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From Rebels to Rulers: The Challenges of Transition for Non-state Armed Groups in Mindanao and Myanmar

Ashley South* and Christopher M. Joll

Center for Ethnic Studies and Development (CESD), Chiang Mai University, Chiang Mai, Thailand

ABSTRACT: This article presents a critical comparison of the ongoing peace processes in the southern Philippines and Myanmar (Burma). It does so by examining two key armed groups: the Moro Islamic Liberation Front (MILF) on Mindanao, and the Karen National Union (KNU) in Myanmar. We identify common elements that help to explain the relative – albeit incomplete – success of these two groups in navigating their respective peace processes. The MILF and KNU are ethnonationalist armed groups struggling for self-determination against states that are experienced by ethnic minority communities as culturally alien, and economically and politically dominant. Both conflict actors are characterized by complex combinations of “greed” and “grievance” factors but nevertheless enjoy significant (albeit contested) political legitimacy among the communities they seek to represent. We explore the complex relationships between armed ethnic groups, conflict-affected communities, and civil society actors. We argue that engagement with civil society is a key element of success in the Mindanao peace process, which could be replicated in Myanmar. We examine the roles and changing nature of the state in the Philippines and Myanmar, and contrast the degrees of international involvement, as key variables in these peace processes. We observe that negotiations of comprehensive peace settlements are threatened by “the tyranny of elections” in Myanmar (2015) and the Philippines (2016), and observe the importance of including national parliaments in peace processes in a timely manner. The peace process between Manila and the MILF represents a rare example of a Muslim minority pursuing its political objectives through structured dialogue. The article focuses on the challenges faced by armed groups moving from insurgency to reinvent themselves as credible political actors and governance authorities. Our analysis draws on peace-building literature, specifically the phenomenon of “rebel governance.”

Keywords: Mindanao; Burma/Myanmar; peace; governance; legitimacy

Introduction

This article examines how ethnic armed groups (EAGs) in the southern Philippines and Myanmar (Burma) navigate the transition from armed resistance to recognized governance authority,

Correspondence Address: Ashley South, Center for Ethnic Studies and Development, Chiang Mai University, Chiang Mai, Thailand. Email: lerdoh@yahoo.co.uk

through negotiation of ceasefires and participation in emerging peace processes. We focus on the experience of two armed groups: the Moro Islamic Liberation Front (MILF) on Mindanao in the southern Philippines, and the Karen National Union (KNU) in southeast Myanmar. In comparing these two EAGs, and the peace processes in which they are embedded, we draw tentative conclusions regarding the prospects for peace building in complex and ethnically contested Southeast Asian states. In view of the scarcity of studies comparing these two contexts, our presentation is exploratory and descriptive in nature. The paper is based on surveys of existing literature and extensive fieldwork undertaken in Myanmar and the southern Philippines between 2010 and 2016.

Mindanao and Myanmar have experienced ethnic conflicts since the precolonial period. Central to both are issues of ethnic identity exacerbated by (Spanish/American and British) colonial policy. Since independence, members of the Moro (predominantly Muslim) minority on Mindanao and a wide array of ethnic groups in Myanmar have rebelled against a state regarded by ethnonationalist elites and many conflict-affected communities as politically and economically intrusive and predatory, embodied – or in the latter case, captured – by a religious and cultural majority bent on forced assimilation of ethnolinguistic minorities. In both cases, protracted armed conflict has generated significant grievances, particularly among ethnic minority groups. A further complicating factor is the complex political economies of these conflicts, in which both rebel and state commanders often have significant vested economic interests in a “shadow economy” and natural resources. Both cases also offer interesting and potentially important examples of long-standing violent armed conflicts in the process of being brought to a negotiated end. Of the two case studies, the Moro conflict is arguably nearer to a comprehensive settlement, an achievement of geostrategic significance as an exemplar of a Muslim armed group (for whom an ethnonationalist ideology is arguably of equal importance to Islam) negotiating a political settlement to address key grievances, and aspirations for autonomy. The case studies present comparable, and contrasting, examples of EAGs (or non-state armed groups) seeking to transform themselves into legal, or at least *de facto*, credible, and legitimate, governance authorities in the areas under their control or influence,¹ providing services to local communities, and demonstrating attributes of a state.

In both conflicts, ceasefires negotiated during the 1980s and 1990s provided breathing space for hard-pressed communities, and, in the southern Philippines, seemed to offer the prospect of a genuine peace settlement. Nevertheless, these earlier truces did not lead to permanent political settlements for ethnic groups articulating long-standing grievances and aspirations, albeit for different reasons. In the Philippines, this was because of the failure of the 1990s Moro National Liberation Front (MNLF) peace process and later rejection of the 2008 MILF peace agreement by the Philippines Supreme Court, while in Myanmar the military government refused to engage in substantive political dialogue with ethnic leaders. The failure of these previous ceasefires furthermore undermined trust between Muslims in Mindanao and the Philippine state, and between Myanmar’s ethnic minorities and government and military authorities. This led both groups to question whether the respective central governments, and their powerful militaries, were capable of leading peace negotiations to a successful conclusion. Unfortunately, this cycle is in danger of repeating itself on Mindanao, as the national government has recently failed to pass key legislation moving forward the peace process. The most vexing issues include the continued extraordinary influence of the military in Myanmar, and the changing attitudes to exploring non-military solutions in Mindanao by successive governments in Manila, as well as the dominance of

¹As below, areas of (contested) EAG influence in Myanmar are much more extensive than those they control exclusively.

oligarchic political elites in the Philippines. Although it is difficult to isolate variables in these complex contexts, the changing nature of the state in both countries is a key factor in prospects for peace. However, it remains to be seen whether and how the government elected in November 2015 in Myanmar and the next administration in the Philippines (with elections scheduled for May 2016) will move forward with the peace process. Other significant variables include EAGs' strategic considerations and relationships with client communities and associated civil society actors, including their perceived political legitimacy. In addition, the greater degree of international involvement in the Mindanao peace process is a key factor in its relative success.

On the southern island of Mindanao, our main focus is on the MILF and its approximately 12,000–15,000 core fighters in its armed wing, the Bangsamoro Islamic Armed Forces (BIAF),² primarily associated with the Maguindanaon ethnolinguistic subgroup. In 1977, the MILF split from the MNLF, which had been established by Nur Misauri in 1969.³ In Myanmar, shifting and overlapping alliances exist between more than a dozen EAGs, whose troop strengths vary from the low hundreds, to four EAGs each with more than 5000 soldiers.⁴ We focus on the KNU, an ethnic political organization that was established in 1947 and went underground in January 1949, a year after Burma gained independence. At the time of writing, the KNU fields approximately 5000 troops, plus village-level militias.

