated to oppose it openly.⁵

In relation to Dorman-Smith's position, he writes:

The AFPIL is unquestionably an important and well-organised body which represents a body of opinion of which he shall have to take full account...But I am assured by the Governor that its claim to be able

to speak for all parties greatly overstates the position and that we should make a great mistake to allow ourselves to be manoeuvred into accepting it as the voice of Burma and as adequately representing all political opinion in that country. Demands so extensive as those advanced by AFPIL could not in any event be accepted consistently with the discharge of our obligations to the people of Burma as a whole.⁶

Dorman-Smith frequently fought with Aung San and the AFPIL over who should be appointed to the Governor's Executive Committee and the Legislative Council. The disagreements between the two parties became so extreme that Dorman-Smith acknowledged that by October 1945 he had '...come to the parting of the ways with the "Big Three" of AFPIL (Ba Pe, Than Tun, Aung San) much to the relief of many people and to the fear of numerous others.'

Dorman-Smith was acutely aware of the fact that a number of AFPIL members, especially Thakin Thein Pe were anti-British and, in the case of the latter, practised a form of communism that was '...crude to a degree and of a kind which would make even Lenin blush.' This, he maintained, was the reason why such members were not acceptable to him even at the risk of causing major disturbances in the country.

Mountbatten had also lobbied Dorman-Smith for Aung San to have greater say in the appointment of the Governor's Executive Council, a request that Dorman-Smith refused. While Dorman-Smith was in London attending to medical problems he was suddenly replaced as Governor, in September 1946, by Mountbatten's former deputy, Sir Hubert Rance. Rance immediately entered into discussions with various political leaders to form an Executive Council containing members of all the leading parties. Aung San, and the AFPIL which would later change its name to the Anti-Fascist People's Freedom League (AFPFL), soon dominated the council.

In December 1946, the British government sent a telegram asking for a delegation from the Governor's Executive Council to travel to London. On receipt, the AFPFL relayed a number of requests that needed to be agreed to prior to the delegation's arrival '... for the purpose of concretising the following basic principles.'

- I. Interim National Government with full powers and with Governor as constitutional head.
- II. The coming general election to be held not for restoration of Government of Burma Act 1935 but for convening a Constituent Assembly for whole of Burma, free from the participation of non-Burman nationals.
- III. Immediate steps to be taken from now to prepare the way for a free united Burma.
- IV. A categorical declaration to be made forthwith that Burma would get complete independence within a year.⁷

The requests caused some apprehension in Whitehall. It was not that the Governor was too concerned about granting the requests, for the most part all had already been agreed to but rather he stated that:

'Nor am I altogether convinced by the Governor's argument that we must back up AFPFL - the very insistence of AFPFL on a concession with which to convince its adherents of its power is in itself an indication that we may be surrendering to a party that may-not be able to maintain effective control.'

Echoing predictions regarding the future of Burma under Aung San, when the PBF was finally disbanded to join the regular army only 4,700 volunteered. The rest, about 3,500, joined Aung San in forming his own country wide private army – the Peoples Volunteer Organisation (PVO) under the command of Bohmu Aung and Bo Sein Hman. According to veteran army officer Col Chit Myaing, Aung San's idea was '...to train those people and to use them as armed forces personnel, if necessary, against the British for independence.'⁸ Aung San's intention had always been total independence, regardless of British Commonwealth designs for the new Burmese government.

The Shans and Kachins, who were entirely under the Frontier Areas Administration (FAA) were keen to protect their independence and resented the AFPFL's attempts to organise in the hills. In discussions with British officials, Kachin representatives raised the possibility of amalgamating with China, while the Shans had wanted to become part of what was then Siam.⁹

In March 1946, the Shan Sawbwas (Princes) sponsored the first conference at Panglong to discuss the future of the Shan states, to which representatives of the Chin, Kachin, Karen and AFPFL were invited. Though little of any substance was achieved, an anti-British speech by U Nu representing the AFPFL was not well received and caused further consternation among the attendees.¹⁰

On 27 January 1947, an AFPFL delegation led by Aung San, but minus ethnic Karen AFPFL members, signed the Aung San-Atlee agreement in London. The Sawbwa of Nyaungshwe (Yawngshwe), Sao Shwe Thaik, representing the Shan, Kachin and Chin leaders who had met in Panglong in 1946, had already sent a telegram to Atlee stating that Aung San did not represent them. Regardless, the agreement allowed for the full independence of Burma but in relation to the frontier areas stated,

Frontier Areas

It is agreed [the] objective of both His Majesty's Government and the Burmese Delegates to achieve the early unification of the Frontier Areas and Ministerial Burma with the free consent of the inhabitants of those areas. In the meantime, it is agreed that the people of the Frontier Areas should, in respect of subjects of common interest, be closely associated with the Government of Burma in a manner acceptable to both parties. For these purposes it has been agreed: -

(a) There shall be free intercourse between the peoples of the Frontier Areas and the people of Ministerial Burma without hindrance.

