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Whose Guns Are Silent?

An Analysis of Burma's Fractured Peace Process

The peace process in Burma is almost two years old yet despite the initial optimism over a series of initial ceasefires signed, the situation has largely stagnated over the past 18 months. The ceasefire agreements remain in the earliest stages with their fragility being exposed by regular fighting in Shan State while occasional skirmishes occur in Karen and Mon States. In Kachin State, the conflict has escalated dramatically and there is still no ceasefire agreement between the Burma government and the Kachin Independence Organization (KIO).

This paper is an analysis of the current situation with recommendations to the parties concerned. It is based on interviews with representatives of ethnic non-state armed groups (NSAGs), community-based organizations and civil society groups. On a state visit to the United Kingdom in July, President Thein Sein stated, "Very possibly, over the coming weeks, we will have a nationwide ceasefire and the guns will go silent everywhere in Myanmar for the first time in more than 60 years."¹ There is a significant gap in the pronouncements of the Thein Sein government and the realities of the ground situation in Burma's ethnic areas: this paper seeks to explain that gap. The reality on the ground is that despite the much lauded reform process, the Burma Army, which still has disproportionate, institutionalized power in Burma, continues to wage war against ethnic NSAGs and commit human rights violations. The impetus for this conflict is the desire to maintain full control over the abundant natural resources found in ethnic areas in the context of the opening up and marketization of the economy, thus significantly increasing investment, actual and potential, in Burma. Steps toward a sustainable solution to this decades old civil war are thus hampered by a resource hungry and completely unreformed and unchecked Burma Army. Until a political settlement is reached that curbs the power of this institution and implements an amended political system that guarantees equality for ethnic nationalities, Burma's peace process will remain fragile.

Armed Conflict

Kachin Offensive

In June 2011, the Burma Army broke a 17-year ceasefire agreement with the KIO by attacking a Kachin Independence Army (KIA) outpost. For over 2 years since, military operations into KIO-held areas have left around 100,000 people displaced, a raft of human rights violations have been committed, and an unknown amount of Burma Army, KIO and civilian deaths.

In December 2012, the Burma Army massively stepped up its attacks and launched the biggest offensive in the 65 years of civil war in Burma. Using for the first time helicopter gunships and attack aircraft to launch airstrikes, the KIO were pushed back to the town of Laiza on the China border, where its headquarters is

¹ "UK to Resume Military Ties with Burma," The Irrawaddy, 16 July 2013, <http://bit.ly/18m9Nav>

based.² After international outcry the Burma Army halted its advancement on Laiza and now maintains bases surrounding the town. Throughout the period of fighting, ceasefire talks have occurred many times, mainly in Ruili, China, but most recently, in May 2013 in Myitkyina, the capital of Kachin State. This last round of talks was encouraging, although no ceasefire was established, and the fighting continues, mainly in northern Shan State around the Shwe Gas and Oil Pipeline project, an area where many Kachin people live and the KIO have a presence.

Ceasefire Areas

Ceasefires have been signed with most of the other ethnic NSAGs but these are fragile at best and not worth the paper on which they are written at worst. In some areas, the ceasefires are mostly preventing armed clashes although tension, standoffs and occasional skirmishes still occur involving both the Burma Army and regiments of the Burma Army-controlled, Border Guard Forces (BGF). Examples include:

- In April 2013, joint Burma Army and BGF forces attacked the Democratic Karen Benevolent Army's (DKBA) base near the proposed Hatgyi Dam site. Around forty people died as the DKBA refused to give in to the Burma Army demands to give up its base.³
- In July 2013, the Burma Army raided a New Mon State Party (NMSP) base with seven killed in the clash.⁴
- In August 2013, a BGF in Karen State clashed with the Karen National Liberation Army (KNLA), the armed wing of the Karen National Union (KNU).⁵

