

The Importance of Ethnic Minorities to Myanmar's Future

Just as during the decades-long civil war and recent elections, Myanmar's ethnic minorities will be pivotal in the post-coup status quo

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The diverse ethnic minorities in Myanmar have a long and often troubled history with the Burmese military that seized power in Myanmar on February 1, 2021, spanning across the bloody civil war, as well as the country's democratic reforms in the past decade. Ethnic relations and the delicate, changing balances of power between the Bamar majority, the Tatmadaw, the civilian government officials, and amongst themselves have long dictated the reality and prospects of Myanmar's politics, peace, and prosperity.

More than three months have passed since Senior General Min Aung Hlaing and the Tatmadaw staged their palace coup in Myanmar (Burma), setting up a new military junta entitled the State Administrative Council (SAC). The actions of the nation's ethnic minoritiesⁱ and their associated ethnic armed organizations (EAOs) will be critical if Min Aung Hlaing and the SAC are to be defeated, either by political or military means. The failure to secure the support of the ethnic minorities and their EAOs could either doom the people of Myanmar to many more years of oppressive military rule or lead to the fragmentation of the nation into several smaller sovereign states.

To properly appreciate the importance of Myanmar's ethnic minorities and their EAOs to the nation's future requires an examination of the country's political developments since 2010, Min Aung Hlaing's decision to depose the civilian side of the hybrid civilian-military Union Government, and the role of the ethnic minorities and their EAOs in determining Myanmar's future. However, in order to understand why the ethnic minorities and the EAOs are so critical to Myanmar's future, it is necessary to first examine the Tatmadaw's original plan for the political transition of Myanmar into a "flourishing and disciplined democracy."ⁱⁱ

The Tatmadaw's Plan for Myanmar's Political Transition

On August 30, 2003, Prime Minister General Khin Nyunt announced that Myanmar's military junta, the State Peace and Development Council (SPDC), would undertake a "seven-point roadmap for democracy."ⁱⁱⁱ The roadmap called for the reconvening of a constitutional convention that was suspended in 1996, the drafting of a new constitution for the nation, the adoption of the constitution in a national referendum, the holding of nationwide parliamentary elections, and the transfer of power from the SPDC to the new government.^{iv}

Following the Roadmap

In accordance with Khin Nyunt's roadmap, the SPDC restarted the constitutional convention on May 17, 2004.^v On April 9, 2008, the SPDC released the draft of the new constitution and announced that a national referendum to approve it would be held on May 10, 2008. However, the devastating Cyclone Nargis struck central Myanmar on May 2, 2008, killing more than 100,000 people.^{vi} Initially, the SPDC announced the constitutional referendum would proceed as planned, but on May 6, it decided to delay voting until May 24, 2008, for most of the townships around Yangon and in seven of the townships in the Irrawaddy region. On May 29,

2008, the SPDC announced the official results of the national referendum claiming that 98.12% of the 27,288,827 eligible voters had cast votes and that 92.48% had voted in favor of the adoption of the constitution.^{vii} The official results were widely regarded as fraudulent.

The SPDC held the first parliamentary elections in accordance with the new 2008 constitution on November 7, 2010. Although Aung San Suu Kyi's National League for Democracy (NLD) and many ethnic minority political parties either were banned or boycotted the elections, more than 30 political parties fielded candidates, including nearly 20 ethnic minority political parties.^{viii} Despite allegations of voter suppression, stuffed ballot boxes, and other election irregularities, the SPDC announced that the pro-military Union Solidarity and Development Party (USDP) had won 259 of the 325 contested seats in the People's Assembly and 129 of the 168 contested seats in the National Assembly of the new Union Parliament.^{ix}

The Union Parliament convened for the first time on January 31, 2011, and selected SPDC Prime Minister General Thein Sein as President and former SPDC Secretary-1 Tin Aung Myint Oo and Dr. Sai Mauk Kham, an ethnic Shan member of the USDP, to serve as the new government's two Vice Presidents.^x On March 31, the SPDC formally transferred power to the Union Government, completing its "seven-point roadmap for democracy."

The 2008 Constitution

Various provisions in the 2008 constitution guarantee that the Tatmadaw would remain the dominant power in the new Union Government. The constitution divided Myanmar into 7 ethnic States – Chin, Kachin, Kayah, Kayin, Mon, Rakhine, and Shan—and seven Regions—Ayeyawady, Bago, Magway, Mandalay, Sagaing, Taninthayi, and Yangon.^{xi} It also established a bicameral Union Parliament (*Pyidaungsu Hluttaw*) with a National Assembly (*Amyotha Hluttaw*), in which each State or Region has an equal number of seats, and a People's Assembly (*Pyithu Hluttaw*), in which each township is allocated one seat. In addition, 25% of the seats in each chamber of the Union Parliament were reserved for "Defence Services personnel" who are appointed by the Commander in Chief. These provisions meant that pro-military political parties need only win 25% of the contested seats in each chamber for the Tatmadaw to control the Union Parliament. In addition, the 2008 constitution made it impossible to amend the constitution without the support of the Defence Services personnel in the Union Parliament.^{xii}

The constitution also gave the appointed Defence Service personnel in the Union Parliament the power to nominate one of the three candidates for President, as well as the guarantee that their candidate will at least become one of the Vice Presidents.^{xiii} Under the constitution, the Commander in Chief effectively selects the Ministers of Border Affairs, Defense, and Home

Affairs, and he has authority over all of the nation's security forces, including the military, Myanmar Police Force (MPF), and Border Guard Forces (BGFs).^{xiv} Finally, six of the 11 members of the powerful National Defense and Security Council, which has the power to declare a national emergency and transfer all legislative, executive, and judicial power to the Commander in Chief, are either active military officers or selected by the Commander in Chief.^{xv}

The Tatmadaw's Benefits from Establishing the Union Government

The SPDC's transfer of power to the Union Government in 2011 was intended to be beneficial to the Tatmadaw for several reasons. First, during its nearly 50 years in power, the Tatmadaw had seriously mismanaged the nation, transforming Myanmar from one of the most prosperous countries in the region to one of the poorest.^{xvi} By relinquishing responsibility for the administration of the economy to the civilian side of the Union Government, the Tatmadaw could take credit for a subsequent economic rebound or deny responsibility if the economy continued to decline.

