



# Resolving the Kachin Conflict in Myanmar: A Proposal

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## Abstract

The intra-state conflict between the government of Myanmar and the Kachin Independent Organization (KIO) that started in 1961, is one of the most ‘hard-to-settle’ ethnic civil wars in the Southeast Asian region. Despite concluding a cease-fire in 1994 that lasted for almost seventeen years, conflict re-erupted between the two actors in 2011 against the backdrop of a series of events, including a dispute over a hydropower dam project in the Taping River, KIO’s refusal to join Border Guard force scheme as well as the inability of the KIO to participate in the 2010 election. The persistent ethnic instability in Myanmar and the impact of this conflict on the probable future peace in the country and the region makes it a persuasive case for analysis. The history of the conflict demonstrates many missed opportunities of conciliation, and at times these windows of opportunity have been turned into vulnerabilities. However, the peace conference held in Myanmar under the new administration in 2016 offers an innovative opportunity for reconciliation. This paper attempts to offer a three-step proposal to manage the seemingly intractable conflict, and argues that a negotiated settlement is the necessary approach for the management of ethnic conflict between the central government and the KIO.

## Introduction

The Republic of the Union of Myanmar, formerly known as Burma, is one of the most ethnically diverse countries in the world. Ethnic heterogeneity and resulting conflicts have been of concern since the country became independent in 1948. The Myanmar-Kachin conflict (1961-Present) is one of the longstanding ethnic civil wars in the country.<sup>1</sup> Despite concluding a cease-fire in 1994 that was successfully in place for almost seventeen years, conflict re-erupted between the two actors in 2011 against the backdrop of a dispute regarding the Dapein hydropower dam in the Taping River, and the inability of the KIO to participate in the 2010 parliamentary election. Recently, initiatives have been taken to conclude a ceasefire agreement involving all ethnic armed groups in order to start the process of national reconciliation under the new administration in Myanmar. The KIO, one of the largest ethnic groups in the country, has refused to participate in the National Ceasefire Agreement (NCA) due to its lack of inclusiveness, which has resulted in continued instability and mass displacement within the Kachin state. The persistent instability in the resource-rich Kachin region has the potential to complicate the political and economic development of the newly democratic Myanmar, as well as regional stability in South East Asia.

The case of Kachin ethnic group in Myanmar has sometimes been compared to other ethnic civil wars in neighboring countries, including the Sri Lankan Civil War (1983-2009), and the Chittagong Hill Tracts (CHT) problem in Bangladesh (1972-1997). While the Sri Lankan Civil War had a military termination and the latter ended in a peace agreement, the Myanmar-Kachin conflict continues to this day mainly due to its complicated narrativization which had led to both a naturalization and a perpetuation of conflict.<sup>2</sup> By no means is the conflict in Myanmar just another ethnic civil war between majority and minority identities as it also has military, political, and economic dimensions. Evidently, the offensive nature of conduct between the armed wings; existing mistrust; disagreement over forms of federalism, autonomy and power sharing; as well as the lack of economic development of the peripheral Kachin region contributed to the thickening of the incompatibilities which made the conflict 'hard-to-settle'.<sup>3</sup> Moreover, the Kachin issue cannot and should not be seen in isolation to Myanmar's broader struggles with self-determination and ethnic politics.

Drawing on this backdrop, this paper argues that a negotiated settlement that involves integrating the Kachin minority group into the mainstream political culture of Myanmar via a mix of mediation, coercion, compromises, and incentives can be an effective way to manage, if not fully resolve, the Kachin conflict. In addition, it must be noted that successful management of the settlement requires ensuring Kachin representation as a political actor, and widening their space in the decision-making process. Possible options to achieve these objectives include either declaring Kachin a special region with internal autonomy, or creating a quota for Kachin representation in parliament,

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<sup>1</sup> The Kachin people are an ethnic minority group in Myanmar. They are mostly concentrated in the northernmost peripheral region of Kachin Hill region and neighboring areas in China and India. The Kachin's are majority Christian.

<sup>2</sup> Mandy Sadan, "Myanmar: Ongoing Conflict in the Kachin State," in Danjit Singh (ed.) *Southeast Asian Affairs 2015*, Singapore: Institute of Southeast Asian Studies, 2015, 246.

<sup>3</sup> Anthony Ware and Costas Laoutides, "For Land and people: The Kachin Conflict in Myanmar," *Asian Currents*, <http://asaa.asn.au/for-land-and-people-the-kachin-conflict-in/> (accessed March 25, 2017).

or establishing Myanmar as a full-scale federal state with regional governments. While ethnic leaders have demanded federalism, given the complexity of the ethnic issues, it is most feasible for both the government of Myanmar and the KIO to explore provisions of internal autonomy. The full-scale federal-state solution can be debated on the grounds of whether the KIO, as well as other ethnic groups, have the required institutions and manpower to maintain regional autonomy. In addition, creating a quota system for the Kachin people, which is only 2% of the total population, may not be as representative as desired. While proposing a declaration of ‘internal autonomy’ as the preferred solution, this paper also argues that the medium-term goals should be to reform and institutionalize the process of ethnic groups’ participation in political, economic and security sectors in Myanmar. The short-term and most immediate goal should be to ensure a sustainable ceasefire between the Kachin Independence Organization (KIO) and the Central Government in Myanmar, led by National League for Democracy (NLD).

This paper will start with a background of the conflict, including drivers of the conflict, as well as domestic and external actors and their interests. Next, it will provide a review of the recent developments in the country. The paper will then provide a justification for negotiated settlement as a means to manage the Kachin conflict. Finally, it will attempt to craft a proposal for actions to achieve the proposed negotiated settlement.