Conflict, Transition, Governance, and “Rebel Rulers”

This section explores aspects of the interrelated literatures on post-conflict transformation, non-state governance, and legitimacy. On the subject of war-to-peace transitions, Mats Berdal and Astri Suhrke note four salient characteristics: sociocultural factors and the legitimization of violence; faltering institutions (especially weak states); political-economic factors; and a liberal peace approach to peace building.⁵ Each of these characteristics is relevant to Mindanao and Myanmar, not only at the macro level but also in relation to the *de facto* autonomous zones controlled by the MNLF and MILF in Mindanao, and by various EAGs in Myanmar. In both contexts, sociocultural factors are important in defining and driving violent conflict. This issue is less well explored in the context of Myanmar, where armed opposition to a predatory and aggressive state has become institutionalized.⁶ Transforming these factors will be crucial to achieving lasting peace in both countries. This will be the case not only *vis-à-vis* ethnonationalist minority communities and the state, but also in respect to relationships between dominant ethnic minority groups (like the Moro and Karen) and smaller subgroups within their areas of settlement and authority, such as Mindanao's indigenous people (IPs). In relation to state capacity, both the Philippines and Myanmar are characterized by inefficient and often corrupt government administrations, as are the under-funded administrations deployed by EAGs. Both the MILF and Myanmar's EAGs face significant challenges in building governance capacity and credibility. Furthermore, in both contexts, private (individual and organizational) economic incentives (greed factors⁷) have combined with

²The MILF operates a militia/national guard-type arrangement, with volunteers serving on a revolving basis, meaning that at any one time there may be relatively few fighters on active service.

³The MNLF enjoys its strongest support in northwestern Mindanao among the Tausug ethnic group.

⁴These include the United Wa State Army, with over 20,000 soldiers, and the Kachin Independence Army, the Shan State Army-South, and the KNU, each with between 5000 and 10,000 troops.

⁵Berdal and Suhrke 2013.

⁶See Smith 1999.

⁷Scholars such as Collier and Hoeffler 2005 have analyzed the causes of armed conflict primarily in terms of the economic opportunities available to combatants. Keen 2008, Chapters 2–3, criticizes this approach, pointing out that conflict actors' perceptions of sociopolitical and historical injustices are equally important



Figure 1. KNU soldiers, 2015. Credit: Free Burma Rangers.

social, economic, and political grievances in constructing the identities and interests of key actors on all sides. The liberal peace-building approach is also relevant to both contexts. In the case of Mindanao, private investment in places such as Cotabato is likely to accelerate should the peace process be consolidated.⁸ Key international actors such as the United States and European Union (EU) have a strong interest in being able to cite the southern Philippines as a success story of a Muslim insurgency agreeing to a comprehensive political settlement. Western powers and politicians have sought to frame both peace processes as examples of successful international engagement. In Myanmar, donors are eager to strengthen the state, using the market-friendly language of “good governance” and development, in the process evoking the “anti-politics machine.”⁹

The phenomena of EAG governance can usefully be approached through Zachariah Mampilly’s work on insurgent civil administration – or “rebel rulership”¹⁰ – a concept that is also relevant to post-armed conflict contexts. Mampilly provides a useful corrective to the post-Collier focus in much of the literature on non-state armed groups, which tends to characterize rebel organizations as criminal enterprises.¹¹ Demonstrating a sympathetic understanding of the diversity of insurgent agendas, Mampilly rejects the claim of rebel governance achieving embryonic state-like status, due to the difficulties of legitimizing non-state authority in a world of sovereign states. Rather, he frames rebel governance as a phenomenon in itself.¹² Mampilly does not engage

in understanding their motivation. Different positions in this debate are collected in Ballentine and Sherman 2003; De Waal 1997; and Duffield 2001. Over time, armed conflicts tend to be transformed, as structural influences move away from original causes toward new factors. See Goodhand 2006, 39, who observes that “the debate on whether conflicts are caused by greed and grievance has become rather sterile,” as these are “overlapping and mutually reinforcing motives.” For further critique and nuancing of “greed factor” explanations, see De Zeeuw 2008, 5.

⁸On the liberal approach, see Richmond 2008.

⁹This is a phrase coined by Ferguson 1990, who argues that development assistance tends to depoliticize contentious issues by reframing these as amenable to technical solutions, rather than sites of political struggle.

¹⁰Mampilly 2011.

¹¹De Zeeuw 2008.

¹²Mampilly 2011, 37.

with issues of legitimacy in a sustained manner, beyond questioning the place (or not) of non-state actors within the international states system.¹³ He notes that armed groups are motivated to provide elements of good governance and service delivery, in order that civilians may “embrace ... a specific rebel organisation.”¹⁴ While clearly relevant, this insight tends to obscure appreciation of rebels’ provision of services as a *responsibility* of rule and an act of solidarity with co-ethnic civilians. Equally ambiguous is the distinction between “insurgents” and “civilians.” Mampilly argues that ignoring the reality of insurgent governance is to deny the facts on the ground and foreclose engagement with non-state authorities, which may provide as good (or better) care for civilians under their control as those of the *de jure* government. Insurgent organizations often come to control extensive territories and populations. Their positions as political authorities requires, but often does not receive, recognition from international society. This recognition should be extended particularly in cases where insurgent organizations, which Mampilly refers to as “counter state sovereigns,” meet minimum standards of governance efficiency that ensure both “stability and civilian welfare.”¹⁵ This agenda introduces possibilities for the recognition of post-insurgent governance in the two contexts, issues to which we return in the conclusion.

As Jeroen de Zeeuw notes,

one of the key factors defining the success of civil war endings is the ability of former rebel movements to transform themselves into “normal” political organisations ... [but this] is arguably one of the hardest peacebuilding challenges ... [which] compels former rebel leaders ... to reorganize their war-focused military organisations into dialogue-based political entities.¹⁶

In the following sections, we explore how these issues play out on the island of Mindanao in the southern Philippines and in southeast Myanmar.

Mindanao: Background

The population of the Republic of the Philippines is approximately 100 million, with twenty-two million people living on Mindanao, the largest island in the country. Of these, approximately ten percent are Muslims divided into thirteen ethnolinguistic subgroups, known collectively as the Moro. About five percent are upland ethnic minorities referred to collectively as IPs or Lumads, divided into nineteen subgroups. According to some estimates, Mindanao generates sixty percent of the Philippines’ economic revenue, due to its substantial natural resources. The island (six administrative regions, subdivided into twenty-seven provinces) is often regarded as a “land of promise,” which predominantly Christian migrants from the Visayas and Luzon have been drawn to for decades. Migrant settlement in the Moro “ancestral domain” constitutes one of the deepest grievances in this conflict.¹⁷

Conflict between the central state and Muslim (as well as IP) groups dates from the period of Spanish colonization.¹⁸ Grievances relate to perceptions among non-Filipino communities of Manila-sponsored colonization, the identification of the state with Christianity, and the marginalization of indigenous communities. Since the 1960s, these concerns have been exacerbated by the large-scale migration of Filipinos from central and Northern provinces. This has alienated

¹³Mampilly 2011, 64–65.