For other ceasefire areas, conflict is still a daily part of life for many people. In Shan State, there have been over 100 clashes between the Burma Army and both the Shan State Army – South (SSA-S) and the Shan State Army – North (SSA-N) despite existing ceasefire agreements with these groups. The Ta'ang National Liberation Army (TNLA), that is allied with the KIO and based in northern Shan State, has also had its outposts attacked and is engaged in fighting with the Burma Army.⁶ The Burma Army's attacks on the KIO are now mostly in the KIO Brigade 4 area in northern Shan State. This is also the area where clashes between Burma Army and the SSA-N and the TNLA are most common. This strategic position is important for two reasons:

Firstly, the areas in which conflict is taking place most regularly are the areas through which the Shwe Gas and Oil Pipeline runs. This is a joint venture between the military company, Myanmar Oil and Gas Enterprise (MOGE) and a consortium of Indian and South Korean companies to transport oil and gas through Burma and sell to China. Increased militarization and subsequent human rights abuses and armed clashes along the pipeline by the Burma Army have been common throughout this project as they seek to protect their investment.

Secondly, the specific positions that the Burma Army is attacking and wants to take in Shan State will further isolate the United Wa State Army (UWSA). The UWSA is the largest and most heavily armed ethnic NSAG in Burma and has long had good ties with successive Burmese regimes based on opium production. Yet recent moves indicate that the UWSA has more political goals, such as the announcement that it wants to upgrade from an autonomous region to its own "Wa State" such as Shan or Karen States.⁷ It is doubtful that the Burma Army would engage in what would be a long, difficult and bloody war with the UWSA, but

² "Myanmar airstrikes reopen old wounds," Al-Jazeera, 10 January 2013, <http://aje.me/U7Bv0A>

³ "Peace be Damned," The Irrawaddy, 17 August 2013, <http://bit.ly/14Uvv1u>

⁴ "Tension mount between Government forces and New Mon State Party," Mizzima, 3 August 2013, <http://bit.ly/13v5Kon>

⁵ "Govt Backed Militias clash with Kachin, Karen Rebels," The Irrawaddy, 19 August 2013, <http://bit.ly/1aklHlg>

⁶ "Fighting Resumes in North Shan State," The Irrawaddy, 26 July 2013, <http://bit.ly/13bwZnU>

⁷ "USWA Wants Autonomous State, not Independence, The Irrawaddy 5 June 2013, <http://bit.ly/15gf0gY>

the positions it is attempting to capture would cut direct links that the UWSA has with the SSA-N and the KIO as well as create Burma Army outposts directly opposite Wa bases, thus strengthening its negotiating position in any future talks on creating a Wa State.⁸

Reinforcement

A common pattern is that the Burma Army is using ceasefires to reinforce, resupply, rebuild and generally strengthen their positions in ethnic areas. Throughout the peace talks with the Karenni National Progressive Party (KNPP) in Karenni State, the military was constructing a large military training camp on 2,700 to 3,000 acres of confiscated land. Despite constant requests from both the KNPP and Karenni civil society, construction was never halted, and the now completed training camp serves as a symbol of the Burma Army's reinforcement and increased presence in Karenni State.

In Mon State, after the July 2013 attack on the NMSP base, increased Burma Army activity is also creating tension. Military bases that used to be made of bamboo are now made of concrete. As this reinforcement continues the likelihood of incidences of armed clashes, despite ceasefire agreements being signed also increases. Some armed groups have attempted to address this issue. The KNU has been pushing for a code of conduct of armed soldiers to be agreed upon by both sides. Also the SSA-S attempted to get the Burma Army to agree to contact their troops on the ground directly in order to reduce the incidence of armed conflict. The Burma Army hasn't agreed to either proposal.

Human Rights Situation Remains Dire

Ceasefire Areas

For the many civilians in these areas, especially in Karen State, which is experiencing its first ceasefire period in the 65-year history of the conflict, lives have improved. With regular conflict not part of daily life anymore, people can move more freely, tend to crops and make limited steps towards their own livelihoods. On the other hand, despite the reduced instances of armed conflict, human rights violations continue.

In Karen State, instances of forced labor, extortion, and particularly land confiscation have continued to be committed by Burma Army and BGF troops since the ceasefire. BGF forces in Karen State are also heavily involved in dealing methamphetamines, otherwise known as *yaba*. In Mon State, land confiscation is also a major issue, as authorities pressure farmers to give up their land to crony companies wishing to invest.