## Background of the Conflict

The Myanmar-Kachin ethnic conflict began in 1961 because of the failure of the Panglong Conference (1947). This historic agreement was reached by the Burmese government led by Bamar leader General Aung San with four ethnic groups, including the Kachin, in the Panglong region of Shan state in February 1947. This laid the foundation for full autonomy in the internal administration of the Kachin state, along with some other peripheral states, in Myanmar. The Agreement failed to realize its vision due to the assassination of Aung San by political opponents. Later in 1962, as Burma turned into a one-party military-led state, the military regime began to perceive that the desire for autonomy by the frontier ethnic people as inspiration for probable state disintegration, leading to the rise of ethnic armed struggles.<sup>4</sup> Since then, the army of Burma/Myanmar has been involved in an armed conflict with the armed wing of the KIO, alongside several other ethnic struggles, which has led to both deaths as well as large-scale displacement in the Kachin state for around thirty years with periodic ceasefires. Despite having a cease-fire (1994-2011) for as long as 17 years, conflict re-erupted in 2011 and continues to this day. The conflict over autonomy and share of natural resources seems to be in a ‘state of escalation’ and can be explained as a protracted limited war.<sup>5</sup>

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<sup>4</sup> Dr. Nehginpao Kipgen, “Learn a Lesson from the Panglong Conference,” *The Huffington Post*, [http://www.huffingtonpost.com/nehginpao-kipgen/learn-a-lesson-from-the-p\\_b\\_9828522.html](http://www.huffingtonpost.com/nehginpao-kipgen/learn-a-lesson-from-the-p_b_9828522.html). (accessed March 25, 2017). See also, “The Kachin Crisis: Peace must prevail”, *Transnational Institute*, Burma Policy Briefing No. 10, March 2013, <https://www.tni.org/files/download/bpb10.pdf> (accessed March 25, 2017).

<sup>5</sup> The reason for terming the Kachin conflict as a limited protracted war lies in the nature of warfare: the conflict is going on for a long time but the fighting is restricted to specific areas and the forces did not wage full-scale combat. The reported deaths are around 1,500 over the period of thirty years. “Conflict Barometer 2015,” *Heidelberg Institute for International Conflict Research*, No. 24, Heidelberg, Germany, 2016.

## Drivers of Conflict

The primary drivers of the Kachin conflict are majority-minority identity issues, religious differences, language discrimination, and underdevelopment in the frontier state. In addition, there has also been tension between the conflict parties regarding difference of opinion over ‘the sequence of the cease-fire and political solution’.<sup>6</sup> The central government considers the cease-fire as the first step of a political negotiation, while the KIO argues that a cease-fire will end chances of continuing dialogue for addressing grievances.<sup>7</sup> In addition, the KIO’s demand for autonomy and self-determination clash with the desire of the central government to create a unitary state. Religious differences between the Theravada Buddhist majority and the Kachin Christian minority also drive the conflict. Although Myanmar doesn’t have any official state religion, the government has allegedly shown a preference for the Buddhist religion by elevating its status.<sup>8</sup> Subsequently, limitations are imposed on the teaching and publishing of Kachin dialects, which also contributes to the conflict.<sup>9</sup>

Another major driver of the conflict is the political economy of development in the Kachin state, which is full of natural resources like jade, timber, and minerals. Due to its peripheral location as well as resource-richness, the Kachin state has become a hub of illicit economic activity.<sup>10</sup> It is also assumed that KIO members are involved in both illegal border trade and opium production for revenue generation.<sup>11</sup> The government is also alleged to have intentionally ignored the development of Kachin state, which complicates efforts to resolve the conflict.<sup>12</sup>

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[http://www.hiik.de/en/konfliktbarometer/pdf/ConflictBarometer\\_2015.pdf](http://www.hiik.de/en/konfliktbarometer/pdf/ConflictBarometer_2015.pdf), 14 (accessed March 06, 2017).

<sup>6</sup> Y. Sun, “China, the United States and the Kachin Conflict”, *The Stimson Center*,

[https://www.stimson.org/sites/default/files/file-](https://www.stimson.org/sites/default/files/file-attachments/Myanmar_Issue_Brief_No_2_Jan_2014_WEB_3_1.pdf)

[attachments/Myanmar\\_Issue\\_Brief\\_No\\_2\\_Jan\\_2014\\_WEB\\_3\\_1.pdf](https://www.stimson.org/sites/default/files/file-attachments/Myanmar_Issue_Brief_No_2_Jan_2014_WEB_3_1.pdf), 6 (accessed on March 05, 2017).

<sup>7</sup> *Ibid.*

<sup>8</sup> Martin Smith, *State of Strife: The Dynamics of Ethnic Conflict in Burma*, Washington DC: East-West Center Washington, 2007, pp. 30-33.

<sup>9</sup> In Myanmar, the teaching of indigenous minority languages has been prohibited in 1962. This policy has been changed on paper, but in practice remains the same. Before 1962, children in the ethnic minority areas had the opportunity to learn their mother tongue in primary schools. It is argued that this heavily impacted the relationship between majority Burman and non-majority ethnic groups. See, Kim Jolliffe, “Ethnic Conflict and Social Services in Myanmar’s Contested Regions”, *The Asia Foundation*, June 2014,

<https://asiafoundation.org/resources/pdfs/MMEthnicConflictandSocialServices.pdf>. (accessed March 19, 2017).

Also, “Conflicts in Myanmar: A systemic approach to conflict analysis and transformation,” *Global Studies Program, Lund University*,

<http://lup.lub.lu.se/luur/download?func=downloadFile&recordId=3809452&fileId=3809455> (accessed March 05, 2017).

<sup>10</sup> Ben Marino, “Myanmar’s Kachin State at the heart of illicit economy,” *The Financial Times*, June 23, 2014, <https://www.ft.com/content/8add04a2-e152-11e3-875f-00144feabdc0> (accessed March 24, 2017).