¹⁴Mampilly 2011, 67.

¹⁵Mampilly 2011, 248.

¹⁶De Zeeuw 2008, 1.

¹⁷McKenna 1998, 114 and Milligan 2005.

¹⁸Federspiel 2007, 95.

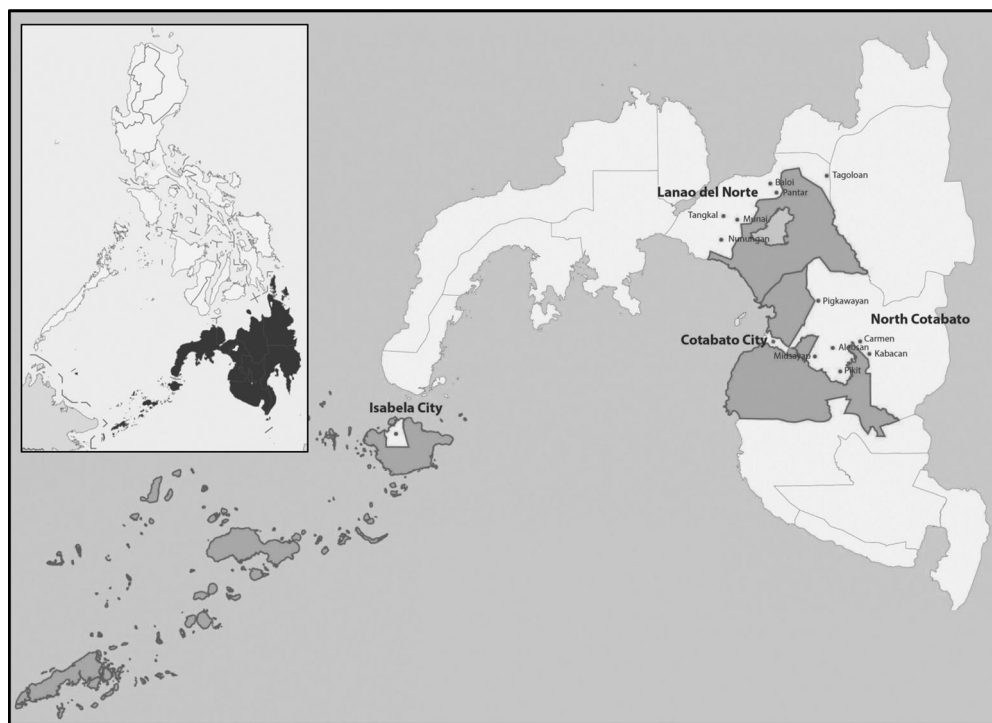


Figure 2. Autonomous region in Muslim Mindanao in Philippines. Credit: Wikimedia Commons, 2011. https://commons.wikimedia.org/wiki/File:Autonomous_Region_in_Muslim_Mindanao_in_Philippines_%28special_marker%29.svg.

indigenous communities from land and resources. Armed conflict on Mindanao was originally an ethnonationalist struggle for justice and self-determination (or, in some cases, outright independence).¹⁹ Since the late 1960s, Mindanao Muslim nationalists have used the epithet “Moro” to describe themselves and “Bangsamoro” to describe their homeland, as a means of denoting continuity with a precolonial ethnic-religious identity.²⁰

The historical projection of “imagined communities” is of course not unique to Mindanao.²¹ As in the case of Myanmar, heterogeneous ethnolinguistic communities, which nevertheless share common core characteristics (in terms of language, culture, etc.), have sought to consolidate and project qualities of “nationhood” vis-à-vis dominant majorities perceived as alien and threatening. Nevertheless, as with the Karen in Myanmar, questions remain regarding the ways in which Moro identity is mobilized and the degree of identification on the part of minority communities such as the Maranao, Tausug and Maguindanaon. Historically, and in elite historical memory, the Moro conflict has been conceptualized as a struggle for self-determination. Nevertheless, following the

¹⁹Among the most prominent voices demanding a separate national and religious identity for the Moro was Saleh Jubair (see Federspiel 2007, 212).

²⁰Despite a lack of evidence that “the Moro” as an ethnonym existed before the middle of the last century, it has been used by several outside commentators. However, McKenna 1998 questions the degree to which such narratives are accepted by non-elite Muslim communities, considering the notion of a “Philippine Muslim nation” to have “little or no resonance among the movement’s rank-and-file adherents,” and that few ordinary followers “denominated themselves as ‘Moro.’” McKenna 1998, 4, 84.

²¹Anderson 2006.

failure of the earlier MNLF peace process, the conflict has taken on a clearer Islamic dimension, as reflected in the MNLF successor group's name: the Moro *Islamic* Liberation Front. There is furthermore a significant political-economic dimension to the conflict on Mindanao, including local illicit economies such as the arms trade.²² Matters are complicated, however, by clan-based violence, often spanning multiple generations and families and locally referred to as *Rido*.²³

Mindanao Conflict and Peace Process

As in Myanmar, militarization increased on Mindanao with a widespread infusion of firearms and ammunition at the conclusion of the Second World War.²⁴ Armed state–society conflicts reemerged in the late 1960s in the form of insurgencies by communist and Moro ethnic-nationalist groups. The Moro insurgency gained momentum following the declaration of martial law by President Ferdinand Marcos in 1972. For most of this period, the Mindanao Muslim elite (the *datu* class) mainly aligned with the central government and often acquiesced to large-scale Christian immigration. Although the principal leaders of the Muslim insurgency in the 1960s were non-elites, the MNLF and MILF still appealed to traditional forms of authority and legitimacy, and in doing so unintentionally reinforced the conservative *datus*.²⁵

The MNLF, established in 1969 by Nur Misauri and his comrades, received weapons and training in Sabah (Malaysia) and Libya. However, it never controlled all Muslim rebels.²⁶ In late 1976, MNLF leaders held peace talks with Philippine government representatives in Libya. The resulting Tripoli Agreement, and subsequent 1996 follow-up Manila Agreement, granted autonomy to Muslim areas of Mindanao in principle, but in practice this was never achieved, in large part due to bad faith on the part of the Marcos government.²⁷ The Autonomous Region for Muslim Mindanao (ARMM) was a largely hollow entity, consisting of five Muslim-majority provinces: Maguindanao, Lanao del Sur, Basilan, Sulu, and Tawi Tawi. The ARMM was undermined by poor governance, including perceptions of widespread corruption and a lack of financial support from the central government. These challenges discredited the MNLF, leading to a new round of insurgency by the MILF, which since 1976 has adopted a more overtly Islamic position.²⁸ However, the earlier ceasefire between state forces and the MILF did create the space within which communities could begin to recover.