It is important to note that while the majority of human rights violations are being committed by the Burma Army, there are also many documented cases of ethnic NSAGs committing human rights violations, such as those that result from land confiscation and extortion.

Conflict Areas

It is in Kachin State and northern Shan State where human rights violations are most pervasive. Burma Army soldiers have razed over 200 Kachin villages to the ground as they have pillaged and looted their way across Kachin areas. Over 100,000 civilians have been displaced and this number is increasing. Those living in camps in KIO held areas are in desperate need but the Burma government blocks the delivery of aid by international humanitarian aid agencies citing security concerns as reasons. Only twice has a UN convoy of

⁸ "Wa Rebels Caught Up in Regional Chess Match," The Irrawaddy, 2 May 2013, <http://bit.ly/17wpDOH>

aid been allowed to reach the approximately 60,000 internally displaced persons (IDPs) living beyond government control.⁹

The airstrikes near Laiza that occurred in December 2012 killed or injured at least 26 residents as the shelling hit civilian populated areas. The Kachin people are mostly Christian, and this increased offensive just before Christmas was a callow decision, knowing the psychological effects it would have on the Kachin people.

There have been 64 documented cases of rape of women and girls, some of whom were gang raped by Burma Army soldiers. Torture, extrajudicial killings, arbitrary arrests and the disappearances of Kachin and Palaung villagers have and still are being documented. In May 2012, a patrol of Burma Army soldiers found a 48 year-old Kachin woman sheltering in a church in the village of Pang Wa, Kachin State. She was subjected to 3 days of being beaten, stabbed and gang-raped inside the very place she went to take refuge. Another villager who witnessed this was subsequently tied up, beaten and stabbed until he was unconscious.¹⁰ Another such example of arbitrary arrest, torture and sexual assault is that of Brang Yong and Lahpai Gum, two men arrested in an IDP camp in June 2012 for allegedly having connections to the KIO and bombing a government office. According to their lawyer Boung Mai, “they were tortured in many brutal ways. It was inhumane.”¹¹ These are just a few of the horrific cases of violations committed by the Burma Army that have been documented and continue to this day.

In areas near SSA-N controlled territory, the Burma Army is also responsible for indiscriminate killing. A village was mortared near SSA-N headquarters on 23 June 2013, destroying a temple, injuring 4 and killing a 90 year-old woman who died of shock.¹² In Palaung areas in northern Shan State where the Burma Army is attacking the KIO, TNLA and SSA-N, increased militarization has been terrorizing communities. According to the Ta’ang Women’s Organization,¹³ “troops have been conscripting villagers as porters and guides, looting livestock and other food, and torturing and killing those suspected of supporting the resistance.”¹⁴ Thus in northern Shan State, around 5,000 ethnic Shan, and 2,500 ethnic Palaung people have been displaced since the peace process began.

Lack of Accountability

At present, Burma Army troops are committing the aforementioned human rights violations with complete impunity. Under the 2008 Constitution, a courts-martial system was established which, under its mandate, according to the Burma Lawyers Council, “members of the military never have to appear before civilian courts, regardless of their crime.”¹⁵ While courts-martial systems are common in other countries, the military justice system in Burma is practically non-existent. While in Indonesia, for example, decisions made in the military courts can be appealed at the civilian Supreme Court, the highest power in the military

⁹ “UN aid reaches Laiza for the first time in almost two years,” DVB, 9 September 2013, <http://bit.ly/186Tj5z>

¹⁰ “Gang-rape in church highlights Burma Army impunity for sexual violence in Kachin conflict,” Kachin Women’s Association – Thailand, 18 May 2012, <http://bit.ly/MoEIMM>

¹¹ “2 Kachin Men on Trial after Torture by Military Interrogators,” The Irrawaddy, 9 August 2013, <http://bit.ly/138tT5Y>

¹² “Burma Army shows contempt of Buddhism during latest attacks in Shan State,” Shan Human Rights Foundation, 2 July 2013, <http://bit.ly/163Tloj>