<sup>11</sup> “Grassroots activists in Myanmar on march to destroy poppies,” *Associated Press*, 26 February 2016, <http://www.dailymail.co.uk/wires/ap/article-3465128/Grassroots-activists-Myanmar-march-destroy-poppies.html> (accessed March 19, 2017).

<sup>12</sup> Francis Wade, “Ceasefire Capitalism: Why Burma’s rebels have every reason to be suspicious of government emissaries talking peace,” *Foreign Policy*, 29 November 2013, <http://foreignpolicy.com/2013/11/29/ceasefire-capitalism/> (accessed March 19, 2017).

## The Conflict Parties and Their Organization

The primary actors in the conflict are the central government of Myanmar and the Kachin Independence Organization (KIO), and there is also the involvement of regional and international actors, including China, the United States, and the European Union.

### The Central Government and the *Tatmadaw*

To understand the priorities of the central government in the conflict, attention should be given to three clusters. The first is the political party National League for Democracy (NLD)—which came to power in the November 2015 election—, and its founding leader, State Counselor Aung San Suu Kyi. This election was the first national vote that took place in Myanmar since the quasi-democratic government of 2011 ended years of military rule in the country. The State Counselor Suu Kyi has an acceptable pro-democratic image within the country as well as internationally, which also raises the legitimacy of her party amongst ethnic minority groups.<sup>13</sup> The second important cluster is, President Thein Sein and his Union Solidarity and Development Party (USDP), which won political power in a one-party election in 2011. Under this regime, most of the pro-democratic reform activities were undertaken, and the 17-year long ceasefire with the KIO fell apart.<sup>14</sup>

The final, and probably the most important cluster is, the national military of Myanmar, the *Tatmadaw*, and its *de facto* decision maker Senior General Than Shwe (retd.), who headed the military government in Myanmar from the early 1990s until 2011.<sup>15</sup> Myanmar has been ruled by the military junta for decades (1962-2011), and its legacy of control imposes severe constraints on the functioning of the democratically elected government. It is pertinent to note that any ceasefire agreement without *Tatmadaw* will not have a lasting effect. Myanmar's political structure is still overly military-centered. On a positive note, the *Tatmadaw* expressed during the peace conference its commitment to implement the agreements reached between the government, army, and the ethnic groups. In the current changing political scenario, the *Tatmadaw* is afraid of losing its influence on the civilian government, and it wants to prove that the NLD is incapable of halting ethnic offensives. The generals have already claimed that unless they are convinced the NLD will be able to manage the country, they are unlikely to give up control of the security ministries and the 25 percent of their reserved seats in Parliament.<sup>16</sup> Lack of civilian control of *Tatmadaw* as well as its excessive use of power over the ethnic rebels has remained as a big problem in the development of trust between the government and the KIO.

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<sup>13</sup> Hannah Beech, "Inside the Kachin War Against Burma," *Time*, November 21, 2014, <http://time.com/3598969/kachin-independence-army-kia-burma-myanmar-laiza/> (accessed March 05, 2017).

<sup>14</sup> Y. Sun, *op.cit.*

<sup>15</sup> "Former Myanmar military ruler Than Shwe 'supports new leader'," *BBC News*, <http://www.bbc.com/news/world-asia-35019032> (accessed March 05, 2017).

<sup>16</sup> Doug Bandow, "Can Aung San Suu Kyi and Military Coexist in Burma?," *The World Post*, [http://www.huffingtonpost.com/doug-bandow/can-aung-san-suu-kyi-and\\_b\\_8726546.html](http://www.huffingtonpost.com/doug-bandow/can-aung-san-suu-kyi-and_b_8726546.html) (accessed March 24, 2017).

## The Kachin Independence Organization and its Army

Opposing the *Tatmadaw* is the Kachin Independence Army (KIA), which is the armed wing of the KIO and the second largest armed ethnic group in Myanmar.<sup>17</sup> The KIA was initially formed in 1961 to fight for a free Kachin republic as a response to the failure of the Panglong Agreement (1947). The estimated strength of the KIA varies according to different sources, and estimates range between 4,000 to 10,000 troops.<sup>18</sup> The Kachin Independence Organization (KIO), which is the political wing of KIA, exercises extralegal authority in the peripheral pockets of the Kachin state. Laiza, a village at the Sino-Myanmar border in Waingmaw township in Kachin, is the headquarters of the KIO. The organization claims to have established a separate, civilian-like government that provides various social services in the Kachin state.<sup>19</sup> The leadership of the organization is composed of a seven-member body which works in cooperation with a rotating official delegation team, technical advisory body and justice and negotiation center.<sup>20</sup> The KIO seems to be small, but it is organized with a clear hierarchy. Financially, the KIO survives on the revenues generated from the legal and illegal trade of natural resources, mainly jade and timber, in the Kachin state with China.<sup>21</sup> Other important actors in the conflict are allies of the KIA; including Taang National Liberation Army (TNLA), and Arakan Army (AA). These groups are the armed units of other ethnic groups across the country that help each other with ammunition and medical supplies.<sup>22</sup>

## External Actors: The United States, China, and the European Union

China, the USA, and the European Union are the most important external actors in this conflict. The Kachin conflict has resulted in large-scale refugee inflows, as well as economic instability in the neighboring provinces of China. Initially, when the cease-fire fell apart in 2011, China's policy was to maintain 'restraint and promote negotiation,' as its stated policy is 'non-interference' in the domestic affairs of any country. During the same period, Beijing was debating between whether to support the KIO/KIA in order to pressure the Myanmar central government to stay away from its rapprochement attempts with the West, or to support the central government. China was evidently concerned about its border stability and future investments in Myanmar. The KIO has long been opposing some of the largest Chinese investments in Kachin state, such as the Myitsone and Dapein Dams, on grounds of environmental and social disruption. Both projects were suspended, thus hindering Beijing's plans of importing hydropower from Myanmar. It is also important to note that despite the Sino-Myanmar agreement to halt the illegal trade of timber and jade from Kachin state to

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<sup>17</sup> "KIO: Kachin Independence Organization", *op.cit.*

<sup>18</sup> Vicenç Fisas, "Yearbook on Peace Processes 2016," *School for a Culture of Peace, Autonomous University of Barcelona*, <http://escolapau.uab.es/img/programas/procesos/16anuarii.pdf>, 180 (accessed March 05, 2017).