Earlier phases of the peace process in Mindanao were generally characterized by limited consultation between government actors, Moro armed groups and conflict-affected communities. For example, people interviewed during field visits observed that this lack of engagement resulted in a lack of “buy-in” by local stakeholders in the peace process. The ARMM might therefore best be viewed not as a total failure, but as an experiment in self-rule that provided lessons for what does and does not work when an armed group attempts to transform itself into a governing authority.

The following two decades in western Mindanao and the Sulu archipelago were characterized by low-intensity armed conflict, with occasional steep upsurges in fighting associated with human rights abuses and consequent episodes of forced migration. New peace talks were initiated after 2001, resulting in an abortive agreement. The 2008 peace pact with the Gloria Macapagal-Arroyo

²²Adam and Verbrugge 2014; see also Peleo 2013.

²³Torres 2007.

²⁴McKenna 1998, 129.

²⁵McKenna 1998, 6–7.

²⁶McKenna 1998, 157.

²⁷McKenna 1998, 167.

²⁸The MILF was officially established in 1984.

administration focused on Moro rights to their “ancestral domain,” or traditional lands. This could have been an important breakthrough, addressing a key grievance, but the agreement was struck down as unconstitutional by the Philippine Supreme Court, reportedly in part at the instigation of powerful Christian politician-oligarchs on Mindanao.²⁹

Following the breakdown of the 2008 peace agreement, the Armed Forces of the Philippines (AFP) launched a major offensive against the MILF. The resumption of armed conflict displaced hundreds of thousands of civilians. It also eroded but did not end the MILF’s de facto control of many Barangay communities.³⁰ While Mindanao’s insurgent organizations have never enjoyed the same degree of “rebel rulership” as EAGs in Myanmar (see below), they have nevertheless exercised considerable authority over many communities particularly in relation to access to justice, and religious-cultural matters.

Secret peace talks in Japan in 2011 resulted in the October 2012 Framework Agreement on the Bangsamoro, which included a historically important recognition of Moro autonomy. Subsequent negotiations focused on four annexes (agreed upon in January 2014)³¹ covering the geographic extent, types of authority, and resources to be enjoyed by the Bangsamoro. On March 27, 2014, a formal peace accord was signed by the parties. The Comprehensive Agreement on the Bangsamoro (CAB) brings together all previous agreements.³² A Committee on Transitory Arrangements of the Bangsamoro (Bangsamoro Transition Commission) was tasked with drafting a Basic Law and overseeing the transition to an (initially) MILF-run administration. The Bangsamoro Basic Law (BBL), which had to be approved by the Philippines Congress and could be challenged in the Supreme Court, would regulate the administration of autonomous Bangsamoro, superseding the ARMM. Among its key provisions is the implementation of sharia law, although only for Muslim communities (not IPs all Christians). In February 2016, the Philippines Congress adjourned without approving the BBL.³³ Outgoing President Benigno Aquino III lacked the political will or capital to persuade the legislature to endorse this final chapter in the peace process.³⁴ Some observers suggested that the BBL would have been unworkable, without constitutional change, and therefore could not be “certified” (endorsed) by the President.³⁵ Nevertheless, the outgoing President’s role in the peace process should not be underestimated, particularly regarding the trust built between himself and MILF leaders such as Chairman Ebrahim Murad. This was demonstrated after the Mamasapano incident on January 25, 2015, when MILF fighters and members of the anti-ceasefire Bangsamoro Islamic Freedom Fighters (BIFF; see below) clashed with a unit from the Philippine National Police’s elite Special Action Force, in the first serious fighting since 2012. This resulted in the death of forty-four police officers, plus some 20 Moro fighters.³⁶ Following this incident, trust in the MILF’s intentions and support for the BBL dropped significantly, both in

²⁹See Johnston 2014.

³⁰McKenna 1998, 209.

³¹The annexes are as follows: (1) Transitional Arrangements and Modalities (Rappler Philippines 2013a), which established the Bangsamoro Transition Commission; (2) Revenue Generation and Wealth Sharing (Rappler Philippines 2013b), which gave the MILF seventy-five percent of tax revenues and mineral wealth; (3) Power Sharing (Rappler Philippines 2013c), which established a parliamentary system of government for the Bangsamoro; and (4) Annex on Normalization (Rappler Philippines 2014).

³²See Rappler Philippines 2012.

³³For detailed accounts, see Esguerra and Dizon 2014; Casauay 2014; *Philippine Star* 2014; Calonzo 2014; Dizon 2014; for a MILF view, see <http://www.luwaran.com/index.php>. On the failure of the Congress to pass the BBL, see Clapano 2016 and Maitem 2016.

³⁴See Mogato 2014.

³⁵Field Notes, February 2016.

³⁶For coverage of the Mamasapano incident, see Cabrera 2015.

Congress and among the general (non-Muslim) population, helping to explain why the Sennett did not pass the bill.³⁷

Following the failure of the BBL, the peace process reverts to the CAB. Realization of the Bangsamoro as a political entity awaits the policy of the Philippines' next president. If the BBL, or a similar agreement based on the CAB, passes Congress and is upheld by the Supreme Court, and depending on the outcome of a scheduled plebiscite, the MILF would gain control of approximately 400 districts (equivalent to 20 municipalities), through its control of the Bangsamoro Transition Authority, which would oversee elections. The new Bangsamoro government would inherit existing government structures and civil servants, or local government units (LGUs – a government administrative designation), including those under the ARMM. In the interim period, the MILF would be the dominant grouping, with eight seats on the fifteen-member Bangsamoro Transition Authority. It has formed a political party to contest future elections for the Bangsamoro government. Given the failure of Congress thus far to pass the BBL, at the time of writing negotiations are underway to salvage elements of the peace process (such as successful monitoring and “normalization arrangements”), while stakeholders awaited the inauguration of a new President and government.

Like other peace accords, arguably the greatest challenge facing the BBL will be implementation. As already noted, previous agreements have failed, but other uncertainties exist. How will Filipino Christian communities respond, especially Mindanao Christians? Another important issue is the lack of certainty regarding the positions of Lumads and other minority Moro groups.³⁸

In terms of governance, there is widespread inefficiency and corruption among the LGUs that the Bangsamoro government will inherit, but not fully control (unless the constitution is changed). The challenges facing the MILF include how to transform an armed resistance movement into a viable governing party, while at the same time retaining command authority over traditionally autonomous and often fractious field commanders, not all of whom were happy with the BBL in the first instance, and many of whom are frustrated at its failure. Indeed, some have returned to armed conflict and/or criminality. In addition, this peace agreement does not adequately address long-standing concerns regarding land rights.