Second, the 2008 constitution raised the likelihood that the Tatmadaw and pro-military political parties would control the Union Parliament, select pro-military Presidents and Vice Presidents, and appoint pro-military Ministers to run the "civilian" side of the hybrid civilian-military Union Government.

Third, the SPDC thought that the apparent transfer of power to a hybrid civilian-military government would be a sufficient condition for the more than 20 EAOs to bring an end to Myanmar's 70-year-old civil war. The Tatmadaw believed that the 2008 constitution's provisions for equal rights for all citizens and equality of the nation's seven ethnic States with the seven Regions would convince the EAOs to support the new Union Government and give up their war of resistance.

Fourth, the SPDC hoped that the establishment of the Union Government would convince Australia, Canada, the European Union, the United Kingdom, and the United States to remove the various political and economic sanctions they had imposed on the military junta.

In summary, the transition from the SPDC to the Union Government in 2011 was a political charade, designed to give the impression of a transition to democracy while actually maintaining military control over the governance of Myanmar. The Tatmadaw's hope was the ruse would fool both its domestic and international critics. Domestically, the Tatmadaw was

able to convince Aung San Suu Kyi, the NLD, and much of the Bamar ethnic majority that there was the potential for democratic reforms. The international response was initially cautious, but, eventually, virtually all the international restrictions on relations with Myanmar had been lifted by the end of 2016. However, Myanmar's ethnic minorities and their EAOs remained distrustful of the Tatmadaw, having extensive experience with its broken promises and ceasefires.

The Role of Ethnic Minorities and EAOs in Parliamentary Elections

For the first five years of the Union Government, it seemed that Myanmar's political transition was largely going in accordance with the Tatmadaw's vision. However, a closer examination of events reveals underlying problems, especially with regards to Myanmar's ethnic minorities and their EAOs. The overwhelming victory of Aung San Suu Kyi's NLD in the 2015 parliamentary elections marked a clear deviation from the Tatmadaw's preferred path for Myanmar's political development, but also demonstrated the importance of ethnic minorities and the EAOs in the nation's political dynamics. For the 2020 elections, some of the ethnic minority parties launched an unsuccessful campaign to challenge the NLD's dominance in the seven States, but the election outcome once again demonstrated the political importance of ethnic minority voters and the EAOs.

The 2010 Elections

Although the results of the 2010 parliamentary elections were consistent with the SPDC's goal of the Tatmadaw retaining control of both the civilian and military side of the Union Government, the voting was marred by credible allegations of election fraud and other voting irregularities.^{xvii} According to ALTSEAN, "The election process was met by widespread condemnation inside and outside Burma, with the significant exception of ASEAN and China."^{xviii} In a statement released by the White House on election day, then-President Barack Obama stated, "The November 7 elections in Burma were neither free nor fair, and [they] failed to meet any of the internationally accepted standards associated with legitimate elections."^{xix}

While the USDP succeeded in securing a majority in both chambers of the Union Parliament, the results in four of the seven ethnic States showed serious cracks in the Tatmadaw's strategy. In Chin State, the Chin Progressive Party won four of the 12 seats in the National Assembly and

two of the nine seats in the People's Assembly, while the Chin National Party, the political party associated with the Chin EAO, the Chin National Front (CNF), also won two seats in the People's Assembly. In Mon State, the All Mon Regional Democratic Party (AMRDP) won four of the 12 seats in the National Assembly and three of the ten seats in the People's Assembly. In Rakhine State, the Rakhine Nationalities Development Party (RNDP) won seven of the 12 seats in the National Assembly and nine of the 17 seats in the People's Assembly.

The results were more complex in Shan State, where five separate ethnic minority political parties won seats, while voting was canceled for five of the 51 seats in the People's Assembly.^{xx} The Shan Nationalities League for Democracy (SNLD) won 18 seats out of 51 in the People's Assembly and three out of 12 seats in the National Assembly.^{xxi} The Pa-O National Organization (PNO) won three seats in the People's Assembly and one seat in the National Assembly. The Wa Democratic Party (WDP) won two seats in the People's Assembly and one seat in the National Assembly. The Ta'ang National Party (TNP) won one seat in each chamber of the Union Parliament, and the Inn National Development Party won one seat in the People's Assembly.

The poor results of ethnic minority political parties in Kachin, Kayah, and Kayin States can be attributed to two factors. First, some of the more popular parties boycotted the elections. Second, the SPDC's election commission disqualified some of the ethnic minority parties which had sought to participate in the elections. Overall, the 2010 election results indicated that the Tatmadaw and the USDP were very unpopular with Myanmar's ethnic minorities.

The 2015 Elections

The 2015 parliamentary elections saw a reversal of the fortunes of the Tatmadaw's USDP, as Aung San Suu Kyi's NLD emerged as the apparent victor, securing nearly 80% of the contested seats. A more detailed look at the results, however, discloses that ethnic minorities were both major factors in the NLD's victory and an indicator that support of Aung San Suu Kyi and the NLD among the ethnic minorities was far from universal.

