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*The Fractured Centre: ‘Two-headed government’ and threats to the peace process in Myanmar**

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Abstract

This article analyses the evolving nature and dynamics of the relationship between the centre and the periphery by examining how semi-democratic reforms have shaped and influenced the peace negotiation process between the government and ethnic armed organizations (EAOs) since 2011. We demonstrate that while the 2008 constitution has reduced restrictions on political, economic, and cultural activities in Myanmar, it has also inevitably produced a ‘two-headed government’ after the main opposition party, the National League for Democracy (NLD), took charge in 2016 and was forced to share power with the military. This ‘two-headed’ government is the result of the historical distrust between the NLD and the army, combined with the NLD’s lack of a clear strategy in dealing with EAOs. This has enabled the army to assert its well-articulated and hardline approach—without itself having an effective strategy or the capacity to end the country’s armed insurgencies or bring the peace process forward. We show that the split at the centre has produced inertia and weakened the ability of the central government to formulate and implement effective policy, and further undermined the prospects for national reconciliation. Situating this case study within the wider literature of centre–periphery relationships and democratic transition, this article offers a nuanced and comprehensive analysis of how specific institutional arrangements at

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the centre in semi-democratic settings affect relations in both the centre and the periphery, as well as centre–periphery relationships.

Introduction

This article analyses the evolving nature of the relationships between the centre and the periphery by examining how semi-democratic reforms have shaped and influenced the peace negotiation process between the government and ethnic armed organizations (EAOs) since 2011. We demonstrate that while the 2008 constitution has reduced restrictions on political, economic, and cultural activities in Myanmar, it has also inevitably produced a ‘two-headed government’ after the main opposition party, the National League for Democracy (NLD), took charge in 2016 and was forced to share power with the military. This unwieldy form of government has undermined the peace negotiation process between the state and non-state armed groups in three ways: (1) by weakening the role of the civilian government in leading the negotiations; (2) by limiting the open communication that is necessary between the military and the civilian government to iron out minor policy differences; and (3) by creating inconsistencies and adding a further layer of bureaucracy to the peace process. Situating this case study within the wider literature of centre–periphery relationships and democratic transition, this article offers a nuanced and comprehensive analysis of how specific institutional arrangements at the centre in semi-democratic settings affect relations in both the centre and the periphery, as well as centre–periphery relationships.

Theoretical frameworks: understanding centre–periphery relationships

State-societal relationships have often been examined by applying the ‘centre–periphery’ framework (used interchangeably with the polarities ‘majority–minority’, ‘lowlanders versus highlanders’, or ‘valleys versus hill people’).¹ Generally speaking, centres (often state capitals) are

¹ E. R. Leach, ‘The frontiers of Burma’, *Comparative Studies in Society and History*, vol. 3, no. 1, 1960, pp. 49–68. S. Tambiah, ‘The Galactic polity: The structure of traditional kingdoms in Southeast Asia’, *The Annals of the New York Academy of Science*, vol. 293, no. 1, 1976, pp. 69–97.

privileged locations with high concentrations of military-administrative, economic, and cultural institutions.² Peripheries, on the other hand, are often described as dependent, remote, vulnerable (and sometimes conquered) territories marked by a parochial culture, a separate identity, and a poorly developed economy, administered by officials who take instructions from a geographically remote centre.³

Scholars of Southeast Asia have long noted the fluid, porous, fragmented nature of both centres and peripheries in the region. They describe specific arrangement between the centre (king or capital region) and its satellite provinces in pre-colonial Southeast Asia variously as a 'circle of kings', 'mandala', or 'galactic polity'.⁴ The king's relations with 'vassal' or 'tributary' states, which also exercised influence over their respective areas of control, were personal, diffuse, and evolving. As one legacy of this situation, ethnic minorities on the periphery continued to hold colonial and post-colonial states at a distance even after boundaries were officially demarcated.⁵ This type of political arrangement differs from the Westphalian notion of a territorially defined state with a centralized bureaucracy to govern its citizens through the legitimate use of force.⁶

In Myanmar, the continuing activity of multiple armed rebel groups since the country's independence from the United Kingdom (UK) in 1948 reflects the fact that the peripheral areas have still not been fully incorporated into the nation-state system. Many commentators have examined the phenomenon of pluralist governance in the periphery areas, and activities within and across the centre and the periphery.⁷

² S. Rokkan and D. Urwin, *Economy, territory, identity: Politics of West European peripheries* (London: Sage, 1983).

³ *Ibid.*, p. 2.

⁴ Tambiah, 'The Galactic polity'; O. W. Wolters, *History, culture, and region in Southeast Asian perspectives* (Ithaca: Southeast Asian Program Publications, Cornell University, 1999).

⁵ James Scott, *The art of not being governed: An anarchist history of upland Southeast Asia* (New Haven: Yale University, 2009).

⁶ Leach, 'The frontiers of Burma', p. 49.

⁷ F. K. Lehman, *The structure of Chin society. A tribal people of Burma adapted to a non-Western civilization* (Urbana: University of Illinois Press, 1963). E. R. Leach, *Political systems of highland Burma: A study of Kachin social structure* (Cambridge: Harvard University Press, 1954). Naoko Kumada, 'Margin to mainstream, periphery to center: Geopolitics and the anthropology of Burma and the Silk Roads', *Asian Journal of Comparative Politics*, vol. 3, 2018, pp. 258–268. Su-Ann Oh (ed.), *Myanmar's mountain and maritime borderscapes: Local practices, boundary-making and figured worlds* (Singapore: Institute of Southeast Asian Studies, 2016).

However, since the 1970s, the Myanmar army, or Tatmadaw, has gradually extended its presence in areas previously controlled by non-state armed groups, either through outright military defeat or ceasefire agreements. In addition, territories with concentrated minorities in peripheral areas have become more heterogeneous as a result of the influx of people from lowland areas.⁸ Centre–periphery relationships were further transformed after the military held multiparty elections in 2010. The electoral victory of the Union Solidary Development Party (USDP), a party created by the military, was followed by unprecedented democratic reforms, including renewed negotiations with non-state armed groups to explore non-violent solutions to end the civil war.⁹

Studies have shown that the relationship between democracy (defined minimally in terms of competitive elections and a government elected by a majority vote), on the one hand, and state-societal relations and inter-communal relationships, on the other, is complicated because of the presence of various types of democracy and other multiple factors that impact on these relationships. Some scholars, however, point to positive associations between democracy and state-society relationships by showing that electoral incentives have forced state leaders to be more responsive to the needs of citizens than their authoritarian predecessors.¹⁰ Democratic transition is also associated with the emergence of new opportunities and channels through which individuals can express their grievances to policymakers.¹¹ Political parties seeking a majority vote

⁸ Lawi Weng, 'Ethnic parties in Myanmar worried proposed voter registration changes will hurt their election chances', *The Irrawaddy*, 18 November 2019, available at <https://www.irrawaddy.com/news/burma/ethnic-parties-myanmar-worried-proposed-voter-registration-changes-will-hurt-election-chances.html>, [accessed 19 November 2020].

⁹ N. Farrelly, 'Electoral sovereignty in Myanmar's borderlands', in Justine Chambers, Gerard McCarthy, Nicholas Farrelly and Chit Win (eds), *Myanmar transformed? People, places and politics* (Singapore: Institute of Southeast Asian Studies, 2019), p. 65.

¹⁰ Rubén Ruiz-Rufino, 'Satisfaction with democracy in multi-ethnic countries: The effect of representative political institutions on ethnic minorities', *Political Studies*, vol. 61, 2013, pp. 101–118. Tariq Thachil and Emmanuel Teitelbaum, 'Ethnic parties and public spending: New theory and evidence from the Indian states', *Comparative Political Studies*, vol. 48, no. 11, 2015, pp. 1389–1420.