Post-armed conflict resistance forces tend to win post-peace elections, but then often govern badly, fragment, and find themselves replaced in political office by other actors (as happened to Gerakan Aceh Merdeka [GAM] in Aceh).³⁹ MILF leaders are aware of these dynamics and have worked hard to develop the organization's governance capacities, through workshops and trainings.

Other important issues relate to the attitudes of the MILF toward Bangsamoro civil society. Civil society actors have in the past complained about their lack of input in the peace process. One striking difference between the current situation and previous iterations of the peace process is the extent to which the MILF has undertaken concerted and systematic efforts to engage with civil society actors (at least those from the Muslim community), including through participation in a series of community consultations. Nevertheless, questions remain regarding whether it will be possible for local community-based organizations (CBOs) to work at the grassroots level without undue political interference or co-optation. How will civil society activities, some of which are framed within liberal democratic norms and values fit in

³⁷Personal communications with key actors in the peace process. For the MILF's (very constructive) take on these issues, see Institute for Autonomy and Governance 2015.

³⁸On the marginalized position of IPs in the Bangsamoro, see Paredes 2015.

³⁹Feener 2013, 285 describes how in 2012, Irwandi Yusuf, the GAM candidate, failed to be re-elected after three years in office, during which his administration was widely perceived as ineffective.

the Islamic agenda of some MILF leaders and supporters? Ineffective government-implemented development projects, their perceived inefficiency, and their appropriation by clientelist networks has led Moro grassroots activists to be hypersensitive about both corruption and the politicization of aid, and the risks of being co-opted by powerful interests (including MILF leaders). Moro community activists are often wary of outside (particularly secular) aid agencies and skeptical about the international community being able to understand and respond effectively to local needs in the peace process.⁴⁰

A key question for Mindanao, of direct relevance to Myanmar, is how the Bangsamoro can benefit from rather than be cursed by natural resources. Under the peace accord, the autonomous government will receive seventy-five percent of state revenues on metallic minerals and fifty percent of income from oil and gas sales. Further dilemmas in relation to natural resources relate to land issues. These include restitution or compensation for land lost due to the conflict or because of confiscation by well-connected individuals for gold mining and plantation agriculture. Neither the CAB nor the BBL addresses the land question in much depth. This may be explained by a concern that focusing on land rights (in the form of “ancestral domains”) alienated powerful local stakeholders (including influential politicians), and contributed to the failure of the 2008 peace settlement. However, given the centrality of land issues among the grievances articulated by conflict-affected communities that have suffered decades of injustice, the Bangsamoro government will need to ensure secure land rights and adjudicate land conflicts if it is to govern successfully. McKenna notes that:

Land laws of the postcolonial government defined all unregistered lands in Mindanao to be public land or military reservations. ... Unfamiliar with the procedures or deterred by the years of uncertainty, the steep processing fees, and the requirement to pay taxes during the interim, many Muslims neither applied for the new lands opened up by road construction nor filed for the land they currently occupied.⁴¹

Instead, Christians settled so much land that by 1970, this “differential access had produced a profound economic gap between Muslim and Christian communities throughout Mindanao,” with many settlers claiming land already occupied (sometimes for generations) by local Muslims.⁴² The credibility of a future autonomous government could be undermined if some kind of land commission and attempt at redistributive justice is not attempted.⁴³

Another unresolved issue is under what circumstances the MILF will disarm or integrate with the AFP.⁴⁴ In 2014, under the Annex of Normalization, the MILF and the government agreed to a process of decommissioning rebel weapons.⁴⁵ However, substantial progress on disarmament, demobilization, and rehabilitation is currently unrealistic, given the prevalence of small arms and criminality. These considerations raise the issue of illicit or shadow economies related to drug trafficking, trading in arms, and Mindanao’s burgeoning kidnapping industry.⁴⁶ Several actors could potentially derail the peace process. These include the aforementioned BIFF,

⁴⁰Parks, Colletta, and Oppenheim 2013.

⁴¹McKenna 1998, 117.

⁴²McKenna 1998, 118.

⁴³Gulan 2014.

⁴⁴The Annex on Normalization provides for 3000 MILF combatants to join newly established joint peace and security teams (to include the AFP, the Philippine National Police, and the BIAF).

⁴⁵A disarmament process began in June 2015, with seventy-five MILF weapons handed over to the Independent Decommissioning Body (on which see below) and the first 145 MILF combatants demobilized. See BBC News 2015.

⁴⁶Centre for Humanitarian Dialogue 2011.

which was formed in 2010 by disgruntled MILF operatives led by Commander Kato and unhappy with the approach and scope of the peace process.⁴⁷ Another element is factions of the MNLF who object to the scheduled dismantling of the ARMM once the Bangsamoro is in place.⁴⁸ Others include *rido*-related incidents that involve inter/intra-clan violence, and loosely organized groups such as Abu Sayyaf. Recently, concerns have grown regarding the radicalization of some elements of the community, including reported affiliations with the Islamic State.⁴⁹

Equally demanding challenges to a future Bangsamoro government are how to engage with bureaucrats leading LGUs, many of which are unenthusiastic about Moro political autonomy. Some civil servants have resisted the management of the ARMM. Future success will in no small part be determined by the adequacy of funding, and on maintaining the goodwill of government departments. Both will require significant political will. As noted above, although the Bangsamoro has significant revenue-generating potential, the dark side of this is the prospect of corruption.

The International Dimension

An important aspect of the Mindanao peace process has been the high level of involvement by the international community. In part, this is explained by the government and AFPs' relatively open attitude toward international engagement. The Mindanao peace process was internationalized through the creation of the International Monitoring Team (IMT), which was tasked with monitoring the initial MILF ceasefire. IMT monitoring teams consist of personnel from MILF, AFP and civil society, as well as international monitors, and have on several occasions been successful in preventing local incidents flaring up into large-scale clashes. Perhaps the most important international dimension is the involvement of Malaysia. Malaysian citizens have been implicated in aspects of the armed conflict. Malaysia and to a lesser extent the Organization of Islamic Cooperation, which has supported MNLF claims to Moro leadership, have **also** been crucial stakeholders in the peace process, including through facilitating negotiations between the government and MILF peace panels, and also played an important role in monitoring security and military aspects of the peace process. Significantly increased internationalization of the peace process post-2008 is largely explained by the government's eagerness to persuade the MILF to return to negotiations after 2008.⁵⁰ For the MILF, the internationalization of the peace process has resulted in significantly enhanced legitimacy and political credibility, on the national and regional stages.

