

Unsticking stalled peace processes

Insider mediator perspectives from Myanmar

Ja Nan Lahtaw is a civil society leader in Myanmar. Since 2014 she has been the Executive Director of the Nyein (Shalom) Foundation, an NGO founded in 2000. Ja Nan has been directly involved in the peace process in a number of roles including as a Technical Adviser to the Nationwide Ceasefire Coordination Team (NCCT), the negotiation team of ethnic armed organisations and a co-facilitator of the NCCT and Government of Myanmar negotiations for the Nationwide Ceasefire Agreement (NCA) from 2013 to 2015. Since the NCA signing in October 2015 Ja Nan has been involved in implementation negotiations. The formal Political Dialogue process, which commenced in January 2016, saw Ja Nan in the role of overall co-facilitator in addition to co-facilitating the dialogue sessions for the 'Politics' theme. Ja Nan is also a Technical Consultant to Kachin Independence Organisation Technical Advisory Team. She holds an MA in Conflict Transformation from Eastern Mennonite University in Virginia, USA and was a Chevening Fellow at Birmingham University in the United Kingdom in 2008.

In the Myanmar peace process, I wear various hats: technical adviser for the ethnic armed groups or organisations (referred to as EAOs); co-facilitator of the main committee of the formal political dialogue between these EAOs, the government and the Tatmadaw (the Myanmar army); leader of a peacebuilding NGO; and member of an ethnic minority group with a stake in a more inclusive country.

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My late father, Baptist Reverend Saboi Jum, mediated a ceasefire – the first written agreement – between the Tatmadaw and the Kachin Independence Organisation (KIO) in 1994 that lasted 17 years. With this heritage, I was considered a trusted pair of hands by the EAOs. Yet I encountered suspicion from them about my motivations to engage in peace activities, particularly as the KIO was no longer involved in the

formal national ceasefire process after 2015. However, over time they came to know from my actions and deeds that my Kachin identity was not an obstacle and did not interfere with my role. After 70 years of division over religion and ethnicity, many do not feel comfortable moving beyond their identity groups, but the EAOs came to see that what I would do for Kachin people, I would also do for their people.

Peace process dynamics and actors

The Myanmar peace process is uniquely nationally led. The government and military continue to be highly cautious about international involvement and interference from neighbouring countries. From 2011 to 2014 there was a promising political moment, with the quasi-civilian government prepared to learn from other peace processes and identify where Myanmar could adapt or create its own mechanisms. The formal protagonists – the military, EAOs and successive governments – developed a complex architecture to reach a nationwide ceasefire agreement (NCA) and formal political dialogue. By the end of 2019 it was signed by ten EAOs. Political parties became involved after the NCA was signed and as part of the negotiations to develop the architecture for the formal political dialogue.

From 2010 to early 2015 there were 21 EAOs considered as dialogue partners by then President Thein Sein, the



former general turned reformer. This reduced to 16 EAOs negotiating collectively as a bloc, while the remaining five negotiated bilateral agreements with the government. Towards the end of the NCA negotiation, the 16-group bloc learned that some of them would not be allowed to sign as they did not control territory. In solidarity, some EAOs asserted an 'all-inclusive principle' and decided not to sign the NCA until all relevant EAOs could.

Prior to the NCA, and over successive decades, there had been a bitter history of bilateral ceasefires between EAOs and the Tatmadaw that were mostly 'gentleman's agreements' without written conditions. Ceasefires became an instrument of control to divide and conquer and never led to political negotiations. During the military regime of 1988 to 2010, numerous EAOs agreed to bilateral ceasefires and converted to Border Guard Force (BGF) and militia incorporated into the Tatmadaw. This controversial system led many EAOs that became part of the BGF or militia to access opportunities in illicit or licit businesses. In addition, some were commissioned to fight against other EAOs, creating enormous divisions and animosities.

In the more dynamic phase of the peace process, up to October 2015, the now dissolved Myanmar Peace Centre (MPC) was a hive of activity. It played many roles to keep multiple pathways open and fluid, and fostered political and personal relationships. The MPC was not a fully representative mechanism and was dominated by Burmese men. But it played a vital role in keeping the parties in contact with each other – fostering informal and formal connections. (For more detail on secretariats, see the article 'Peace secretariats and dialogue promotion – Potential and limitations' in this edition.) This was complemented by the informal activities of NGOs and blossoming think-tanks that brought various sides of the

multiple conflicts together in hundreds, if not thousands, of dialogues, workshops, seminars, study tours – some more relevant and effective than others.

The Myanmar process is a hybrid: the ceasefire agreement and implementation apparatus are linked to broader peace negotiations occurring within the formal Framework for Political Dialogue (FPD). The State Counsellor (*de facto* President), Daw Aung San Suu Kyi, is the Chair of this process and there are three co-facilitators representing the EAOs, political parties and the government. I am the co-facilitator for the EAOs. Almost all EAOs share the same political goal – building a genuine federal union with rights to self-determination, equality and democracy – but they are diverse in many ways including religion, culture, environment, size, governance, history and political experience. This results in divergent capacities, fears, behaviours, ideology and political interests in the negotiations.