¹¹ Simplice Asongu and Jacinta Nwachukwu, 'Law, politics, and the quality of government in Africa', *Politics and Policy*, vol. 44, no. 5, 2016, pp. 916–944. Alessandro Pellegata, 'Constraining political corruption: An empirical analysis of the impact of democracy', *Democratization*, vol. 20, no. 7, 2013, pp. 1195–1218.

must mobilize a broad section of the population and so encourage cross-cutting coalitions and inter-ethnic collaborations.¹²

Other investigators, however, have found that democracy has a negative impact on inter-ethnic relationships through (1) the marginalization of minority voices by majority rule;¹³ (2) the use of violence by some groups to affect electoral outcomes¹⁴; and (3) the intensification of tensions among cultural groups who form political parties along ethnic and religious lines.¹⁵ Some studies have also highlighted the practice of ‘outbidding’ whereby ethnic political parties make exclusive appeals to their constituents to undermine rival ethnic parties that advocate for compromise.¹⁶ This approach has resulted in extreme policy positions and undermined cooperation across different ethnic groups. In addition, the transitional democratic period has been marked by a spike in communal violence following the removal of the lid on pent-up frustrations previously contained by authoritarian measures.¹⁷

Both positive and negative aspects of democratic transition have been observed in Myanmar since 2011. Limited democratic reform has improved the situation of the country’s minority groups by removing restrictions on cultural activities, providing alternative channels (such as regional governments, independent media, and special investigation committees) for expressing grievances, and creating electoral incentives for politicians to be responsive and accountable to their constituents.¹⁸

¹² David Ciepley, ‘Dispersed constituency democracy: Deterritorializing representation to reduce ethnic conflict’, *Politics and Society*, vol. 41, no. 1, 2013, p. 141. Charles Butcher and Benjamin E. Goldsmith, ‘Elections, ethnicity, and political instability’, *Comparative Political Studies*, vol. 50, no. 10, 2017, pp. 1390–1419.

¹³ H. Fjelde and K. Höglund, ‘Electoral institutions and electoral violence in sub-Saharan Africa’, *British Journal of Political Science*, vol. 46, 2016, pp. 297–320.

¹⁴ T. Dunning, ‘Fighting and voting: Violent conflict and electoral politics’, *Journal of Conflict Resolution*, vol. 55, 2011, pp. 327–339.

¹⁵ Masaaki Higashijima and Ryo Nakai, ‘Elections, ethnic parties, and ethnic identification in new democracies: Evidence from the Baltic states’, *Studies in Comparative International Development*, vol. 51, 2016, p. 125.

¹⁶ Smitana Saikia, ‘General elections 2014: Ethnic outbidding and politics of “homelands” in Assam’s Bodoland’, *Contemporary South Asia*, vol. 23, no. 2, 2015, pp. 211–222.

¹⁷ Ciepley, ‘Dispersed constituency democracy’, p. 136.

¹⁸ See, for example, Su Mon Thazin Aung, ‘Governing the transition: Policy coordination mechanisms in the Myanmar core executive, 2011–2016’, PhD thesis, University of Hong Kong, 2017. Richard Batcheler, *State and region governments in Myanmar* (Yangon: The Asia Foundation, 2018). Ardeh Thawngmung and Yadana, ‘Citizenship and minority rights: The role of “National Race Affairs Ministers” in Myanmar’s 2008

As in other ethnically divided societies, however, the transition to democracy has been followed by a series of protests as well as outbreaks of communal violence. In northern Rakhine state in particular, decades of tension and localized violence between Rakhine Buddhists and Muslim Rohingya (which were contained under successive military regimes) erupted in a major outbreak of communal violence in 2012 and quickly spread to the rest of the country.¹⁹ Newfound democratic norms also privileged the majority, whose growing prejudice against Muslims pressured elected members of parliament to pass anti-Islamic laws in 2015.²⁰ The Rohingya's situation further deteriorated after the opposition party, the NLD, came to power in 2016. The army's scorched-earth operations against a Rohingya militant group that attacked border posts in 2016 and 2017 left thousands dead and prompted the outflow of at least 700,000 Rohingya to Bangladesh.²¹ The resulting international condemnation and punitive measures against the country have only encouraged Burmese to get behind the government and the army.

Shared perceptions of the threat posed by Muslims in Rakhine state and a shared distrust of Burman (a majority population in the country) also led to the merger of two rival Rakhine political parties into the Arakan National Party (ANP) and their electoral success in Rakhine state in 2015. However, the ANP soon split into moderate and hardline factions, with the latter increasingly resorting to 'ethnic outbidding' to appeal to the Rakhine electoral base and undermine rival ethnic as well as Burman-dominated parties (such as the USDP and NLD) by using extreme anti-Islamic, anti-Rohingya, and anti-Burman campaign rhetoric.²²

The NLD's relations with the two best-performing ethnicity-based parties—the ANP and the Shan National League for Democracy (SNLD), which won more seats than the NLD in their respective state legislatures—deteriorated after the NLD rejected their request to consider appointing their members as state chief ministers. The NLD

constitution', in Ashley South and Marie Law (eds), *Citizenship in Myanmar: Ways of being in and from Burma* (Singapore and Chiang Mai: Institute of Southeast Asian Studies/Chiang Mai University Press, 2017), pp. 113–139.

¹⁹ See Francis Wade, *Myanmar's enemy within: Buddhist violence and the making of a Muslim 'Other'* (London: Zed Books, 2017).

²⁰ Global Legal Monitor, 'Burma: Four "Race and Religion Protection Laws" adopted', available at <http://www.loc.gov/law/foreign-news/article/burma-four-race-and-religion-protection-laws-adopted/>, [accessed on 20 November 2020].

²¹ See UNHRC, 'Rohingya emergency', available at <https://www.unhcr.org/en-us/rohingya-emergency.html>, [accessed 19 November 2020].

²² Mratt Kyaw Thu, 'Why did Aye Maung win in Ann?', *Frontier*, 3 April 2017.

instead chose two of its own elected members as Rakhine and Shan chief ministers.²³ The NLD's relationships with Mon and Kayah civil society groups and political parties also took a turn for the worse after the NLD-dominated Lower House voted in 2017 to name a new bridge in Mon state after national independence hero Bogyoke Aung San (Aung San Suu Kyi's father) and after the NLD erected statues of him in Kayah and other ethnic minority states.²⁴ Mon and Kayah communities saw these actions as examples of Burmanization and castigated the government for failing to consult local people.²⁵ Similarly, Karen civil society groups and political parties were outraged when the government prohibited references to Ba U Gyi—a Karen revolutionary hero who was killed by the Myanmar government in the independence period—as a 'martyr' at a public ceremony.²⁶

In addition to features that are often associated with democratic transition in various parts of the world, centre–periphery relationships in Myanmar have been further affected by the reconfiguration of power dynamics at the centre after the NLD came to power in 2016. An unprecedented phenomenon in the post-colonial period, this is most clearly seen in the 'two-headed government' in which the civilian administration presides over the daily operations of government and makes decisions on 'political' matters, while the military exercises complete authority over military and 'security' matters.

Similar hybrid arrangements were observed in the power-sharing arrangements between two rival prime ministers in Cambodia in 1993, in reserved legislative seats for the army and police in the semi-civilian government of Suharto's Indonesia, and in semi-military regimes in various parts of the world.²⁷ Some of these arrangements ultimately reverted to a unitary system, as in the case of Cambodia, where the

²³ Kyaw Phone Kyaw, 'NLD goes it alone: Raising ethnic party ire', *Frontier*, 2 May 2016.

²⁴ 'Controversial Bogyoke Aung San Bridge opens today', *Coconuts Yangon*, 27 April 2017, available at <https://coconuts.co/yangon/news/controversial-bogyoke-aung-san-bridge-opens-in-mon-state/>, [accessed 19 November 2020]. Nyan Hlaing Lynn, 'Union minister criticizes own daughter, NLD over Mon bridge name dispute', *Frontier*, 16 March 2017.

²⁵ 'Myanmar's NLD cautions protesters who oppose Aung San Statue in Kayah state', *Radio Free Asia*, 7 July 2018, available at <https://www.rfa.org/english/news/myanmar/myanmars-nld-cautions-protesters-07062018165754.html>, [accessed 19 November 2020].

²⁶ Nyein Nyein, 'Karen Martyrs' Day case shows ethnic rights in retreat under present Myanmar government', *The Irrawaddy*, 19 September 2019.