<sup>19</sup> *op.cit.*

<sup>20</sup> "KIO: Kachin Independence Organization," *op.cit.*

<sup>21</sup> Loreen Tsin, "China and Myanmar: Beijing's Conflicting Role in the Kachin Peace Process," *China Monitor*. No.9. June 6, 2014, [http://merics.org/fileadmin/templates/download/china-monitor/China\\_Monitor\\_No\\_9.pdf](http://merics.org/fileadmin/templates/download/china-monitor/China_Monitor_No_9.pdf) (accessed March 05,2017).

<sup>22</sup> "KIO: Kachin Independence Organization", *op. cit.*

Yunnan province, it has thrived over the course of the conflict and acts as a disincentive for the KIO to resolve the conflict.

The United States is also very eager to see an end to the conflict, because inclusive state-building is critical for the success of democracy in Myanmar. Human right abuses are also a big concern for the US in Myanmar. Specifically, the United States is concerned that if the central government fails to engage all ethnic actors in its process of democratization, it will ultimately question the maturity of the American decision to lift economic sanctions against Myanmar. Nevertheless, the United States has preferred to play an observer role in this conflict, primarily due to Chinese sensitivity, as well as the Myanmar government's disinterest in internationalizing the issue. In addition, the European Union (EU) has emerged as a new partner of Myanmar in response to its political and economic reforms, its recent transition to the democratization process, and its broader commitment to strengthening political relations with ASEAN countries. The EU has also supported the negotiation over the ceasefire between the government and ethnic groups by creating \$100 million worth Joint Peace Fund (JPF).<sup>23</sup>

## A Review of Recent Developments

Two recent developments are worth noting regarding the Kachin conflict. First, is the conclusion of the 21<sup>st</sup> Century Panglong Conference, also known as Union Peace Conference. This event is marked as an important milestone for peace in Myanmar, because it has allowed all ethnic armed groups in the country to share their demands at the national level.<sup>24</sup> The Conference draws on institutionalizing the Nationwide Ceasefire Agreement (NCA), that was signed by the military government and backed by President Thein Sein in 2015, which provides for both basic principles and charts out strategies to forward a peace in the country involving all stakeholders.<sup>25</sup> During the event, Aung San Suu Kyi highlighted her commitment to fulfill her father's vision of a union based on democratic principles, and reiterated her prioritization for the peace process. It is important to note here that the forms of federalism to be established have not been clarified as of yet. Although the KIO is not a signatory to NCA, the National League for Democracy's (NLD) assumption of office as well as Aung Sun Suu Kyi's trustworthy image, present a unique opportunity to initiate the process of a negotiated settlement of the conflict.

Another significant change has been in the political posture of China. The Chinese government has emerged as a prominent player in the negotiation of the conflict. The President of China, Xi Jinping, declared his country is willing to play a mediatory role, and he has already sent an

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<sup>23</sup> Guy Dinnemore, "The Price of Peace: Western governments pledge millions," *The Myanmar Times*, March 28, 2016. <http://www.mmtimes.com/index.php/national-news/19664-the-price-of-peace-western-governments-pledge-millions.html> (accessed March 05, 2017).

<sup>24</sup> Alex J Bellamy, "the 21<sup>st</sup> Century Panglong: Myanmar's New Hope for Peace," *IPI Global Observatory*, August 31, 2016, <https://theglobalobservatory.org/2016/08/myanmar-21st-century-panglong-aung-san-suu-kyi/> (accessed March 05, 2017).

<sup>25</sup> Nehginpao Kipgen, "Inclusion Remains Hurdle as Myanmar Inches Toward Ceasefire," *IPI Global Observatory*, September 2, 2015, <https://theglobalobservatory.org/2015/09/myanmar-ceasefire-rebels-naypiyidaw/> (accessed March 19, 2017).

envoy to convince the non-signatory ethnic groups to join the NCA.<sup>26</sup> Beijing has also publicly called for all ethnic groups to participate in the negotiation process, thereby, moving beyond its stated principle of non-interference.

## Negotiated Settlement: Why?

Academics and policymakers of conflict resolution argue that there are two ways to resolve a civil war: negotiated political settlement or military victory. By military victory, it is implied that peace can be best maintained if one or the other of the parties to the conflict are completely dismantled. This option for ending ethnic civil wars involves allowing the belligerents to continue military offensives until one of them achieves military victory.<sup>27</sup> By contrast, negotiated settlements demonstrate a willingness to achieve peace through the employment of economic incentives and political changes, mostly upon agreement between the two parties, typically via a third-party, to stop the violence. Negotiated settlements can start with a ceasefire, and lead to political settlements or peace agreements. The logic involved in pursuing a negotiated settlement is built on 'lesser violence for collective benefit'. Although it is typically considered that negotiated settlements can fall through if the root problem(s) is not addressed, scholars disagree over the prospects of these two strategies to end civil wars.

