Working Paper

Working in and on Myanmar: Reflections on a 'light footprint' approach

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ADB	Asian Development Bank
BGF	Border Guard Force
CCISD	Central Committee for Implementation of Stability and Development in Rakhine State
CBOs	Community based organizations
DIHR	Danish Institute for Human Rights
ECC	Emergency Coordination Center
EAOs	Ethnic armed organizations
EITI	Extractives Industry Transparency Initiative
FDI	Foreign direct investment
GEN	Gender Equality Network
GDI	Gender and Development Initiative-Myanmar
DCAF	Geneva Centre for the Democratic Control of Armed Forces
GCSP	Geneva Centre for Security Policy
GDP	Gross domestic product
IHRB	Institute for Human Rights and Business
IDPs	Internally displaced persons
INGO	International non-governmental organization
MSF	Médecins Sans Frontiers/Doctors Without Borders
MPC	Myanmar Peace Center
NLD	National League for Democracy
NCCT	Nationwide Ceasefire Coordination Team
NMSP	New Mon State Party
NGO	Non-governmental organization
RNDP	Rakhine Nationalities Development Party
SWIA	Sector wide impact assessments
SF	Shalom (Nyein) Foundation
SEZs	Special Economic Zones
SECO	State Secretariat of Economic Affairs
SDC	Swiss Development Cooperation
UMFCCI	Yangon Chamber of Commerce
WPS	Women, Peace and Security

Abstract

The influx of different types of actors in Myanmar such as international organizations, donors and businesses since the establishment of the elected government of President Thein Sein in 2011 presents both opportunities and challenges. On the one hand, the opening up of the 'Golden Land' after decades of military rule has helped contribute to the development of dialogue between former warring parties, the establishment of democratic processes and mechanisms, and the inclusion of parties whose voices were formerly not heard. On the other hand, the 'gold rush' of regional and international actors places new pressure on local actors to meet high demands, update their capacities according to foreign standards and compete with new players. The hope that Myanmar is now heading in the 'right direction' also causes some to turn a blind eye to ongoing communal violence, conflict in ethnic areas and the lack of inclusion of some actors in key decision-making processes.

This working paper is a reflection on how different international and local actors are involved in the framing, guiding, influencing and developing of Myanmar's three parallel transitions. A transition from a military to a civilian government, from armed conflict with ethnic groups towards peace and a transition from a closed to an open economy. Alongside these transitions is the emergence of inter-communal violence that has taken place predominantly over the past two years. The paper questions some of the risks of international actors doing more harm than good, while providing concrete examples of ways in which those working in and on Myanmar have the potential to have a more 'light footprint' approach. Such an approach would promote better taking the needs and demands of local actors into account when developing activities.

1
Introduction

Stefan Bächtold[1]

Not many countries can compare with the level of attention that Myanmar's transition process has received over the last few years. Unanimously, foreign governments, international non-governmental organizations (INGOs), businesses and investors are asserting their will to support the transition process in one way or another, and firmly place the spotlight on the country. However, Myanmar is a complex context to navigate, and any form of engagement needs thorough reflection on different levels to be constructive. Accordingly, the rationale for this working paper is to take one step back and to reflect on the specific challenges to constructively engaging in Myanmar, but also to highlight opportunities and entry points.

This introduction[2] provides a short background on the current situation in Myanmar; before critically analyzing the effects of the current influx of various actors, and discussing problematic aspects of the 'gold rush'. It is argued that overall, actors active in the so-called 'golden land' should reflect more comprehensively on the form of their engagement, their partner organizations, and their understanding of a quickly changing context if they want to live up to their often declared goal to 'support the transition'.

These reflections form a conceptual framing to the following chapters that carve out a few defining aspects of the current working environment in Myanmar, and offer thoughts and experiences for international engagement in this context.

1.1 A complex context to navigate: Myanmar's three transitions

As noted by many observers, Myanmar's current transition is not a process that is easy to grasp. In fact, what is often perceived as one process could be described as at least three distinct transitions that are mutually linked and entangled in various ways: one transition from a military to a civilian government; another from armed conflict with ethnic groups to peace; and finally a transition towards the economic opening of the country. Furthermore, this comes in combination with the outbreak of inter-communal violence, increased activity in terms of demonstrations, and incidents such as the bombings in October 2013 affecting different parts of the country. This working paper aims to discuss these three parallel transitions and the emergence of communal violence through reflections on the risks and opportunities of international engagement.

Towards the end of the last decade, the military began to initiate a step-by-step transition to a disciplined democracy, which triggered the three transitions. After the general elections in 2010, from which the main opposition parties were absent, General Than Shwe formally ceded power to a civilian government headed by President Thein Sein.[3] Since Thein Sein took office in 2011, there has been progress in the areas of civil liberties, namely

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2 This chapter is an updated and adapted version of the Critical Reflection following the KOFF Myanmar Roundtable on "Myanmar: Working in a Quickly Changing Environment" (Bächtold, 2013).

3 For an overview of this process, see (Holliday, 2011).

the freedom of expression, or the fact that the country's largest opposition party, Aung San Suu Kyi's National League for Democracy (NLD), was permitted to return to the formal political process and secured a landslide victory in by-elections held in April 2012. Although Myanmar's opening process received high levels of positive international appraisal, it soon became obvious that the challenges lying ahead for the country are immense. Many observers still question whether the *Tatmadaw* – the powerful Myanmar army that has ruled for decades – is actually willing to genuinely support a transition towards a more democratic state. More precisely, observers question whether there is a will to support a transition that goes beyond superficial manifestations of democratic procedures and to cede power to civilian institutions. Even if one assumes a genuine will to reform, it is clear that the country is facing an immense challenge to emerge from long-standing authoritarian rule, and to complement the current mostly top-down democratization process with necessary bottom-up structures.

Besides democratic reforms, the country is emerging from six decades of armed conflict, in which various actors have been fighting for more autonomy, recognition, or resources. Beyond the political divisions within the Burman population that have led to armed conflict in the past, virtually all ethnic minorities have been engaged in forms of armed conflict with the *Tatmadaw* at different points in time. To the external observer, the sheer number of armed groups that Myanmar has seen in the last sixty years is overwhelming. Nevertheless, the current government has succeeded in signing ceasefire agreements with the large majority of armed groups, and aims at a nation-wide ceasefire to be signed shortly. But while the signing of ceasefires is promising, many questions remain as to whether these ceasefires will hold, to the inclusivity of their negotiation, and whether they will be followed by more substantial political agreements, that are able to satisfy all sides.[4]

The opening up of Myanmar also attracts business interests. It has become hard to find a report on emerging markets that does not present Myanmar as a land full of opportunities that are just waiting to be seized by companies. While this large attention by investors clearly has its positive aspects, a range of larger business projects have also triggered demonstrations by people who would be negatively affected if these projects were realized. The protests against the Myitsone dam that eventually led to the suspension of the project are just one example that has caught international attention. In the long run, it is clear that finding ways for an economic development in Myanmar that is for the benefit of the larger population will be challenging.

To add to these three key transition processes, further developments have underlined the quickly changing nature of the situation in Myanmar. The sectarian violence that rocked Rakhine state in June and October 2012, and later also other parts of the country, risks derailing many of the promising processes currently taking place in Myanmar. Unexpected for many observers,

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4 On this point, see a recent interview with Bertil Lintner (Lewis, 2013).

the violence has quickly led to the displacement of entire communities and is a stark reminder that transition processes seldom take a smooth and predictable path. These events also caught most actors active in Myanmar off guard when it came to developing ways to address the underlying issues.

While the sketch of Myanmar's current situation above provides a glimpse at the prospects and challenges ahead, they also render it a delicate environment to become engaged in. Notwithstanding the fact that no context in the world can be described as simple, Myanmar could be identified as a particularly complex environment to navigate for international actors. The sheer number of issues that are simultaneously ongoing constitute a major challenge both of coordination and coherent interpretation of change and developments. While every analysis is necessarily a simplification of such a complex, dynamically evolving context, it is argued here that how organizations and individuals make sense of their environment is crucial. The Southeast Asian country is abundant with different opinions, interpretations, and rumors around current trends, events and processes. But how these are interpreted, and which perspectives are taken into account, matters for how entry points are defined, how strategies are developed, and how priorities are set.

So far, this is common sense. However, considering the quickly evolving Myanmar context and the abundance of opportunities for engagement, there is often not enough thorough reflection, not only on what to do, but how to do it. It appears that time constraints and the pressure to act quickly tend to take precedence over considering different perspectives and interpretations when developing activities. This risks doing more harm than good. Standing in the international spotlight of business, donors, and INGOs, today's Myanmar is a situation in which organizations are particularly prone to producing quick fixes, unsustainable projects, and developing ad hoc solutions and activities.

In the following paragraphs, these risks will be illustrated with a focus on the current international cooperation in Myanmar. Furthermore, it will be argued that the procedures, standards and regulations of international cooperation can be more of a hindrance than a help in such a context.

1.2 A 'gold rush'?

Over the last two years, Myanmar has seen an impressive surge in international interest. Its transition from the former pariah-state and target of various sanctions towards the much acclaimed positive case where everybody would like to engage in a constructive way has taken place at a breathtaking pace. Naturally, this comes with an increasing number of international actors establishing a presence: businesses entering Asia's last 'emerging' market, bilateral donors scaling up their budgets, UN agencies starting to operate under their full mandates and INGOs establishing a presence in the country. In their hand-luggage, all of these organizations bring along their procedures,

international standards, and certain needs. Namely, they need qualified staff, partner organizations, and office space.

While some might interpret this as a field of new opportunities for Myanmar, there are clearly problematic tendencies to be flagged; tendencies which have the potential to jeopardize the potentially positive influence of these new actors.

Firstly, international actors compete for qualified staff – both with national organizations and among themselves. INGOs are paying higher salaries than local or national organizations can. As new actors in Myanmar, they have to recruit large numbers of qualified staff in an environment where this is not always possible due to limited availability. Experience in the development sector and higher educational background are favored, together with English speaking skills. The consequence is a 'brain drain', flowing first from local organizations to INGOs, and, in a subsequent step, from INGOs to bilateral donors, UN agencies or to the business sector. This has the potential to severely weaken the local and national civil society organizations, and is clearly at odds with the frequently declared goal to strengthen civil society.

Secondly, international actors compete for qualified partner organizations. As the typical setup of development cooperation has crystallized into a model where local partner organizations are involved, most international actors need local partner organizations for their operations.[5] While there clearly is a range of civil society organizations in Myanmar, the number of those organizations formalized and professional enough to end up on the partner shortlist of the typical INGO is limited. In the end, most international actors flock around a relatively small number of national civil society organizations. To borrow the term of a US economist,[6] these national organizations get "smothered by love" by international actors. They are literally swamped with requests to meet, to collaborate, to provide their expertise, and are urged to scale up their activities rapidly – and not necessarily in their strategic key areas. Having a packed meeting schedule with international actors every day takes away the time to actually work, but the need to meet donor demands and scale up their activities quickly may prove to be even more problematic. In the current situation, there are possibilities of becoming active in a range of somehow related fields of development cooperation, peacebuilding, or humanitarian aid following donors' calls for proposals. With this, the danger increases that national organizations are stretching their capacities to implement more and more, but do not take the time to develop their own organizations accordingly. Keeping a focus on what national organizations see as their strategic priorities becomes difficult, let alone ensuring that enough time is invested in the quality of their programming.