²⁷ See, for example, Dan Slater and Joseph Wong, 'The strength to concede: Ruling parties and democratization in developmental Asia', *Perspectives on Politics*, vol. 11, no. 3, 2013, pp. 717–733.

prime minister Norodom Ranariddh was forced out, or in Indonesia, where the military withdrew from parliament in 2004.

While studies that examine centre–periphery relationships through the ‘mandala’ framework²⁸ or through democratic transition offer valuable insights, few comparative studies have explored in detail how hybrid political systems affect state-societal interactions. A growing number of studies on Myanmar have examined the impetus for political reforms in 2011, contradictory aspects of democratic transition, and the challenges associated with NLD government in the post-2015 period.²⁹ They highlight a number of prominent challenges faced by the country: the military’s dominant role in politics, mismanagement by Aung San Suu Kyi of the political situation, and the inability of the centre to reach viable solutions with ethnic armed organizations. However, none of these existing studies has examined how evolving institutional arrangements, based on power sharing between the civilian government and the military, have shaped and influenced state-societal relationships.

A case study of Myanmar will not only shed light on the ways in which its ‘two-headed government’ has undermined peacebuilding efforts, but will also enhance our understanding of how different arrangements in semi-democratic settings variously affect the centre, the periphery, and centre–periphery relationships. Our material is drawn from secondary sources, interviews with 15 experts and key actors in the peace process, and from our experiences as participants in Myanmar’s peace process since 2012. Our respondents include local researchers, negotiators and mediators for both ethnic armed organizations and the government, participants in the peace process representing non-government organizations and political parties, and specialists in Myanmar politics. Except for those who permitted us to mention their names, we have kept most respondents’ identities anonymous.

A fragmented periphery: actors and institutions

We use the term ‘periphery’ to refer to more than a hundred minority groups who constitute over 30 per cent of the population of Myanmar.

²⁸ Used to describe the political system of pre-colonial Southeast Asia.

²⁹ See, for example, Zoltan Barany, ‘Burma: Suu Kyi’s missteps’, *Journal of Democracy*, vol. 29, no. 1, 2018. Lee Jones, ‘Explaining Myanmar’s regime transition: The periphery is central’, *Democratization*, vol. 21, no. 5, 2014, pp. 780–802. Adam Simpson, Nicholas Farrelly and Iran Holliday, *Routledge handbook of contemporary Myanmar* (London: Routledge, 2018). Chambers et al. (eds), *Myanmar transformed?*

While many of them live in their respective ethnic homelands bordering China, Laos, Thailand, Bangladesh, and India, many others live alongside the Burman majority in Burma's heartland. Myanmar's periphery encompasses a diverse array of ethnic and language groups which nonetheless share common grievances against the central government, dominated by the majority Burman people (around 68 per cent of the population).

Despite overlapping and fluid ethnic categories, the government has recognized 135 *tain yin thar* (indigenous) groups that are automatically eligible for full citizenship and its associated benefits.³⁰ Descendants of migrants from China and South Asia (such as Rohingya) are not recognized as official national groups, but can apply for inferior classes of citizenship and face other forms of discrimination. The Muslim Rohingya of northern Rakhine state are the most vulnerable group in this regard.³¹

These non-Burman minorities differ in terms of their political objectives, approaches to achieving these goals, and their relationships with Burman and the government. Of the ethnically based organizations that claim to represent their respective constituents, the most prominent are the armed groups that have received significant attention from the academic and policy communities. Some of these EAOs have nationalist aspirations and explicit political agendas, can field relatively large military forces, enjoy legitimacy among their constituents, and operate like sovereign states by imposing taxes and providing educational and healthcare services within the areas under their control. Others are smaller and mainly interested in self-advancement and operating businesses, including illicit ventures such as the production and trafficking of drugs. In 2015 there were at least 20 ethnic armed organizations active in Myanmar, ranging in size from a few dozen personnel up to approximately 30,000 soldiers. In

³⁰ Although experts have challenged the arbitrary manner in which these categories were drawn up, the official categories remain widely cited because of a lack of alternatives. The government has not released the results for ethnic groups from the 2014 population census. Ethnic groups such as Shan, Kayin (Karen), Rakhine, Mon, Kachin, Chin, and Kayah represent around 8.5, 6.2, 4.5, 2.4, 1.4, 2.2, and 0.4 per cent of the total population, respectively. There are numerous smaller linguistic groups in Myanmar, most of which are subgroups within the dominant linguistic groups.

³¹ Ardeth Thawngmung, 'Politics of indigeneity in Myanmar: Competing narratives in Rakhine state', *Asian Ethnicity*, vol. 17, no. 4, 2016, pp. 527–547. See *Journal of Contemporary Asia*, vol. 47, no. 3, 2017, Special Issue on communal relationships in Myanmar, pp. 335–352.

addition, there were 223 Tatmadaw Border Guard Force battalions (BGFs), drawn from ceasefire groups that have been subsumed under the command and support structures of the Tatmadaw, eight Pyithu Sit or 'people's militias' (similar in structure to BGFs, but under looser control), and countless smaller state-linked militias, as well as numerous armed criminal organizations (often splinter factions from other groups).³²

In second place are the ethnic political parties, which have played a growing role in the more relaxed political environment that has emerged since 2011 and represent more than half of the political parties that contested the national elections in 1990, 2010, 2015, and 2020.³³ A few have allied themselves with nationwide, Burman-dominated political parties such as the USDP and the NLD. While ethnic political parties seek to implement change within the existing legal framework through non-violent means, they are situated on a broad spectrum depending on their relationships with the central government, Burman populations, and with armed groups representing similar constituencies. Many of the ethnic political parties that gained seats in the 1990 poll allied with the NLD and boycotted the 2010 elections, splitting with their compatriots, who left them to form new political parties to contest the elections in 2010.³⁴ The decision by the NLD and its allied 1990 ethnic parties to enter mid-term elections in 2012 and general elections in 2015 took most seats away from the ethnic parties that had won seats in the 2010 elections.³⁵

The third category of ethnicity-based organizations includes civil society groups that are managed by minority ethnic leaders and focus on particular concerns, ranging from religious to humanitarian to women's and environmental issues. Although many of these organizations

³² Kim Joliffe, *Ethnic conflict and social services in Myanmar contested regions* (Yangon: The Asia Foundation, 2014). John Buchanan, *Militias in Myanmar* (Yangon: The Asia Foundation, 2016).

³³ Transnational Institute, 'Ethnic politics and the 2015 elections in Myanmar', Myanmar Policy Briefing no. 16, Yangon, September 2015, available at <https://www.tni.org/en/publication/ethnic-politics-and-the-2015-elections-in-myanmar>, [accessed 19 November 2020]. Susanne Kempel, Chan Myawe Aung Sun and Aung Tun, *Myanmar political parties at a time of transition: Political party dynamics at the national and local level* (Yangon: Pyoe Pin International, 2015).

³⁴ Kempel et al., *Myanmar political parties*.

³⁵ Ardeth Thawngmung, 'The Myanmar elections 2015: Why the National League for Democracy won a landslide victory', *Critical Asian Studies*, vol. 48, no. 1, 2016, p. 133. Ardeth Thawngmung and Gwen Robinson, 'Myanmar's new era: A break from the past or too much of the same?', *Southeast Asian Affairs*, 2017, p. 244. Thawngmung and Yadana, 'Citizenship and minority rights', pp. 113–139.

advocate exclusively for their respective groups, at times their activities cut across ethnic and religious boundaries.³⁶

Between 1962 and 2010, government forces engaged in brutal military campaigns against anti-state armed groups, undertook harsh reprisals against civilians for their alleged support for these groups, suppressed various forms of ethnic identity and cultural expression, and pressured groups into endorsing bilateral, unwritten ceasefire agreements. The divisions and disagreements among and between these groups have allowed the central government to adopt a policy of 'divide and rule'. In sum, we can identify varying types of relationships (whether friendly or hostile, collaborative or competitive) and levels of tension operating between state and society (government/military versus ethnic armed organizations, political parties, and civil society groups) and in inter-ethnic and inter-communal relationships (Burman versus minority groups, conflict within minorities, Buddhist versus minority religious groups, and conflict within different religious groups).