This paper posits that the military victory option is not suitable for the case of Myanmar, because both conflict parties are not fighting 'to win' militarily, but rather to gain psychological and material concessions by demonstrating their resolved resistance. In other words, both parties' preference is to sustain the war rather than to win it. There is a pattern of periodic clashes with an episodic rise in hostility and casualties. It might not be easy for the ethnic rebels to win a war against the national army, however, their priority has been to ensure political control of the Kachin state. The strategy of the *Tatmadaw* on the other hand, seems to be to sustain a psychological fear in the mind of the KIO through episodic attacks rather than full-fledged combat. Furthermore, military victory of either of the parties will have repercussions for the country's future. If the *Tatmadaw* wins by defeating Kachin Independence Army (KIA), it may involve massacres, which will further deteriorate the existing trust gap between the majority and other minority ethnic groups, who may then attempt to revolt. By contrast, if the KIA wins—although this may be an overestimation, since the *Tatmadaw* is superior in its number of personnel, organization, technology and tactics - it will have a ripple effect among other ethnic rebel groups seeking independence. In addition, a military victory is undesirable, because civilians have been targeted by the *Tatmadaw* in many instances, and a military victory of either party will claim more lives than a negotiated settlement.

A negotiated settlement, by contrast, will be an effective way to manage the decades-long conflict in Kachin, and it will create a political space for discussion of existing incompatibilities. Not only will

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<sup>26</sup> I-wei Jennifer Chang, Kay Spencer and Jennifer Staats, "China's Role in Myanmar's Peace Process," US Institute of Peace, September 02, 2016, <http://www.usip.org/olivebranch/2016/09/02/china-s-role-in-myanmar-s-peace-process> (accessed March 19, 2017).

<sup>27</sup> Monica Duffy Toft, "Ending Civil Wars A Case for Civil Victory?," *International Security*, Vol. 34, No 4 (Spring 2010), p.7.

a negotiated settlement limit the violence, it will reduce the increasingly precarious predicament of civilians in the Kachin state. In addition, a negotiated settlement is a desirable option, because the process of political dialogue has already started in Myanmar through the new Conference which led to renewed discussion on the signing of the NCA. If the momentum being built up by these two acts is successful, it is likely to allow other locally negotiated solutions to take center stage in managing the ethnic concern of self-determination in the country. Moreover, a negotiated settlement would receive the backing by the regional and international supporters.

## How to Get to a Negotiated Settlement

### Short-Term: A Ceasefire Agreement with the KIO

The primary forum for a potential ceasefire agreement is the Union Peace Conference, which was convened in September 2016 by Myanmar's central government in order to discuss the NCA.<sup>28</sup> The deal has been signed by eight ethnic armed groups, but it still leaves out several others including the KIO.<sup>29</sup> The KIO have refused to sign the agreement and have demanded an 'all-inclusive ceasefire agreement,' although they have welcomed the central government's efforts to organize a political dialogue.<sup>30</sup> Indeed, the KIO has an understandable trust deficit regarding the ceasefire given its prior experience. During the 1994 agreement, the KIO was the first to sign and advocate in favor of a ceasefire with the then central administration, however, the post-ceasefire years were deficient in providing the political space and economic development that the KIO desired, turning the act into a military truce at most. Moreover, the KIO was excluded from taking part in the 2010 election due to their refusal to turn their military wing into border guard forces.<sup>31</sup> Both of these past experiences have made the KIO nervous about the commitment of the central government to finding a real political solution. It is important to note that the KIO started a ceasefire in 1994 as an aftereffect of isolation between and among ethnic groups, battle fatigue, and the moral defection of one of its brigades.<sup>32</sup> The context is similar now; the ethnic rebels are battle-fatigued and divided on their demands, which has weakened the leverage of the KIO. It is necessary to use this situation as an opportunity to broker an agreement.

The central government should opt to engage the KIO in the nationwide ceasefire prior to the next session of the conference. It should be planned in a way that will lessen, if not totally diminish, the security dilemma and begin the stage of peace-making between the conflict parties.<sup>33</sup> The extensive

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<sup>28</sup> Wai Moe and Thomas Fuller, "Myanmar and 8 Ethnic Groups Sign Cease-fire, but Doubts Remain," *The New York Times*, Published October 15, 2015. <http://www.nytimes.com/2015/10/16/world/asia/myanmar-ceasefire-armed-ethnic-groups.html> (accessed March 19, 2017).

<sup>29</sup> "Myanmar's Peace Process: Getting to a Political Dialogue," *Crisis Group Asia Briefing* N 149, Yangon/Brussels, October 19, 2016. <https://www.crisisgroup.org/asia/south-east-asia/myanmar/myanmar-s-peace-process-getting-political-dialogue> (accessed March 05, 2017).

<sup>30</sup> *op.cit.*

<sup>31</sup> Timo Kivimaki and Paul Pasch, "The Dynamics of Conflict in the Multiethnic Union of Myanmar," *Friedrich Ebert Stiftung*, October 2009, <http://library.fes.de/pdf-files/iez/07808.pdf> (accessed March 05, 2017).

<sup>32</sup> Zaw Oo and Win Min, "Assessing Burma's Ceasefire Accords," *East West Center Policy Studies*, No. 39. P. 14.