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The peace process is now so complex that many participants have lost track of all the moving parts. Many international actors are also involved as advisers, analysts and donors. This adds more complexity in a context where international intervention and presence is generally viewed with suspicion, and traditional international mediation is not possible.

The EAOs must work patiently to understand each other's positions and interests to forge common positions. This involves compromise and negotiation so they can speak

with a combined voice. The same can be said for the government side, where the Tatmadaw and the government have different goals and interests. Nyein staff and I assist the EAOs in roles of accompaniment and through facilitating informal and formal meetings to support building common positions. For many years Nyein also hosted a *de facto* secretariat for the EAOs (signatory EAOs now have their own secretariat).

‘Jointness’ and managing asymmetries

Just before the first meeting to discuss a nationwide ceasefire between the EAOs and the then quasi-civilian government, it was decided to have co-facilitation of the talks, with a representative from each side to manage equity in the process and foster ‘jointness’. There was no precedent to build on. The leader of the EAO bloc was not sure how this could work best and asked me to assist as co-facilitator. I stayed in the role, always with a Burmese male counterpart as a ‘co-pilot’ (four men over the period up to the formal signing in October 2015).

The NCA is signed by two parties: the government and EAOs. It should therefore be jointly owned and implemented, but this was rarely the case. In practice, in both mechanisms for ceasefire implementation and the political dialogue, the Tatmadaw (lead in ceasefire implementation) and government (lead in political dialogues mechanism) dominate, while the EAOs are in deputy or subordinate roles. This results in them feeling like secondary actors and reminds them of 1947, when ethnic nationalities joined to secure independence from colonial Britain only to be let down by the Burmese with the Panglong Agreement neither respecting nor addressing ethnic aspirations.

Other asymmetries relate to gender and language.

In Myanmar’s male-dominant culture, men naturally think they should be in lead roles. Language issues were also a factor. As Burmese is my second language, sometimes I was frustrated with not being able to articulate ideas clearly. During the NCA negotiations, to overcome my fears and differences with my male Burmese co-facilitator, we talked through the agenda and assigned various sections for each of us to facilitate.

Peacemaking challenges – Working with ambiguity

Initial expectations of me were to be a master of ceremonies – a gender-appropriate role for women in Myanmar. However, I was interested in doing more than this and saw opportunities to build links between people. Not everyone liked or wanted this facilitation style: at one point a Tatmadaw general interjected, ‘stop summarising!’ Some government officials refused facilitation because this did not suit their interests and ability to manipulate outcomes. But after several meetings, another general commented

on how useful this new style was. This change of heart was probably influenced by a clear leadership signal from former President Sein Thein to do things differently.

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A key challenge as an insider mediator is maintaining trust with both sides. For example, I must listen carefully to what everyone says (and does not say) at the negotiation table and summarise the discussion impartially. If the summary is accepted by both sides, I have done my job well. Insider mediators must maintain good personal relationships with all parties. I am mindful to not only engage with EAO leaders and staff but also to reach out to government and Tatmadaw leaders and their staff.

Sometimes I felt the expectations of EAOs was for me to speak *for them*. However, all I can do is create the space for them to speak. Not every negotiator is operating from the same starting point or strengths and over time this style of facilitation has proven effective for those operating in languages other than Burmese or English, or with less formal education, to follow the proceedings. This approach comes with certain pressures, particularly in hierarchical and rigid cultures such as Myanmar’s. For example, when I am summarising discussions, participants listen very carefully as this is recorded in the minutes and I need to capture all perspectives fairly.

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In tense situations, as a woman I can say things that are perceived as less threatening. From time to time my male co-facilitators ask me to manage tricky issues because of my style and perhaps because I am female. Sometimes I experience pushback, but my personal style and reputation help to navigate these tougher moments. I also bring a deep familiarity with the spirit and intentions of the NCA,

an understanding of the fabric behind the words on paper. This historical continuity is valuable, especially as the process became bogged down on issues of process and form.

Terms of reference or not?

Since 2017 there has been a review of the FPD by the parties as it was not clear how the peace talks could connect with parliamentary processes. The self-administered formal review also aimed to clarify other matters such as changes to the chairing of various committees and mechanisms for more equitable representation of EAOs and political parties. (There have also been informal reviews offered by individuals and organisations to the various parties.) The review ground to a halt around October 2018. Reinvigorating the process seems further away than ever. My co-facilitators and I had asked for Terms of Reference (ToR) for the facilitator role in the review process, so we could clearly know the parameters. But in fact, without ToR we have been able to broaden discussions. My thinking has shifted, and I see the value of not always having explicit ToR and the opportunities that more flexibility can offer.