¹³ Formerly Palaung Women’s Organization

¹⁴ “The Burden of War,” Palaung Women’s Organization, 5 November 2012, <http://bit.ly/Swen9H>

¹⁵ “Revealing Burma’s System of Impunity,” Burma Lawyer’s Council, 9 September 2011, <http://bit.ly/nLgQHb>

justice system in Burma is the Commander-in-Chief of the Armed Forces, Senior General Min Aung Hlaing, who can overturn any decision made.¹⁶

The Myanmar National Human Rights Commission (MNHRC), established in 2011, has also yet to prove to be an effective tool for investigating human rights abuses. The enabling law that gives the commission its mandate has still not been passed by both houses of Parliament, although a draft is being discussed. The draft enabling law, however, does not guarantee the commission independence from the government, a key element of an effective national human rights institution. According to the draft law, evidence or documents that could “affect the security and defence of the country” do not have to be released to the commission. This would allow the Burma Army to abuse this limitation and withhold any information it deems as harmful to itself as an institution on the grounds that it would compromise national security and defence.

Furthermore, while many complaints have been sent to the MNHRC regarding human rights violations committed in ethnic areas, the MNHRC Chairman, Win Mra, stated in 2012 that “to investigate into conflict areas would not be appropriate at this time.”¹⁷

Civil society groups in ethnic areas have witnessed and documented the most blatant and public human rights violations, yet none of the soldiers involved are brought to justice, whether military or civilian courts. The military has protected itself from prosecution and as such, gives its troops free reign to commit any horrific act they like with no fear of repercussions.

One such example of the perversion of justice in Burma and especially in ethnic areas is the example of Brang Shawng. His 13 year-old daughter was hiding from Burma Army soldiers in a house with her school friends in Hpakant Township, Kachin State, in September 2012. One of the soldiers opened fire into the house and she was killed in front of the others. After lodging a complaint to President Thein Sein, the MNHRC, the Northern Commander of the Burma Army and the Kachin State Minister asking for justice for his daughter’s death, Brang Shawng received no reply. He spoke of his plight at an event on Kachin State Day in January 2013 and was subsequently arrested and charged with making false allegations against the Burma Army.¹⁸ He is currently on trial. This demonstrates the complete lack of accountability within the Burma Army. If the justice for a murdered schoolgirl by the Burma Army is arrest of the father, how can this possibly reconcile with Senior General Min Aung Hlaing’s claims on Armed Forces Day in March 2013 that the armed forces abide by the Geneva Convention?¹⁹

Why Won’t the Burma Army Stop Attacking?

There have been two schools of thought regarding the Burma Army and its continued aggression. After President Thein Sein publicly ordered the halt to offensives in Kachin State in December 2011, the Burma Army seemingly ignored his wishes and continued its offensives anyway, leading many to believe that Thein Sein has little control over the military. Another school of thought is that this is a carefully laid out “good cop, bad cop” routine where Thein Sein is constantly presenting himself as a genuine reformer in the eyes of the international community and accusations of human rights violations can be deflected onto the military.

¹⁶ “Myanmar: civil-military relations and constitutional reform,” Melissa Crouch, East Asia Forum, 21 June 2013, <http://bit.ly/123MSvn>

¹⁷ “Burma’s human rights commission rules out conflict-zone investigation,” The Irrawaddy, 15 February 2012, <http://bit.ly/19DsUcV>

¹⁸ “Burma/Myanmar: Father of girl killed by military prosecuted by for complaint to human rights commission,” Asian Human Rights Commission, 14 June 2013, <http://bit.ly/17Tpcut>

¹⁹ “Burma’s Military Rejects Rights Abuse Charges,” Radio Free Asia, 27 March 2013, <http://bit.ly/17UemlC>