To enable this to happen Aung San went to the 2nd conference organized by the Shan Sawbwas in Panglong. Prior to the conference, on February 2, 1947, Aung San reiterated his commitment to supporting autonomy for the hill peoples, stating

As for the people of the Frontier Areas, they must decide their own future. If they wish to come in with us we will welcome them on equal terms.¹¹

The second Panglong Conference Agreement was signed on 12 February with representatives from the AFPFL, the Shan, the Kachin, the Chin and an observer delegation, who did not participate, from the Karen. According to Tinker,

Aung San had determined to concentrate on winning over the Kachins who, living on the China border and contributing tough fighters to the new Burma Army, were in a key position. He made a pact with the Sima Duwa whereby, in return for the adherence of the Kachins to Burma, they should receive a separate State comprising the Bhamo and Myitkyina Districts, and including the low country with its Burmese population. The Chins were also promised definite material advantages, such as schools and roads, in return for their adherence. The Shan Sawbwas received undertakings regarding their status and the constitution of a separate Shan State.¹²

After three days of discussions and the promises of these concessions, Aung San left Panglong with the agreement of the leaders of the hill peoples (except the Karens) to enter into 'immediate co-operation' with the interim Government. The Sawbwa of Mongpaw became Counsellor for the Frontier Areas. A Supreme Council of the United Hill Peoples, a political coalition affiliated to the AFPFL, was established with Sao Shwe Thaik as President.

The Panglong agreement provided for autonomy for both the Shan and Chin states and the future demarcation for a Kachin state. However, with the Karen, and a number of other minorities, choosing to distance themselves from the Panglong agreement it was necessary to find another solution to the ethnic issue. As part of the Aung-San Attlee agreement, it had been agreed that a special committee, the Frontier Areas Commission of Enquiry (FACE) would be set up to investigate ethnic issues in the frontier areas.

However, the commission's chairman, Lt-Col. D R Rees-Williams was only able to concentrate on about 20% of areas where many of the ethnic nationalities, including the Karen, lived. Of the eight-man commission, four were Burman. The commission was hopelessly flawed and coerced by the AFPFL who, not wishing to delay any settlement with the British, manufactured Karen agreements to those suggestions put forward at Panglong.¹³

While it looked, at least to some, that the ethnic issue had been resolved through the signing of the agreement by those three ethnic groups, nothing was further from the truth. Neither the Karen, Mon, nor Arakan concerns were addressed by the Panglong Conference, and the Karenni states which were never under British rule were not invited. The assassination of Aung San and his cabinet, on 19 July, was not just a major blow to the country but also to ethnic aspirations. The 1947 Burma constitution did not fully support progress made at Panglong and consequently, after a heightening of tensions between the Government and the Karen, an armed insurrection broke out in 1949.

1962 Federal Seminar

Recognising that the 1947 constitution had not addressed ethnic equality in the country, ethnic leaders once more called for the issue of federalism to be addressed. In the early 60s a federal movement, led by Sao Shwe Thaik, first President of the independent Republic of the Union of Burma in 1948, emerged in Shan State. The Federal Movement met in June/July 1961 at a minority people's conference in Taunggyi. It called for a looser 'federalised' form of the constitution with powers shared equally between the minority states and the Burman-majority areas.

They proposed a re-formed single 'Burma' with powers no different from any of the minority states. This, they argued, would guarantee both greater self-government for each nationality and prevent the monopolisation of all political and economic power by the central and majority Burman government.¹⁴

President U Nu agreed to meet with the leaders of the movement in February 1962 and a Federal Seminar was organised. On the 2 March 1962, Ne Win moved against U Nu and arrested him and all the ethnic leaders attending the seminar. According to Martin Smith, Ne Win told the Chin minister, U Zahre Lian, who had been picked up and taken to army headquarters,

'Federalism is impossible; it will destroy the Union.'¹⁵

On the night of the coup U Nu, his Cabinet ministers, and the leaders of the federal seminar were arrested and most, like U Nu, spent the next five years in detention while Sao Shwe Thaik's son, Sao Myee Thaik, was shot dead while Thibaw Sawbwa Sao Kya Seng disappeared after being arrested by Ne Win's troops. Sao Shwe Thaik himself died eight months later while under military detention.