In this article, we focus on the EAOs that represent several prominent, officially recognized groups and their relationships with the state.

The significance of the peace process

Until 2010, the Myanmar government dealt with ethnic armed insurgent groups on an ad-hoc basis, either through military campaigns, co-optation, or temporary bilateral ceasefire arrangements, most of which were only verbal. From 2011, the USDP government, led by President U Thein Sein, renewed or concluded bilateral ceasefire agreements with 14 armed groups.³⁷ It then negotiated a pact known as the Nationwide Ceasefire Agreement (NCA) which was designed to eventually include almost all the country's armed opposition groups.³⁸

The NCA marked a watershed because, for the first time in history (except for a brief period between 1958–1960 when there was a

³⁶ See, for example, Ashley South, *Civil society in Burma: The development of democracy amidst conflict* (Washington, DC: East-West Center, 2008).

³⁷ Institute for Security and Development Policy, 'Myanmar Nationwide Ceasefire Agreement', October 2015, p. 2, available at <http://isdp.eu/content/uploads/publications/2015-isdp-background-myanmar-nca.pdf>, [accessed 23 November 2020].

³⁸ Lwin Cho Latt, Ben Hillman, Marlar Aung and Khin Sanda Myint, 'From ceasefire to dialogue: The problem of "all-inclusiveness" in Myanmar's stalled peace process', in Chambers et al. (eds), *Myanmar transformed?*, pp. 231–250.

‘caretaker government’), the Myanmar government agreed to explore political (non-violent) solutions to end armed conflict in the country. Under the NCA, non-state signatories were allowed to keep their weapons, whereas in the past they had been asked to abandon them before entering into political negotiations. They also agreed to attend a series of local consultative meetings and nationwide peace conferences that would seek ways to reform the existing political system.³⁹

While in the past the government and the military had associated federalism with the secessionist movement and banned it from public discourse, under the NCA they accepted it as the foundation for a future, yet to be negotiated, political system. This development helped dismantle some of the roadblocks to negotiation, given that many EAOs trace the origins of their resistance to the excessive centralization of power exercised by a Burman-dominated government. With a few exceptions, all non-state armed groups were allowed to sign the NCA before joining political negotiations.⁴⁰ In addition, participants agreed to join discussions about an ‘interim’ period to acknowledge the responsibility of NCA signatories for development, education, healthcare, and security in their respective territories.⁴¹

Because the NCA was designed in such a way that any agreements in the negotiations *would be automatically adopted by the parliament*, EAOs saw it as a quick way to amend the constitution and to implement federal political structures.⁴² The formal route to amending the constitution is through parliament, which many see as more difficult, given that the military occupies a quarter of the seats.

The NCA structure is also significant because the peace process was to be jointly managed by the civilian government and the military. Proposals gathered at the grassroots level were, for instance, to be assessed by individual dialogue steering committees (DSCs) in specific areas (politics, security, the economy, social affairs, land, and the

³⁹ Under the 2008 constitution, the national parliament exercises legislative authority over almost all sectors, including health and education. In addition, the president, rather than the regional parliaments, appoints regional chief ministers, who then form administrations headed by cabinet ministers. These ministers do not have ministries of their own, but answer to the corresponding ministries based in the capital.

⁴⁰ Latt et al., ‘From ceasefire to dialogue’, pp. 240, 241.

⁴¹ See Ardeth Thawngmung, ‘Signs of life in Myanmar’s Nationwide Ceasefire Agreement? Finding a way forward’, *Critical Asian Studies*, vol. 49, 2017, pp. 379–395.

⁴² Respondent no. 8, a top KNU leader, conversation with author no. 1 (Ardeth Thawngmung), Yangon, 5 February 2015. Italics ours.

environment) and by the Union Peace Dialogue Joint Committee (UPDJC). The latter was authorized to set the agenda, rules, procedures, and basic principles for the various stages of political dialogue and to submit proposals for topics to be discussed at the Union Peace Conference (UPC), which will adopt the final agreements.

Although the DSCs and UPDJC, the two most important decision-making bodies, are composed of representatives drawn from the government, the military, parliament, political parties, and NCA signatories, the government and the army remain the key power brokers. They also participate in the UPC, a national body made up of 700 delegates, including parliamentarians, academics, and ethnic representatives. Based on the quota assigned to each group, the NLD, with a majority of the 300 representatives from the government, parliament, and political parties, and the military, with 150 representatives, dominate proceedings.⁴³ The NCA has also established the Joint Monitoring Committee (JMC), comprising government, military, and NCA signatories, to monitor the ceasefire on the ground.

While an agreement to build a future Myanmar on federal lines broke the political deadlock, federalism is not a cure-all for Myanmar's decades-old civil war. The EAOs claim to be fighting for self-determination and minority rights, and to represent their respective constituencies, but many lack democratic features. Federalism is likely to expand democratic spaces to the extent that it decentralizes power to regional authorities and makes them more responsive to local needs. However, ethnicity-based territories are an unrealistic option, given the fluid nature of cultural identity and the increasingly heterogeneous nature of ethnic homelands, and could worsen the situation of minorities within minorities (for example, the Rohingya in Rakhine state). It is beyond the scope of this article to assess the implications of federalism on Myanmar's multi-ethnic society as our focus here is to demonstrate how the emergence of a 'two-headed government' has undermined the centre and the prospects for national reconciliation through the peace process.

Split at the centre: the origins of Myanmar's 'two-headed government'

Soon after Myanmar gained independence from the UK in 1948, it plunged into civil war as a consequence of the civilian government's

⁴³ Thawngmung, 'Signs of life', pp. 385–387.

inability to deal with multiple armed insurgencies, representing both communists and a wide array of minority ethnic groups. This chaotic situation gave rise to entrenched military rule in 1962 and a socialist government controlled by the military, which lasted until 1988. The NLD emerged as an opposition movement amid nationwide anti-government protests in 1988 which, while it brought down the socialist government, resulted in a military coup in the same year. The NLD was then led (as it still is) by Aung San Suu Kyi, the daughter of prominent nationalist Bogyoke Aung San who was assassinated a few months before Burma gained independence. Suu Kyi spent most of her adult life abroad and married a British citizen but on her return to the country in 1988 to care for her ailing mother, she immediately became a formidable leader of the opposition movement.

The army promised and oversaw multiparty elections in 1990, which were won overwhelmingly by the NLD. However, instead of transferring power to the NLD as expected by many, the military reasoned that the elections were for electing candidates to draft a new constitution and used draconian measures to suppress opposition.⁴⁴ In 1992, it hosted a National Convention (NC) and invited elected members of political parties, as well as hand-picked delegates from the military, government, ceasefire armed groups, and technical experts, to draft a constitution.⁴⁵ The NLD and a number of ethnic organizations soon left the NC in protest against its authoritarian procedures and practices. However, the military managed to complete the draft in 2007, obtaining ‘overwhelming approval’ for the constitution through a national referendum held in 2008.⁴⁶

To some extent, the 2008 constitution incorporates structures that differ significantly from the unitary model adopted by previous governments. It was envisioned that a ‘disciplined’ democracy would be created through multiparty elections for members of national and regional parliaments, and indirect elections for president and vice-president by the national parliament. The constitution establishes separation of powers between

⁴⁴ Derek Tonkin, ‘The 1990 elections in Myanmar: Broken promises or a failure of communication?’, *Contemporary Southeast Asia*, vol. 29, no. 1, 2007, pp. 33–54.

⁴⁵ Martin Smith, ‘Ethnic participation and national reconciliation in Myanmar: Challenges in a transitional landscape’, in Travis Wilson (ed.), *Myanmar’s long road to national reconciliation* (Singapore: Institute of Southeast Asian Studies, 2006), pp. 38–74.

⁴⁶ See Human Rights Watch, ‘Vote to nowhere’, available at <https://www.hrw.org/report/2008/04/30/vote-nowhere/may-2008-constitutional-referendum-burma#>, [accessed 19 November 2020].

the executive, judiciary, and legislature; a bicameral legislature; and 14 state and regional parliaments.