In the current negotiations that I co-facilitate, I rarely get to ask searching questions. I can probe deeper informally, but the willingness to shift to the resolution rather than the management of conflicts is slow and dependent on individual will and capacities. There are some who are willing to go deeper on the issues and want to understand the concerns of their counterparts. We need more people with this frame of mind for more effective pathways to peace.

There are various people playing insider mediator roles. One or two from the teams of the government and EAOs informally engage and have explored options to break the 2018–19 deadlock. This involves shuttling back and forth, bringing options to their respective leaders and forging pathways. It is sensitive work. Furthermore, insider mediators can be perceived and accused of playing all sides and can lose the trust of their own party.

Unsticking a stalled process

The process began to stall from late 2018 and through 2019. There are multifaceted reasons for this, but as of early 2020 some progress was made by all sides on troop repositioning – a major sticking point. Unclear demarcation has made it virtually impossible for the ceasefire monitoring mechanism to work effectively. Not only did ceasefire implementation stall but also the political dialogue process. Convening official national dialogues has become contested terrain, further excluding the public from contributing and raising concerns.

The 2015 ceasefire agreement provided a mandate for EAOs to convene such dialogues with their own constituencies. Nyein staff and I have accompanied the signatory EAOs through two national dialogue rounds, providing advice on international good practice. This process has been patchy and subject to interruption by the military, which cites security concerns.

Over 2019 the government, Tatmadaw and EAOs have engaged in informal meetings. I have also facilitated



Myanmar President Thein Sein (seated, centre) looks on as Aung Min (left), vice chairperson of the Union Peace Working Committee, shakes hands with Naing Han Tha (right), a leader of the Nationwide Ceasefire Coordinating Team, after they sign a nationwide ceasefire draft agreement at the Myanmar Peace Centre in Yangon on 31 March 2015. Ja Nan Lahtaw is pictured (standing, centre). © STR/AFP via Getty Images

and coordinated informal meetings between the NCA signatory and no-signatory EAOs on developing principles for a federal state. Building on some good relations with members of the government delegation and leaders from the KIO, I facilitated informal meetings between them. These have increased trust between the parties in a small but significant way, resulting in the Tatmadaw considering proposing options for EAOs to convene further national dialogues with their communities.

Perceptions of international actors

The international community increasingly refers to the importance of insider mediation and local mediation, but my experiences of international support are mixed. Nyein has been supported by many donors and INGOs with an array of relationships related to this support – direct, indirect, hands off, and more demanding expectations for information and connections. I observe several confusing trends and concepts. Navigating and managing international interests, branding expectations and funding requirements have become a major strand of the peace process, in ways unforeseen in 2011–12.

Study tours are one example. These are often used by international actors as a stepping-stone to building relationships with the government and EAOs. The purpose of the tour is generally benignly framed – for example, the process is stalled, both parties need a space to talk and build trust and being out of the country can help them connect. However, the key objectives are rarely achieved. The combination of frequent and poorly coordinated study tours takes key decision-makers out of the country, ironically exacerbating the problems with unblocking the peace process. Study tours have also contributed to internal competition, as not all EAOs or government leaders are selected – especially if they do not speak English.

Some INGOs that have been in the country for decades and have blended with local and national actors with a good handle on conflict drivers and community dynamics. Newer INGOs or UN staff, however, are not always

so careful and are increasingly associated with using NGOs to access EAOs and conflict-affected communities. They can also be inconsistent about the roles of local and national actors in peace processes: for example, relegating local actors to ‘the back seat’ while they lead. While many have specific and useful skills, they could benefit from more humility and adopting approaches that encourage meaningful partnerships.

An effective form of support is side-by-side from a reliable individual or team, knowing that I can call on them as needed and that they will respond quickly with comparative expertise or practical assistance. Rapid and flexible response from donors is also vital as there are so many factors that disrupt activities and projects far beyond our control. There are some good examples of donor flexibility. A pool of unearmarked funding is also critical for responding proactively to opportunities to forge dialogue, without losing momentum owing to the need to fundraise.

Conclusion

In a context like Myanmar, where armed conflict is protracted and there are multiple peace processes, conflict parties find it challenging to speak with one voice. There is also limited third-party involvement (although China can be considered the main external influence).

The role of insider mediators is increasingly important. Yet it can be a lonely position and we can be perceived as disloyal to our ‘own’. We also face challenges around language, ethnicity and gender. We work discreetly and frequently deny our efforts in creating and nurturing pathways to peace.

The complex Myanmar architecture for peacemaking makes it difficult to inject fluidity back into the system and grow new and creative pathways. Suffice to say, the core challenge is mistrust and a deep scepticism about what and who this peace process is for. We stick with it, however, because it has been our best chance to find a political settlement for generations.