For many armed ethnic organisation leaders the failure of the 1948 Constitution to recognise the promises of Panglong and the equal rights it bestowed upon them is the reason conflict has continued. However, it is 1962, and the Ne Win Coup that many cite as the end of federal aspirations. Not since that year has there been any real attempt to recognise the equal status of ethnic states and the people who reside in them. It is hoped that the forthcoming Union Peace Conference can finally address this imbalance. However, as noted earlier, while Panglong and the Federal Seminar are pivotal points for ethnic inclusion, the new process must recalibrate to take into account a whole new set of factors.

The Union Peace Conference

The number of armed conflict actors has risen dramatically since the Federal Seminar as have the reasons for conflict. Whereas the Panglong agreement, supported by the 1947 constitution, should have, had it been truly inclusive, seen the seven major ethnic groups, the Shan, the Chin, the Karen, the Mon, the Kachin, the Rakhine and albeit belatedly the Karenni join together in a federal union with a Burman-led Government, in reality only three participated. At the moment there are at least 21 ethnic actors seeking an accommodation with the government often at differing levels and often with competing interests. So while the Panglong spirit of equality should be the basis for future negotiations, these new factors have to be taken into account.

To handle future negotiations and prepare for the Union Peace Conference, a 21st Century Panglong Preparatory Committee was formed on 30 May 2016.¹⁶ This in turn is divided into two government sub-committees. One led by Myanmar Army official Lt-Gen Yar Pyae as chairman, Padoh Saw Kwe Htoo Win as vice-chairman, Dr Lian Sakhong as secretary 1 and Dr Min Zaw Oo as secretary 2 and is responsible for negotiating with current NCA signatories. The other is led by Dr Tin Myo Win as chairman, U Hla Maung Shwe as secretary and has seven members and is in charge of meeting with non-signatories.

The eight armed ethnic groups that signed the NCA formed a Peace Process Steering Team (PPST) and the Delegation for EAO Unity (DEU), led by U Khaing Soe Naing Aung was created to liaise with non-signatory armed ethnic organisations.

While the UNFC and non-signatories have said they are willing to work with the new peace negotiators obstacles continue to materialise. While it had been announced in April that a meeting would take place within two months and the UNFC had announced it was preparing for such talks there continue to be further concerns on behalf of the UNFC.

The UNFC had held an extended council meeting from 18 to 21 February 2016 prior to the NLD-led Government taking power. The meeting reviewed '... various aspects of the current political and military situations, matters relating to the federal constitution, necessary ideological principles and departmental agendas.'¹⁷ And it was here that the organisation created a 'renovated and expanded' Delegation for Political Negotiation (DPN) with representatives from the Kachin Independent Organization, New Mon State Party, Karenni National Progressive Party, Shan State Progressive Party (SSPP), Ta'ang National Liberation Army (TNLA), Lahu Democratic Union (LDU), Wa National Organization (WNO), Myanmar National Democracy Alliance Army (MNDAA) and Arakan National Council (ANC).

The main purpose of the DPN according to a UNFC statement is to

... strive for the realisation of genuine peace, the inclusion of all the ethnic armed resistance organisations, in all stages of the political dialogue process, and for the emergence of tripartite dialogue.

The DPN met with the DEU at the end of March to discuss how both ethnic armed groups could work together under a NLD government. According to Khu Oo Reh,

As we discussed things off the record, there were no specific issues covered. But as it is important for unity and cooperation among ourselves – we all have the same view. We don't know how the new government will proceed with the peace process, so we cannot tell how we will proceed.¹⁸

The DPN also met with the Preparatory sub-committee 2 in Chiang Mai on 3 June 2016 according to Dr Tin Myo Win

The promising point is that they [UNFC members] would all cooperate and ultimately participate in this conference.¹⁹

According to Nai Htaw Mon, the NMSP Chairman, there still remains some uncertainty on behalf of non-signatories,

The points taken from the meeting between government and DPN (Delegation for Political Negotiation) representatives are good. However, we still have many points that remain unclear. The new government group cannot state specifically regarding them yet. Therefore, we agreed to have our representatives travel to meet with the UPDJC members officially.²⁰

Suu Kyi met with leaders of Ethnic Armed Organisations (EAOs) that had signed the NCA in Naypyitaw on 28 June and it was stated that the 21st Century Panglong Peace Conference would be held before the end of August. In an attempt to consolidate a single ethnic approach prior to the meeting, especially in relation to a federal union, the groups decided to hold an Ethnic Summit at Mai Ja Yang, Kachin State, on from 26 - 29 July. According to Kheunsai Jaiyen from the Pyidaungsu Institute,

The idea for the summit came from ethnic leaders from groups such as the KIO, the RCSS, the Shan State Progress Party (SSPP) and the Chin National Front (CNF)—groups that see themselves as successors of the signatories of the 1947's Panglong Agreement, which is why they have agreed to hold the event.²¹

To prepare for the summit two committees were formed. The KIO's general secretary U La Nan led the preparatory committee and Khu Oo Reh chaired the summit organising committee. KNU's Kwe Htoo Win served as vice chairman 1; Maj Gen Gun Maw from the Kachin Independence Army as vice chairman 2; Col Sai La from the Restoration Council of Shan State as secretary; and Dr Nai Shwe Thein from the New Mon State Party as joint secretary.