<sup>33</sup> Chaim Kaufmann, "Possible and Impossible Solutions to Ethnic Civil Wars," *International Security*, Vo. 20. No. 4

presence of the *Tatmadaw* in the Kachin state is a sign to the KIO that the central government is not serious about implementing the peace process. If the central government alludes to the fact that the KIO was one of the first major ethnic groups to sign the ceasefire in 1994, the central government may be able to convince the *Tatmadaw* leaders to agree to such step. This could play an enormous role in bridging the trust gap that currently exists between the *Tatmadaw* and the KIA. As a goodwill gesture, the central government may consider offering limited withdrawal of the military (i.e. reducing the number of deployed soldiers), in exchange for KIO's participation in the NCA. On the other hand, the *Tatmadaw* is alleged to profit from the illegal border trade through a collection of fees in this state of instability, which makes it less likely that they will withdraw completely. To put pressure on the *Tatmadaw* to accept the declared ceasefire, which they have been breaking unilaterally in most instances, incentives should be offered. An incentive to prevent these activities can be to let them expand their business opportunities legally as well as increasing their retirement benefits.<sup>34</sup> Per one study concluded by Relief Web International in participation with the community leaders in the Kachin state, both *Tatmadaw* and the KIA are 'sources of destabilization' preventing any genuine commitment to renounce the path of conflict. Recurrent conflict is also leading to the militarization of the Kachin community.<sup>35</sup> This means that a solution of the community's problems is seen by the KIO more in military terms than either political or developmental ones.<sup>36</sup>

Apart from the top-down approach to incentivize or coerce the ethnic political leaders, bottom-up pressure must also be created. Studies indicate that the previous ceasefire in 1994 greatly benefitted civilians and helped to decrease their level of fear.<sup>37</sup> Citing reasons of large-scale displacement and the socio-economic plight of civilians, the government can encourage the KIO to make compromises. One possible way is to use back channel diplomacy to reach out to community leaders and civil society organizations—such as the Kachin Women's network, the Kachin Baptist Convention as well as the Peace Creation network—, who can act as pressure groups to convince the KIO leaders to sign the NCA. Indeed, the Kachin Women's network has already expressed its concern over violence against women,<sup>38</sup> while, the Kachin Baptist Convention have stated their apprehension about the prevalence of drugs among youths, which proliferated because of conflict-induced instability across the border.<sup>39</sup> The central government can capitalize on these concerns and encourage civil society to push the KIO to participate in the ceasefire. In the context of ethnic mistrust, widening the

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(Spring 1996), p. 139.

<sup>34</sup> Fred Strasser, "Myanmar Peace Process: Slow Progress, Delicate Steps," *United States Institute of Peace*, Published November 10, 2016. <http://www.usip.org/publications/2016/11/10/myanmar-peace-process-slow-progress-delicate-steps> (accessed March 05, 2017).

<sup>35</sup> Dr Laurens J. Visser, "Building Relationships Across Divides: Peace and Conflict Analysis of Kachin State 2016," *Centre for Peace and Conflict Studies* (2016), <http://reliefweb.int/sites/reliefweb.int/files/resources/Conflict-Analysis-Kachin-State-29.9.16.pdf> (accessed March 19, 2017).

<sup>36</sup> *op.cit.*

<sup>37</sup> Ashley South "The Myanmar Times: Inside the Peace Process," *Burma net News*, January 7, 2014. <http://www.burmanet.org/news/2014/01/07/the-myanmar-times-inside-the-peace-process-ashley-south/> (accessed March 19, 2017).

<sup>38</sup> "Kachin Women Demand Immediate End to Burmese Regime's Use of Rape as a Weapon of war in Northern Burma Offensive," *Burma Partnership*, <http://www.burmapartnership.org/2011/06/kachin-women-demand-immediate-end-to-burmese-regimes-use-of-rape-as-a-weapon-of-war/> (accessed March 05, 2017).

<sup>39</sup> Dr Laurens J. Visser, *op.cit.*

negotiation space through the inclusion of moderates can have a significant contribution in changing the already hardened narrative of mistrust among the KIO.

China also has the potential to act as a leverage point in bringing the KIO and its allies, the TNLA, AA and the NDAA, into the agreement. Back in 2013, the KIO and the government attended a negotiation in a third-party venue in Ruili, which is a city in Yunnan province, China. This attendance demonstrates that Beijing has the acceptance of the KIO and the central government as a mediator and that should be leveraged.

## Short-Term: Modifying the Nationwide Ceasefire Agreement (NCA)

### Existing Issues with the NCA

Apart from this strategy of convincing or coercing the KIO, to ensure their presence in the NCA, the central government must also consider modifying the structure of the ceasefire negotiation. The problem has been that the decision to reinstate the NCA has essentially been a top-down approach. The idea of the NCA has progressed from the intent by the then ruling President Thein Sein in 2011 to convince the Western countries of its ‘good intention’ to generating ‘national unity.’ The NCA was charted out to ‘discipline’ ethnic armed rebels.<sup>40</sup> A political dialogue based on the idea of ‘disciplining’ rather than ‘accommodating’ will certainly be unappealing to the ethnic leaders of the KIO, and is an approach that is more likely to fall apart.

Secondly, although the Union Peace Conference provided a space for the ethnic armed groups ‘to listen and to speak’, the content of the current agreement is far from what is necessary. The sudden announcement of the conference without any consultation or preparatory work involving the KIO and other ethnic groups, puts the resilience of the ceasefire-related negotiation into question. Indeed, the schedule of having a conference every six months is too rigid to achieve the purpose of discussing and convincing the armed ethnic groups, particularly with the fact that decades of mistrust still exists.<sup>41</sup>

Finally, an analysis of the content of the NCA also demonstrates that it includes provisions that adhere to principles of democracy, federalism, secularism, a military code of conduct for all parties, etc. The ceasefire will provide armed groups with *de facto* authority for the areas of control over the period of transition, as well as the possibility of further political dialogue. Although these are fundamentally sound ideas, the NCA lacks specific timelines to reach these proposals. In addition, several significant issues were left out of the NCA, including possible forms of federalism, the process of revenue sharing, security sector reform as well as the technicalities of ceasefire monitoring and related codes of conduct.<sup>42</sup> It will also be very difficult to get to a comprehensive deal that will address the differing concerns of all ethnic armed groups, let alone the KIO.

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<sup>40</sup> Oliver Ramsbotham, T Woodhouse and Hugh Miall, *Contemporary Conflict Resolution*, (Cambridge, UK: The Polity Press, 2016), p 309.