The Situation of Indigenous Peoples

Members of the IP (or Lumad) community enjoy mixed relations with the MILF and other Islamic organizations on Mindanao. The MILF (and, to a degree, the MNLF) have included IP leaders in

⁴⁷According to BIFF spokesman Abu Misry Mama, the MILF "continue with what they plan to do, while we continue with our struggle for Bangsamoro independence. We can't join in that ongoing peace process" (Unson 2014).

⁴⁸In July 2013, the Nur Misuari faction of the MNLF announced the formation of a United Federated States of Bangsamoro Republik. The following September, his faction of the MNLF briefly occupied the city of Zamboanga before being driven off by government forces at the cost of scores of lives, and widespread population displacement and destruction of property.

⁴⁹Field Notes, February 2016.

⁵⁰A particularly important and innovative aspect of international involvement in the Mindanao peace process has been the establishment of the International Contact Group (ICG) in 2009. Consisting of four states (Japan, the UK, Turkey, and Saudi Arabia) and four international NGOs, the ICG is unique in its role as a nonstate actor in a top-table international mediation body.



Figure 3. MILF soldiers, 2014. Credit: Christopher Joll.

discussions (as has the government), and the sharia law envisaged for the Bangsamoro under the BBL would not apply to non-Muslims. Nevertheless, some IP leaders fear marginalization in the future Bangsamoro, with only two places reserved for IP leaders in the Bangsamoro assembly. If a MILF Bangsamoro administration is to govern in a manner considered legitimate by all citizens, they will have to engage with indigenous groups. For example, IP communities have their own notions of “ancestral domain,” traditional lands, and cultural practices.⁵¹ Indeed, IP communities sometimes regard the Moro as historically feudal overlords who are prone to the same forms of neopatrimonialism found in other developing countries, including perceptions of the private gains possible through public office.⁵² As McKenna observes, “as is the case with most other envisioned nations, the social collectivity imagined as the Philippine Muslim nation contains

⁵¹Personal communications, December 5, 2014.

⁵²Centre for Humanitarian Dialogue 2011.

substantial disparities in social power – disparities that generate conflicting interests and centrifugal tensions.”⁵³

Myanmar: Background

Demographic statistics for Myanmar remain contested, despite a census in April 2014 that calculated the population to be 51.4 million people.⁵⁴ Due to sensitivities around the ethnic breakdown of Myanmar’s demographics (and particularly the number of Muslim citizens), detailed figures on ethnicity will not be made available until late 2016. It is estimated that non-Burman communities make up at least 30 percent of the population.⁵⁵

Before the consolidation of British colonialism in South and Southeast Asia, ethnic identities were diffuse, with ethnolinguistic characteristics being one among several markers of sociopolitical position. The political salience of ethnicity was reinforced during the colonial period (1824–1948), so that by the time of Burma’s independence from the United Kingdom in 1948, ethnicity had become a defining category of political orientation. In the lead-up to independence, ethnic elites mobilized their communities in order to gain access to political and economic resources, demanding justice and fair treatment for the groups they sought to represent. During the late 1940s, there were widespread outbreaks of violence following the failure of Burman and minority elites to successfully negotiate a transition to independence.

By the time the KNU went underground in January 1949, the country had embarked on a civil war that lasted more than six decades.⁵⁶ The ensuing armed conflict was marked by serious and widespread human rights abuses on the part of both the Myanmar Army (Tatmadaw) and – less systematically – EAGs. During this time, ethnic-nationality populated rural areas have been affected by conflicts between various insurgent organizations and a militarized state widely perceived as dominated by elements of the ethnic Burman (Bama) majority. Myanmar’s ethnic insurgents have been fighting a protracted armed conflict in order to achieve self-determination, which in recent years has been framed as a desire for federal autonomy within a multi-ethnic union, against a centralizing and often chauvinistic government bent on forcibly assimilating the country’s diverse minority communities.⁵⁷

Myanmar’s ethnic communities are highly diverse. For example, there are a dozen Karen ethnolinguistic subgroups consisting of Buddhists, Christians, animists, and Muslims living in urban, peri-urban, and rural areas. In several cases, including (but not limited to) the KNU, privileged subgroups such as predominantly Sgaw-speaking Christian elites have historically assumed leading roles and sometimes sought to reimagine and reproduce a heterogeneous ethnic group in the stylized image of the dominant elites’ cultural and linguistic practices.⁵⁸ Furthermore, in many parts of Myanmar, dominant ethnic groups such as Karen and Shan coexist with minority communities like the Mon, PaO, and Lahu. This raises questions about how self-determination for the dominant ethnic group potentially affects the identities and interests of such minorities within minorities.

⁵³McKenna 1998, 14–15.

⁵⁴Aspects of the census methodology were problematic, including the ethnic categories used by the censuses and the fact that people living in areas not under government control were not counted (but estimated), nor were migrant workers from Myanmar living overseas (of whom there may be as many as four million, including family members). International Crisis Group 2014.

⁵⁵The CIA’s World Factbook estimates the population breakdown to be: Burman, sixty-eight percent; Shan, nine percent; Karen, seven percent; Rakhine, four percent; Chinese, three percent; Indian, two percent; Mon, two percent; and other, five percent.

⁵⁶For an overview of the Karen insurgency, see South 2011.

⁵⁷Houtman 1999.

⁵⁸On the predominantly Sgaw leadership of the Karen insurgency, see South 2011.



Figure 4. Map of Myanmar. Credit: Stefan Fussen, 2007.
<http://www.gnu.org/copyleft/fdl.html>, via Wikimedia Commons.

For decades, the Communist Party of Burma and dozens of ethnic insurgents controlled large parts of the country, exercising varying degrees of administrative control and delivering health, education, and other services to local communities, often in partnership with affiliated civil society actors, some of which operated from neighboring countries, particularly Thailand. Since the 1970s, however, armed opposition groups have lost control of much of their once

extensive territories, precipitating further humanitarian and political crises in the borderlands.⁵⁹ For generations, communities have been disrupted, traumatized, and displaced. In 2011 (the last time a comprehensive survey was undertaken), there were an estimated 500,000 internally displaced people (IDPs) in the southeast alone, and some 150,000 (predominantly Karen) refugees living in a series of camps along the Thailand-Myanmar border (plus as many as four million people of Myanmar origin living in Thailand as migrant workers). Since the start of cease-fire negotiations in late 2011, the number of displaced people in southeast Myanmar has fallen. However, few of these people have found what the UNHCR refers to as “durable solutions” to their plight. Furthermore, forced migration has increased dramatically in Kachin and Rakhine States as a result of continued armed conflict and communal violence.⁶⁰

A previous round of ceasefires in the 1990s brought considerable respite to conflict-affected civilian populations. These agreements (twenty-five in total, but not including the KNU) enabled some conflict-affected communities to begin the long process of recovery, and for civil society networks to (re)emerge within, and between, ethnic communities. However, the (then-military) government proved unwilling to accept the ceasefire demands made by EAG representatives for substantial political discussions leading to significant autonomy agreements. Therefore, despite some positive developments, the ceasefires of the 1990s did not dispel distrust between ethnic nationalists and the government.⁶¹

Myanmar Peace Process

The election of a semi-civilian government in November 2010 represented a break with the past, despite the continued role of the military. Although opposition groups, including most EAGs, continue to object to elements of the 2008 constitution, the political transition process has included limited decentralization to seven predominantly ethnic-nationality populated states. In late 2011 and through 2012, the government under President (and ex-general) U Thein Sein either agreed to, or reconfirmed, preliminary ceasefires with ten of the eleven most important EAGs, including the KNU, which agreed to a ceasefire on April 6, 2012.