According to Kwe Htoo Win

There are two aims for holding this ethnic armed (group) summit in Mai Ja Yang. The first aim is to prepare for the Union Peace Conference (21st Century Panglong Conference). The second aim is to obtain common views and positions of the ethnic people in building a federal union.

Once again it seems unclear as to what exactly is likely to have changed in relation to the views and objectives discussed at numerous summits during this entire process. While it is true that many previous summits including the recent one at Panghsang (see EBO Background Paper No 2/2016 -The UWSA and the future) have seen differing objectives and actors the fact that armed ethnic actors need to constantly keep meeting with each other to discuss their final goals does not bode well for a Union Peace Conference.

If the goal of Mai Ja Yang was to reignite some form of Panglong Spirit then organisations should take into account the completely different political and ethnic landscape they now face. Panglong was held at a time when the Union was in its infancy and democracy and federalism as a whole was a continuing experiment. In addition, it would appear that, as in 1947, the main player and the key to federalism remains the Government, and, behind the mask, the military. It is what they are prepared to allow that will chart the course of ethnic aspirations in what is an increasingly confusing process.

National Reconciliation and Peace Centre

To support the process the NLD-led government formed an 11-member National Reconciliation and Peace Centre (NRPC) on the 11 July, not unsurprisingly the centre is led by Aung San Suu Kyi. According to an

announcement in state media on 12 July the functions and duties of the National Reconciliation and Peace Centre were,

- a) to set policies and guidelines needed for national reconciliation process,
- b) to set policies and guidelines needed for internal peace process,
- c) to set policies for coordination with local and foreign donors, governments, international nongovernmental organizations and international institutions regarding assistance to national reconciliation and peace processes,
- d) to lead and lay down guidelines paving the way to participation of the government, Hluttaw, Tatmadaw, ethnic organizations and ethnic armed groups, civil society organizations, international community and donors and local and foreign experts from various sectors in national reconciliation and peace processes,
- e) to seek ways and means for turning the Republic of the Union of Myanmar into a Democratic Federal Union, and
- f) to release procedures and directives needed for implementation of functions of the National Reconciliation and Peace Centre-NRPC.

The office appointed U Kyaw Tint Swe, minister of the State Counsellor's Office, and Dr Tin Myo Win, chairman of the Preparatory Committee for holding the 21 Century Panglong Conference, as two Vice Chairmen.

It remains unclear how these numerous bodies will function. The Union Peace Dialogue Joint Committee (UPDJC) and the two Preparatory Committees for holding the 21 Century Panglong Conference are both led by Aung San Suu Kyi with, one assumes, recommendations from the latter passed to the former for acceptance. But considering both are led by the same person, Suu Kyi, there appears to be little point in having the two separate bodies as neither are likely to disagree with each other.

To assert her control of the process Suu Kyi reorganised the UPDJC on the 28 June into an 18-member committee that included some members of the previous body coming from armed ethnic groups, political parties and the government. But the UPDJC originally had three groups of 16 members each representing 90 political parties. Its purpose was to create a framework for holding political dialogue (FPD) as part of the implementation of the NCA.²² It has therefore been heavily reduced not only in size but also in representative power.

Speaking at a meeting with ethnic leaders on 28 June Suu Kyi stated that,

The government has no secret intentions and it is clear that its aim is to create a federal Union allowing all peoples to enjoy peace and prosperity.²³

On 1 July, a meeting was held between the Union Peace Conference-21st Century Panglong Preparatory Committee and United Nationalities Federal Council's (UNFC) Delegation for Political Negotiation-DPN. According to state media in his opening address, Dr Tin Myo Win, chair of the preparatory committee, said that the government was willing to give more than take in negotiations with ethnic groups in order to ensure the establishment of a peaceful federal Union.²⁴ That said, however, it would appear that little was decided with Khu Oo Reh telling local media,

There will be a conference of ethnic armed groups held in Mai Ja Yang . . . The decision on how we will participate will be made after this conference. We will have to discuss it step-by-step.²⁵

On 17 July, a delegation, led by N'Ban La, from the UNFC met with Suu Kyi one assumes to further clarify her position in relation to the peace process prior to Mai Ja Yang. According to Hla Maung Shwe

Today's meeting mainly focused on the inclusion of ethnic groups in the Panglong Conference. Both sides cordially exchanged views. The family-style meeting could bring more trust to both sides. They [UNFC leaders] submitted some proposals. They are likely to sign the nationwide ceasefire agreement as the government side can coordinate their proposals.²⁶

A UNFC statement released after the meeting, while emphasising that discussions centred on the 21 Century Panglong Conference, also noted,

At the meeting the UNFC leadership raised its concerns over the continued war waged against the ethnic nationalities by the Tatmadaw especially along the northern border and leaders have asked for the cessation of fighting. The leaders expressed their hope that with the leadership of the State Counsellor all parties to the armed conflict would be able to declare a genuinely nationwide ceasefire.