Not surprisingly, the NLD virtually swept almost all of the seats in the seven Divisions, winning 82 of the 84 seats in the National Assembly and 198 of the 202 seats in the People's Assembly. The results, however, were more mixed in the seven States. In Rakhine State, the Arakan National Party won 12 of the 17 seats in the People's Assembly and ten of the 12 seats in the National Assembly. Five ethnic parties won seats in Shan State, led by the SNLD which took 12 seats in the People's Assembly and three seats in the National Assembly.^{xxii} Ethnic party candidates also won seats in Chin, Kachin, and Mon States.

The NLD did win 57 of the seats for the seven States in the People's Assembly and 53 of the seats for the seven States in the National Assembly. However, the NLD's success may in part be attributable to the "first past the post" rules of the election. With more than 50 ethnic minority parties contending in the 2015 parliamentary elections, the ethnic minority votes were split across competing parties, allow the NLD candidate to win with a plurality of the votes cast.^{xxiii} In some districts, the combined votes for ethnic minority candidates exceeded the total of the winning NLD candidate.

Voting was canceled in parts of Kachin and Shan States, and seven seats in the People's Assembly were left vacant. The Union Election Commission (UEC), whose members were chosen by President Thein Sein, claimed that either conditions in these areas were unsafe due to the ongoing fighting between the Tatmadaw and the EAOs or UEC officials were unable to compile voter registration lists due to the actions of EAOs. However, there are some indications that the Thein Sein government expected that ethnic minority candidates would win the seats if the voting were permitting in those areas.

In addition, the UEC disenfranchised the Rohingya population in Rakhine State, a significant break from the practice in the 1990 and 2010 elections. This decision by President Thein Sein and the UEC may have facilitated the success of the ANP in Rakhine State.

The 2020 Elections

The 2020 elections were quite similar to the 2015 elections, both in terms of how they were conducted and their outcome, despite the NLD's control over UEC and the election process. The UEC canceled voting for 15 seats in the People's Assembly and seven seats in the National Assembly for northern Rakhine State, blaming the fighting between the Arakan Army (AA) and Tatmadaw for the decision. The Rohingya were again denied the right to vote, while most potential Rohingya voters had fled to Bangladesh in late 2017 to escape the attacks by the Tatmadaw. Several ethnic minority candidates were disqualified and some ethnic minority political parties complained of discriminatory election decisions by the UEC.

As in 2015, the NLD won in a landslide, capturing 258 seats in the People's Assembly and 138 seats in the National Assembly, a net gain of three seats in each chamber. However, most of the NLD's success occurred in the seven Divisions; the party's fortunes were more mixed in the seven ethnic States. The NLD won all the Division seats in the National Assembly and all but three of the Division seats in the People's Assembly. However, the ANP and the Arakan Front Party won almost all of the seats in Rakhine State. The SNLD gained seats in Shan State in both

chambers. In Kayah State, the Kayah State Democratic Party (KSDP) won seats in both chambers, the first time a Karenni ethnic party had won seats in the Union Parliament.

The modest success of the ethnic minority political parties is partially attributable to an effort to avoid their mistake of 2015 in fielding candidates from multiple political parties. The 2015 victory of the ANP, formed by the merger of the Rakhine Nationalities Development Party (RNNDP) and the Arakan League for Democracy in 2013, may have inspired other ethnic political parties to form similar united fronts. The Chin National Democratic Party, the Chin Progressive Party, and the Chin National League for Democracy participated in the 2020 elections as the Chin League for Democracy Party.^{xxiv} In Mon State, the All Mon Regional Democracy Party (AMRDP) and the Mon National Party (MNP) agreed in May 2019 to unite as the Mon Unity Party, eight months after the AMRDP and MNP had merged with the New Mon National Party.^{xxv} Similar mergers occurred in Kachin, Kayah, Kayin, and Shan States.^{xxvi} While the mergers were not enough to win the majority of the State seats in either chamber (except in Rakhine State), it demonstrated that both the USDP and the NLD were not as popular outside of the seven Divisions as observers generally assume.^{xxvii}

Escalating Civil War and the Stalled “Peace Process”

Having experienced a reversal of its political fortunes in the parliamentary elections, the Tatmadaw’s efforts to end the nation’s long-standing, low-grade civil war and solidify the legitimacy of the 2008 constitution were also largely unsuccessful. The “peace process” initiated by former President Thein Sein, and then adopted by Aung San Suu Kyi, stalled after some early progress, and then effectively collapsed. Fighting between the Tatmadaw and several of the EAOs gradually—but unevenly—intensified after the transfer of power to the Union Government in 2011 and peaked in 2019 before the outbreak of the COVID-19 pandemic in early 2020. The Tatmadaw’s traditional tactic of seeking ceasefires with some of the EAOs, while launching major offensives against others, was not working as well as in the past, as several major EAOs were winning on the battlefield and refusing to accede to the Tatmadaw’s unacceptable ceasefire conditions.

Losing on the Battlefield

Before the transfer of power to the Union Government in 2011, the SPDC attempted to expand its military control in the seven ethnic States by demanding that the EAOs agree to be

transformed into Border Guard Forces (BGFs) under Tatmadaw control.^{xxviii} A few of the smaller EAOs agreed to become BGFs, but the larger EAOs refused to comply.