Thirdly, the problem of keeping a strategic focus in these hectic times also applies to INGOs that are setting up their presence in Myanmar. Although they are not following profit-oriented market logic, INGOs do at least have to follow a logic of organizational survival. Most funding in international

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5   On the different forms that these partnerships can take in Myanmar, see Local Resource Center (2010).
6   See interview with Lex Rieffel (Boot, 2013).

cooperation is project based, and few INGOs have enough core funding to sustain high investments to set up operations in a new context. So to justify these investments, they have to be quickly met by incomes stemming from project based funds. The consequence is that newly operating INGOs in Myanmar have a high pressure to implement projects as soon as possible, further amplifying the risk of prioritizing speed over relevance, thorough analysis, and quality.

The advancing specialization process in international cooperation adds another layer of complication. For example, if an INGO that is specialized in de-mining arrives in Myanmar, it is dependent on a political peace process which is difficult to predict. Without the necessary political agreements in place, its specialization in de-mining is neither relevant nor implementable. As a consequence, the INGO has to find other activities or projects to justify its high investments in setting up a presence. While these projects may be more or less meaningful, the problem is that they are not implemented for their stated purpose. They stem from a logic of sustaining a presence until the peace process advances and de-mining becomes an option, which is typically not the best condition for relevant and sustainable programming.

All of these aspects of the current 'gold rush' in Myanmar bear a considerable risk of over stretching national actors, of neglecting good practice in programming, and of encouraging unsustainable 'quick fix' solutions.

1.3   Capacity building and empty words

The points sketched out in the previous section are known by many actors in Myanmar. But while these points are acknowledged, astonishingly little is done to mitigate these negative effects of the influx of more and more international actors onto the stage. This is mostly due to the specific architecture of international cooperation, or, to put it more provocatively, the international aid industry.

While the problematic aspects of the project-based funding structure have already been discussed above, the effects of more subtle procedures of the aid industry merit even more attention here: namely, the manifold procedures, regulations, and standards that have been put in place to professionalize and 'improve' programming.

More emphasis on transparency, value for money, and accountability has fundamentally re-structured programming in international cooperation in the recent past. Complex structures aimed at making projects more transparent, effective, and efficient have developed to demonstrate the integrity of INGOs and their practice. While the overall usefulness of these standards can be debated, one consequence is obvious: it demands a specific set of skills, knowledge, and organizational capacities to meet these standards.

While this is not problematic per se, it becomes so if the need to meet these standards is implemented to the detriment of other important processes. When international actors in Myanmar speak about strengthening civil society and their partnership with national organizations, they unanimously emphasize the building of capacities. But what sort of capacity they mean is often lost in the over usage of 'capacity building'; a term that has become an empty word.

Is it 'capacity building' to strengthen civil society organizations to respond to challenges in the future in constructive ways, according to the needs, priorities, and strategies that they identify? Or is it 'capacity building' to build skills in financial accountability procedures of a few individuals inside national organizations, to make them meet the standards of the next external audit?

While there are good reasons to do both, the emphasis in Myanmar seems to be on the latter, and many efforts to build capacities are aimed at making national organizations able to comply with the standards of the aid industry. But if international actors really want to live up to their often-declared goal to contribute to transition processes in a positive and sustainable way, other questions should have greater priority: How can civil society organizations be strengthened so that they will still exist when the 'gold rush' is over and when funding levels drop? Which organizations are the right ones to partner with, and how are they perceived by different actors and groups in Myanmar? How can partnerships be formed that make use of the strengths of national organizations (e.g., their knowledge of the context)? How can parts of civil society be taken into account that are not formally organized, but play important roles? And, given all the emphasis on 'local ownership', how can it be made sure that initiatives of civil society are not marginalized by larger, more expensive interventions of international actors?

1.4   Alternatives?

Viewed from a certain distance, many of the phenomena discussed above are neither new, nor specific to this context. Myanmar is not the first context that has seen a sudden influx of external actors with all its positive and negative consequences. But given that this larger influx is relatively recent, there are still possibilities to do things differently: the rules of the game are still being negotiated, consequences are still being reflected on and typical practice is not yet taken for granted. Structures of collaboration are still malleable, and not yet crystallized enough to become unchallengeable.

While becoming engaged in Myanmar is certainly delicate on different levels, it does not mean that one cannot avoid or mitigate the problems identified in this contribution. For instance, different small grant funds in Myanmar set a positive example because they aim to strengthen organizational capacities of local or national organizations. Not that 'small' is

necessarily beautiful. But small grant funds provide an important opportunity for organizations to start their own initiatives, gather experience and get support if needed, while remaining in the driving seat. Given that Myanmar is quite a dynamic, complex context to operate in, where a multitude of perspectives exist and none of them can claim to hold the 'best' solution, supporting a range of small initiatives might be the more appropriate approach, rather than opting for large development programs grounded in one specific interpretation of the situation – often determined by international actors. In the end, this approach can also be read as a way to embrace diversity, as opposed to building up strong monolithic blocks. In the current situation before the 2015 elections, this aspect certainly deserves a little more emphasis.

Another, more radical approach would be to consciously refrain from becoming engaged in Myanmar at all. Radical in the sense that it opposes many of the typical ways the 'aid industry' works: namely to be present where there are funds for projects. But many of the problems above may originate from the fact that every actor of international cooperation feels that they need to be present for the sake of being present – and not necessarily with a strategic vision of the added value of their engagement. If this is the case, then the strategic decision not to become engaged in such a context is legitimate, and should even be valorized.

But also opting for a middle way is conceivable. For instance, swisspeace has been experimenting with a 'light footprint' approach in Myanmar. Instead of establishing a presence or projects in Myanmar, swisspeace seconded experts in specific topics to a partner organization. These secondments happened on the request of the partner organization according to their priorities, and aimed to strengthen their initiatives in a tailored manner. While these approaches may not be a panacea, they do show that alternatives exist – and may be worth reflecting on when developing a strategy to engage with Myanmar. The following chapters deepen these reflections drawing on particular experiences that swisspeace has had working inside and outside of the Myanmar context, and offer an invitation for other organizations to reflect, refine and reconsider their ways of supporting the complex transitions Myanmar is undergoing.

Chapter 1 shows the efforts to broaden the participation in the peace process, and to get women to the negotiation tables. Chapter 2 provides insights into the work of civil society organizations documenting the current transitions. Chapter 3 analyzes the role that business can play in Myanmar at this stage. Chapter 4 highlights an effort to balance different perspectives on the situation in Rakhine. Lastly, a conclusion draws on these diverse experiences to show prospects for different ways for international actors to engage in Myanmar.

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2
Supporting women's voices in the current peace process

Rachel Gasser [7]

2.1 The role of women in the peace process in Myanmar

Over the past 60 years, two different groups of actors have challenged the Myanmar military regime: the democratic opposition movement on the one hand, and various ethnic groups on the other. Within the past two years, the government has initiated a democratic reform process that most observers would not have expected at all. As a result, among multiple changes, Aung San Suu Kyi, the leader of the political opposition and several members of her party joined the Parliament in April 2012. While this democratic opening is encouraging and deserves to be in the limelight of international attention, the numerous ongoing peace processes with the ethnic groups deserve equal consideration. Moreover, there continues to be a risk that a return to violence in the borderlands could derail the ongoing democratic reform process and hinder any meaningful economic and political development in the country.

The questions of participation and inclusive peace processes are rather new in the Myanmar context. Previous attempts to stop the violence between the *Tatmadaw* (Myanmar army) and the different ethnic armed groups did not include larger segments of the society and women were not in the front line in taking these decisions. Specifically, the United Nations Security Council 1325 (UNSC 1325) agenda[8] and its international impact remains novel for many Myanmar actors.

Since President Thein Sein's offer to hold peace talks with the ethnic armed organizations in August 2011 (Burma News International 2014), the space for women's participation in the peace process has widened and the number of participants and the interest of women in politics has significantly increased. The changing political context, the raised awareness on gender mainstreaming, and donor-funded empowerment programmes have contributed to great advancements in the creation of networks of women trained and available to work at and around the peace table. These have also contributed to the support of key women leaders from different ethnic groups who are advancing issues at their level.

Despite these commendable achievements, challenges remain. In the current peace processes, there are low levels of women's representation and participation in government structures, negotiation teams, and ceasefire monitoring teams. Agenda items and ceasefire agreements do not yet contain gender sensitive texts. Cultural norms, the military background of involved actors, the absence of gender expertise involved in the process are some of the barriers to mainstreaming gender into the current peace processes. As underlined by Ja Nan Lahtaw and Nang Raw Zahkung: "As a result of the authoritarian and militarized nature of all conflicting parties, challenges to the inclusion of women still exist, particularly given that there are only a few women at the decision-making level within armed groups."[9]

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8   When we talk about a "UNSC 1325 agenda", the international community usually refers to this: "In 2000, the United Nations Security Council formally acknowledged through the creation of Resolution 1325 the changing nature of warfare, in which civilians are increasingly targeted, and women continue to be excluded from participation in peace processes. UNSCR 1325 addresses not only the inordinate impact of war on women, but also the pivotal role women should and do play in conflict management, conflict resolution, and sustainable peace." (Accessed at: http://www.usip.org/gender_peacebuilding/about_UNSCR_1325)

9   For more information on obstacles to women's access to the peace table, please see: "Myanmar's current peace processes: a new role for women?", HD Opinion Paper written by Ja Nan Lahtaw and Nang Raw Zahkung, Dec 2012

After negotiating several bilateral ceasefire agreements over the last 18 months, the Myanmar government is currently negotiating a nationwide ceasefire with the National Ceasefire Coordination Team (NCCT), representing 16 ethnic armed organizations. Many observers are under the impression that an agreement can be finalized by the end of the year. Discussions are ongoing on possible forms for a more comprehensive peace agreement which will be a follow up to this security arrangement.

2.2   Raising awareness

Getting a seat at the peace table[10] is difficult for women all around the world and the current context in Myanmar is no exception to this rule. (Lahtaw and Zahkung 2012; Anderlini 2007; Anderlini 2010; Buchanan 2011). In 2012, UN Women reported that women accounted for just four percent of participants in 31 major peace processes between 1992 and 2011.[11] Despite strong normative instruments like the UNSC 1325 and its sister resolutions,[12] women are still marginalized in most of the current peace processes in Myanmar, particularly at the top decision-making level, usually referred to as the track 1 level.[13]

In early 2012, swisspeace and the Shalom (Nyein) Foundation (SF), based in Myanmar, decided to explore options to support women's access to the peace table. As a new phase of peace processes had just started across the country, both organizations felt that it could be a unique moment to push for women's voices to influence the new path that the country was aiming to pursue. With the support of UN Women as well as the Swiss Federal Department for Foreign Affairs, the first phase of work on this area started in the spring of 2012.

Many national and local NGOs and community-based organizations were already working on gender or on peace related issues in Myanmar but none were focusing particularly on women, peace and security and pushing a UNSC 1325 agenda. In a way, the two thematic areas (gender and peace) were handled separately and there were very few interactions between these two spheres of activities in Myanmar. Additionally, most of the INGOs well known for their advocacy or trainings on this theme were not yet present in the country.

