



Burma's Dead-End Peace Negotiation Process: A Case Study of the Land Sector

Press Statement by Karen Peace Support Network

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It has become undeniably clear that Burma's current peace negotiation process will not lead to lasting peace or facilitate the establishment of "a new democratic federal union". So far, representatives of the Burma Army have successfully imposed their will on peace proceedings through force of arms, political intimidation, and authoritarian rule, obstructing important national-level political dialogues, excluding major stakeholders, and prohibiting negotiations on issues fundamental to achieving inclusive political reform and lasting peace.

Democratic federal reform is a vital aspect of the current peace negotiation process, dependent on the amendment and repeal of existing laws, including the 2008 constitution which provides the Union Government with absolute power and authority over land and natural resources. In the land and natural resource sector, federal reform is inextricably linked to genuine potential for peace, and as such the lack of reform remains a major driver of conflict. Yet, while the Framework for Political Dialogue cites "all-inclusive political dialogue" and "equality and self-determination" as central tenets of the process, Tatmadaw representatives continue to block federal proposals across all five sectors of political dialogue, including political, economic, social, land and natural resources and security.

By tracing land-related negotiations from the successive Karen national political dialogues through what we have termed the "Five Gates" of political dialogue, KPSN's new report provides a detailed analysis of where decision making power is being concentrated and how the peace process is being manipulated. Our findings suggest that Burma Army representatives have been able to systematically block the passage of ethnic stakeholder proposals during the land sector negotiations. This undemocratic process is clearly exemplified by the Tatmadaw's refusal to negotiate beyond the Commander-in-Chief's "six-point policy", demanding all stakeholders in the peace negotiation process "strictly abide by the existing laws" "in accordance with the 2008 Constitution."

Thus the 37 point agreement reached during the 2nd 21st Century Panglong Conference in May 2017 shows that the Ethnic National Dialogue principles for federal management of land have all been rejected. Regarding land, the agreement only contains 10 principles, which perpetuate continued central government control according to the 2008 Constitution and existing legislation. The 37 points, proposed for inclusion in a future Union Accord, were signed by a very limited number of representatives and did not follow the procedure established under the Framework for Political Dialogue. The lack of recognition of federal policy proposals during the national political dialogues, organised to form the basis of the Union Accord, showcases the lack of good faith in the current peace negotiation process. Without respect for ethnic land rights, a genuine peace that is equitable for all peoples of Burma is impossible.

Since the peace negotiation process was initiated seven years ago, large-scale military offensives have forcibly displaced more than 150,000 civilians in Kachin and northern Shan States, while more than 8,500 civilians have been forcibly displaced from their land and homes in Karen State since the Karen National

Union signed the Nationwide Ceasefire Agreement in 2015. The NLD has failed to speak out against the Tatmadaw's ongoing military operations in Karen State, as in Kachin, Shan, and Rakhine, where some 700,000 have been forcibly displaced from their homes to Bangladesh. With military tensions escalating in Karen State, the "Karen model" for peace praised by the State Counsellor is looking more like "business as usual".

Our findings suggest that powerful actors within the Tatmadaw and the government are using the peace negotiation process to further legitimise the centralisation of ownership, management and control over land and natural resources, undermining the broadly accepted goal of the process – the establishment of a democratic federal union.

KPSN Recommendations

For Myanmar Government and Tamadaw

1. A new framework must be set up where political dialogue, negotiations and resolutions are not constrained by the 2008 Constitution
2. The Tatmadaw should halt all military offensives and implement a unilateral nationwide ceasefire, followed by inclusive political dialogue with all ethnic stakeholders including the Federal Political Negotiation and Consultative Committee (FNPCC) and the United Nationalities Federal Council (UNFC)
3. There must be a moratorium on large scale development projects during the peace negotiation process, until a new federal constitution is operationalized
4. There must be no restrictions on EAOs holding consultations with communities, and on EAOs holding meetings among themselves
5. The NLD government must adhere to its original goals and its election manifesto, which states that the 2008 Constitution will be amended "to guarantee ethnic rights and establish a federal democratic union"

For International communities

6. All existing ethnic managed governance structures such as those implementing health, education, land and natural resources management, and judicial matters shall be recognized and acknowledged by the Myanmar government, UN agencies, and any other donors to Burma
7. International support for refugees and IDPs that was cut off should be immediately reinstated, and provided according to international standards
8. Donors should ensure funding provided to the peace negotiation process will eventually lead to genuine and meaningful political change, rather than reinforcing the status quo
9. Financial and/or technical support shall be provided carefully to the land reform process under the Parliament/Hluttaw to ensure that the support does not in any way contradict and undermine opportunities for democratic federal reform of the country's land sector.

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