The State Counsellor reiterated the NLD's commitment to establish a federal union. Also, she emphasized the importance of the rule of law being fundamental to both achieving peace in the nation and establishing a federal union through a constitution.

Both sides also agreed to further negotiate on approaches to the NCA and the all-inclusive peace process.²⁷

While Suu Kyi had described the meeting with ethnic armed group leaders as "family-like" it would appear that some members of the DPN, especially Khu Oo Reh were less than satisfied.

Although, he was quoted as saying after the meeting that,

It was just like a family meeting . . . It was a meeting that led to constructive intentions for the future meeting.²⁸

He later said that Suu Kyi had told the delegation,

'You can demand everything you like. But, I do not guarantee every demand will be met.' She [had] previously said that people should consider what they can offer for peace rather than what they want to obtain from it.²⁹

He also stated,

Look at the states inhabited by the ethnic people. We have lost almost everything . . . In this situation, what do they want from us? What do we still have left to offer? We do not have demands and offers. Everyone has a responsibility to make the country more developed and peaceful. This is the equality that we have been demanding for decades.

Khu Oo Reh also stated that the UNFC thinks that there should be a formal understanding between the government and the armed groups before proceeding to reviewing the [peace talk] framework and the 21st-century Panglong Conference.

Government peace negotiators invited UNFC members to attend the Framework for Political Dialogue review scheduled for the first week of August. However, only the Union Peace Dialogue Joint Committee has the decision-making power to change the framework, which will determine the shape of the political dialogue.³⁰

All-inclusiveness

In relation to the inclusion of all groups there remains uncertainty as to whether the UNFC still actually

represents the Palaung State Liberation Organisation/Ta'ang National Liberation Army (PSLO/TNLA) and the Myanmar National Democratic Alliance Army (MNDAA). Both groups have tendered their resignations although, as of yet, the UNFC has yet to accept them.

While originally trained and supported by the KIO, both groups have increasingly found themselves under the control of the UWSA. It is likely that the UWSA, which is attempting to secure state-level recognition for the Wa Self-administered region, will use their relationship with the two groups as a bargaining chip in negotiations with the government.

Leaders of both the United Wa State Army (UWSA) and the National Democratic Alliance Army (NDAA) have confirmed that they will participate in the conference.³¹ This will be the first time that the UWSA and the NDAA have agreed to peace talks with the central government since signing their original ceasefire agreements. Neither group signed the Nationwide Ceasefire Agreement (NCA) stating it was unnecessary because they had already signed bilateral accords with the government.

Suu Kyi held a closed door meeting with top leaders from the United Wa State Army (UWSA), led by Pao Yu Yi, and the National Democratic Alliance Army (NDAA) led by Sai Leun at the same time as the Mai Ja Yang Summit was taking place. According to Zaw Htay, the President's Office spokesperson,

Today's meeting furthered relations and mutual understanding between the stakeholders. Both sides—the Wa and the State Counsellor—openly discussed policies.³²

And that,

The Wa pledged to stay in the Myanmar Union, and they said they won't split from the country.³³

While the UWSA, and the NDAA, may have come to an accommodation, the question remains what was actually promised to Pao Yu Yi. According to Zaw Htay there had been no discussion about a separate Wa State, however, this seems highly implausible.

The status of the Arakan Army in relation to the Union conference also remains unclear. The Arakan Army has continued to fight against the Myanmar armed forces in Rakhine state and is unlikely to be allowed to participate. Whether this will prevent other non-signatory groups from attending the Union Peace Conference remains likely further delaying the process. After the recent meeting with Suu Kyi, Khu Oo Reh was quoted in local media as saying that,

We have agreed to cooperate for the success of the 21st-century Panglong Conference. If some armed ethnic groups are not able to be included at this stage, negotiations for their participation will continue, but if we wait for the participation of all groups, then we are not going to have the dialogue.³⁴

However, recent statements suggest that remaining UNFC members will not sign the NCA unless the three are allowed to attend, even though the TNLA and MNDAA have sought to distance themselves from the group.