SF and swisspeace decided to work on this theme by first raising awareness on issues related to Women, Peace and Security (WPS) as very little was done on linking gender and peace activities at the time. This led SF and swisspeace to launch a series of events on WPS, gathering more than 200 participants from civil society, media and political parties. Given the success of these events, SF and swisspeace jointly organized training on "Women's inclusion in the current peace processes," with about 30 participants. The participants consisted of actors from NGOs, community based organizations

10 Please see "Who Gets a Seat at the Table? A Framework for Understanding the Dynamics of Inclusion and Exclusion in Peace Negotiations", International Negotiations, vol 16, by David Lanz

11 http://www.unwomen.org/en/what-we-do/peace-and-security/facts-and-figures

12 http://www.unwomen.org/en/what-we-do/peace-and-security/global-norms-and-standards

13 Track 1 refers to processes in which top leaders of the conflict parties are engaged with each other, i.e. representatives of the government and the leadership of armed non-state actors (Peace Mediation Platform 2014).

(CBOs), political parties, business and academia. It provided participants with the opportunity to learn about WPS issues in other contexts. For example, one training participant who learned about UNSC 1325 said: "I did not know it was hard for women to influence their future in any [other] country around the world. I thought it was only here in Myanmar!"[14]

The first round of activities demonstrated that while the initial focus on civil society actors was important for trust building and to ensure a narrow target group, it was identified that there was a need and importance to include women from the government and parliament in future activities. Further, these activities were all initially held in Yangon, thus not reaching out to people in more remote regions in the country. Both of these issues were addressed in later phases of the project, as described in the following section.

Overall, the first phase of the project resulted in gaining a high level of interest in these issues, was followed by more organizations working on WPS and it contributed to better interactions between the two spheres of activities (gender and peace). A good example of these interactions is the "Civil Society Forum for Peace", a Myanmar civil society initiative that has created a specific working group on gender issues.

2.3 Supporting women to influence the peace negotiations

As next steps, both organizations felt that their support on WPS needed to go beyond information sharing to be more specifically oriented towards women who could access and possibly directly influence the peace negotiations. With other organizations like the Gender Equality Network (GEN) or the Gender and Development Initiative-Myanmar (GDI) developing excellent activities on raising awareness on WPS more generally in the country, swisspeace and SF shifted their focus to coaching a smaller group of 'influential' women who were at or close to the peace table. In addition, a key aspect that both organizations wanted to focus on was to offer this type of coaching and training not only to women in Yangon but also in the rest of the country. Ultimately, the aim would be to reach women from all sides of the conflict, thus contributing to bridging the gap between negotiating parties.

Hence, the second phase of work started in the fall of 2012 with a "Coaching Programme for Women from Myanmar Engaged in Peacemaking and Peacebuilding Processes". Twenty women, consisting of civil society groups, government actors and Parliamentarians from about seven different ethnic groups, including from the Bamar majority, participated in the first four-day coaching that took place in Yangon.[15] Mi Kun Chan Non, a representative of the Mon Women's Organization and one of the only two female observers of the Mon peace talks at the time, expressed her hope that the workshop would lead to "a stronger voice for women at the peace table through the sharing of collective experiences and network-building of women

14 Yangon, October 2012
15 More info on http://www.unwomen.org/ca/news/stories/2012/10/forging-a-new-path-women-at-the-peace-tables-in-myanmar
16 Yangon, October 2012

negotiators".[16] The coaching started with a one-day peer-to-peer discussion where a smaller group of women leaders shared the current status of conflict in their regions and their personal experiences and challenges in claiming their space in the peace process. "Listening to the experience of Karen women who are part of the peace talks, it has given me courage that women can be negotiators," said the representative of the Karenni National Progressive Party.[17] The project thus provided the opportunity for women to exchange views and concerns, share stories and successes and reinforce their knowledge on issues related to WPS.

2.4   A dual approach

While evaluating this second phase of activities, participants underlined the necessity to deepen and strengthen that type of support, to go to the regions outside of Yangon and to maintain a platform for a small group of women leaders to exchange and share experiences on the current quickly evolving political situation. Based on this feedback, SF and swisspeace, with the support of UN Women, decided to develop a 'dual approach' for the following year.

A 'dual approach' meant working at two levels in parallel and in a complementary way: with a group of key women leaders (peer-to-peer discussions and specific coaching activities); and with a larger base of actors that could also form a support community for those 'influential' women (through trainings). Additionally, swisspeace and SF decided to work in the centrally located, historical capital, Yangon, and to reach out to other regions such as Mon, Shan, Chin, Kayah and Kachin State. There again, this complementary way of working was successful in building a strong base in the capital while acknowledging other groups which have more limited access to the stakeholders in the center, and which are sometimes better connected to local communities. Finally, the 'dual approach' meant that both organizations encouraged Myanmar women to push for more involvement at the local and national level, simultaneously tapping into the potential international support to advance their rights.

In February 2013, both organizations gave the first regional training session in Mon State for about 20 participants. The curriculum included: gender, peacebuilding and peacemaking; negotiation and communication skills; women's access to the peace table; advocacy and coalition building; and Myanmar's current situation. The key outcomes of this first regional training were: the reinforcement of participants' knowledge on issues related to gender and peace processes; the exploration of their possible role at or around the negotiation table; the strengthening of their network; and the support to Mi Sa Dar, the only woman who was part of the New Mon State Party (NMSP) negotiation team at the time, as 'their voice' at the table.

During the same period, swisspeace and SF conducted a coaching activity for the two women MPs who were the only female members of the

17 Yangon, October 2012

National Races Affairs and Internal Peacemaking Committee of the Lower House. Additionally, a second peer-to-peer discussion took place that same month. Nine women active at or around the peace negotiation table gathered for an exchange of views, concerns and experiences on their respective situations. The group consisted of both Bamar and ethnic women, similar to the first session. The women coming from Mon State underlined the usefulness of having a regional training, and consequently women from other regions asked for similar support activities.

Thus, additional training for women from Kayah State and from Kachin State took place in May. A third peer-to-peer discussion took place in Yangon the same month to maintain this stimulating platform of exchange for 'influential' women. A few months later, two more trainings were also successfully conducted for women from Shan and Chin State to complete the series of regional trainings.

2.5   Combining research and practice in Myanmar: Women and peace negotiations

swisspeace's work in Myanmar on women and peace negotiations is complemented by research projects that aim to build research capacities of Myanmar nationals working in and around the peace process. Catalyzing Reflection's (see Chapter 3) first publication (Khen and Muk Yin 2014) written by GDI is a unique publication that presents an analytical portrayal of the role of Myanmar women in the current peace process. It is based on extensive research and conveys pragmatic recommendations and avenues for using the text directly in civil society forums and consultations. This research trajectory will be continued with an upcoming research project conducted jointly by UN Women, GDI and swisspeace. Thus, this publication aims to address these challenges by researching the role of women in the Myanmar peace process in a new way not used in this context before. It aims to directly ask women how they have been affected by conflict and how they have been coping. It also asks them what their priorities would be if a National Action Plan on UNSC 1325 were to be developed. Through a deep analysis of women's priorities in the peace process, as well as a thorough mapping of women's formal and informal activities that support peace, this project hopes to make a case that women do play an essential role in building a sustainable peace.

2.6   Two years later: Where do we stand?

The strategic approach of the program has proven to be efficient in terms of: direct support to female negotiators; raising awareness on gender and women's issues; constituting networks of women who are trained and available to work at or around the peace table; and supporting the local efforts to advance women's inclusion in current peace processes.

As mentioned earlier, this initiative reinforced 'high level' women (civil society leaders, women head of communities, MPs, heads of businesses, etc.) both through a strong base in Yangon as well as in the different regions. Through training, participants familiarized themselves with issues related to women, peace and security as well as reinforced their networks and connections. With the peer-to-peer discussions and specific coaching and mentoring projects, the leadership from Yangon, Naypyidaw and the aforementioned regions, managed to exchange ideas and strategies to move these issues forward.

Some of the concrete results included:
→ The training of a group of about 120 women on issues related to gender and peacebuilding, thereby establishing a firm base which formed a strong source of knowledge and practice in the country;
→ The exchange and advancement of gender and peacebuilding issues by a group of twelve key women leaders from various ethnic groups, including Bamar;
→ The training of two female MPs who are moving these issues forward;
→ The establishment of a thorough mapping and understanding of women involved in current peace processes in Myanmar;[18]
→ Placing gender issues on the agenda of the ongoing peace processes in the country, at various levels and the advancement of women's rights in Myanmar.

However, challenges remain. Despite all of these encouraging elements, the current peace processes continue to be predominantly male-dominated and much more still needs to be done to maintain and enlarge the space for women's voices to influence the peace talks.

2.7   ...and where do we go?[19]

The current nationwide ceasefire process, despite all the successful training, still presents challenges for including women or including gender-sensitive texts.[20] The joint drafting team has only three women as members and the fluidity of the context makes these positions vulnerable. Additionally, as in many other contexts, the inclusion of useful wording to protect women's rights (e.g. on sexual violence) is difficult and not a priority for most actors.

After a nationwide ceasefire is signed, many options are still being explored to conduct a more comprehensive peace process, e.g. going beyond security issues and looking at topics like power sharing or natural resources. For example, one opportunity of a potential national dialogue could promote greater women's involvement in peace processes. It could be an interesting way to have experiences from other contexts[21] to inspire women in Myanmar, while encouraging them to find their own ways of implementing options according to their context and needs. In most cases, the national dialogue format gives more space for women's voices to be heard and is a more inclusive mechanism than a purely track 1 process.

18 This mapping has been a welcome source of information for local and international actors working on these issues. It has informed several publications on this theme.
19 Please see the stimulating section on prospects and challenges for future initiatives in "Looking at the current peace process in Myanmar through a gender lens," Salai Isaac Khen and Muk Yin Haung Nyoi, GDI and swisspeace, March 2014.
20 For more information on gender-sensitive ceasefire and peace agreements, see Buchanan, C.,Cooper, A. Low, L., Griggers, C. and Potter-Prentice, A. (2012). From Clause to Effect: Including Women's Rights and Gender in Peace Agreements. The Centre for Humanitarian Dialogue.
21 See for instance on the MENA region: http://mena1325.org/women-in-national-dialogues-and-constitutional-process-in-the-mena-region/ and on Kenya: http://www.africaportal.org/dspace/articles/beyond-numbers-women%E2%80%99s-participation-kenya-national-dialogue-and-reconciliation.

The dynamics between pushing a normative agenda (e.g. women's rights) and observing the realities on the ground are as complex in Myanmar as they are all around the world. It is therefore important to acknowledge the limits of getting more women to the peace table while observing the challenges these support programs are facing in order to reflect on the pragmatic realities of peace negotiations. Indeed, ceasefire negotiations are still very exclusive and the number of seats at the peace table limited. Finding a balance between realities and constraints on the ground and international norms remains a sensitive exercise for all actors involved in the current processes.

During these last two years, it has also been challenging for SF and swisspeace to get women involved in the peace processes. This is largely due to the structure of ceasefire negotiations consisting of parties to conflict that hold arms. Given that these roles and positions are mostly held by men, the negotiations consequently leave little space for women. For example, one woman from Shan state declared: "In my country, most men think conflict and thus peace is their issue. But most women also think that way!"[22] Indeed, social and cultural pressure, along with years of exclusion, is impacting Myanmar men and women's attitudes towards the current transition in their country. The lack of confidence in their skills and knowledge, the lack of financial and political support and the feeling of being powerless are also important factors restraining women from playing a meaningful role in the current context. Also of importance is the fact that women do not form a unified monolithic block. As with their male colleagues, they disagree on numerous issues and fear being put all in one box, or being expected to speak with one voice. They may agree and push for inclusion of some common topics but would also like their views to stay diverse and multiple.