However, it gives the military 25 per cent of all legislative seats, making it difficult to amend any of the constitution's key principles, which require approval by over 75 per cent of the national parliament.⁴⁷ It also gives the military control over three ministries—defence, border affairs, and home affairs—and, with the president's authorization, gives the commander-in-chief of the Defence Services the right to exercise sovereign powers during a state of emergency.⁴⁸ At the same time, however, the 2008 constitution seemingly attempts to mitigate the influence of the military by giving significant powers to the president as head of state and government, while simultaneously disqualifying Suu Kyi by imposing restrictions on any candidates with foreign spouses and children.⁴⁹ It also created the National Defense and Security Council (NDSC) as an overarching and coordinating body, empowering top civilian and military authorities to make important security decisions, allowing the president to declare a state of emergency, and enabling the NDSC to exercise authority during the transitional period.⁵⁰ The NDSC's 11-member body—which is over-represented by the military at six to five—consists of the president, two vice-presidents (one nominated by the military), the foreign affairs minister, the speakers of the lower and upper houses, the commander and deputy commander-in-chief, and three military appointees.

The NLD boycotted the constitution and refused to participate in the 2010 elections. This, along with vote manipulation by the army, led to a landslide victory for the military-sponsored USDP. The USDP government led by U Thein Sein, a former military general and prime minister, was composed of ex-military officials with considerable influence over the military, enabling it to bridge the constitutional divide between military and civilian government and present a relatively united front.

The NLD later joined the parliament as the main opposition party by winning the mid-term elections in 2012 after Aung San Suu Kyi was released from house arrest, and then assumed power following its overwhelming victory in the 2015 elections. As a result of the historical

⁴⁷ Chapter 12 of the constitution.

⁴⁸ Chapter 11, Articles 412 B, 418–419 of the constitution.

⁴⁹ Respondent no. 3, member of government negotiation team, interview with author no. 2 (Saw Eh Too), Yangon, 24 March 2020.

⁵⁰ Also see Chapter 11, Articles 417 and 427 of the constitution.

distrust and antagonism between the military and the NLD, the divisions at the centre became all too apparent. Suu Kyi has circumvented the restrictions that disqualified her from becoming president by creating for herself the position of ‘state counsellor’, comparable to a prime minister in a parliamentary system, exercising a de facto control over the presidency, in addition to which she has assumed the position of foreign minister (a member of the NDSC).⁵¹ She failed to convene the NDSC and instead held a couple of ‘NDSC-like meetings’ where she was reportedly accompanied by a state counsellor’s minister who is not a NDSC member, and she has sought to undermine its role further by appointing her own national security adviser.⁵² A Yangon-based expert on Myanmar described this as a ‘a preemptive measure against the military taking advantage of its majority status in NDSC to dissolve parliament and call for a state of emergency. She wants to avoid any formal venues where the military have a constitutional veto.’⁵³ An expert on Myanmar’s military interpreted her move as ‘an unwillingness to acknowledge the authority of the military in the NDSC, specifically because the foreign minister [a post held by Suu Kyi] is ranked lower than the president or commander-in-chief according to NDSC protocols’.⁵⁴

The NLD has also attempted to avoid the consequences of ‘two-headed government’ by pushing for constitutional amendments that would allow Suu Kyi to become president and to lower the threshold for the approval of amendments, thus bypassing the military’s veto on constitutional changes. However, both its attempts to introduce these changes, first in 2015 when the NLD was an opposition party in the parliament, and again in 2019–2020, failed.⁵⁵ The NLD also renamed and reshuffled U Thein Sein’s negotiating team on the NCA, and replaced its head, U Aung Min, a former military general with extensive experience of

⁵¹ Thawngmung and Robinson, ‘Myanmar’s new era’, p. 244.

⁵² Maung Aung Myoe, ‘Partnership in politics: The Tatmadaw and the NLD in Myanmar since 2016’, in Chambers et al. (eds), *Myanmar transformed?*, pp. 206–207. Respondent no. 2, Dr Su Mon Thazin Aung, director of Capacity Building, Institute of Strategy and Policy, Myanmar, phone interview with author no. 1, 25 March 2020.

⁵³ Respondent no. 2.

⁵⁴ Respondent no. 1, Dr Maung Aung Myoe, expert on the Myanmar military and dean of the Graduate School of International Relations at the International University of Japan, telephone interview with author no. 1, 4 April 2020.

⁵⁵ San Yamin Aung, ‘NLD’s bid to end Myanmar military’s constitutional grip on national security voted down’, *The Irrawaddy*, 19 March 2020. Thomas Fuller, ‘Myanmar’s military uses political force to block constitutional changes’, *The New York Times*, 25 June 2015.

dealing with the EAOs, with a physician loyal to Aung San Suu Kyi who showed no interest in and lacked experience of peace negotiations.⁵⁶ This action has further reduced connections between civilian and military authorities in the peace process.

According to a senior technical officer of an international organization specializing in the peace process, the NLD lacks well-established policies on security issues and is focusing broadly on ‘implementing democratic governance through civilian control and oversight’ of the military.⁵⁷ This course puts it in direct conflict with the military, which sees its chief role as safeguarding the constitution and preserving the country’s ‘sovereignty’ and ‘unity’. A military expert remarked: ‘The army drafted the rules of the game in the constitution, and wants to abide by them. It got upset by attempts to change the rules.’⁵⁸ Concerted efforts by the NLD to bring the army under its control, and the army’s distrust of and antipathy toward Suu Kyi, who wields great influence over her party and the majority population, have prompted a series of retaliatory measures by the army. The same respondent noted that ‘a plan for the army to gradually phase itself out of the parliament changed after the NLD assumed power’.⁵⁹ Another respondent concurred: ‘The peace process is part of the Tatmadaw’s transitional strategies to implement democratic reforms. However, the army had to reconsider its strategy after the NLD came to power, and found it more effective to stick to the status quo or the 2008 constitution.’⁶⁰ While the Tatmadaw failed to prevent Aung San Suu Kyi from appointing herself state counsellor or the formation of a constitutional amendment committee in 2019, it has succeeded in keeping the 2008 constitution intact.

A divided centre and fragmented peripheries: signs of ‘two-headed government’ in the peace process

The peace process has three major components: (1) working with NCA signatories to consolidate the peacebuilding process through the implementation of the NCA, (2) convincing non-warring parties who

⁵⁶ Thawngmung, ‘Signs of life’, p. 384.

⁵⁷ Respondent no. 4, Skype interview with author no. 1, 21 March 2020.

⁵⁸ Respondent no. 1.

⁵⁹ Respondent no. 1, conversation with author no. 1, Yangon, 8 July 2018.

⁶⁰ Respondent no. 4.

are not signatories to sign the NCA, and (3) ending hostilities with the four major armed groups in northern Myanmar.

The NCA was signed at the end of the U Thein Sein administration on 15 October 2015 by just eight of 21 non-state armed groups, constituting 20–25 per cent of the total armed forces controlled by these groups. Only two of these signatories have credible armed components. In addition, there have been disagreements between the two largest NCA signatories—the Karen National Union (KNU) and the Restoration Council of Shan State (RCSS)—which have played a leading role in pushing for a federal system, on the one hand, and smaller signatories which have appeared satisfied with the immediate benefits offered, including limited autonomy and business opportunities, on the other hand.⁶¹ After the NLD took office, two more groups—the New Mon State Party (NMSP) and the Lahu Democratic Union (LDU)—signed the NCA.⁶² However, the peace process came to a standstill when the KNU and RCSS decided to temporarily halt formal negotiations following disagreements with the government and army, and discord among NCA signatories.⁶³

Several additional groups have either considered signing the NCA or joining the peace talks through alternative avenues. Notable among them is the United Wa State Army (UWSA) which, with 30,000 soldiers, is the largest non-state armed group in Myanmar and operates as a de facto state within northern Shan state.⁶⁴ The UWSA leadership considers anything short of complete autonomy to be unacceptable, and has taken a lead among non-NCA signatories by proposing that armed groups join a political dialogue on achieving genuine autonomy without signing the NCA.⁶⁵

Tensions with four major armed groups—the Kachin Independence Army (KIA), the Ta'ang National Liberation Army (TNLA), the Myanmar National Democratic Alliance Army (MNDAA), and the Arakan Army (AA)—that have fought the Tatmadaw in the north since 2011 have increased since the NLD assumed power. The army's

⁶¹ Latt et al., 'From ceasefire to dialogue', p. 237.