<sup>41</sup> Elliott Brennan and Min Zaw Oo, “Peace, alliance and inclusivity: Ending conflict in Myanmar,” April 1, 2016, *The Brookings Institution*, <https://www.brookings.edu/opinions/peace-alliance-and-inclusivity-ending-conflict-in-myanmar/>. (accessed March 05, 2017).

<sup>42</sup> “The Nationwide Ceasefire Agreement,” *Myanmar Peace Monitor*, <http://www.mmpeacemonitor.org/images/2015/oct/nca%20contract%20eng.pdf> (accessed March 19, 2017).

## Resolution for the NCA

To resolve these problems, the central government should ensure that the voices of civil society, including non-governmental organizations and community-based organizations, are incorporated. This will not only deepen the peace process, but it will act as a confidence-building measure and help to ‘demilitarize’ the political dialogue. It is also important to ensure that civil society representatives of the Burman majority community are also present in further discussions, because it will help to prevent majority backlash. The central government should also consider asking for detailed written proposals from the KIO and other groups about the possible forms of federalism in Myanmar, including their preferred status. Rather than making it a hasty process, it is necessary to provide the ethnic groups with time, resources, and particularly expertise needed in order to develop such proposals. A special team of ethnic leaders and community members, including representatives from the KIO, can form a conflict transition team in Kachin to draft the proposal. The EU can be a strong actor, given its relatively neutral bargaining position, to provide the ethnic groups with both the leadership training, and the resources necessary to come up with a rigorous proposal for political reform.

This step of welcoming proposals is critical for two reasons: first, a participatory nature of decision making will help dampen the nervousness the KIO; and second, call for proposals will allow the KIO and other armed groups to develop their own political capacity. It is easier to say that the armed ethnic groups will disarm, form political parties, and run in an election than it is to make it a reality. Given the percentage of the population of the Kachin community (2%) and other ethnic groups, it might not be feasible for minority ethnic groups to successfully run in elections. Indeed, minority ethnic parties might not win any parliamentary seats, or win so marginally that they will not be able to access political decision-making power necessary to ensure that their interests are being taken into consideration.

In such a scenario, the KIO should consider a framework based on the 1997 Chittagong Hills Peace Accord that was concluded in neighboring Bangladesh.<sup>43</sup> The 1997 Peace Accord—which was concluded between the government of Bangladesh, and the United People’s Party of the Chittagong Hill Tracts (PCJSS)—recognizes the distinct ethnicity of the three hill districts—Rangamati, Khagrachari, and Bandarban—and accepts their special status.<sup>44</sup> As part of the agreement, a regional council has been formed that consists of local government structure from all three districts, which were composed of both men and women from major indigenous groups. The council is elected for a five-year term and has authority over law and order, general administration, and socio-economic development in the region.

Bangladesh is still in the process of full implementation of the Accord, and has its armed forces stationed in the region, however, in political terms, the Accord sets a sound example for the management of the concerns of ethnic minorities. The Bangladeshi central government consults with

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<sup>43</sup> Daniel Combs, “Solving Myanmar’s Ethnic Conflicts: A Proposal,” *The Diplomat*, June 11, 2016. <http://thediplomat.com/2016/06/solving-myanmars-ethnic-conflicts-a-proposal/> (accessed March 19, 2017).

<sup>44</sup> M. Rashiduzzaman, “Bangladesh’s Chittagong Hill Tracts Peace Accord: Institutional Features and Strategic Concerns,” *Asian Survey*, Vol 38, No. 7, p. 665.

the regional council on overall development efforts, and has a central ministry that takes care of all affairs related to the minority indigenous group.<sup>45</sup> In addition, the Accord has allowed the former groups of ethnic rebels to form a mainstream political party, and the insurgents have surrendered their arms in exchange for financial incentives. Moreover, the Accord restored the safety of the civilians in the region.<sup>46</sup> Indeed, the KIO can call for establishing a state/district council identical to the one seen in Bangladesh that can act as a formal authoritative body of the Kachin state, and take care of economic development as well as socio-cultural issues. This solution can also be replicated for other ethnic groups in Myanmar.

It is important to ensure that the proposed regional council for the Kachin state is run under the effective administration of the central government. The NLD-led government may also consider setting up a ministry of all ethnic nationalities under a banner of united ethnic groups. This separate ministry would work to increase coordination among all local government councils and between ethnic councils and central administration. This ministry should preferably be headed by Aung San Suu Kyi or someone who has a satisfactory image to the ethnic groups, along with other members of the ethnic groups on a rotating basis. Indeed, it is necessary to ensure that these representatives will have relative legitimacy in the eyes of both the majority and minority communities.

Although this is a seemingly optimal solution, it should be noted that in Bangladesh, the Peace Accord 1997 was criticized by the nationalist political oppositions as compromising the territorial integrity of the country, and suppressing the rights of the majority population. In addition, it was negatively received by some in Bangladesh who noted the Agreement as forming a parallel instrument of governance and is contrary to the constitutional provision,<sup>47</sup> and similar reactions are highly likely in the context of Myanmar. Despite the claim that the 1997 Peace Accord led to some erosion of state power, the Accord effectively ended twenty years of armed violence, and set the stage for peaceful national integration. It also allowed the Bangladeshi central government to collect revenue from the resource-rich hill areas, and ensured the commitment of the rebel ethnic leaders to the nationwide reconciliation. Moreover, the critics of the Accord could not offer a feasible alternative to this. By creating a balance of power that ensured the presence of central government's bureaucrats as well as leaders of ethnic circles, the Bangladeshi 1997 Peace Accord for the Chittagong Hill Tracts region explores the fine line between respecting ethnic self-determination and maintaining territorial integrity in a state-based international system. This example of protecting both the values of the majority as well as rights of the minority can be a case study for managing the Kachin conflict.