As mentioned in other chapters of this working paper, the demand to support capacity building in Myanmar has its opportunities and challenges. For example, how do international actors such as swisspeace provide training for women in gender, peace and security issues without contributing to a form of 'disempowerment'? As mentioned above, the peace processes continue to be dominated by males, both from the government side as well as from the ethnic groups. While knowledge on such issues is important for local Myanmar women, how are they being empowered if there is no seat for them at the table? swisspeace has tried to ensure that such training is not just a 'one-off' event where internationals go in, train, and get out. Rather, they are part of a larger process and reflection related to the role of women in peacebuilding. As discussed, the training of women is one aspect of building capacity, supporting the development of locally led publications on different topics (as discussed in Chapter Three) is another. However, it is important to remain aware that 'capacity building' is not a silver bullet. It is one part of an ongoing process to support the transition in Myanmar. Moreover, the relationship and trust building process between swisspeace and SF or GDI for instance has been a long one that has been developed through several layers of cooperation. The establishment of a long partnership with local organizations is

22 One participant in a training in Yangon, March 2014

another way to combat the 'disempowerment trap' as it ensures that collaboration is not only based on short projects with high demand for immediate outputs. Instead, the relationship is ongoing and constantly changing and adapting according to the needs of the local organization, which remains in the driver's seat.

2.8   Concluding remarks

As of April 2014, the negotiations on a nationwide ceasefire are still ongoing and, as mentioned, a few women are part of these discussions. This is encouraging news and there is hope that they will stay on board and bring additional points of view and added value to the final agreement. When, later on, a more comprehensive peace agreement will be discussed in Myanmar, and whatever forms and shapes it will take, swisspeace hopes to also see a good number of female actors contributing to shaping the future of their country.

Through the building of a strong collaboration with our national partners, swisspeace plans to continue to support all actors involved in the current peace negotiations. Through encouraging a stronger involvement of women at the different levels of the peace process and all along its development, swisspeace and SF aim to support a more legitimate and more sustainable peace in Myanmar.

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3
Catalyzing Reflection on dialogue processes among parties in Myanmar

Julia Palmiano[23]

3.1 Introduction

The conflict in Myanmar has been described as one of the longest running armed conflicts in the world. For over 60 years, the country has been embroiled in a civil war between dozens of ethnic armed organizations (EAOs) and the government of Myanmar (in its different configurations that ranged from a post-colonial parliamentary democratic government to one-party military regimes). Around 30 per cent of Myanmar nationals view themselves as distinct ethnic nationalities with their own rights to self-determination and equal treatment, and have been fighting for these rights since the infancy of Myanmar's independence. The armed conflict between EAOs (there were at times, over 50 EAOs operating in border areas[24]) and the government of Myanmar is also closely interwoven and mutually constitutive with the heavy influence of the *Tatmadaw* (Myanmar army). More than half a century of armed conflict has proved severely detrimental to the political, social, and economic landscape of the country. A culture of fear and high level of mistrust has entrenched itself through generations of citizens caught in the middle of violence between the government and EAOs. The manifold conflicts are marked by widespread and grave human rights abuses and a high level of displacement: in 2014, the UNHCR has reported 230,000 internally displaced persons (IDPs) in the south-east alone, with an estimated 128,000 refugees living on the Thai-Myanmar border.[25]

The 2010 election has transformed Myanmar's government from a military dictatorship into a quasi-civilian government, which opened up an unprecedented window of opportunity for peace. The government is currently in talks with 16 different EAOs that together have formed (for the first time in Myanmar's peace process history) a Nationwide Ceasefire Coordination Team (NCCT) with the ultimate goal of achieving a Nationwide Ceasefire Agreement. If this is achieved in the following months, then Myanmar may explore entering into a more comprehensive political dialogue to potentially address longstanding grievances and crucial political questions on autonomy. This would present the opportunity to find a negotiated settlement and end years of violent conflict.

With this extraordinary window for peace more 'accessible' than it has ever been, reflective and sustainable working relationships between international actors and Myanmar nationals working in and around the peace process are all the more necessary. As part of the work that swisspeace is engaged with in the Myanmar peace processes generally and WPS in particular (see Chapter 2), swisspeace launched a documentation project entitled; "Catalyzing Reflection on Dialogue Processes among Parties in Myanmar".[26] It aims to provide support to several local organizations in Myanmar in researching, drafting, and producing a substantive publication that critically analyzes a dimension of the current peace process that the organization is currently involved in. This might sound relatively straightforward from the outset, but given the complex context of Myanmar today, it is deceivingly so.

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23 For additional questions on the content of this chapter, please do not hesitate to contact Julia Palmiano at: julia.palmiano@swisspeace.ch
24 Muk Yin and Khen 2014: 14
25 UNHCR 2014
26 Referred to hereafter as Catalyzing Reflection

As explained in the introduction, Myanmar's extraordinary transition process has been accompanied by a surge of international interest from foreign governments to INGOs, businesses and investors. With this 'gold rush' resulting in increased collaboration and support for local community-based and national actors, it has also left little 'breathing space' for Myanmar actors themselves.

To address this, each of the publications in the series provides some 'breathing space' through deep analysis of different dimensions of the peace process: the importance of a gender analysis in <u>Looking at the Current Peace Process in Myanmar through a Gender Lens</u> written by GDI; the complexity of the ceasefire process in <u>Understanding Myanmar's Peace Process: Ceasefire Agreements</u> written by MPC; and the necessity of public participation in all peace efforts in <u>Civil Society Contributions to the Current Peace Process in Myanmar</u> written by SF. With the government of Myanmar and multiple armed groups now engaging in peace talks, time is an important element in this project. The content in the publications come as close to substantial 'real time' critical analysis as it gets, as the project addresses the urgent need to document these dimensions in order to better understand the country's complex and rapidly shifting peace process. Each publication consists of an introduction to the context, a conceptual framework, a critical analysis, case studies, and recommendations. The content for all three publications are based on primary and secondary sources via extensive research conducted by the organizations. Many of the interviews were conducted with high-level individuals who play large roles in the current peace process. The authors are Myanmar nationals, whose expertise in the respective topics is based on their direct involvement on the ground. Their research and analyses speak directly to other actors in the process, the larger Myanmar community, and international actors in supporting roles. The publications also attempt to be politically 'readable' from both sides of the conflict, and by NGOs that can disseminate it so to further discuss and develop relevant topics. In the following section, the rationale behind such a project is first laid out to discuss how it aims to address a gap on research capacities within some organizations working around the peace process. Secondly, the topics discussed in the three publications are described and it is explained why these are particularly important to the peace process. Thirdly, some of the challenges and shortcomings of the project are critically analyzed to help provide better support in this or other conflict contexts in the future. Fourthly, a suggestion is made on why the approach that this project has taken is important in Myanmar's current political situation.

3.2 Providing 'breathing space' for Myanmar peace process actors

The multiple transitions occurring in Myanmar brought about its own rapid rhythm, shrinking windows of opportunities for peace from years to days. The uncertainty of the future propels many actors to act as quickly and as

ambitiously as they can with their respective programming. These factors, coupled with pressure from many different sources including the military, the government, and international actors do not allow for much space for actors to properly step back and reflect on their own activities in order to influence future decision-making processes.

Thus, the spirit of this documentation project is first and foremost local ownership. This project is demand driven: the support swisspeace provides is organic and tailor-made for each author and organization, as it is about extracting their knowledge and sharing their insights, as well as learning how much support is needed depending on what Myanmar nationals require. This approach is important to ensure that international pressure on Myanmar to meet certain norms and standards of written expression and research capac-ities does not 'disempower' local actors instead of empowering them. The project also reflects the way swisspeace works in Myanmar. In line with this 'light footprint' approach, swisspeace works closely with these local organiza-tions, giving them the 'driver's seat' as much as possible. Creating a strong sense of local ownership means that Myanmar actors feel that it is truly their process. swisspeace shares insights, ideas, and examples from other processes, but with the end goal of feeding the national actors' ideas. The physical distance between Myanmar and Switzerland necessitates (by project design) the leadership of GDI, MPC, and the SF in organizing the authorship, research methodology, and drafting process of the publications. swisspeace takes on a clear supportive role: this support can be called upon by Myanmar actors themselves depending on how much research-capacity building they want.

3.3   Three publications, multiple dimensions of the peace process

Catalyzing Reflection has produced three high-quality publications that reveal just how complex the peace processes are, and just how much work remains on the road to peace. The project also showcases how much expertise Myanmar nationals hold – not just on their own respective themes (e.g. gender, ceasefires, and civil society) – but on how their particular dimension impacts Myanmar's broader political equation. Asking Myanmar nationals directly involved in the peace process to research and write their own publi-cation is a unique approach which stands apart from the plethora of publica-tions in the same style that have resulted from international actors conducting and analyzing hundreds of interviews. The following section describes the publications in greater detail.

Looking at the Current Peace Process in Myanmar through a Gender Lens, written by GDI, reveals that the current peace structure of the Government of Myanmar as well as the EAOs is male dominated.[27] After interviewing 38 respondents from both sides of the conflict (as well as observers and civil society representatives) and analyzing the percentage of

27   Muk Yin and Khen: 20

women represented in government and in four different armed groups, the publication delivers the blunt reality that women are starkly underrepresented in the current peace process. However, while it delivers strong recommendations to the government, EAOs, the international community, and to Myanmar organizations themselves on how to include women in the peace process, it does not argue exhaustively on the reasons (both normative and practical) for why this should be the case. It chooses instead to show, reveal, and spread awareness of their underrepresentation to an audience that has had limited exposure to this argument.

The second publication, Understanding Myanmar's Peace Process: Ceasefire Agreements, is written by Min Zaw Oo of MPC (in his own personal capacity). It provides an in-depth overview of the complexity of the Myanmar ceasefire processes, written by an individual directly involved in the ceasefire talks. The depth and specificity of his knowledge is portrayed through his thorough unpacking of the ceasefire deals with 40 groups prior to 2010.[28] It is particularly significant as it provides information that is now widely accessible to local, national and international actors after many years of heavy information controls, especially on extremely sensitive political and security-related issues.

Civil Society Contributions to Myanmar's Current Peace Process, written by SF, is the third publication of the series. It attempts to provide more information and clarity on the role that civil society plays in the current peace process in Myanmar. It debunks the notion that civil society 'died' under the military regime, but argues that it simply found alternatives and creative ways of working that are now unique to the country. Through case studies and an analysis of SF's Peace Process Support Program, the paper shows the impact of civil society organizations and community based organizations on moving the peace process forward. It also examines current challenges of getting the public to participate, after so many years of oppression has created a culture of fear and resistance towards political action.