⁶² Richard Sargent and Hla Hla Htay, 'NMSP, LDU formally sign Nationwide Ceasefire Agreement', *AFP*, 13 February 2018.

⁶³ Nyein Nyein, 'Analysis: Why did the KNU temporarily leave peace talks?', *The Irrawaddy*, 29 October 2018.

⁶⁴ Andrew Ong, 'Engaging the UWSA: Countering myths, building ties', *The Irrawaddy*, 21 August 2018.

⁶⁵ Latt et al., 'From ceasefire to dialogue', pp. 236–237.

scorched-earth policy has intensified the fighting, displaced hundreds and thousands of civilians, and resulted in widespread violation of human rights.⁶⁶ It has also fuelled the growth of anti-state armed groups and hardened sentiment against the military. For instance, the AA, which was founded in 2009, has grown from 1,000 soldiers in 2011 to a reported 7,000–8,000 in 2020. The TNLA, which began in 2009 with 400 personnel, is now estimated to have 6,000 armed fighters.⁶⁷

This deterioration of all facets of the peace process under the NLD government contrasts unfavourably with the progress made under the U Thein Sein administration. Admittedly, these earlier peace talks were limited to an ‘elite process’ and focused on ‘ceasefire negotiations’, whereas those under the NLD include more stakeholders and focus more on ‘political negotiations’ and are thus expected to be more difficult and protracted.⁶⁸ Nevertheless, we demonstrate that the power struggles within the political centre have prolonged and complicated the peace process in ways that have weakened the legitimacy of the centre and undermined the well-being of affected populations.

The split at the centre has *less* to do with the various factions’ disagreements on how to deal with the EAOs than with the inability of the central government to lead and coordinate the peace negotiations. Many interviewees emphasized that there were very few policy differences between the army and the NLD regarding ethnic minorities and ethnic armed organizations.

One example of this is the preference by both the army and the NLD for centralized control. While the NLD officially endorses the principles of federalism, it has engaged in actions that run counter to this. One KNU leader who participated in a political sector working committee said: ‘Look at all the proposed final constitutional amendments submitted to the parliament in 2019–2020. None of them focuses on devolution of power to ethnic states.’⁶⁹ They focus solely on reducing the role of the

⁶⁶ Human Rights Watch, available at <https://www.hrw.org/world-report/2019/country-chapters/burma>, and <https://www.hrw.org/news/2020/03/04/myanmar-civilians-caught-surge-fighting#>, [accessed 19 November 2020].

⁶⁷ Myanmar Peace Monitor, available at <http://mmpeacemonitor.org/stakeholders/armed-ethnic-groups>, [accessed 18 November 2020]. Respondent no. 2, Anders Cor, ‘China’s diplo-terrorism in Myanmar’, available at <https://spotlight.licas.news/china-s-diplo-terrorism-in-myanmar/index.html>, [accessed 19 November 2020].

⁶⁸ Respondents no. 2 and 3.

⁶⁹ Respondent no. 9, interview with author no. 2, Pa-an, 12 March 2020. It should be noted, however, that several constitutional proposals have focused on changing Article 262 B to allow the regional legislature, instead of the president, to appoint chief ministers. See a

military and enhancing Suu Kyi's power.⁷⁰ An expert on Myanmar politics also pointed out that 'the NLD-dominated national parliament overrode its power over Mon State parliament by naming a bridge in Mon state after Bogyoke Aung San'.⁷¹ A staffer for the government negotiation team also commented: 'Some of the representatives from ethnic parties withdrew from the 2019 constitutional amendment committee over the fact that their recommendations on federalism did not make it to the final proposals.'⁷² Another writer made similar remarks about the constitutional amendment committee formed by the NLD, noting that ethnic political parties 'particularly resent the fact that the NLD has gone "quiet" about their aspirations for federalism, to which the NLD has responded by saying that the party now prioritizes democratization over federalism'.⁷³ A leading KNU negotiator concurred: 'Reforming the constitution was the NLD's election promise, but it focused instead on peace negotiations because it thought it could reduce the role of the military through the NCA agreements without difficulty. When it failed to do so toward the end of its term, it rushed back to try to amend the constitution through parliamentary procedures.'⁷⁴

In addition, most of the 51 agreements reached at the Union Peace Conference (renamed the Twenty First Century Panglong Conference by the NLD) are either very general in their wording, have very little to do with federalism, or include stipulations that they must not contradict the existing constitution and national laws.⁷⁵ The fact that any agreements passed by the Conference will also have to be adopted by the national parliament—whose processes the NCA signatories have no influence over—has raised concerns among EAOs that the 'NLD-dominated parliament would not be favourable to federal principles'.⁷⁶ A proposed

report by Union Legislature, 10 February 2020, in Burmese, available at <https://pyidaungsu.hluttaw.mm/reports>, [accessed 19 November 2020].

⁷⁰ Respondent no. 9, KNU political sector working committee delegate, interview with author no. 2, Pa-an, 12 March 2020.

⁷¹ Respondent no. 2.

⁷² Respondent no. 3. Also see Nyi Nyi Kyaw, 'Democracy first, federalism next? The constitutional reform process in Myanmar', *Perspectives*, November 2019, p. 4.

⁷³ *Ibid.*, pp. 7–8.

⁷⁴ Respondent no. 8, conversation with author no. 1, Yangon, 2 February 2020.

⁷⁵ '37 points signed as part of Pyidaungsu Accord', *Global New Light of Burma*, 30 May 2017. '14 points signed as part II of Union Accord', *Global New Light of Burma*, 17 July 2018.

⁷⁶ Concerns expressed by delegates at the second Twenty First Century Panglong Conference at KNU headquarters on the Thailand–Burma border, 15–17 June 2017. Respondent no. 3.

amendment in 2019–2020 to rename the political structure from ‘Union system’ to ‘Democracy Federal Union system’ (Article 8) was voted down in the parliament.

In like manner, the Tatmadaw, which sees federalism as a recipe for the break-up of the country, but reluctantly endorsed it in principle in the NCA, asserts its own version of federalism—in essence, the 2008 constitution, which it claims includes the ‘rights of legislature’.⁷⁷ For example, the commander-in-chief, Sr General Min Aung Hlaing, has stated that ‘only when we hold coordination meetings with the united spirit that “We all are Myanmar”, without emphasizing race, state, region and [our] own organization alone, can we do well. We will establish *the federal democracy system that is suitable to the country*’.⁷⁸ The army has also insisted on including ‘non-secession from the union’ in the principles of federalism.

This statement is congruent with the army’s policy of all-out war against groups that are fighting the government. Its priorities of disarmament, demobilization, and rehabilitation, which amount to disarming EAOs as a first step, clash with the aims of the latter, which are to prioritize security sector reform by focusing on restructuring the country’s entire security sector.⁷⁹ According to a staffer from the government negotiation team, ‘the army is worried that the EAOs would get “federal” before disarming themselves, while the EAOs are worried that they would be disarmed before they get “federal”’.⁸⁰

While both sides agree on the principle of ‘one army’, the EAOs’ understanding of the ‘federal union armed forces’ would place the army under civilian control by giving all states the right to form a security force and rotate the position of commander-in-chief among different nationalities. The army, in contrast, envisages the new ‘one army’ as being similar to its present structure, either incorporating all non-state armed groups under its military command or transforming them into political parties.⁸¹ This explains why the army has so far refused to discuss the issue of interim arrangements and territorial demarcation, which form part of the NCA’s agreements. Territorial demarcation is a thorny issue, not only because of numerous competing claims, but also

⁷⁷ Speech delivered by the commander-in-chief of the Defence Services to mark the fourth anniversary of the NCA: *Global New Light of Myanmar*, 29 October 2019.

⁷⁸ *Ibid.* Italics ours.

⁷⁹ Latt et al., ‘From ceasefire to dialogue’, pp. 231–235.