In August 2009, the SPDC broke a bilateral ceasefire agreement and moved against the Myanmar National Democratic Alliance Army (MNDAA), an EAO of the ethnic Kokang in Shan State. The MNDAA had established control over the Kokang Self-Administered Zone in northern Shan State, an area designated in the 2008 constitution. Tatmadaw forces moved into the MNDAA's territory, forcing the EAOs' retreat into China, along with thousands of Kokang refugees.^{xxix}

In 2011 and 2012, the Tatmadaw violated another bilateral ceasefire agreement and launched similar offensives against the Kachin Independence Army (KIA) in Kachin State but with much less success. The Tatmadaw was able to secure control over a few KIA outposts but was unable to defeat the EAO in the same decisive manner as the MNDAA. President Thein Sein ordered the Tatmadaw to stop its attacks on the KIA, but those orders were ignored.^{xxx} A temporary ceasefire was finally reached with the KIA in January 2013, after 20 months of sometimes intense fighting.^{xxxi} Periodic skirmishes with the Karen National Union (KNU) in Kayin State were also reported between 2010 and 2012.^{xxxii}

Unable to secure victory on the battlefield, the Tatmadaw shifted its focus to President Thein Sein's ceasefire initiative (see below). The Tatmadaw's fortunes on the battlefield soon took a turn for the worse. In 2015, a reconstituted MNDAA returned to Shan State and retook control over the Kokang Self-Administrative Zone.^{xxxiii} In 2017, the combined forces of the Northern Alliance—consisting of the KIA, MNDAA, TNLA, and newly established Arakan Army (AA)—began a counteroffensive against Tatmadaw outposts and bases in Shan State.^{xxxiv}

In 2018, the AA moved most of its troops from Shan State into southern Chin State and began a military campaign in northern Rakhine State in an attempt to secure an autonomous region similar to that held by the United Wa State Army (UWSA) in Shan State. This effort was in part made possible by the Tatmadaw's genocidal attack on the Rohingya in 2017, which led to the flight of more than 750,000 people to Bangladesh, significantly depopulating much of northern Rakhine State. By most accounts, the AA quickly gained the upper hand in the fighting and was able to launch assaults in nearly every township in Rakhine State.^{xxxv}

In Kayin State, fighting also erupted between the Tatmadaw and the KNU, over a road construction project started by the Tatmadaw in 2018.^{xxxvi} The KNU claimed the road construction violated the provisions of the 2015 ceasefire agreement and was designed to facilitate a future attack on the KNU.

By the start of 2020, the Tatmadaw faced active fighting on three separate fronts—Rakhine State in the west, Shan State in the east, and Kayin State in the south—and was suffering serious casualties along all three.^{xxxvii} The fighting resulted in a sharp increase in civilian casualties, as well as the displacement of thousands of non-combatant civilians. In addition, because some of the conflict was with EAOs that had signed the 2015 ceasefire agreement, the ongoing “peace process” was on the verge of collapse.

The Failed Peace Process

Four months after taking office, President Thein Sein announced that his government would approach the EAOs to discuss terms for ending Myanmar’s civil war.^{xxxviii} As envisioned by President Thein Sein, the “peace process” would proceed in several steps. First, bilateral ceasefire agreements would be concluded with each of the EAOs at the State level. Second, the Union Government and the Tatmadaw would negotiate the terms of a nationwide ceasefire agreement to be signed by all of the EAOs. Third, after a nationwide ceasefire was secured, the Union Government and the Tatmadaw would discuss possible changes in the 2008 constitution to bring an end to Myanmar’s 70-year-old civil war.^{xxxix}

The Thein Sein government made significant progress in the first step of its peace process, signing bilateral ceasefire agreements with many, but not all, of the EAOs by August 2013. Among the 15 EAOs which signed bilateral ceasefire agreements were the KIA, KNU, Shan State Army - North (SSA-N), Shan State Army - South (SSA-S), and UWSA.^{xl} However, the Tatmadaw refused to include the AA, MNDAA, and TNLA in the ceasefire discussions, in part because of its ongoing fighting with the EAOs.

In January 2015, President Thein Sein shifted his focus to concluding a “nationwide ceasefire agreement” before the upcoming parliamentary elections.^{xli} His plan ran into several problems. First, the Tatmadaw continued its insistence that the AA, MNDAA, and TNLA not be included in the ceasefire agreement. Second, the KIA said it would not sign any agreement unless its partners in the Northern Alliance were included in the negotiations and the final agreement. Third, there were major disagreements between the Tatmadaw and some of the EAOs regarding the content of the agreement, particularly over the sequencing of events. The Tatmadaw promoted that a ceasefire be in place before general terms for government reforms were discussed; the EAOs said that a general agreement on government reforms was a prerequisite for the ceasefire agreement. In the end, only eight of the more than 20 EAOs signed a multiparty ceasefire agreement on October 15, 2015.^{xlii}

In January 2016, Aung San Suu Kyi announced that ending Myanmar’s civil war would be a top priority for her administration.^{xliii} She modified Thein Sein’s “peace process” by shifting the focus to large-scale meetings called the “Union Peace Conferences” or the “21st Century Panglong Peace Conferences,” in honor of the 1947 Panglong Agreement that formed the basis of establishing the independent nation of the Union of Burma in 1948.

Four separate Union Peace Conferences were held over the next four years, but each time the events ran into major problems. The Tatmadaw blocked the participation of some of the EAOs, and other EAOs refused to attend unless the excluded EAOs were invited.^{xliv} Min Aung Hlaing and other spokespersons for the Tatmadaw repeatedly insisted that the EAOs accept the legitimacy of the 2008 constitution and immediately “disarm, demobilize, and reintegrate” (DDR) its troops. By contrast, the EAOs called for security sector reform (SSR). While some progress was made on a “Union Accord” between the Union Government, the Tatmadaw, and the signatories of the 2015 ceasefire agreement, its provisions remain fairly general in nature.^{xlv} In addition, the two most significant signatories—the KNU and the RCSS, the political arm of the SSA-S—withdraw from formal peace negotiations in November 2018 because of the Tatmadaw’s failure to abide by the terms of the 2015 ceasefire agreement.^{xlvi} By the time the 4th Union Peace Conference was held in August 2020, the formal peace process started by Thein Sein and continued by Aung San Suu Kyi appeared to have reached a dead end.