3.4 Capacity building within a 'gold rush': too much of a good thing?

Despite its successes, the project was not free from certain challenges. Each publication was so unique and each topic so distinct that tailoring collaboration for each organization was required. One challenge was firstly recognizing the specific needs of each organization. The second challenge was recognizing the reality of accessibility, or lack thereof. Since the peace process was happening in real time and the authors were directly involved, accessibility (and consequently staying on track with deadlines) sometimes became difficult. The immediate needs of the peace process naturally took precedence so the national authors were at times simply not available. The third challenge was staying balanced: as an international supporting organization, there was no way to fully comprehend the effects of almost 60 years

28 Min Zaw Oo: 9

of conflict and repression on the people of Myanmar. Building capacity in research at times required supplementing historical details, tailoring expressions for the English language, and nuancing phrases that could be seen as too political. Editing the paper sometimes meant working to keep it politically balanced and engaging for both sides to the conflict, which was at times extremely difficult or simply not possible. The fourth challenge was staying relevant: the publications needed to remain timely, and thus needed to be disseminated as quickly as possible so that they could be useful to those involved and support the peace processes. These challenges illustrate the aspects of Myanmar's international 'gold rush': there is so much to do within what is perceived to be such a small window of opportunity, that there is simply no time to take stock of the process itself. These challenges also beget questions for future replications of this project: how many publications in a series should there be? How many times should this series be replicated for a given context? Catalyzing Reflection is the product of many unique factors and openings that coalesced during a window of opportunity in the country, and is by no means a one-size-fits-all model.

Four key factors have made this particular project successful at this point in time. Firstly, swisspeace has been working on Myanmar for several years and has always worked with local partners. Thus, strong relationships have been built based on trust. As it has been working with local organizations even before the country truly opened to the international 'gold rush,' swisspeace has been able to build credibility as well as a strong network on the ground. Secondly, Catalyzing Reflection has proved successful because of the strength of the partners involved in this project. These partners had a high level of expertise and a deep knowledge of the language, culture, context, and conflict. They also had access to information that was only possible through working directly on the peace process. Thirdly, the ability to identify key themes amidst a myriad of possible topics contributed to the successful outcome of the project. The themes were chosen in consultation with the partners, but given the complexity of the conflict, there could have been many dimensions explored. The key to a strong theme was keeping it both stimulating and relevant. Fourthly, maintaining flexibility was a key factor to the project's realization. Local organizations and swisspeace have completely different ways of working. A key aspect was the ability to stay flexible with timelines and tailoring support to each organization's specific needs. Some needed more support and direction than others.

While the aforementioned challenges were fairly easy to recognize and mitigate, some critical questions remain on the limits of this type of capacity building and the true impact it has on local organizations and the peace process at large. This requires scratching much deeper than at the surface and truly taking a critical perspective on the landscape of international actors supporting the peace process.

As referred to in the introduction, an international 'gold rush' has descended on a plethora of arenas in Myanmar – business, development,

humanitarian affairs and human rights, to name just a few. The peace process is no different. While it is important to note that the peace process itself (not only international actors) is taking up the time and capital of leaders of local organizations, nevertheless, this 'brain drain' is a stark reality for many. The peace process is incredibly fast paced: according to several national actors, many EAOs want to speed it up, and the government has been hoping for a Nationwide Ceasefire Agreement since last year.[29] Thus, many organizations, including those involved in the Catalyzing Reflection documentation project, are still learning to cope with the sheer pace of the peace process while continuing their regular programming as service providers in a number of different arenas. For example, the Shalom Foundation, on top of their new Peace Process Support Program, also engages in training courses on peace-building, mediation, civic education and facilitation skills. They conduct interfaith youth activities, trauma healing programs all over the country, and fellowship opportunities. As they discussed in the third publication, they are struggling to do it all. In conducting this documentation project with these organizations doing relevant work in the country, the old adage remains fitting 'No good deed remains unpunished.' Their leadership is so much in demand because of their expertise, knowledge, and language skills that they are often 'taken away' from their regular duties with no one with the relevant human capital left to replace them. Furthermore, many local organizations and community-based organizations in Myanmar doing important work on the peace process remain unregistered and inaccessible due to security, fear and other reasons. How can international supporters gain greater access to these organizations? What are possible entry points? Moreover, how can international supporters find and support organizations that do not speak an international language such as English? This was a reality in this documentation project: to be read by a wider audience including international supporters, the text had to be written in English. This narrowed down the pool of potential project partners considerably since translators were only included at a later stage of the project.

These observations beget a larger discussion on the extent to which an 'alternative' is possible when working in Myanmar. While this and many other swisspeace projects aim to tread as lightly as possible, there is always the risk of an unintended disempowerment through empowerment. Even this project, however well-intentioned, runs the risk of taking up the time, space, and capital of overstretched organizations working on the peace process. There is no solution and possibly no way to escape this paradox, but recognizing this and asking these questions are already a start when considering programming in the country. In what ways do international actors support these parallel transitions, and in what ways can this support actually disempower Myanmar actors? How do international actors know what kind of capacity building to engage in? How can international actors make sure that their engagement meets local organizations where they are and meets their demands? How can international actors ensure that their support does not build dependence on external capacity building?

29 Lahtaw et al.

3.5   Concluding remarks

Many Myanmar citizens have struggled through years under strict laws prohibiting expression on political issues. In 2014, the country has come a long way since then. The extraordinary changes that have swept through Myanmar in the last three years represent the best window of opportunity in years to find a peaceful solution to armed conflict. However, it is important to remember (as international supporters) that there is much more happening during these parallel processes than that which meets the eye or that which is expressed to the international community. Thus, despite multiple conflict analyses and well-meaning proposals for heavy engagement on the ground as per 'standard' ways of Western engagement in conflict-afflicted areas, perhaps rethinking a radical alternative can bring about change and impact. As alluded to earlier in the introduction of this chapter, Catalyzing Reflection's 'light footprint' approach provides something unique and an alternative to the other forms of engagement for international actors in Myanmar's peace process. It supports the peace process by building capacity on free written political expression – in a place that has been deprived of it for so long. It hopes to serve as an example and possible pilot project for those who are interested in taking a proverbial backseat and supporting national actors to take the wheel in their long, difficult, but hope-filled road to the end of violent conflict and towards a sustainable peace.

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4
Doing business in Myanmar

Rina M. Alluri[30]

4.1   Introduction

This chapter[31] focuses on better understanding the economic transition that is taking place in Myanmar. Since the establishment of President Thein Sein's elected government in 2011, significant political and economic reforms in Myanmar have placed it in the spotlight. As the previous chapters have highlighted, there is currently an influx of both regional and international actors eager to engage in the country. This is sometimes in the form of the international donor community or INGOs. However, in the case of Myanmar, it is also in the form of the private sector. Companies are looking towards the 'last frontier of Asia' as a potential location for future investments. While domestic, regional and international actors have the potential to shape the political and economic landscape, reflections on how to not fall foul of the 'gold rush' remain.

4.2   Supporting sustainable business investment

swisspeace has been working on the topic of 'business and peace' in Myanmar using a 'light footprint' approach. It has supported research on issues related to business, human rights, peace and conflict issues in the country as well as the support of events that provide opportunities to exchange ideas, network with local and international actors and gain knowledge on the continuously changing environment.

The impetus to work on this topic emerged from the identification of 'business and peace' as a key issue by local Myanmar partners on the ground. This led to co-organizing two workshops in Myanmar in July 2012. The first focused on bringing together local and international NGOs, independent consultants, donors and businesses to map different capacities and interests related to the topic of 'business and peace' in Myanmar. The second was in collaboration with a Myanmar business association and focused on bridging the private sector and civil society through topics such as corporate social responsibility. Consultations and interviews were also conducted in the country with a wide range of actors in order to identify key sectors for development, challenges in promoting economic reform and historical links between business and conflict in the country. These exploratory activities in Myanmar demonstrated that there is both an interest and a need to further develop the topic of 'business and peace' in the country. Several key findings were identified. It continues to be challenging for local human rights organizations to fathom entering into a constructive engagement with companies due to their historically adversarial relationship. Local civil society actors thus expressed interest to learn from other actors about how to enter into more constructive engagement with the private sector. This could be through general capacity building trainings (financial management, project development, skills) as well as on the topic of business and peace specifically (conflict sensitive business practice, corporate social responsibility, constructive engagement). From the local company perspective, few of them

have established corporate social responsibility policies, labour rights or human rights standards. They expressed a need to have support for the development and implementation of such policies and practices. As with all activities in Myanmar, better communication processes with relevant local and international actors are needed in order to prevent replication and promote coherence. Further, more knowledge and activities are needed which focus on bridging issues of business development with human rights and peace writ large.

In March 2013, a roundtable was held as part of the swisspeace KOFF Myanmar Roundtable series on the topic of "Doing Business in Myanmar: Potential Challenges and Ways Forward". This roundtable sought to bring together Swiss-based governmental organizations, civil society actors and the private sector. The aim of the roundtable was to discuss and deliberate on the economic transition in Myanmar and to analyze some of the opportunities and challenges for doing business in the country. The event featured two presentations which outlined opportunities, challenges and ways forward, while reflecting on the specific lessons learned from the French oil and gas company, Total, in Myanmar.[32] Representatives from the State Secretariat of Economic Affairs (SECO) and the Swiss Development Cooperation (SDC) provided an overview of current priorities and activities.

In April 2014, swisspeace organized and facilitated a panel at the Swiss Parliament on "Sustainable Investments" as part of a two week Geneva Centre for Security Policy (GCSP) and the Geneva Centre for the Democratic Control of Armed Forces (DCAF) course on "International Relations and Democratization" for a delegation of 24 Myanmar participants. The course was sponsored by the Swiss Federal Department of Foreign Affairs (FDFA).

This chapter highlights some of the key points that have been learned through swisspeace's ongoing research as well as involvement in a range of networking events with Myanmar and international actors on issues related to business, peace and human rights.

4.3   Potentials for doing business in Myanmar

After years of economic sanctions, the Myanmar government's "remarkable process of reform" since 2011 has been rewarded with the lifting of restrictions on trade and investments from actors such as the EU, the United States, Canada, Norway and Switzerland (Bloomberg News 2013). This is with the exception of arms embargoes that continue to remain in place. While some companies from China, India, South Korea and Thailand have operated and contributed to foreign direct investment (FDI) in Myanmar for many years, the 'opening up' of the country has led to many other foreign businesses expressing interest in exploring investment and operational opportunities. While many see this as a sign of hope for the country, others fear that issues such as human rights violations, land acquisitions, government corruption and

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32 For more on the role of Total in Myanmar, please contact Francesca Cerletti.

environmental degradation will be put on the backburner (Human Rights Watch 2014). Myanmar is open for business. It is a relevant moment to reflect on how actors can help to put in place processes, steps and policies to ensure that it is done responsibly.

Economic reforms
The Myanmar economy is undergoing a transformation that is being led by domestic government actors on the one hand and international donors and companies on the other hand. The gross domestic product (GDP) growth rate of 2012 was 5.5 percent with an expected rate of 6.3 percent in 2013 (Integrity Research & Consulting 2012: 18-19; ADB 2012: 2). As of March 2014, GDP growth accelerated to an estimated 7.5 percent in Fiscal Year 2013 (Asian Development Bank (ADB) 2014). Currently, the top FDI is coming from China, Thailand and South Korea; highlighting how 'new global players' will also need to take these regional actors into account when engaging in the country.

Currently, the economy is based on a few major sectors that are predominantly linked to the country's abundance of land and natural resources. For example, sectors such as agriculture, mining, petroleum, gas, forestry, hydro-electric power, pharmaceuticals, textiles, tourism and services are playing a large role in the economy. In addition to the government's structural reform program, growth in the country over the past few years has been boosted by improved business confidence, an increase in commodity exports, tourism development and credit growth (ADB 2014). Moreover, telecommunications and manufacturing are the driving force behind the country's fast growing FDI.