Mai Ja Yang EAOs' Plenary Meeting

Prior to the Mai Ja Yang meeting, General Mutu Say Poe, leader of the Karen National Union (KNU), one of the eight signatories, urged armed ethnic groups not to make too many demands during the peace negotiations and to work for reasonable results, stating that,

Our needs and demands should be reasonable according to the country's current situation, and we need to have practical results that all groups can accept . . . We shouldn't say that we will accept the result only if we get everything we want . . . The result should be a reasonable one.³⁵

At an EAO signatory meeting held to prepare for the Plenary Meeting Padoh Kwe Htoo Win said,

There are four main agenda items at Mai Ja Yang. The first is political affairs, attitudes on how to build our federal union. The next agenda item is security affairs, how to defend our country. The next agenda item is the political framework. Our NCA-signatory EAOs reviewed this framework after signing the NCA. We will discuss this at the meeting, which parts of the NCA should be changed and modified.³⁶

But perhaps most importantly was the use and interpretation of how Panglong was going to be used. Padoh Kwe Htoo Win continued,

Panglong and Panglong agreement are interpreted in different ways. When the State Counsellor used the term '21st century Panglong Conference', people criticised it. We will find common ground on this term by inviting scholars and academics and then it will be approved at the scheduled plenary meeting [Mai Ja Yang] and we will let our position be known to the people.³⁷

For many ethnic leaders, especially from those groups who attended the second Panglong meeting, it is the agreement (see Appendix 1) and not just the spirit that is important. This was apparent to the degree that at the summit attendees approved a draft of a booklet termed "Reference to the Panglong principles." Which was meant to clarify the overall meaning that resulted from Panglong, so there could be no misinterpretation.³⁸

The belief, by ethnic leaders, in Panglong also includes the right of secession which formed, they believe, a pivotal point in the original agreement, despite the fact that the term was never used in the agreement itself but in the 1948 constitution (see Appendix 2).³⁹ Some leaders still believe that this should be included in a future agreement despite the fact that the NCA states under Part 1 a)

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, that fully guarantees democratic rights, national equality and the right to self-determination on the basis of liberty, equality and justice while upholding the principles of *non-disintegration of the union*, non-disintegration of national solidarity and perpetuation of national sovereignty. (My italics)⁴⁰

It is highly dubious that a secession clause can be included in any future negotiation as it can be used to disintegrate the union. To ask for such a clause, which was debated at Mai Ja Yang, would in fact further impede any progress.

Regardless, it would also appear that even if such a request was considered by EAOs the chance that the EAO's will be ready by the end of August to attend the Union Peace Conference is improbable. Past experience throughout the process has shown that EAOs require numerous summits and meetings to move forward. The signatory organisations have already said they are planning a post Mai Ja Yang meeting to discuss the outcome of the summit and have now suggested that the Union Peace Conference happen in September or October, although these dates are highly unlikely as well. The more EAO meetings take place and negotiating teams are formed the later dates get pushed back.

The Myanmar Army had already raised concerns over the outcome and need for the summit, Lt-Gen Mya Tun stated that the best results for the peace process would stem from open and honest discussion at the

Union conference and reaching a common perspective amongst the different groups is already a challenge.⁴¹ He also noted that,

In a meeting, many agreements are reached. Then restraints are imposed...and making efforts to move things forward will get harder . . . Thus, if possible, [the Myanmar Army] does not want the Mai Ja Yang meeting to happen. We don't want any more territorial claims or forming of alliances,"

Despite this, it would appear that many of the participants at Mai Ja Yang still believe in Aung San's promise to ethnic leaders that.

If a Bamar receives one kyat, you will also receive one kyat.

Which envisioned eight states for the main ethnic nationalities. As a result of this, it was suggested that two regions, Tanintharyi and Ayeyarwady, could become a Burman state. In addition, many participants agreed that the state legislatures should be given absolute autonomy with their own constitutions. It was also suggested that areas with mixed nationalities should be considered Nationalities States, according to Mra Razar Lin, a central executive committee member of the Arakan Liberation Party,

The assumption is that in Ayeyarwady Region, ethnic Kayin, Mon, Bamar and Rakhine comprised the largest share of the population. So the region should be regarded as a national state because we cannot rank it as a Mon or a Shan or a Rakhine State alone . . . This is the kind of outlook that should be underlying the future federal Union.

Further exacerbating the situation is the role of Aung San Suu Kyi's advisors who appear to be pushing for an early resolution to the conflict through the timing of the Union Peace Conference.⁴² This in itself is likely to lead to further concerns on behalf of non-signatory EAOs who believe that once again their political destiny is likely to be taken out of their hands and be decided by a perceived, correctly or not, Burman-dominated government.