The reality is that while President Thein Sein seems fully aware of the intentions of the Burma Army, he does not have the influence that will be able to directly stop their actions. The institutional and personnel set up of the current axis of power in Burma is a carefully laid out plan by former regime head, Senior General Than Shwe, that seeks to protect the role of the military and the power that they have, while opening up the country for investment and legitimacy. Thus, the 2008 Constitution delegates power to the President's Office in the administration side of ruling the country, yet it is the Commander-in-Chief of the Armed Forces who has the final say in all security matters. The actual genuine political will to reach a settlement with ethnic nationalities may be present in members of the government or legislature, but the reality is that it needs the backing of the military, which certainly does not have the political will. According to research done by *The Irrawaddy*, military sources from Naypyidaw claim that Senior General Min Aung Hlaing "has a plan to wipe out all ethnic armed groups including the UWSA in order to control all of Burma's frontier territories."²⁰ This is supported by a document that, according to the same research, Aung Kyaw Zaw, an analyst on the Burma-China border claims to have seen, that outlines the main priority of the Burma Army is the "elimination of the ethnic armed groups."²¹

This is why the need for political settlement, including constitutional reform, is essential. The 2008 Constitution guarantees 25% of seats in the Parliament for the Burma Army, however it takes 75% of the vote to change the constitution, effectively a catch-22. This is especially salient given the combined voting block of unelected members of the military, and those in the military-backed ruling party, the Union Solidarity and Development Party (USDP). The constitution also gives the position of the Commander-in-Chief of the Armed Forces the power to take control of the country at any point. This military-written, sham constitution entrenches the power of the very institution that has intimidated, repressed and waged war in ethnic nationality areas for decades.

In the international media, much focus has been made of changing the constitution to allow Daw Aung San Suu Kyi to run for President. As it stands, no person with a foreign spouse can run for this position. Yet there needs to be more pressure on changing the constitution to ensure ethnic rights are guaranteed. Changing the constitution will involve a political settlement that espouses the ideals of federalism, as outlined by the United Nationalities Federal Council (UNFC) after a conference in August, attended by more than 130 representatives from ethnic civil society, ethnic NSAGs and political parties. The 2008 Constitution was rejected and the UNFC called for a system of democratic federalism. Even Shwe Mann, a former general ranked third in the military regime and now the Speaker of the Union Parliament recognizes this, "The call for federal system of government is getting louder. Failing to deliver it will cause obstacles to national integrity, reconciliation and maintenance of law and order in the country."²² Unfortunately the government does not echo these sentiments about federalism, and the institution of the military has far more real power than the Parliament, as well as a major stake in the legislative body itself.

The Political and Economic Domination of the Burma Army

There is an obvious discrepancy between the words of President Thein Sein and the actions of the Burma Army on the ground. While Thein Sein and the government affiliated Myanmar Peace Center are making claims of progress, the Burma Army, as outlined earlier, continues its offensives, reinforces positions in already held areas and continues to commit human rights violations. Meanwhile, economic deals are being made between the Burma government and overseas and domestic companies for investment in these ethnic nationality areas. The goal of a political settlement that will address longstanding grievances of lack

²⁰ "Wa Rebels Caught Up in Regional Chess Match," *The Irrawaddy*, 2 May, 2013, <http://bit.ly/17wpDOH>

²¹ *Ibid.*

²² "Shan State demand 50% budget sharing," *Mizzima*, 3 September 2013, <http://bit.ly/14XOYyV>

of equality and right of self-determination for the ethnic people hasn't seen much progress; the goal of making money has made much more progress. This ties in with the government's economic reform agenda, which is heavily dependent on energy creation. The natural resources key to this energy are situated in ethnic areas, such as rivers that can provide hydropower through dams such as the Tasang Dam Project in Shan State that is set to become the largest dam in Southeast Asia. The deadly clashes with the DKBA after it refused to relocate its headquarters from its position near the planned Hatgyi Dam in April 2013 is a typical incident of resource driven violence. The Shwe Oil and Gas Pipeline runs through areas that are experiencing the most conflict. The attacks by the Burma Army and the BGF on KIA positions in August 2013 in Putao, northern Kachin State were in areas where US-sanctioned crony, Tay Za, has been granted logging concessions. Of course, it is not only resources that are a driver within the complex narrative that explains the decades long civil war in Burma, but it *is* hugely significant and it is exacerbating human rights violations in ceasefire areas and fuelling the conflict in non-ceasefire areas.