The Myanmar government has been commended by international actors for their economic reform efforts. For example, legal apparatus' have been established on FDI, tax breaks for foreign companies and special economic zones (SEZs). There has been progress on developing a land rights law, access to micro-finance for farmers and a loosening of media censorship. The government has been particularly commended for releasing political prisoners, many of whom were imprisoned in 1988. Specific reforms have been aimed at stabilizing the kyat currency, unifying multiple exchange rates and addressing the fiscal deficit.

Political will
Efforts by the Myanmar government to engage in reforms that aim to support processes such as democratization, economic liberalization, and social development have gone a long way to earning the trust of international donors and companies. For example, the 2012 launch of the UN Global Compact and efforts to join the Extractives Industry Transparency Initiative (EITI) have demonstrated an interest to develop processes and institutions that help ensure that both state and private-owned companies are being held accountable for their actions.

The government has made strides towards establishing peace in remote and conflict-ridden areas. There are currently 14 ceasefire agreements that have been signed between ethnic armed groups and the government that are being simultaneously negotiated (Myanmar Peace Monitor 2014; Burma News International 2013: 43). Two additional ceasefire agreements are still under negotiation (Shan Herald 2014).

There have also been significant efforts made by the government to engage with its long term adversary, Aung San Suu Kyi and her political party, the National League for Democracy (NLD); winning 43 out of the 44 seats they had contested in by-elections in 2011 (out of 664 Parliamentary seats) (Integrity Research and Consultancy 2012: 17). This demonstrates a willingness of the government to open itself to the opposition, while declaring a kind of 'truce' with Aung San Suu Kyi after years of enforced house arrest.

Local civil society
Since the aftermath of cyclone Nargis, civil society in Myanmar has seen a considerable re-birth with many of them focusing on service delivery in social assistance, education, health, development etc. As mentioned in previous chapters, there are increasingly organizations that are involved with women and youth issues as well as peacebuilding activities.

The relationship between human rights and environmental organizations and companies (predominantly in the extractives and energy sectors) has historically been adversarial. Recent freedoms that have emerged with the government of Thein Sein such as the right to protest have enabled many of these organizations to openly challenge companies in a way that was impossible before. For example, protests at the Chinese-run Myitsone dam in 2012 led President Thein Sein to suspend the company's operations. Protesters were against the dam as it was likely to: have detrimental effects on one of the country's most vital natural resources, the Irrawaddy River; lead to large displacements of villagers; and submerge a culturally important site in the ethnic Kachin heartland (Bangkok Post 2014). However, renewed protests emerged in March 2014 when rumors of the company restarting its activities spread (Ibid). There are six other dams that are planned for Kachin state, raising questions on how the interaction between civil society actors, companies and the government will develop in the future.

There is awareness among civil society actors that constructive engagement with companies would be useful for consensus building in Myanmar. This would contribute to trust building with the government and companies, while seeking to prevent pitfalls that civil society in other South East Asian countries have encountered. However, as many human rights and environmental organizations have historically seen the government as well as multinational companies as foes, it remains a challenge to identify opportunities for dialogue and exchange that move beyond confrontation and towards constructive engagement.

4.4   Challenges of doing business in Myanmar

Ongoing economic reforms
While there appears to be domestic political will to reform, there remain significant obstacles such as weak capacity, institutional support and human resources. Further, one cannot assume that the government is a monolithic block. There are some within the government who are skeptical about reforms, particularly those that are likely to change the power balance. A major impeding factor to implementation is cleavages within the government itself.

A long wish list of economic reforms remains. The economic climate continues to be extremely vulnerable, begging for additional reforms that will help maintain macro-economic stability. A low and stable inflation rate and government efforts to put forth sustainable budgets are crucial. Domestic savings need to be further encouraged in order to help promote investment. Lack of infrastructure (e.g. roads, buildings and electricity) remains an impediment for industry. Efforts to restructure the financial and banking sector are time consuming and complex. The implementation of transparency measures to combat corruption also continues to be a challenge. Thus, although international companies appear eager to invest in Myanmar, they remain wary to do so until certain safeguards are put in place. At the same time, investment into large scale infrastructure projects that aim to address the country's energy problem such as dams and electricity grids tend to come hand in hand with other issues such as displacement, environmental concerns and a lack of human rights standards.

Debt
The country is in a debt crisis. Although the political will of the Thein Sein government is being generously rewarded by international financial institutions, one must wonder about future repercussions. Both the World Bank and the Asian Development Bank have forgiven debts of up to USD 400 million and have approved new loans of similar value. The 'Paris Club' group has also forgiven a debt of USD 6 billion and the International Finance Cooperation has granted a new loan. While the forgiveness of such debts is crucial for moving economic development forward, one must also reflect on how this removes reform incentives. The approval of new loans also risks foreshadowing a future where the country will remain extremely dependent on international donor handouts.

Domestic companies
The country's opening to global markets and foreign companies is seen as a much-awaited opportunity by Myanmar business. This opportunity, however, is also met with fears that local businesses may not be prepared to compete with international ones. The years of nationalization, closure and sanctions have hindered, if not regressed, the development of capacities, production systems, and infrastructures. While an FDI law would bring better regulations of foreign business activities, enabling the local private sector to grow, it also risks placing domestic companies at a competitive disadvantage.

The military in economic and political processes
One of the key hindrances to combating corruption, promoting structural reform, implementing peace agreements and addressing economic grievances is the role of the military in economic and political processes. The Myanmar military, also known as the *Tatmadaw,* are continuously seen as a violent threat, particularly by ethnic minorities who have been victims of their activities. The *Tatmadaw* have historically been strongly embedded in security, economic and political issues. This places them in both a powerful as well as vulnerable position, particularly in the face of current reforms that may challenge their opportunities to gain access to political office, economic ventures and security responsibilities.

Several factors have contributed to greater involvement of the military in economic activities. The gradual direct and indirect expansion of the military to the institutional, administrative and economic systems of the country has contributed to their position and leverage. Moreover, the 1997 order that required the military to be responsible for sourcing its own food and being economically self-sufficient has meant that many soldiers engage in economic activities for survival (Campbell 2012). A lack of monitoring of borderland areas and access to natural resources have also been instrumental in creating an environment where the military is integrated into local economies. Efforts will need to be made in order to support more transparency and regulation of such activities. This is strongly linked to broader efforts to develop strategies for wealth sharing and natural resource management. Moreover, in the long-term a broader structural process of reforming the military into a professional defense army would be integral to addressing its role in political and economic issues (Myanmar Monitoring and Burma News International 2013, viii).

Conflict
Despite the ongoing peace negotiations, the risk of conflict and instability remains. Ethno-political grievances include but are not limited to: the restrictions of the 2008 Constitution; the unequal distribution of profits gained from natural resource extraction and industrial projects of the central government and foreign investors; and unequal access to political power (Burma News International 2013: 26). In a report on the economics of peace and conflict in Myanmar, six main economic grievances were identified as being key drivers of conflict in Myanmar. These are: the increased militarization of economic projects, the lack of ownership and management power over natural resources, land confiscation, environmental and social impact of economic projects, poverty and underdevelopment in ethnic nationality areas (Myanmar Monitoring and Burma News International 2013). Thus one can see that the country's abundant access to arable land and natural resources places it in a position of vulnerability as competition over such wealth risks leading to conflict. Further, the lack of recognition of certain ethnic minorities such as the Rohingya people continues to be a major constraint to peace and human rights.

Rakhine State and violence against Muslims

Human rights activists have been raising their arms in frustration over the praise that the Myanmar government is receiving while a humanitarian crisis continues in Rakhine state. What started as communal riots has led to a full-fledged crisis with the displacement of over 125,000 Rohingya and Kaman Muslims (UNOCHA 2013) (For more on this topic, see Chapter 5). Humanitarian organizations are disturbed by the inaction of the government and the silence of donors, who appear to be more interested in signing memorandums of understanding than pressing the Myanmar government to ensure assistance. It appears that the spotlight on economic development is overshadowing the reality that conflict remains very present in the country. In 2014, aid agencies operating in Rakhine state have faced increasing pressure from Buddhist extremists that accuse them of favouring the Rohingya people. This has led to the expulsion of humanitarian agencies and the introduction of new mechanisms such as the Emergency Coordination Centre (ECC) to support the regulation of international activities. The conflict in Rakhine state has also been symbolic for acting as the impetus for broader conflict between Buddhists and Muslims in the country. Muslims shops and industries have been the victim of targeted and violent attacks such as those in Meikhtila (Reuters 2014). While the violence is rooted in both historical causes as well as recent accusations of Muslims supporting Al-Qaeda, popular discourse speaks of discontent amongst Buddhists that Muslims are able to profit from certain goods and services due to their involvement in profitable business sectors.

Kachin conflict and the role of China

The violence between the Kachin Independence Army and the Tatmadaw, has intensified over the past two years. Despite peace talks taking place in China and repeated calls from President Thein Sein to the army to cease attacks, conflict continues to rage on in Kachin Province; creating doubts about the opportunity for peace. Linked to the conflict is the issue of Chinese oil and hydropower pipelines that are planned in and around Kachin state. The conflict has caused Chinese companies to halt operations as security has become a serious issue. As Chinese state-owned enterprises are likely to benefit greatly from an economic peace dividend, it is in their interest to support the peace talks through different means such as facilitation. While it could be argued that one solution could be the renegotiation of contracts to establish a partnership where the Chinese owned enterprise, the Myanmar government and the Kachin state would all hold shares in the company (Dapice 2012), such proposals have been met with criticism from the Kachin Independence Army, stating that: "The Kachin conflict can't be solved by money. We want self-determination, and the right to decide how our own lands and rivers are managed" (KDNG 2013).

These issues present several dilemmas for the role of business, whether private or state-owned, in helping to support peace and sustainable development. Solutions to conflict need to critically assess the root causes of the violence as well as the interests of the different actors involved in order to

help identify how foreign companies generally and Chinese companies specifically can contribute to investment and development without creating further conflict.

Developing knowledge on business in Myanmar

As discussed in previous chapters, the influx of international actors that require advice on the country means that local experts end up spending much of their working hours debriefing the newly arrived on the history, situation and potential future of the country, instead of on their actual tasks and responsibilities. This is no different in the economic sphere where delegations from international chambers of commerce and business associations travel to the country to gain a better understanding of the potential for investment.

The topic of business, peace and human rights has also prompted some organizations to establish local presence and carry out their own baseline studies in order to get up to speed with the situation. For example, the newly created Myanmar Centre for Responsible Business is currently carrying out sector wide impact assessments (SWIA) on tourism, oil and gas, agriculture, and information and communication technologies. The practical aims of the SWIA's are to contribute to government policy development, support responsible business practices and engage with civil society for accountability strengthening.

While there has been increasing academic interest in Myanmar on topics such as corporate social responsibility and corporate engagement in conflict contexts, collaborations that also include local knowledge could be highly beneficial to gaining an in-depth understanding.

4.5   Concluding remarks

The influx of international actors such as companies contributes to both opportunities and challenges for Myanmar. While the political will of the government and the engagement of civil society helps to support reforms that are more sustainable and inclusive, barriers such as ongoing conflict, lack of infrastructure, lack of capacity of local companies, debt, and the role of the military in business continue to hinder development.