The Role of the Ethnic Minorities and the EAOs in the 2021 Palace Coup

By the end of 2020, the Tatmadaw’s model of Myanmar’s democracy was under serious threat by the ballot box and on the battlefield. The USDP had a net loss of four seats in both the People’s Assembly and the National Assembly.^{xlvii} The Tatmadaw faced a multifront civil war in which it was reportedly suffering serious losses. Efforts over the previous five years to convince more EAOs to sign the 2015 ceasefire agreement were largely unsuccessful.

Initially, the Tatmadaw responded by attempting to garner support from the ethnic minority political parties and the EAOs. Even before the 2020 election results were released, Min Aung Hlaing announced the formation of the Peace Talks Committee of the Tatmadaw to meet with the EAOs to discuss terms for a nationwide ceasefire.^{xlviii} On November 17, 2020, Min Aung Hlaing met with UWSA representatives to push the EAO to sign the 2015 ceasefire agreement.^{xlix} At the same time, the Tatmadaw sought the support of ethnic minority political parties in its unsubstantiated claims of election fraud committed by the NLD and the UEC.

Unable to convince the EAOs and ethnic minority political parties to secure a stable ceasefire or overturn the 2020 elections, Min Aung Hlaing and the Tatmadaw staged a palace coup on February 1, 2021, deposing the civilian side of the Union Government, and detained President Win Myint, State Counsellor Aung San Suu Kyi, and most of the members of the newly elected Union Parliament. The nation's Commander in Chief had decided that it was time to make adjustments to the Tatmadaw's plan for democracy in Myanmar.

Other important factors also contributed to Min Aung Hlaing's decision to stage the palace coup. Aung San Suu Kyi and the NLD had demonstrated an ability to work around some of the limitations in the 2008 constitution. For example, the creation of the position of State Counsellor, with power similar to a Prime Minister, allowed Aung San Suu Kyi to operate as the de facto leader of the civilian side of the Union Government despite constitutional provisions that prevent her from becoming President. In December 2018, Aung San Suu Kyi and the NLD moved control of the powerful General Administrative Department (GAD) from under the Tatmadaw-controlled Ministry of Border Affairs to the Ministry of the Office of the Union Government.¹ While the military members of the Union Parliament were able to block proposed constitutional amendments in March 2020, the NLD's landslide victory in the 2020 parliamentary elections would likely lead to a repeated attempt to modify the 2008 constitution.^{li}

Ethnic Minorities and the EAOs in Post-Coup Myanmar

Much of the international coverage of post-coup Myanmar has focused on the civilian protests in the major cities, such as Mandalay and Yangon, and the violent response by the Tatmadaw and the Myanmar Police Force (MPF). However, similar protests and violent repression have reportedly occurred in most of Myanmar's 330 townships.^{lii} In addition, civilians in some of the seven ethnic States have formed civilian defense forces (CDFs), which have attacked local Tatmadaw and MPF bases, killed soldiers, and captured weapons.^{liii} In Chin State, several CDFs have been formed by civilians who were not previously involved with the CNF.^{liv}

In addition to civilians organizing protests and forming local CDFs, some of the EAOs have launched offensives against military and other security bases. The KIO has reportedly taken control of several Tatmadaw bases and outposts in Kachin State.^{lv} In Shan State, the MNDAA and TNLA claim to have inflicted serious casualties on the Tatmadaw, while the RCSS has reportedly had skirmishes with the Tatmadaw, as well as the SSA-N and the TNLA.^{lvi} The KNU

also has stated that it has killed or wounded a significant number of Tatmadaw soldiers in dozens of confrontations since the palace coup on February 1, 2021.^{lvii}

Other prominent EAOs have not entered into the apparent escalation of Myanmar's civil war. The AA has been honoring an informal ceasefire with the Tatmadaw established after the November 2020 parliamentary elections, but they recently threatened to break that ceasefire if the Tatmadaw did not stop killing civilians.^{lviii} The UWSA similarly continues to abide by its bilateral ceasefire agreement with the Tatmadaw.

Another major role for the EAOs in the post-coup period is providing protection for thousands of activists and civilians fleeing the oppressive conduct of the military junta – including many of the members of the Committee Representing [the] Pyidaungsu Hluttaw (CRPH).^{lix} An undisclosed number of the CRPH members reportedly have fled to KNU-controlled territory to avoid detention. Activists and civilians have also relocated into EAO-controlled areas of the States of Kayin, Mon, and Shan.^{lx}

In addition, some of the people who have moved to EAO-controlled areas are allegedly volunteering to serve in existing EAOs or receiving military training from the EAOs to form CDFs. This includes an unknown number of Bamar, who are attempting to create a new urban-based resistance force, similar to the All Burma Students' Democratic Front (ABSDF) that was created after the 8888 Uprising.^{lxi}

Implications for the Future of Myanmar

At this stage, Myanmar faces three likely futures: 1) the replacement of Min Aung Hlaing and the SAC by a democratic federal state; 2) the fragmentation of Myanmar into several separate sovereign states; or 3) the consolidation of the SAC's rule over the nation. Which of these outcomes will become reality depends on how effectively the interests of Myanmar's ethnic minorities and their EAOs are taken into account.

Future #1: Democratic Federal State

Ever since the Union of Burma was established in 1948, the supposed goal was to create a federation of semi-autonomous democratic states in accordance with the Panglong Agreement. The perceived failure of the Bamar majority and the Tatmadaw to abide by that goal led to the outbreak of Myanmar's long-lasting civil war and the first military coup in 1962.