This new round of ceasefires focused particularly on southeast Myanmar. Meanwhile, elsewhere in the country, the path toward peace was less clear. In June 2011, the Myanmar Army launched a major offensive against the Kachin Independence Organization (KIO), the main Kachin armed group in northern Myanmar, breaking a seventeen-year cease-fire. The resumption of armed conflict led to at least 80,000 people being displaced along the border with China, with tens of thousands more IDPs in the conflict zones and government-controlled areas.⁶² This resurgence of armed conflict included some of the most significant battles of Myanmar’s fifty-plus-year civil war. Although the government and the KIO agreed to a preliminary ceasefire in March 2013, the next two years were characterized by continued clashes.

Nevertheless, it is highly significant that President U Thein Sein (who leaves office at the end of March 2016) has endorsed a federal solution to the country’s protracted ethnic conflicts, as has Aung San Suu Kyi leader of the National League for Democracy (NLD), which won a landslide victory in the November 2015 elections. Furthermore, in many areas, ceasefires have resulted in significant improvements in the lives of conflict-affected communities. Civilians are able to travel

⁵⁹For background on ethnic politics and insurgency in Myanmar, see Smith 1999.

⁶⁰On forced migration in and from Myanmar (refugees and IDPs) in the context of the peace process, see South and Jolliffe 2015.

⁶¹See South 2008, esp. Chapter 3.

⁶²Human Rights Watch 2012.

more freely, and livelihoods have begun to improve through better access to fields for planting crops, and less predatory taxation by military authorities.⁶³

Until late 2014, Myanmar's EAGs had negotiated individually with the government's chief peace envoy, U Aung Min, assisted by his secretariat, the Myanmar Peace Center. In November 2013 most EAGs established a Nationwide Ceasefire Coordinating Team (NCCT), tasked with multilateral ceasefire negotiations with the government.⁶⁴ For the first time in the country's history, the government recognized and negotiated with EAGs collectively. In another important development, the Myanmar Army joined these negotiations toward a Nationwide Ceasefire Agreement (NCA). Unsurprisingly, once it joined negotiations in a serious manner, the army's position was revealed as significantly less flexible and accommodating to ethnic demands than U Aung Min's.

On October 15, 2015, eight EAGs (including the KNU and two smaller Karen factions) signed the NCA, together with the President, other senior government leaders, and the Myanmar Army Commander-in-Chief. This significant milestone in the peace process was somewhat diminished by the fact that a dozen or so other EAGs refused to sign the NCA, citing its lack of "inclusiveness."⁶⁵ Despite this, NCA signatory groups have moved ahead with establishing joint monitoring mechanisms at the Union level, and in the first instance locally in Shan State. A process of political dialogue has also been initiated, with the first meeting held in Naypyidaw in January 2015 including representatives of the Myanmar Army, government, Parliament, political parties, EAGs, and selected academic and technical experts.

The peace process has been experienced by many ethnic communities as a vehicle for the expansion of militarized state structures and the dubious benefits of "economic development" in conflict-affected areas, where the government has long been perceived as illegitimate, predatory and violent. Ethnic stakeholders are concerned that the delivery of an economic development first "peace dividend" may distract from local demands for explicitly political settlements after decades of conflict. Another key issue is the relationship between state and non-state government regimes and service delivery systems. In many areas, EAGs and associated civil society actors have long exercised extensive governance, which often have more reach, and enjoy considerably more local recognition and support, than those of the central government. Indeed, in many areas the only existing services are delivered by non-state actors, including civil society groups.

One of the main demands of ethnic stakeholders is for a political dialogue focused on their concerns and aspirations, in order to negotiate changes in the relationship between the state and Myanmar's diverse ethnic groupings. If and when substantial political dialogue starts, either as framed by the NCA or in the context of a changing national political landscape as a result of the recent elections, it will likely include political parties and civil society actors. In this context, there may be increasing challenges to the legitimacy of EAGs as representatives

⁶³Myanmar Peace Support Initiative 2014.

⁶⁴Two main multilateral structures represent Myanmar's EAGs: the NCCT and the United Nationalities Federal Council (UNFC, a military-political alliance of most EAGs, but not including the main Shan or Wa groups). In addition to formal peace negotiations, a second set of more informal (and controversial) discussions has been undertaken since early 2014 between the top leadership of the KNU, and the Myanmar Army's commander in chief.

⁶⁵Some EAG leaders (particularly those associated with the UNFC) have been determined to have a thoroughly "inclusive" NCA, including three small groups with few if any soldiers, and three EAGs that have (re)emerged only since the beginning of the peace process; government negotiators (particularly the Myanmar Army) insist on dealing only with established EAGs. This has been an issue of considerable dispute within and between EAGs and their various alliances, as well as with the government.

of ethnic communities. Already, some voices are questioning the degree to which these groups really represent their claimed constituencies, and to what extent these are essentially warlord organizations. It should be acknowledged that most EAGs (and individual field commanders) have economic agendas. After decades of armed conflict, it is hardly surprising that economic activities in conflict zones sometimes enrich both ethnic group and Tatmadaw personnel. Many of the longer-established EAGs nevertheless enjoy very extensive support among ethnic communities.⁶⁶

In addition, the military, foreign donors, and conflict-affected communities possess diverse perceptions of what constitutes peace. Ethnic communities desire structural changes to the state, and real autonomy. The army has historically opposed such changes, which it views as a threat to national unity. The government has avoided this thorny issue by focusing on the development needs of ethnic communities. Unfortunately, international support for the peace process has largely supported the government's view of what peace building means, proceeding in accordance with donors' assumptions and agendas rather than an understanding of political concerns and local needs and realities (see below).