While international actors can play a potentially important role in supporting the country's development process, a coherent, coordinated approach that promotes different synergies is needed. This applies to all actors such as state, civil society, and the private sector among others. There is a fundamental need to promote a participatory and inclusive approach to business in Myanmar based on responsible behavior and conflict sensitivity.

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5
The Rakhine Investigative Commission and majority-minority violence in Myanmar

Sabina Stein[33]

5.1 Introduction[34]

In June 2012 wide-scale violence broke out in Myanmar's northwestern Rakhine state between majority Rakhines and minority Rohingya, a stateless Muslim minority living in Rakhine. Two years on, the situation remains tense. In the run-up to a nationwide census – the first in decades – international humanitarian agencies were evacuated from Rakhine state following attacks on the humanitarian community. Their departure has left over 140,000 Rohingya IDPs without access to basic services, including healthcare and food.

Such dynamics represent a complex challenge for the international peacebuilding and humanitarian community. In a context marked by a history of inter-communal segregation and violence, a perception of bias (warranted or unwarranted) on behalf of external actors can aggravate animosity and conflict. Conflict-resolution and aid activities that abide by the *do no harm* principle become particularly difficult to implement.

Effective interventions require understanding the perspectives of all pivotal players and constituencies. Such a 360-degree appreciation is inherent to sound conflict analysis. Commitment to plural and thorough conflict-analysis is what led swisspeace, in partnership with the Swiss Federal Department of Foreign Affairs (FDFA)[35], to create a space for engaging with perspectives made less visible in Western media and policy circles on the situation in Rakhine State. On 17 June 2013 Professor Kyaw Yin Hlaing of MPC was invited[36] to a swisspeace roundtable that brought together representatives of Swiss-based governmental and civil society organizations. Professor Kyaw Yin Hlaing had been the Secretary of the Inquiry Commission on the Sectarian Violence in Rakhine State established by President Thein Sein on 17 August 2012 to inquire into the causes, nature and possible responses to the communal violence that rocked Rakhine state earlier that year. The Commission released its findings in a public report on 8 April 2013. Without taking a position on the validity of the report's findings, swisspeace nevertheless deemed it important to open a space for dialogue on the Commission's work. In so doing, it sought to act as a bridge between the international community and the Government of Myanmar on an issue of great concern to peace and security in Myanmar and the region. In the text that follows, the main points discussed during the swisspeace/FDFA roundtable will be laid out.

5.2 The Rakhine Commission of Inquiry: A first for Myanmar

The Rakhine Commission of Inquiry was established under a Presidential Executive Order in response to the outbursts of inter-communal violence between Buddhist Rakhines and Muslim Rohingyas in Rakhine state that

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33 For additional questions on the content of this chapter, please do not hesitate to contact Sabina Stein at: sabina.stein@gmail.com.

34 This chapter is an updated and adapted version of the Critical Reflection following the KOFF Myanmar Roundtable on "The Presentation of The Report of the Inquiry Commission on the Sectarian Violence in Rakhine State" (Stein 2013).

35 The views expressed in this paper do not necessarily represent the opinion of the Swiss FDFA or swisspeace, but should rather be seen as summarizing some of key points discussed at the KOFF Myanmar Roundtable.

36 Professor Kyaw Yin Hlaing joined the roundtable by telephone from Myanmar.

resulted in several hundred deaths and over one hundred thousand cases of displacement. Its key mandate was to investigate the root causes of communal violence in Rakhine State and to recommend measures to prevent further violence and promote communal harmony. Specifically, the Commission was tasked to examine the following eight areas: 1) investigate the root causes that led to the disturbances of peace and security; 2) verify the extent of loss of life, property and other collateral damage; 3) examine the effort to restore peace and promote law and order; 4) outline means to provide relief and implement resettlement programs; 5) develop short- and long-term strategies to reconcile differences; 6) establish mutual understanding and promote peaceful coexistence between various religious and ethnic groups; 7) advise on the promotion of the rule of law; 8) advise on the promotion of social and economic development (Republic of the Union of Myanmar 2013: 12).

The 27-member Commission was composed of prominent historians, social scientists, legal experts, religious representatives, civil society leaders and businessmen. The commissioners thus represented a broad section of society. Leaders of Muslim communities were also included in the Commission although none among them were Rohingya representatives.

The Commission drafted its report after carrying out extensive survey and archival research on Rakhine State. The Commission was able to conduct 2,000 interviews, 1,200 with Buddhist Rakhines and 800 with Rohingya (or what the report terms as "Bengalis"[37]). Data collection was carried out under challenging conditions, namely because of inter-communal tensions and ongoing violence, language obstacles and difficult access to remotely located communities. In particular, mistrust and resentment between both groups interviewed were obstacles to the Commission's work. The final report led to the establishment of the Central Committee for Implementation of Stability and Development in Rakhine State (CCISD). The CCISD is headed by Vice-President Sai Mauk Kham and has been tasked with implementing the report's recommendations.

5.3 Making sense of the violence: The Commission's analysis

Rakhine state has an estimated population of 3.83 million comprising several ethnic and religious groups. The two largest groups are the ethnic Rakhine – at approximately 60% of the population – and the Rohingya, comprising roughly 40% of the population. Conflict between these two groups has been at the heart of the violence in Rakhine state, although other, smaller communities have also been affected. According to the Commission report, in order to understand today's violence we need to look at two key factors: first, the history of Rakhine-Rohingya relations in the region; and second, new political dynamics triggered by the opening up of political and public space in Myanmar.

37 Note that the terminology used to refer to the Rohingya is politically charged in Myanmar. The term "Rohingya" is rejected by ethnic Rakhines and the central state as it is associated with granting official or "*Taing-Yin-Tha*" minority status to this community. The term "Bengali" – considered derogatory by the Rohingya – is used instead as it fits into a narrative, which holds that Rohingya are (illegal) immigrants from the Bengal region in today's Bangladesh.

The Commission report argues that the first key factor is the mistrust and violence between the majority Rakhine and the minority Rohingya, which has deep historical roots. The report points to the colonial origins of these tensions as British land and economic policies introduced in the 19th century changed the demographic and economic relations in the State. From this period onwards, large numbers of South Asian laborers and entrepreneurs began settling in Rakhine including, the report maintains, populations today comprising Rohingya communities. The rapid population growth of a community, whose social norms, traditions and religion Rakhines still consider foreign, helped fuel inter-communal resentment among the Rakhine majority.

Tensions came to a head during World War II. In 1942 widespread communal violence between Rakhine and Rohingya resulted in heavy losses for both communities. Many people were also forced to leave their homes and settle in other parts of the state. The most serious massacres took place in northern Rakhine where relations remain the worst to this day. The report goes on to explain how contending narratives and collective traumas of the 1942 violence have been passed down from generation to generation, social-izing new generations of Rakhine and Rohingya into hating each other. Mutual distrust and animosity have in turn bred and been deepened by segregated living.

Between the 1950s and 1970s, communal violence was relatively low. Short-lived, unsuccessful episodes of armed Rohingya rebellion primarily served to propagate the belief – still widespread among Rakhines today – that Rohingya seek a separate, Islamic state in northern Rakhine and that they do so with the support of extremist groups in Pakistan, Bangladesh and elsewhere.

Since the 1970s tensions have been escalating. Rakhine perceptions of rapid Rohingya population growth (purportedly due to high birth rates and illegal immigration) and of increasing Rohingya (informal) acquisition of land are identified in the report as some of the key factors behind deteriorating relations. Anxieties over Rohingya expansionism have been exacerbated by what is perceived as growing Rohingya assertiveness in promoting their identity and rights. In particular, Rohingya demands to be granted the status of Tang-Yin-Tha – an officially recognized indigenous group of Myanmar – have generated anger in Rakhine State and beyond.

Against this troubled backdrop, the report identifies Myanmar's recent political opening as a second key factor for understanding the June and October 2012 violence. With the opening of political space, some local political and community leaders have been able to stir up community grievances for their own advantage. The report in particular examines the role of the Rakhine Nationalities Development Party (RNDP) – the largest party in the Rakhine State parliament – in mobilizing Rakhine constituencies through anti-Rohingya and anti-Muslim discourses. This was especially prominent during and after the Myanmar 2010 general elections. The report also flags the role of

Muslim leaders (many of whom it claims are not Rohingya) in encouraging Rohingya to react violently to Rakhine aggression. Such inflammatory discourses have stoked up grievances and fears leading to violence across the region. Whereas the military state used to intervene in communal riots, new political freedoms, the transfer of power to (often untrained) local police as well as the state's unwillingness to intervene heavy-handedly, has left self-interested political elites free to exploit local fears.

In addition to these two main explanatory factors – historical animosity and political liberalization – the report draws attention to the economic underdevelopment of Rakhine State. The state's peripheral location, its lack of infrastructure (and consequent remoteness of certain localities, especially in the north) and the lack of economic opportunities to guarantee sustainable livelihoods have all aggravated tensions between communities. The report also emphasizes the low educational level of the local population, pointing to a correlation between basic education and participation in acts of violence.

5.4 Engaging in dialogue: The Commission's strengths and weaknesses

Based on its analysis of the key factors behind the 2012 violence and, in particular, what it identifies as the fears and concerns of afflicted communities, the Commission report puts forth a list of recommendations to both address the current situation in Rakhine State and prevent future outbreaks of violence. The recommendations are grouped into four main clusters relating to security and the rule of law, economic development, humanitarian needs and community reconciliation. Recommendations related to the media – a key catalyzer in violence escalation – are also put forth.

Following the presentation of the Commission's recommendations, the swisspeace/Swiss FDFA roundtable was used as a space for dialogue. Roundtable participants and Professor Kyaw Yin Hlaing discussed the strengths and weaknesses of the report. They also considered the potential opportunities and challenges inherent in the Commission's work.

One of the key strengths identified was the Commission's recognition, albeit weak, of the detrimental impacts of the discriminatory regimes imposed on Rohingya. Several of the report's recommendations call for the overhaul of discriminatory policies and practices, especially those relating to Rohingya economic activity, travel and decisions related to marriage and family planning. The report in addition recognizes that such regimes have not only impacted non-citizens, but citizens of South-Asian-descent more generally. The question of family planning, with Rohingya families in several Rakhine State townships being restricted to a two-child ceiling by local authorities, has been particularly controversial. The Commission addresses such policies head-on, explicitly recommending against the imposition of any mandatory

measures or restrictions on Rohingya families. Along with non-discrimination, the report encourages the government to review the implementation of its citizenship policies and to expedite the citizenship process for those "Bengalis" who qualify for citizenship. Only as equal citizens, the report argues, can members of Rakhine State's different communities live peacefully side by side. These recommendations, reinforced by calls to respect the human rights of all individuals in Rakhine State, are unprecedentedly progressive in Myanmar politics. Roundtable participants noted the Commission's urgent calls to deal with the IDP crisis that has disproportionately affected Rohingya communities. These recommendations were among the few to be commended by Rohingya rights organizations (10 Rohingya Organizations, 2013), a fact that further speaks to their far-reaching nature. While one could argue that these recommendations could have gone further, they need to be considered against the backdrop of sixty years of repressive military rule. Seen from this perspective, the fact that these recommendations could be made and be publicly disseminated signals an encouraging shift in thinking on behalf of certain sectors of the ruling elite.