Now that ceasefires have been signed and liaison offices set up, ostensibly to manage disagreements and serve as meeting points for problem solving and future progress, the reality is that these are being used for furthering business related activities. One of the most widespread human rights violations ongoing in ceasefire areas is land confiscation by companies, the Burma Army and local government authorities for investment purposes. Businesses with close ties to the government are establishing rubber plantations, factories, cement plants and mining operations. Social and environmental impact assessments are practically non-existent, communities are not consulted regarding how investments are going to benefit them, and the lack of a stable legal foundation has facilitated a wild west type atmosphere with speculators and unscrupulous businessmen taking advantage of the lack of fighting to make a profit. Often these investors are backed up by the local authorities who in turn have the support of the Burma Army.

While there is no doubt that development and investment are needed in ethnic areas, it must be to the benefit of the ethnic communities who have suffered for so many years. No political dialogue has been established, no Burma Army troops have withdrawn from ethnic areas, but lands have been confiscated, military positions reinforced and some government-connected businessmen are getting richer. Sustainable peace is imperative to provide an environment for sustainable investment. This is fact not lost on KNUA Vice Chief-of-Staff, General Baw Kyaw Heh: "Businesses want to come to our areas, but we ask them not to. First we need to create a sustainable situation."²³ Furthermore, the prioritization of investment over substantial peace talks serves to exacerbate conflict, including internal conflict. As the new locus of struggle becomes around investment opportunities, there is the potential for different armed groups within ethnic areas to fight over precious resources and control of land, as well as with the Burma Army and its associates. Some leaders within armed groups are benefiting from this investment despite the resistance of leaders such as Baw Kyaw Heh. This serves to divide groups themselves while the principles that ethnic groups have been fighting for for so long become neglected. Thus, it doesn't really matter whether it is certain ethnic NSAG leaders or crony businessmen who are taking advantage of the current situation, the rights of ethnic people remain a dream, and economic exploitation is becoming the norm.

The Importance of Civil Society and Women's Participation

So far, civil society has mostly been sidelined from the peace process by the Burma government and to a lesser extent the ethnic NSAGs. Peace building activities such as capacity building with local communities on their rights, concepts of peace and how to deal with NSAGs in order to convey their own communities'

²³ "KNU Gen. Baw Kyaw Heh Exposes How Ceasefire Agenda has Shifted to Business," Karen News, 5 September 2013, <http://bit.ly/13m5FTM>

issues are both empowering and sustainable and should be supported. Meanwhile, Kachin civil society in Rangoon and Myitkyina is trying to raise awareness and advocate for international non-governmental organizations (INGOs) to gain access to IDPs in KIO controlled areas.

Another aspect of the peace process in which civil society has been very active is regarding the return of the 150,000 refugees living on the Thailand-Burma border. The Burma government is very keen to move these people back, the existence of whom contradicts the reform discourse that it is espousing. Yet with the ceasefires still fragile, soldiers remaining in their home areas, and landmines a huge problem, many feel that they cannot go back yet and there is anxiety and fear that they will be forced to return even if they do not feel safe to do so. Shan, Karenni and Karen community organizations that work in the refugee camps in Thailand have laid out conditions that need to be met before return is possible, including addressing those issues above. It is vital that any international government, agency or INGO works closely with refugees and community-based organizations, including conducting meaningful consultations, to ensure that voluntary repatriation is implemented with consent, dignity and safety.

In fact civil society has shown itself to be vibrant and creative in helping those in need but they continue to be marginalized. There exists no mechanism for civil society participation in peace talks yet they are in the best position to truly represent the communities affected by the conflict. One exception is the KIO's recently formed technical advisory team that advises the KIO on community needs in preparation for peace negotiations. It is made up of 15 people, 10 from civil society and 5 from the KIO, and has an equal gender balance. This is a positive step forward although it is still in its early stages.

While a ceasefire monitoring mechanism has yet to be established, this is where both civil society and the international community can play a crucial role. International presence would give such governments a real sense of the situation on the ground while also applying pressure on the Burma Army to refrain from attacks. The presence of civil society as a monitor is empowering for the communities themselves as they see local people civilians as protectors of the peace, rather than empty promises made by those who have guns.