If the people of Myanmar are to have a truly democratic government, the various components of the opposition movement must at some point agree to the framework for a democratic

federal state. In addition, any attempt to forge a sustainable interim national government among the various opposition groups will necessitate the involvement of Myanmar's ethnic minorities, as well as their EAOs.

To this end, the actions of the CRPH to date have not been especially promising. The CRPH's release of its "Federal Democracy Charter" (FDC) on March 31, 2021, received muted and reserved approval by the CDM and some of the EAOs, in part because it did not address some of the key issues for the ethnic minorities and the EAOs.^{lxii} Similarly, the CRPH's announcement of the formation of the "National Unity Government" (NUG) was met with some skepticism and criticism for its apparent continuation of Bamar control and its lack of inclusion of some of Myanmar's ethnic minorities, including the Rohingya. Discussions are reportedly being held between representatives of the CRPH, the CDM, and the EAOs to see if a mutually acceptable compromise can be reached over the establishment of an interim national government.^{lxiii}

At this stage, efforts to establish an interim national government are probably premature until it is clear that the new entity will be able to take power. As such, the focus should more be on providing support to the CDM, the CDFs, and the EAOs to ensure that they can defeat Min Aung Hlaing, his SAC, and the Tatmadaw.

Future #2: Fragmentation into Separate Sovereign States

If the various opposition groups cannot form a united front, there is a distinct possibility that Myanmar could fragment into several separate sovereign states, generally formed out of the existing 7 ethnic States. The KIO and KNU could potentially win control over their respective States of Kachin and Kayin if their current successes on the battlefield continue. Similarly, if the AA decides to resume its fight to create an autonomous homeland for the Arakan people, it could take over northern and much of central Rakhine State and form a separate Arakan nation. In Shan State, the MNDAA, SSA-N, and TNLA, with the possible assistance of the KIA and the UWSA, could forge a joint state or separate states in northern Shan State. This, in turn, could lead the UWSA to secede from Myanmar and establish a separate sovereign Wa nation in eastern Shan State.

This would not only require the defeat of the Tatmadaw on the battlefield; it would also require that the EAOs determine that the CRPH and the Bamar majority are unwilling or unable to offer adequate terms to preserve the integrity of the nation of Myanmar. As mentioned above, there are already aspects of the FDC and NUG that could eventually lead to the EAOs deciding that it is better to form separate sovereign states.

Future #3: Consolidation of Military Rule

The final likely future for Myanmar is Min Aung Hlaing and the SAC consolidating power over the nation. This outcome becomes more likely if one or more of the following dynamics continue. First, distrust and political posturing undermine cooperation among the various components of the opposition movement. Second, the Tatmadaw can successfully utilize its past practice of divide and conquer among the EAOs to reverse their losses on the battlefield. Third, the international response to the coup continues to be slow, uncoordinated, and limited in scope, allowing Min Aung Hlaing and the Tatmadaw to continue its violent assault on the protesters and military attacks on the EAOs.

In the end, the future of Myanmar rests in the hands of the people of Myanmar, including its ethnic minorities and their EAOs. For the United States and the international community in general, the decision is whether to support the people of Myanmar in their fight for democracy or to consider it “an internal matter” and accept the eventual outcome. Whatever course of action Congress or the Biden Administration chooses to take, it is important that they take into account the interests and importance of Myanmar’s ethnic minorities and their EAOs.

ⁱ This paper uses the term “ethnic minorities” to refer to the non-Bamar peoples of Myanmar. The author recognizes the political complexity of the term, as some non-Bamar find the term objectionable as it can imply that the Bamar majority are more important or have an inherent right to lead the nation. The frequently proposed alternative, “ethnic nationalities,” could be confusing to the reader in the context of this paper, so the term, “ethnic minorities” is used for clarity. The author does not view any of the ethnic nationalities of Myanmar as intrinsically more important or having a greater right to political power.

ⁱⁱ The notion of a “flourishing and disciplined democracy” was first introduced by Senior General Than Shwe on February 12, 2001, in a speech in Rangoon (Yangon) commemorating the Panglong Agreement; see John Aglionby, “War of Blame after Thai-Burmese Border Clashes,” *The Guardian*, February 13, 2001.

ⁱⁱⁱ “Burma Announces Democracy Roadmap,” *Kaladin News*, August 31, 2003, <https://www.burmalibrary.org/sites/burmalibrary.org/files/obl/docs/KP2003-08-31.htm>.

^{iv} Khin Nyunt’s “roadmap” was first mentioned in the SPDC-run *New Light of Myanmar* on September 5, 2003, in an article headlined, “Roadmap of Myanmar to Democracy Explained in Taninthayi Division.” The seven steps or stages of that roadmap were first published in the *New Light of Myanmar* on September 23, 2003, in an article headlined, “Seven Future Policies and Programmes Clarified by the Prime Minister are National Programmes to Ensure Emergence of Peaceful Modern and Developed Nation; Successful Holding of the National Convention is of Paramount Importance for the State Mass Rally in Support of Prime Minister’s Clarification on Seven-Stage Roadmap held in Mandalay.”

^v “National Convention Reconvenes in Nyaunghyapin Camp in Hmawby Township,” *New Light of Myanmar*, May 18, 2004, <https://www.burmalibrary.org/sites/burmalibrary.org/files/obl/docs/NLM2004-05-18.pdf>.

^{vi} For more about Myanmar's 2008 constitutional referendum and Cyclone Nargis, see CRS Report RL34481, *Cyclone Nargis and Burma's Constitutional Referendum*, June 30, 2008, by Michael F. Martin and Rhoda Margesson, <https://crsreports.congress.gov/product/pdf/RL/RL34481/7>.

^{vii} "Myanmar Ratifies and Promulgates Constitution," *New Light of Myanmar*, May 30, 2008.