The roundtable discussion also pointed to weaknesses in the report. In particular, roundtable participants with humanitarian experience in western Myanmar expressed concern at the report's failure to identify decades of systemic, government-led and government-sanctioned discrimination against the Rohingya as one of the key causes behind the violence in Rakhine State. These concerns echo some of the more serious critiques raised by human rights organizations such as Amnesty International (2013) and the Asian Human Rights Commission (2013). These organizations have argued that after decades of discriminatory treatment and the denial of citizenship to Rohingya on the basis of their alleged illegal/foreign status, it should come as no surprise that political liberalization is giving rise to radical anti-Rohingya and anti-Muslim agitation. Human Rights Watch (2013) has gone even further by denouncing the June and October 2012 violence in Rakhine State as part of state-led and state-sanctioned "crimes against humanity" and "ethnic cleansing" campaigns.

The extensive security recommendations are especially problematic in light of the report's omission of any robust recommendations pertaining to impunity and accountability, particularly in relation to the numerous Rohingya allegations of human rights violations committed by state security forces, the *Tatmadaw* included. Without justice and accountability it is unlikely that Rohingya will feel (or actually be) better protected under a heavier military presence. Although recommendations for the establishment of a Truth Finding Commission have been welcomed by human rights organizations, these have equally stressed that the report does not adequately address questions of accountability and impunity.

Human rights organizations have also criticized the Commission for not calling for the revision of the 1982 Citizenship Law, widely perceived as legally underpinning several discriminatory policies and practices. At the roundtable,

the Commission's view that the vast majority of citizenship issues could be (positively) handled within the current legislative framework and would thus not require the lengthy and potentially unsuccessful passing of new laws was discussed. Although a valid consideration, the report's call for a review of the citizenship status of "Bengalis" in Rakhine State also stresses that only individuals "eligible for citizenship" would be able to successfully integrate into Myanmar society, with repeated suggestions that Rohingya are somehow too different in terms of religion, customs and traditions from all the indigenous *Taing-Yin-Tha* in the country. These statements suggest that the question of who legitimately belongs to the Myanmar nation remains unresolved, with no recommendations put forth on the need to render Myanmar's national identity more inclusive and multicultural.

Notwithstanding these and other shortcomings, it was argued at the roundtable that the Commission's work should not be evaluated solely on the basis of its content. The process it involved and the tentative precedent it sets for responding to other incidents of violence and human rights violations in the country also merits recognition. In particular, the roundtable noted that the Commission and the report represent the first of their kind in Myanmar. It provides the first official account of what is happening in a region largely marginalized by the central state. Viewed from this perspective, the Commission could potentially act as an interesting first trial that paves the way for improved and more independent investigative commissions addressing other sensitive issues in the country. Such commissions could eventually also open up space for dealing with the past mechanisms that are compatible with the local context and culture.

Ultimately, how the Commission is judged will largely depend on its impact on the ground. The implementation process that is led by the CCISD has been slow. As was mentioned at the roundtable, the Naypyidaw government has not been very successful in reaching out to key people in Rakhine. Divergences between the central state and Rakhine-based political actors in terms of willingness to address issues along the lines recommended in the report have been an obstacle to implementation. Although there might be some agreement on what needs to be done, few local leaders are willing to take the risk of implementing changes, especially with elections scheduled for 2015. There is very little public support for the Rohingya, especially in Rakhine, and leaders are acutely aware of the political risks inherent in being perceived as pro-Rohingya. In fact, roundtable participants learnt how some of the Commission's recommendations have been taken out of context and used to legitimize policies that further harm Rohingya rights. An example was the introduction of a two-child ceiling for Rohingya families in two townships close to the Bangladeshi border only a week after the release of the report. Officials cited the report's family planning recommendations to legitimize their move, despite the fact that the report expressly discourages such policies.

5.5 Working on majority-minority violence in Myanmar: Key messages from the Roundtable

Developments in Rakhine State – though unique in their roots and dynamics – in part reflect other conflictive majority-minority relations among Myanmar's various ethnic, religious and linguistic groups. The swisspeace/ Swiss FDFA roundtable sought to create a space in which to explore less-analyzed perspectives on Myanmar's current majority-minority conflicts. It emphasized the need for international actors to engage with both majorities and minorities in order to transform these conflicts.

Three core messages emerged from roundtable discussions for international actors seeking to address the causes and effects of majority-minority conflicts in Myanmar. The first is that the state of Myanmar is not a monolithic actor. To achieve change, it is necessary to be aware of the different power centers and interests contained within it. Learning about the delicate choices that members of the Rakhine Inquiry Commission had to make in their work allowed roundtable participants to better appreciate the nature of this task. Even though the Commission was given full independence to act according to its mandate, and notwithstanding the unexpected and progressive selection of Commission members[39], its margin of maneuver was nevertheless limited. Limitations were tied to the fact that not all state actors are in favor of reforms in Rakhine State nor consider interventions to safeguard the life and rights of Rohingya desirable. The Commission consequently had to engage in a delicate balancing act, putting forth potentially high-impact recommendations while seeking not to cross the boundaries of the socially and politically acceptable. With conflict transformation understood as a long-term process, the Commission's careful balancing act could hold valid lessons for the peacebuilding community in Myanmar.

The second significant message to arise from discussing the Commission's report is that the Rakhine majority in Rakhine State has its own narrative of victimhood, which includes acute perceptions of threat. Although the report has been criticized for over-focusing on Rakhine views, understanding real and imagined Rakhine concerns is crucial for sound conflict analysis. Only then does it become possible to understand how and why political elites have been able to exploit a historic sense of Rakhine victimhood entwined with fears of Rohingya domination to violently mobilize populations. The report also highlighted that there was a widespread perception among interviewed Rakhines that the Commission – as an entity of the central government – was biased in favor of Rohingyas. This distrust finds its roots in what has been another conflictive majority-minority relation between Rakhines and Burmans, the ethnic majority that has dominated the state since independence. These center-periphery tensions are equally important to incorporate into conflict analysis and action.

Rakhine sensitivities call for a profound reflection on how to apply the principle of *do no harm* in the context of Rakhine state. The Commission's report flags the widespread, negative view of the international community held by many ethnic Rakhines. This leads us to the last key message to emerge from the roundtable discussion: it is not just Rakhine perceptions that the international community needs to be sensitive to but, more generally, that of Myanmar's Buddhist majorities, Burman included. Given widespread anti-Rohingya sentiment across Myanmar and the proliferation of Buddhist-Muslim clashes across the country, analysis of Rakhine perceptions can provide useful insights into similar dynamics elsewhere in the country. Claims that Muslims seek demographic and economic domination – assertions similar to those fueling violence in Rakhine State – have been heard in many areas of Myanmar also recently afflicted by communal violence. Like in Rakhine, tensions between Buddhist and Muslim communities are rooted in a trauma of colonization, fear of rapid economic and demographic change and a growing Burman nationalism that is rooted in a strong, Buddhist identity. Although not in the scope of this article to analyze the origin and evolution of anti-Muslim sentiment among certain sections of Myanmar's plural Buddhist majority, the roundtable discussion reminds the international community of the importance of accurately appreciating historical tensions as well as the grievances, perceptions and misperceptions that have kept them alive for so many decades.

5.6   Concluding remarks

Since the swisspeace/Swiss FDFA roundtable, the situation in Rakhine has remained tense. In January 2014, the UN reported that more than 40 Rohingya men, women and children were killed in riots (BBC News Asia 2014). In March 2014, international governmental and nongovernmental organizations were forced to leave Rakhine State following mob attacks on humanitarian operations. Their departure has worsened the humanitarian situation in Rakhine, especially in IDP camps principally populated by Rohingya. Finally, tensions in Rakhine have been mirrored in other areas of the country with self-proclaimed Buddhist-defense movements such as 969 calling for boycotts of Muslim businesses and framing Myanmar's Muslim communities as threats to the country's Buddhist identity.

Despite the strides of the Commission, such developments suggest that Vice-President Sai Mauk Kham and the CCISD still have a long way to go before the recommendations put forth by the Inquiry Commission are adequately acted upon. It also raises questions of the ability to implement recommendations that do not necessarily reach the local level where the fighting is taking place. What kinds of roles can local and international actors play to deal with this ongoing violence? How can they support the implementation of the Commission's recommendations while maintaining ongoing analysis of the current situation?

At the end of the day, reconciling majorities and minorities in Myanmar will likely require a profound reflection on Myanmar's identity as a nation. Although inclusivity is integral to this process, it nevertheless calls for a greater shift in thinking from those majorities who have, until now, had greater access to state power and its benefits, be this at the central level or at the local level. International actors seeking to make a positive contribution to conflict transformation in Myanmar will thus have to reach out to these majorities, address their fears and interests and help them see the benefits of a sustainable peace. The swisspeace/Swiss FDFA roundtable on the Inquiry Commission on Rakhine State sought to start building a bridge – no matter how small – between the international community and these pivotal majorities.

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Conclusion

This working paper is a reflection on how international and local actors can navigate the complex environment of the parallel transitions unfolding in Myanmar: the transition from a military to a civilian government, from armed conflict towards peace, and from a closed to a more open economy. Coupled with the inter-communal violence currently unfolding in the country, actors working in and around these transitions face many decisions on the nature and degree of their engagement. How can international actors support these transitions without 'smothering them with love'? How can international actors provide support to local actors without unwittingly disempowering them? The previous chapters that detail how swisspeace is working on these transitions provide some reflection on these questions and reveal prospects for different ways actors can engage in Myanmar.

This reflection has revealed several core values that contour the organization's 'light footprint' approach in Myanmar. The first of these is humility: swisspeace has started working in and on Myanmar only two years ago. While this makes swisspeace a relatively new player in the field, it has opened up space for continuous self-questioning, assessing, consulting, and learning from local actors. This has resulted in several projects well-received by local partners. To swisspeace, the local actors are in the driver's seat; swisspeace only comes in to support them based on their needs. The second is flexibility: swisspeace's engagement in Myanmar is organic and fluid. This allows projects to adapt and adjust according to the constantly changing political, social and economic context in the country. The third is connectivity: through swisspeace's work on women and the peace process, research and documentation, business and peace, and its observations on the Rakhine Commission, the organization aims to bring voices or viewpoints that are 'less heard' to Switzerland. This bridge goes both ways: for instance, swisspeace also supports Myanmar nationals to attend capacity building courses in Switzerland. The work in Myanmar is also an example of how swisspeace bridges academia and practice, by aiming at operationalizing research findings and conceptual considerations through tangible projects.

All of this has underpinned the swisspeace approach to working in Myanmar: making as big of a positive imprint on the country's transitions with as light of a footprint as possible. Whilst this approach is far from offering a panacea, it offers 'food for thought' when considering to become engaged with Myanmar.

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swisspeace sees itself as a center of excellence and an information platform in the areas of conflict analysis and peacebuilding. We conduct research on the causes of war and violent conflict, develop tools for early recognition of tensions, and formulate conflict mitigation and peacebuilding strategies. swisspeace contributes to information exchange and networking on current issues of peace and security policy through its analyses and reports as well as meetings and conferences.

swisspeace was founded in 1988 as the "Swiss Peace Foundation" with the goal of promoting independent peace research in Switzerland. Today swisspeace engages about 40 staff members. Its most important clients include the Swiss Federal Department of Foreign Affairs (FDFA) and the Swiss National Science Foundation. Its activities are further assisted by contributions from its Support Association. The supreme swisspeace body is the Foundation Council, which is comprised of representatives from politics, science, and the government.

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