Adding to this perception is the fact that Aung San Suu Kyi, as leader of the UPDJC, could ultimately decide the fate of the ethnic minorities purely on her and the military's terms. And while efforts will be made to suggest that ethnic organisations have had some input this may not be the case. The Panglong 'spirit' vs 'Agreement' argument also confuses matters. A number of ethnic leader's beliefs that this was the basis of the union may be valid, but this should have no bearing on the matter of what a federal union should look like today.

As noted earlier, the number of actors has increased and many have differing objectives and as such this situation is greatly different from the past. Once again the UNFC has tried to suggest that it should be the sole arbiter in peace negotiations on behalf of the Armed Ethnic Organisations, a strategy that has failed in the past and led to further divisions between ethnic organisations.

It is dependent on all stakeholders to recognise that the situation is entirely different from the past. Due to this there must be a much more pragmatic approach to moving the peace process forward.

Appendix 1

Panglong Agreement

Panglong, 12 February 1947

A conference having been held at Panglong, attended by certain Members of the Executive Council of the Governor of Burma, all Saohpas and representative of the Shan States, the Kachin Hills and the Chin Hills:

The Members of the conference, believing that freedom will be more speedily achieved by the Shans, the Kachins and the Chins by their immediate co-operation with the Interim Burmese Government:

1. A Representative of the Hill Peoples, selected by the Governor on the recommendation of representatives of the Supreme Council of the United Hill Peoples (SCOUHP), shall be appointed a Counsellor for Frontier Areas shall be given executive authority by similar means.
2. The said Counsellor shall also be appointed a Member of the Governor's Executive Council, without portfolio, and the subject of Frontier Areas brought within the purview of the Executive Council by Constitutional Convention as in the case of Defence and External Affairs. The Counsellor for Frontier Areas shall be given executive authority by similar means.
3. The said Counsellor shall be assisted by two Deputy Counsellors representing races of which he is not a member. While the two Deputy Counsellors should deal in the first instance with the affairs of their respective areas and the Counsellor with all the remaining parts of the Frontier Areas, they should by Constitutional Convention act on the principle of joint responsibility.
4. While the Counsellor, in his capacity of Member of the Executive Council, will be the only representative of the Frontier Areas on the Council, the Deputy Counsellors shall be entitled to attend meetings of the Council when subjects pertaining to the Frontier Areas are discussed.
5. Though the Governor's Executive Council will be augmented as agreed above, it will not operate in respect of the Frontier Areas in any manner which would deprive any portion of those Areas of the autonomy which it now enjoys in internal administration. Full autonomy in internal administration for the Frontier Areas is accepted in principle.
6. Though the question of demarcating and establishing a separated Kachin State within a Unified Burma is one which must be relegated for decision by the Constituent Assembly, it is agreed that such a State is desirable. As a first step towards this end, the Counsellor for Frontier Areas and the Deputy Counsellors shall be consulted in the administration of such areas in the Myitkyina and the Bhamo Districts as are Part II Scheduled Areas under the Government of Burma Act of 1935.
7. Citizens of the Frontier Areas shall enjoy rights and privileges which are regarded as fundamental in democratic countries.
8. The arrangements accepted in this Agreement are without prejudice to the financial autonomy now vested in the Federated Shan States.
9. The arrangements accepted in this Agreement are without prejudice to the financial assistance which the Kachin Hills and the Union Hills are entitled to receive from the revenues of Burma, and the Executive Council will examine with the Frontier Areas Counsellor and Deputy Counsellors the feasibility of

adopting for the Kachin Hills and the Chin Hills financial arrangement similar to those between Burma and the Federated Shan States.

Burmese Government.

(Signed) Aung San

Kachin Committee.

(Signed) Sinwa Naw, Myitkyina

(Signed) Zaurip, Myitkyina

(Signed) Dinra Tang, Myitkyina

(Signed) Zau La, Bhamo

(Signed) Zau Lawn, Bhamo

(Signed) Labang Grong, Bhamo

Chin Committee

(Signed) Pu Hlur Hmung, Falam

(Signed) Pu Thawng Za Khup, Tiddim

(Signed) Pu Kio Mang, Haka

Shan Committee

(Signed) Saohpalong of Tawngpeng State.

(Signed) Saohpalong of Yawngghwe State.

(Signed) Saohpalong of North Hsenwi State.

(Signed) Saohpalong of Laihka State. (Signed) Saohpalong of Mong Pawn State.

(Signed) Saohpalong of Hsamonghkam State

(Signed) Representative of Hsahtung Saohpalong. Hkun Pung

(Signed) U Tin E

(Signed) U Htun Myint (

Signed) U Kya Bu

(Signed) Hkun Saw

(Signed) Sao Yape Hpa

(Signed) Hkun Htee

Appendix 2 – The Constitution of the Union of Burma, 24 September 1947, effective 4 January 1948

CHAPTER X.