^{viii} Several other ethnic minority political parties, such as Kachin State Progressive Party and the Kayin People's Party were blocked from participating in the elections. For more information about issues with participation in the 2010 parliamentary elections, see "Ethnic Politics and the 2015 Elections in Myanmar," Transnational Institute, Myanmar Policy Briefing 16, September 2015.

^{ix} "Burma 2010 Election Recap," *ALTSEAN Bulletin*, BN 2010/1077: November 26, 2010.

^x CRS Report R41971, *U.S. Policy Towards Burma: Issues for the 112th Congress*, August 8, 2011, by Michael F. Martin and Derek E. Mix, <https://crsreports.congress.gov/product/pdf/R/R41971>.

^{xi} Article 9(a) of the Constitution states, "The existing seven Divisions are designated as seven Regions and the existing seven States are designated as seven States." The reason for the switch from "Divisions" to "Regions" is unclear.

^{xii} Article 436 of the 2008 constitution requires that any amendment to the constitution be approved by "more than 75%" of the members of the Union Parliament.

^{xiii} Article 60 of the 2008 constitution gives the military officers in the Union Parliament the power to nominate one of the three candidates for President.

^{xiv} Article 232 requires the President to "obtain a list of suitable Defence Services personnel" to serve as Ministers of Border Affairs, Defense, and Home Affairs; Chapter VII of the constitution places "all the armed forces of the Union" under Defence Services, and Article 20 states the Commander in Chief "is the Supreme Commander of all armed forces."

^{xv} As provided by Article 201 and Chapter XI.

^{xvi} For one look at the decline in Myanmar's economy under military rule, see Mya Maung, "Burma's Economic Performance under Military Rule: An Assessment," *Asian Survey*, Vol. 37, No. 6 (June 1997), 503-524.

^{xvii} Many articles were published before and after the 2010 parliamentary elections describing the various allegations of election fraud, including: Jonathan Fox, "Neither Free nor Fair – Burma's Sham Elections," *Thailand Law Forum*, October 11, 2010; "Burmese Election Won by Military-backed Party," *The Guardian*, November 9, 2010; "Burma's 2010 Elections: A Comprehensive Report," The Burma Fund-UN Office, January 31, 2011; and "Issues & Concerns Vol. 6: The 2010 General's Election," ALTSEAN, January 2011.

^{xviii} "Burma 2010 Election Recap," *ALTSEAN Bulletin*, BN 2010/1077: November 26, 2010.

^{xix} "Statement by President Obama on Burma's November 7 Elections," Office of the Press Secretary, the White House, November 7, 2010.

^{xx} Results compiled from various sources, including ALTSEAN, "Burma 2010 Election Recap," November 26, 2010.

^{xxi} The SNLD also won one seat in the People's Assembly in Kachin State.

^{xxii} The other victorious ethnic parties were the PNO, the TNP, the WDP, and the Kokang Democracy and Unity Party.

^{xxiii} For more about the role of the splitting of the ethnic minority vote in the 2015 elections, see "The 2015 General Election in Myanmar: What Now for Ethnic Politics?," *Transnational Institute*, Myanmar Policy Briefing 17, December 2015.

^{xxiv} Naw Betty Han, "Three Chin State Parties Merge for 2020 Elections," *Myanmar Times*, October 19, 2018.

^{xxv} Naw Betty Han, "Election Commission Approves Merger of Two Mon Political Parties," *Myanmar Times*, May 10, 2019; and Naw Betty Han, "Three Political Parties Merge under Mon Party Banner," *Myanmar Times*, September 26, 2018.

^{xxvi} Nanda, "Ethnic Parties Merge in Attempt to Win 2020 Election," *Myanmar Times*, July 15, 2019; Chan Thar, "Four Political Parties Merge in Kayin State," *Myanmar Times*, February 6, 2018; and Sai Wunna, "Ethnic Parties Seen to Boost Political Fortunes in Poll," *Myanmar Times*, November 2, 2020.

^{xxvii} Thet Zin Soe, "Merged Ethnic Parties Perform Better in the Polls in Myanmar," *Myanmar Times*, November 13, 2020.