⁸⁰ Respondent no. 3.

⁸¹ Myoe, ‘Partnership in politics’, pp. 211–212.

because even entering into discussions would amount to the military acknowledging the authority of non-state armed groups in the areas currently controlled by them.

Since the NCA was signed, the army and EAOs have accused each other of violating the agreement by expanding territories. As a politician who participated in his local JMC observed, ‘most of the complaints to the JMC came from the military, accusing EAOs of expanding their territories during the ceasefire’.⁸² A Yangon-based researcher was told that the NLD government in Tanintharyi Region had asked police to remove KNU flags every time the group hoisted them at government schools.⁸³ Healthcare workers employed by both the government and KNU complained of being expelled by the opposite party when seeking to treat patients in areas with overlapping jurisdictions.⁸⁴ The lack of territorial demarcation has resulted in armed conflict at every level—between NCA signatories and the army, among NCA signatories, and between signatories and non-signatories.⁸⁵

The NLD and the Myanmar military also share the view that there should be only one legitimate governing body, a position not supported by some prominent armed groups which have their own established policies on health, education, and land issues. A top KNU leader, a member of the social sector working committee, said that the NLD-appointed chief minister in Karen state ‘keeps insisting on “one government, one policy” and does not want to recognize us as a legitimate body or recognize our policies on land, education, and health’.⁸⁶ Another respondent said: ‘The NLD and the Tatmadaw keep blaming EAOs for lack of development. They said everything would be alright if the EAOs would only “enter the legal fold”. The civilian government approved a

⁸² Interview with author no. 2. Also see Annika Phol Harrison and Helene Kyed, ‘Ceasefire state-making and justice provision by ethnic armed groups in Southeast Myanmar’, *Sojourn: Journal of Social Issues in Southeast Asia*, vol. 34, no. 2, 2019, pp. 290–326.

⁸³ Respondent no. 6, interview with author no. 1, Lowell, MA, 7 April 2020.

⁸⁴ Respondent no. 13, member representing political parties in Mon state JMC, interview with author no. 2, Mawlamyein, 6 March 2020.

⁸⁵ Respondents no. 6 and 8. Nyein, ‘Analysis’. Lawi Weng, ‘TNLA accuses military of helping RCSS gain bases in N. Shan’, *The Irrawaddy*, 29 March 2019. ‘Concerns grow over conflict between KNU and Mon armies in Ye township’, *Karen News*, 28CSBOLDSTART CSBOLDENDFebruary 2018, available at <http://karennews.org/2018/02/concerns-grow-over-conflict-between-knu-and-mon-armies-in-ye-township/>, [accessed 20 November 2020].

⁸⁶ Respondent no. 10, conversation with author no. 1, Pa-an, 7 January 2018. Respondent no. 14, representative of political parties in JMC, Karen state, interview with author no. 2, Pa-an, 6 March 2020.

budget for the army to build roads in areas controlled by non-state armed groups.⁸⁷ Similar sentiments were expressed by one interviewee who claimed that ‘the efforts to recognize land policy developed by the KNU went down the drain when the NLD-dominated parliament went on to implement its own existing laws’.⁸⁸ EAOs have also expressed concerns about the government building new schools in areas under their control, which undermines their legitimacy as service providers among their constituents, as well as the lack of government acknowledgment of the educational services they do provide.⁸⁹

There is no doubt that the shared views of the NLD and the army on the EAOs has made it more difficult for NCA signatories to advance their own versions of federalism. In addition, the power struggle between the NLD and the military has further slowed the momentum of the peace process by undermining the role of the civilian government in leading the negotiations, hampering communication between the military and the civilian government, and by complicating the process through inconsistencies and redundancies.

The USDP government, which was composed of former high-ranking military officers who still enjoyed considerable influence over their peers in the army, successfully encouraged the military to buy into the peace process and to accept ‘federalism’ as the country’s future political system. One respondent remarked:

There were some power struggles between U Thein Sein’s negotiation team and the military regarding their roles in the peace process. The Tatmadaw accused U Thein Sein’s team for being too close to Western groups and implementing the West’s agenda for the peace process. The military failed to follow U Thein Sein’s orders to cease fighting in Kachin state. But at the end of the USDP’s term, U Thein Sein managed to bring the commander-in-chief on board by taking him on his campaign tour in several ethnic regions.⁹⁰

As one top KNU leader noted: ‘The Tatmadaw did not want to include discussion of territorial demarcation in the NCAs, but they had to do so because of pressure from the U Thein Sein.’⁹¹ In the words of a

⁸⁷ Respondent no. 15, CSO representative on Bago JMC, interview with author no. 2, Kyaukkyi, 6 March 2020.

⁸⁸ Respondent no. 12, member of Land and Environment Committee, interview with author no. 2, Pa-an, 12 March 2020.

⁸⁹ Joliffe, *Ethnic conflict*.

⁹⁰ Respondent no. 2.

⁹¹ Respondent no. 8.

respondent working on the peace process, ‘the Tatmadaw trusted that the U Thein Sein government would never undermine the interests of the army’.⁹² Another respondent concurred: ‘The Tatmadaw followed the lead of U Thein Sein’s negotiation team because U Aung Min, a former military general with extensive experience with non-state armed groups, understood the military’s concerns and proactively incorporated them when formulating strategies.’⁹³

This situation was reversed when the NLD came to power in 2016. Lacking a position on how the security sector should be reformed and an effective military strategy to subdue the country’s warring groups, from the outset the NLD decided to ‘follow the lead of the Tatmadaw’.⁹⁴ This, along with its distrust of the NLD, prompted the military to exert disproportionate power in shaping and influencing the peace process and deciding the agenda for high-level meetings, often failing to adhere to agreed procedures, and controlling the associated events, venues, and timing of the various dialogues.⁹⁵ In 2017 the military formed its own negotiating team, whose objective, according to its commander-in-chief, was to facilitate the peace talks ‘in a more effective manner’.⁹⁶ In December 2018, the army offered a unilateral ceasefire to the majority of the warring groups, later extended to September 2019.⁹⁷

The growing assertiveness of the military in the peace process has occurred in parallel with the NLD’s silence on the issue. According to a respondent who participated in the local JMC, ‘the NLD has its own agenda and the army has its own agenda during negotiations. But the NLD either supported or did not oppose the army’s position.’⁹⁸ Many of our informants pointed out that those who represented the NLD lack the capacity, resources, and confidence to contradict the army’s position: ‘The army was consistently well-prepared in terms of clearly

⁹² Respondent no. 4.

⁹³ Respondent no. 3.

⁹⁴ Respondent no. 1.

⁹⁵ Authors’ conversations with KNU and government negotiators. Also see Nyein Nyein, ‘Shan national dialogue in doubt after public consultation cancelled’, *The Irrawaddy*, 5 January 2018. Lawi Weng, ‘Peace process entirely in military’s hands, Karen group says’, *The Irrawaddy*, 6 June 2018.

⁹⁶ Respondent no. 4. Also see commander-in-chief’s speech at the NCA’s fourth anniversary.

⁹⁷ *Ibid.*

⁹⁸ Respondent no. 14.

articulating their positions'⁹⁹ and 'the army representative used the time allotted to present its case and refused to budge. The NLD representatives were not well prepared.'¹⁰⁰ Two top KNU leaders recounted that army delegates 'mainly read the scripts incorporating fixed positions prepared by their superiors, and they don't have a mandate for negotiation'.¹⁰¹ A participant in the Karen State JMC observed: 'On our committee, the government in Karen State was represented by military appointees such as state border affairs minister, head of the state General Administration Department (controlled by the military during 2011–2015), and the police. What do you expect them to say?'¹⁰²

The weakening role of the NLD in leading the negotiations has also made the prospect of more moderate measures initiated by the civilian government increasingly remote. Although both the NLD and the army hold similar positions on the EAOs, the former's attitudes are more conciliatory. A high-ranking civilian official noted, 'there is a big difference between the NLD and the army. The NLD government has genuine goodwill toward the people.'¹⁰³ Speeches delivered by Suu Kyi and the commander-in-chief at the NCA's fourth anniversary in 2019 showed significant differences of emphasis.¹⁰⁴ While Suu Kyi stressed collective responsibility as the basis for resolving differences and embraced the EAO's version of federalism, the commander-in-chief blamed the warring EAOs for undermining the democratization process and advocated for incremental changes to the 2008 constitution. The NLD government has also questioned the army's conduct of the war against the AA in Rakhine state, alleging that the Tatmadaw deliberately provoked the conflict or is dragging its feet in order to manufacture reasons for staying in power and getting a bigger budget.¹⁰⁵ The army, on the other hand, has blamed the NLD for failing to give its full support to crush the Arakan Army and for acknowledging the Tatmadaw's 'clearance campaign' practice to build evidence against the army by the International Criminal Court.¹⁰⁶

⁹⁹ Respondent no. 7, a researcher from the Enlighten Myanmar Research Foundation (EMRef) who studies the peace process in Myanmar.