### **Medium-Term: Reforming Political culture**

In the medium term, followed by reaching an agreement with the KIO and possibly other ethnic groups, it is necessary to start transitioning to peace-building. In the opinion of Ashley South, an expert on the Myanmar conflict, the country lacks the political culture and institutions that will

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<sup>45</sup> Frances Harrison, "Bangladesh Peace Treaty Signed," *BBC News*. December 2, 1997. <http://news.bbc.co.uk/2/hi/despatches/36256.stm> (accessed March 05, 2017).

<sup>46</sup> *op.cit.*

<sup>47</sup> *Ibid.*

facilitate the transition from years of military statute to civilian political authority.<sup>48</sup> In such a context, the goals should be to focus on the reforming the political culture, starting a discussion about economic restructuring, and, slowly but surely, considering the possibility of security sector reorganization.

Regarding natural resource management and economic development in the Kachin region, a balanced option could be to ensure local as well as a central review of any major decision regarding new projects prior to implementation.<sup>49</sup> In addition, the government should prioritize the development of the fringe zones, in order to make sure that the revenues are reinvested to benefit the local Kachin community. In return, the KIO can consider giving up cross-border illicit trade. It is important to note that the central government shall still be responsible for delivering basic social services under this proposed framework.

Security sector reorganization is a necessary step to ensure civilian control over the *Tatmadaw's* actions. One option can be to reach out to some of the generals who are relatively accommodative of the ethnic groups and empower them. This is a critical step to either integrating the armed rebels into the military structure, or totally disarming and reintegrate them into the community. Such a process would be helpful in shifting the control mindset of the armed forces as an institution. In addition, the government must undertake policies to balance the Burman majority in the composition of the military force. As a solution, the ethnic groups are advocating for a Federal Union Army identical to Bosnia, which in this case resulted in the foundation of a 'Ministry of Defense of Bosnia and Herzegovina' and the establishment of defense law.<sup>50</sup> Following this approach will lead to the creation of an ethnically mixed army, which has the potential ability to deal with the existing mistrust about security sector in the country. Another proposal could be to install a quota system to slowly inject people from the KIA and other ethnic groups into the security sector.

### **Long Term: Constitutional Amendments and Political Solution**

If the first two steps are achieved successfully, then the door for a constitutional amendment will widen. In this phase, a modified peace agreement can be developed and implemented that should include detailed ways and phases to address the core incompatibilities between and among the actors, as well as a timeline for implementing those phases. The implementation of the peace agreement should be done both in parallel and in conjunction with each other, rather than in a way that sequences economic development over political progress.

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<sup>48</sup> Ashley South, "Peace in Myanmar demands more than political dialogue," August 22, 2016. <http://asia.nikkei.com/Viewpoints-archive/Viewpoints/Ashley-South-Peace-in-Myanmar-demands-more-than-political-dialogue> (accessed March 05, 2017).

<sup>49</sup> "Kachin State Development Prospect and Priorities," *Harvard Kennedy School and ASH Center for Democratic Governance and Innovation*, May 2016,. [http://ash.harvard.edu/files/ash/files/kachin\\_state\\_development\\_prospects\\_and\\_priorities\\_5-13-16.pdf](http://ash.harvard.edu/files/ash/files/kachin_state_development_prospects_and_priorities_5-13-16.pdf) (accessed March 05, 2017).

<sup>50</sup> Joe Kumbun, "Ending Conflict in Myanmar: Could Military Reorganization Be the Answer?," *Burma Link*, Published October 13, 2016, <http://www.burmalink.org/ending-conflict-myanmar-military-reorganisation-answer/> (accessed March 19, 2017).

International donors, like the EU, can be powerful actors at this stage. Apart from assisting to implement the already discussed political agreement through the development of institutional capacity, they should also be very careful to ensure that resources are channeled to different layers of stakeholders. Pouring all the resources solely to the state-level central government could reignite the trust gap and push the KIO to use the cease-fire period to regain strength and strike back. Both the international supporters of peace and the relevant local actors must work patiently, as this resolution will take years to achieve and decades to fully implement.

## Conclusion

The future of the conflict between the minority Kachin and the majority Burman communities lies in the spirit of 1947 Panglong Conference. An immediate halt to the violence is necessary to prevent the vicious cycle of fatalities. The more violence that occurs, the harder it will be to both counter and psychologically demilitarize the Kachin community. Trust is key to resolving the conflict and attaining peace, which remains complicated, because years of civil war have hardened the Kachin minority's ethnic identity. With this in mind, it is notable that a sense of unity has already emerged among the ethnic groups, that a ceasefire agreement is possible nationwide, and that the KIO sees developments towards a resolution of the conflict positively. Their demand, in the short term, is all-inclusiveness in the peace process, which should be the core of Myanmar's transition to functioning democratic political culture. The KIO has been demanding for a political dialogue to occur before the ceasefire takes place, and this process of dialogue has already started. The transparency of intentions on both sides has already been demonstrated, and this window of opportunity must be used to its full potential.

The government should take a less unilateral approach by widening and deepening the negotiation process, particularly through the inclusion of civil society actors and non-governmental organizations. The KIO should realize that a military victory against *Tatmadaw* is almost impossible under current conditions, and that a continuing offensive will only add to the pessimism and plight of the Kachin community. In addition, the government should chart strategies to increase civilian control of *Tatmadaw* if they want to avoid a potential derailment of the peace process. Throughout the process, China and the EU should play a more cautious mediating role. So far, 100,000 civilians have been displaced and 1,500 have died. Considering the reality of the current situation, and with a view to avoiding further harm to civilians, I argue that a negotiated settlement designed to integrate the Kachin minority group into the mainstream political culture of Myanmar via a mix of mediation and incentives is the best possible way to manage this conflict. All parties should make compromises in one way or other for the collective benefit of Myanmar.