- ^{xxviii} For more about the SPDC's attempt to transform the EAOs into BGFs, see John Buchanan, "Militias in Myanmar," *Asia Foundation*, July 2016.
- ^{xxix} For more about the Tatmadaw's 2009 attack on the MNDAA, see Tom Kramer, "Burma's Cease-fires at Risk," *Transnational Institute*, September 15, 2009.
- ^{xxx} Ba Kaung, "President's Ceasefire Order Fails to Stop Offensive," *Irrawaddy*, December 28, 2011.
- ^{xxxi} See Aung Hla Tun, "Myanmar Government Announces Ceasefire with Kachin Rebels," Reuters, January 18, 2013.
- ^{xxxii} Alex Bookbinder, "Will Karen State go to war again?," *New Mandela*, November 5, 2012.
- ^{xxxiii} Kyaw Myo Tun and Lynn Myat, "War and Peace in the Kokang Borderlands," *Frontier Myanmar*, October 10, 2015.
- ^{xxxiv} David Scott Mathieson, "Burma's Northern Shan State and Prospects for Peace," *U.S. Institute of Peace*, September 29, 2017.
- ^{xxxv} David Scott Mathieson, "The Arakan Army in Myanmar: Deadly Conflict Rises in Rakhine State," *U.S. Institute of Peace*, November 2, 2020.
- ^{xxxvi} Vincenzo Berezini, "Karen Ceasefire Frays under Tatmadaw Road-building Push," *Frontier Myanmar*, February 28, 2020.
- ^{xxxvii} For an overview of the situation in 2019, see "Dueling Ceasefires: Myanmar's Conflict Landscape in 2019, Armed Conflict Location & Event Data Project (ACLED), February 12, 2020.
- ^{xxxviii} "Burma Calls for Peace Talks with Armed Rebel Groups," *BBC*, August 18, 2011.
- ^{xxxix} Aung Naing Oo, "Tracking the Evolution of an Historic Peace Process," *Myanmar Times*, September 5, 2015. For a summary of the Union Government's changing vision of the peace process, see "Government Peace Plan," *Myanmar Peace Monitor*, <https://www.mmpeacemonitor.org/government-peace-plan>.
- ^{xl} A list of the 15 ceasefire agreements is available online at: <https://www.mmpeacemonitor.org/1499>.
- ^{xli} "Myanmar's Thein Sein Pushes Politicians to Sign Cease-Fire Deal," *Radio Free Asia*, January 12, 2015.
- ^{xlii} For more about the 2015 ceasefire agreement, see Michael F. Martin, CRS Report IN10374, "Less-than-Nationwide Ceasefire Agreement Signed in Burma," October 15, 2015.
- ^{xliii} Hnin Yadana Zaw, "Myanmar's Suu Kyi Says Peace Process Will Be Government's Priority," *Reuters*, January 4, 2016.
- ^{xliv} The exclusion of certain EAOs from the peace conferences has been a reoccurring problem. For example, see Michael F. Martin, CRS Report IF10417, "Burma's Peace Process: Challenges Ahead in 2017," October 10, 2017; and Michael F. Martin, CRS Report IF10808, "Burma's Peace Process: Narrowing Opportunities in 2018," February 14, 2018.
- ^{xlv} The Union Accord has been negotiated in three phases, the latest signed on August 21, 2020 (Sai Wanna and Myat Thura, "Myanmar Govt, Armed Groups Sign Accord on Truce Implementation, Federal Union," *Myanmar Times*, August 21, 2020).
- ^{xlvi} Ye Mon, "Peace Commission to Meet as Ceasefire Signatories Withdraw from Peace Process," *Frontier Myanmar*, November 12, 2018.
- ^{xlvii} The USDP lost seats in the States of Chin, Kayin, and Rakhine and Mandalay Region in the National Assembly, while gaining one seat in Kachin State. In the People's Assembly, the USDP gained seats in the States of Kachin and Shan but lost three seats in Mandalay Region and one seat in Ayeyarwady, Bago, and Naypyidaw. The lost seats reportedly included some districts with a large military population, possibly indicating that some members of the Tatmadaw and their families had not voted for the USDP. This may have been the result of moving the polling stations off of the military bases and away from the scrutiny of senior Tatmadaw officers.
- ^{xlviii} "Myanmar Military Launches Body for Talks with Ethnic Armies as Vote Count Goes On," *Voice of America*, November 10, 2020.
- ^{xlix} Sai Wanna, "Tatmadaw Chief Urges UWSA to Sign NCA," *Myanmar Times*, November 19, 2020.
- ¹ The GAD administers all the civilian servants in the Union Government, down to the local township level, making it a very powerful agency.
- ⁱⁱ For more about the March 2020 attempts to amend the 2008 constitution, see Michael F. Martin and Kirt Smith, CRS Report IF11481, "Burma's Military Blocks Constitutional Amendments," March 30, 2020.

^{lii} “Protests in Myanmar Continue on Smaller Scale after Sunday Crackdown,” *Kyodo News*, March 2, 2021.

^{liii} For example, see “Myanmar Regime Troops Killed in Guerilla Attacks by Civilian Fighters,” *Irrawaddy*, May 11, 2021.

^{liv} “Fighting Resumes in Chin State After Talks with Myanmar Military Fail,” *Irrawaddy*, April 27, 2021.

^{lv} “KIA Seizes Myanmar Military Base in Kachin,” *Myanmar Now*, March 25, 2021; “Kachin Rebels Seize Myanmar Military’s Strategic Outpost near Chinese Border,” *Irrawaddy*, March 25, 2021; and “Ethnic Armed KIA Seizes Army And Police Posts, Myanmar Military Regime Fires Artillery,” *VOI*, April 13, 2021.

^{lvi} “TNLA, MNDAA Claim to Have Killed Dozens of Myanmar Junta Troops in Shan State,” *Irrawaddy*, May 6, 2021; “RCSS Clashes With Tatmadaw in Southern Shan State, Displaced Shan in Kachin State Struggling,” *Shan Herald Agency for News*, April 29, 2021; and “Conflict Between Tatmadaw and Northern Alliance Persists in Kutkai Township,” *Shan Herald Agency for News*, May 11, 2021.

^{lvii} “Hundreds flee latest clashes between Tatmadaw and KNU,” *Myanmar Now*, May 10, 2021.

^{lviii} “Brotherhood Alliance Tells Military to Stop Killings, Threatens to Abandon Ceasefire,” *Myanmar Now*, May 6, 2021.

^{lix} David Scott Matthieson, “Ethnic Armies Rescue Myanmar’s Democratic Forces,” *Asia Times*, March 22, 2021.

^{lx} “Dissidents Fleeing Myanmar Junta Find Shelter and Support with Ethnic Armed Groups,” *Irrawaddy*, March 23, 2021.

^{lxi} Zsombor Peter, “Myanmar’s Anti-Junta Protesters Turning to Rebel Armies for Military Training,” *VOA*, April 27, 2021.

^{lxii} “NCA-EAOs Welcome Federal Democracy Charter, but Need Time to Examine the Finer Details: PPST Spokesperson Says,” *Network Media Group*, April 12, 2021.

^{lxiii} Sai Wansai, “Nation Unity Government: Domestic Unity and EAOs Involvement Key to Success,” *Shan Herald Agency for News*, April 26, 2021.