¹⁰⁰ Respondent no. 3.

¹⁰¹ Respondents no. 8 and 10.

¹⁰² Respondent no. 14.

¹⁰³ Conversation with author no. 1, Yangon, 2 February 2020.

¹⁰⁴ *Global New Light of Myanmar*, 29 October 2019.

¹⁰⁵ Respondent no. 2.

¹⁰⁶ Respondents no. 7 and 4.

And while the Tatmadaw and USDP urged that the warring EAOs should be labelled terrorist organizations following their joint offensives against the army in northern Shan state in 2016, the NLD did not do so until March 2020.¹⁰⁷ A military specialist commented: ‘The army was not happy that the NLD government initially tried to recognize the AA as an important political force by treating them like the other armed organizations. The army wanted the government to call the AA a “terrorist” organization—a term which, unlike “insurgent” organizations, prevents the government from negotiating with them.’¹⁰⁸ The NLD’s initial hesitation may have been something to do with its unwillingness to upset the fragile peace process, while simultaneously making a symbolic gesture to show the public that the Tatmadaw is under its control.¹⁰⁹

This emerging split at the centre has also undermined the possibility of ironing out minor differences between the players. A mediator for the government team lamented: ‘The commander-in-chief turned down a last-minute plan by the RCSS leader to use a different route to travel to Nay Pyi Taw for negotiation. So the meeting had to be cancelled. A minor logistics issue like this could easily have been resolved if someone had reached out to the C-in-C and persuaded him to change his mind.’¹¹⁰ NCA signatories have complained how the split at the centre has used up additional resources and time for preparation: ‘We feel like we are dealing with two different governments.’¹¹¹ Already short of resources and personnel, divided among themselves about how to pursue the negotiations, and overwhelmed with meetings that focus on technical issues they can barely comprehend, EAOs have been forced to arrange separate meetings with the army and the government, sometimes serving as mediators between them. This situation has mostly led to inaction. One KNU leader commented: ‘When we asked Daw Suu to stop the Tatmadaw building roads in our region, she said it was not her area of constitutional authority. She is wrong. The NCA specifies the responsibility of the civilian government for exactly this type of issue.’¹¹²

¹⁰⁷ Thu Thu Aung, ‘Shan legislature favors “terrorist” designation for Northern Alliance’, *Myanmar Times*, 8 December 2016. Prashanth Parameswaran, ‘What does Myanmar’s new Arakan Army terrorist designation mean for the country’s security’, *The Diplomat*, 25 March 2020.

¹⁰⁸ Respondent no. 1.

¹⁰⁹ Respondent no. 6.

¹¹⁰ Respondent no. 3.

¹¹¹ Respondent no. 8.

¹¹² Respondent no. 8.

The resulting deadlock in the peace process has further undermined the confidence that Myanmar's ethnic minorities initially placed in the electoral path to political reconciliation. Several respondents pointed out that some armed groups have become more attracted to the UWSA model of complete state autonomy or 'confederation' or to resorting to violent means to attain their objectives.¹¹³ Other groups, such as Red Shan, have armed themselves in an attempt to be taken seriously, and have even provoked armed conflict with the army.¹¹⁴

Nevertheless, the NCA negotiations were resumed in January 2020 after a hiatus of 18 months, which forced participants to re-evaluate and reformulate their positions. Despite the shutdown caused by Covid-19, negotiators were able to host a smaller version of the fourth Panlong conference from 18–21 August 2020 and agreed on 20 additional principles which focused on clarifying the steps towards and implementation of the NCA in the post-election period. One significant achievement of the August conference is the agreement to draft the guiding principles for a 'democratic federal union', including power sharing between the Union government and the states.¹¹⁵ A further landslide victory by the NLD in the general elections held on 8 November 2020 also promises to ensure a relatively smooth transition for the current government as it proceeds with the peace negotiation process.¹¹⁶

However, these positive developments are the result of a collective effort of the parties involved to either enhance their electoral prospects in the November elections or to secure the survival and continuation of the NCA in the post-election period—they should not be taken to suggest that differences within the centre have been eliminated.

One way of bridging the gap between the army and the civilian government is through the National Defense and Security Council (NDSC), but Suu Kyi has thus far avoided any committees that allow the military a constitutional veto, preferring to engage with the military authorities informally, through small committees and at the personal level. These include weekly meetings between civilian and top army

¹¹³ Respondents no. 1, 3, 4, 6, and 7.

¹¹⁴ Respondent no. 1.

¹¹⁵ Nyein Nyein, 'Myanmar peace conference ends with participants praising "meaningful" principles, post-election plan', *Irrawaddy*, 21 August 2020.

¹¹⁶ See *Frontier Myanmar's* special coverage: 'How the NLD did it again', vol. 6, no. 14, 21 November 2020.

leaders, the formation of the Stability and Security Committee, and frequent exchanges between the second- and third-level negotiation teams.¹¹⁷

The NLD's increasing reliance on military figures such as Zaw Htay and the recent appointment of Htein Lin as adviser to the government's National Reconciliation and Peace Center has the potential to narrow the gap between the NLD and the Tatmadaw.¹¹⁸ However, these actions may be insufficient compared to the role of the NDSC, which has an official mandate on security affairs. A military specialist remarked: 'The army has a clear command structure and they want to abide by it. It is only through the NDSC that the president can give orders to the commander-in-chief.'¹¹⁹ In addition, an alternative means of strengthening unitary government through the formation of an alliance between the NLD and 'peripheral' groups does not seem to be on the NLD's priority list. One informant lamented this 'missed opportunity' for the NLD to push for effective policy change: 'A road will only be made if the elephant goes through first. But the NLD has failed to use its weight to ally itself with ethnic minorities to push for further change, especially in areas where it has the support of the USDP.'¹²⁰

Conclusion and implications

We have shown how the split at the centre in Myanmar has produced inertia and weakened the ability of the central government to formulate effective policies and implement positive changes, and further undermined the prospects for reconciliation with the periphery and the well-being of people living at the margins. The 'two-headed' government now in power is a result of the historical distrust between the NLD and the army, combined with the NLD's lack of a clear strategy in dealing with EAOs, which has enabled the army to assert its well-articulated and hardline approach—without itself having an effective strategy or the capacity to end the country's armed insurgencies or bring the peace process forward. The progress in negotiations that was achieved prior to the November 2020 elections demonstrates not only the overwhelming desire of the leading NCA signatories and the NLD to achieve concrete results that would

¹¹⁷ Respondents no. 1, 2, and 3.

¹¹⁸ *Ibid.*

¹¹⁹ Respondent no. 1.

¹²⁰ Respondent no. 7.

enhance their legitimacy and electoral chances—and sustain the peace negotiation processes in the post-election period—but also their ability to learn and adapt to new circumstances. The NLD's overwhelming victory in the November elections also smooths the way for the peace negotiation process by holding the government accountable for the commitments it made regarding the NCA agreements in the pre-election period. However, the NLD's re-election to office implies that the centre will continue to be divided, given the specific institutional features embedded in the 2008 constitution. Thus, the evolving power struggles and changing dynamics within the centre—developments that are central to understanding the political deadlock that has paralysed Myanmar's peace negotiation process—will continue to shape and influence the character and direction of the peace process in the post-election period.