Women's Participation

A striking and perhaps unsurprising aspect of this peace process is the absence of women and gender mainstreaming. One example is the Myanmar Peace Center, the government body tasked with coordinating the government's peace efforts. There are no women in this body who have substantial decision-making mandate. It is primarily run by ethnically Burman men.

For the ethnic NSAGs, women's representation is better but it is still severely lacking in representation and participation in decision-making. With notable exceptions, such as former KNU leader, Naw Zipporah Sein, the participants in peace talks are usually male. This is a huge problem. The experiences of men and women during any conflict are often very different and as such, there are many problems that women face that cannot be solved or truly understood by most men. United Nations Security Council Resolution 1325 highlights the importance and necessity of women's participation and perspective in all aspects of conflict prevention, management and resolution, including organizing for peace, rehabilitation, reintegration and reconstruction. By excluding women from the peace process and decision-making from the very first step, structural gender inequality will remain throughout Burma.

Conclusion

President Thein Sein and the government's Union Level Peace Team want all the major ethnic NSAGs to come to Naypyidaw to publicly ratify their ceasefire agreements in a nationwide ceasefire accord. So far

this has not been possible. There is still war in Kachin and northern Shan States and many ethnic leaders simply do not trust the government. A public signing with visiting dignitaries, such as the UN General Secretary Ban Ki-moon, may give the government legitimacy in the eyes of the international community but does not benefit the long suffering ethnic people. The current institutional arrangement, including the 2008 Constitution, is not something that the government is willing or even able to compromise, given the power and dominance of the Burma Army. Until the government, along with the Burma Army, is willing to come to the table to discuss these fundamental issues, the peace process will not move forward. This is why it is stuck, and no amount of public relations games will improve the lives of ethnic people who have strived for equality, self-determination and justice for so long and are still suffering.

Recommendations

To the Government:

- Immediately halt all offensives in Kachin State and northern Shan State.
- End the resupplying and reinforcement of troops and the building and establishment of new military infrastructures in ethnic areas.
- Cease human rights abuses and end impunity for perpetrators.
- Allow all humanitarian aid to be delivered to those in need without any hindrance, whether in ethnic NSAG-held areas or government-controlled areas.
- Allow all cases of human rights violations submitted to the Myanmar National Human Rights Commission to be investigated without impartially and without interference
- Prioritize political dialogue over economic development and engage in an inclusive political dialogue including ethnic NSAGs, political parties, and civil society.
- Acknowledge the limitations of the 2008 Constitution as a basis for nationwide peace
- Invite independent international observers, as well as civil society actors, to peace negotiations.
- Cooperate with ethnic NSAGs, civil society and international actors to develop a ceasefire monitoring mechanism.
- Ensure women's participation in all negotiations and peace-building activities through specific mechanisms or measures.
- Commit its own funding for peace process activities such as the Myanmar Peace Center.

To Ethnic Non-State Armed Groups:

- Cease human rights abuses and end impunity for perpetrators.
- Engage in consultations with local communities and civil society representatives at each step of the negotiations.
- Recognize the role of civil society in the peace process, and establish a mechanism for their participation, including observing and mediating negotiations and monitoring ceasefires.
- Ensure women's participation in all negotiations and peace-building activities through specific mechanisms or measures.
- Work towards a united position of ethnic people when negotiating with the government.
- Focus on political goals, not economic incentives created by business opportunities in ceasefire periods.

To the International Community:

- Call on the government to halt armed conflict in Kachin State and northern Shan State.
- Call on all parties to cease human rights abuses.

- Pressure the government to engage in a political dialogue that includes amending or rewriting the 2008 Constitution to reduce the institutional power of the Burma Army.
- Continue to provide support for refugees and IDPs who still live in fear of returning home. Any program related to refugee return must first involve inclusive, meaningful and secure consultations with all relevant actors including civil society and most importantly, refugees themselves.
- Consult with all relevant actors and disclose publicly any strategy before engaging in the peace process.
- Refrain from investing in conflict-affected areas that could serve to exacerbate human rights violations, loss of livelihoods, and incidences of armed conflict.