Right of Secession.

201. Save as otherwise expressly provided in this Constitution or in any Act of Parliament made under section 199, every State shall have the right to secede from the Union in accordance with the conditions hereinafter prescribed.
202. The right of secession shall not be exercised within ten years from the date on which this Constitution comes into operation.
203. (1) Any State wishing to exercise the right of secession shall have a resolution to that effect passed by its State Council. No such resolution shall be deemed to have been passed unless not less than two-thirds of the total number of members of the State Council concerned have voted in its favour.
- (2) The Head of the State concerned shall notify the President of any such resolution passed by the Council and shall send him a copy of such resolution certified by the Chairman of the Council by which it was passed.
204. The President shall thereupon order a plebiscite to be taken for the purpose of ascertaining the will of the people of the State concerned.
205. The President shall appoint a Plebiscite Commission consisting of an equal number of members representing the Union and the State concerned in order to supervise the plebiscite.
206. Subject to the provisions of this Chapter, all matters relating to the exercise of the right of secession shall be regulated by law.

Notes

- ¹ 'Aung San Suu Kyi calls for peace conference within the next two months' Mizzima, 25 April
- ² 'Burma: Statement of Policy by H.M. Government', HMSO, May 1945
- ³ Tinker quoting a Report by the Supreme Allied Commander
- ⁴ Report for the month of July 1945 for the Dominions, India, Burma and The Colonies and Mandated Territories. 27 August 1945
- ⁵ 'Political Situation in Burma: Memorandum by the Secretary of State for Burma', 29 October 1945
- ⁶ Cypher (O.T.P) telegram from Governor of Burma to Secretary of State for Burma, dated Rangoon, 20.40 hours, 27th October 1945
- ⁷ 'Burma Constitutional Position: Memorandum by the Secretary of State for Burma', 9 December 1946
- ⁸ 'Interview with Colonel Chit Myaing', Burma Debate, July/August 1997
- ⁹ 'Insurgency and the Politics of Ethnicity', Martin Smith, Zed Books
- ¹⁰ Ibid
- ¹¹ 'The Myths of Panglong', Mathew Walton, Asian Survey, November/December 2008
- ¹² 'The Union of Burma', Hugh Tinker, pg 24
- ¹³ Ibid
- ¹⁴ 'Insurgency and the Politics of Ethnicity', Martin Smith, Zed Books
- ¹⁵ Ibid.
- ¹⁶ Committee, subcommittees established for Union Peace Conference (21st Century Panglong Conference) preparation (Notification No 26/2016)
- ¹⁷ 'Statement of UNFC Council (Extended) Meeting' UNFC, 21 February 2016
- ¹⁸ 'All Ethnic Armed Groups meet to guess NLD's position on national ceasefire agreement', S'Phan Shaung, Karen News, 5 April 2016
- ¹⁹ 'UNFC representatives to meet with UPDJC leaders', BNI, 9 June 2016
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- ²² 'Aung San Suu Kyi Reorganizes Government Peace Dialogue Committee', RFA, 27 May 2016
- ²³ EBO Political Monitor, No 14, 18 – 30 June 2016
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- ²⁹ 'Press conference reveals friction after state counsellor, UNFC meet' Myanmar Times, 19 July 2016
- ³⁰ Ibid.
- ³¹ 'UWSA and NDAA to attend new 'Panglong' conference', SHAN, 20 June 2016
- ³² 'Wa Pledge Not to Split From Union', Nyein Nyein, The Irrawaddy, 29 July 2016
- ³³ Ibid.
- ³⁴ 'Upcoming Panglong conference may not include all groups', Lun Min Mang, Myanmar Times, 18 July 2016
- ³⁵ 'Ethnic Rebel Coalition Meets With Aung San Suu Kyi to Prepare For Myanmar Peace Conference', RFA, 18 July 2016
- ³⁶ 'NCA-signatory organisations agree to discuss four points at Mai Ja Yang meeting', Phanida, Mizzima, 21 July 2016
- ³⁷ Ibid.
- ³⁸ 'Post-summit, Panglong's fate still clouded', Lun Min Mang, Myanmar Times, 1 August 2016
- ³⁹ Personal conversation with EAO advisor, 18 July, 2016
- ⁴⁰ The Nationwide Ceasefire Agreement between the Government of the Republic of the Union of Myanmar and the Ethnic Armed Organizations, October 2015
- ⁴¹ 'Burma Army Reveals Concerns Over Ethnic Summit', Nyein Nyein, The Irrawaddy 21 July 2016
- ⁴² Personal conversation with EAO advisor, 18 July, 2016