Civil society actors in Myanmar have developed extensive networks, often providing life-saving assistance to conflict-affected communities. This is particularly the case in border areas where EAGs and associated civil society actors have long received international support, especially along the Thailand border. In government-controlled areas, there has been a significant revival of civil society networks over the past decade, including within and between ethnic-nationality communities. The convergence of these different civil society actors and the integration of non-state and government service delivery systems and governance regimes, are two of the most significant challenges in the Myanmar peace process.

The International Dimension

Prior to the post-2010 reforms, Myanmar was an international pariah state. Indeed, it was the generals' concerns about being aligned too closely to their one major international patron (China) which in part explains the decision under U Thein Sein to open up the economy and begin political reforms. The United States, Japan and the EU have been quick to seize on Myanmar's geopolitical realignment, reflected in American president Barack Obama's two visits in recent years.

Nevertheless, in contrast to the Philippines, the peace process in Myanmar is notable for the limited role of outside actors. Negotiations have been undertaken between the government and EAGs with almost no international mediation. Foreign support for the peace process has been limited to aid projects and technical advice. A number of international donors have pledged financial support to the peace process, and an EU-led multi-donor trust fund (the Joint Peace Fund) is in the planning stage. Major donors such as the United States, the EU, and Japan are keen to expand their assistance, on the understanding that supporting the peace process can help to consolidate the wider government-led reform process. There are substantial needs among conflict-affected communities, especially in the areas of health, education, livelihoods, and civilian protection. Unfortunately, thus far international support for the peace process has mostly been characterized by strategic drift, with donors appearing content to

⁶⁶Within the KNU, there are a range of opinions regarding whether the organization should aspire toward quasi-governmental status or should position itself as a political party focused on the interests of Karen and other minority communities in Myanmar.

provide funding through government-controlled structures. This is an easier approach than seeking out appropriate local partners on the ground.⁶⁷

This situation is not unique to Myanmar. Aid donors tend to frame the concerns of vulnerable communities as technical problems to be fixed by professional aid regimes, rather than sites of contestation requiring political solutions. Exceptions exist in contexts where a state's legitimacy is clearly and persistently challenged (as was the case in Myanmar before 2011), or when the interests of regional or global powers are directly involved. As a result, it is not uncommon for peace-support initiatives to fail to engage with the real issues affecting communities and other stakeholders; instead, they fall in behind government-led development and rehabilitation projects.⁶⁸ However, the problem in Myanmar is not primarily one of a failing or weak state that needs to be strengthened or fixed, but rather an urgent need to reimagine and negotiate state–society relations, in particular relationships between the Burman majority and ethnic-nationality communities.

Mindanao and Myanmar Compared

Among the causes of conflict in the two contexts, ethnic grievances on the part of minority communities are paramount. These relate to chronic underdevelopment and the domination of the state and economy by majority groups (Filipino Christians and Burman Buddhists, respectively). In both cases, political economies of conflict complicate the identities and interests of key actors, leading to a complex combination of “greed and grievance” explanations for armed conflict. Trust between minority communities and the government in both cases has been further exacerbated by experiences of previous, largely unsuccessful ceasefires. In both conflicts, EAGs have strong support among elements of the communities they seek to represent, although their legitimacy remains contested.

In addition, both countries are experiencing uneven transitions from military government toward more plural forms of at least partial democracy. New leaders elected in 2010 in both countries led to new approaches to peace. In both contexts, the executive has taken the lead, with the legislature playing only limited roles in the peace process. In consequence, there was a rush to achieve peace in the Philippines and to consolidate progress toward peace in Myanmar before new elections introduced potentially destabilizing elements. Furthermore, the lack of legislative involvement raises questions regarding whether executive-led negotiations are consistent with parliamentary rule and constitutional arrangements. Another key shared variable is the changing attitude of state militaries, which have shifted from seeking to defeat insurgents through force to a grudging acknowledgment of the need for a negotiated settlement. In Myanmar however, serious concerns remain regarding the extent to which the Tatmadaw will accept substantial constitutional changes. The Myanmar Army appears determined to punish those EAGs which have not signed the NCA. A lesson from the Philippines for Myanmar is the need to consult extensively with civil society actors, to ensure a sustainable buy-in from local stakeholders. Another concern from Mindanao is widespread lawlessness in the post-conflict period, in the context of a relaxation of state and EAG authority.

In addition to the challenges of sequencing imposed by imminent elections, minority groups in both countries widely distrust their national government. Such issues are complicated by the

⁶⁷Foreign donors can provide direct financial support to CBOs and local NGOs, if these are officially registered. However, many donors prefer to distribute funds through established international agencies, thereby offsetting the risk and administrative burden associated with directly engaging local civil society.

⁶⁸See Parks, Colletta, and Oppenheim 2013.

varying, but often problematic, relationships between dominant minorities (e.g., the Moro and the main Karen subgroups) vis-à-vis local minorities within minorities (e.g., indigenous communities on Mindanao, and other ethnic groups living alongside Karen communities in southeastern Myanmar, such as the Mon and PaO). In both cases, there are concerns also regarding attitudes among the majority communities and the degree to which citizens with limited direct experience of armed conflict can envisage a future in which ethnic-nationality communities achieve significant autonomy. Given the unstable and often violent nature of politics in the two countries, there are risks that unscrupulous politicians may exploit tensions and uncertainties. Other fundamental challenges relate to the difficulties faced by EAGs in transitioning from armed resistance to governance and service delivery. Both the MILF and KNU have experienced problems maintaining political coherence and holding policy lines, in the context of a protracted and contested peace process. As noted above, the KNU and other EAGs in Myanmar are quite factionalized, with different factions adopting different policy positions (for example, in relation to the peace process); furthermore, many KNU and other EAG field commanders have private economic interests and political views which may not be in line with those of headquarters. Similarly on Mindanao, the MILF has struggled to control the military and financial activities of individual field commanders and units.⁶⁹ The MILF/BIAF demonstrates a decentralized and fluid dynamic of command and control, as do the KNU and other EAGs in Myanmar.⁷⁰ These structures are well suited to the pursuit of guerrilla warfare, but are less useful in maintaining coherent political positions and policies.

Contrasts between the two cases include the framing of identities. On Mindanao, the “Moro” ethnonym has been adopted by elites as a collective identity for Muslims, although it remains unclear whether this ethnonym is widely accepted beyond the Maguindanaon community. The status of Lumads (IPs) in the Bangsamoro is potentially problematic, as they are likely to be marginalized numerically, and there are concerns that their interests will not be well represented in a Muslim-dominated polity. In Myanmar, there is a great diversity of ethnic communities and related EAGs, as well as a fragmented landscape of opposition alliances.⁷¹

A key variable explaining why the peace process has made significant progress on Mindanao is the recognition by the state of the Bangsamoro as a legitimate and potentially autonomous political entity.⁷² In Myanmar, where the peace process is far advanced, the President and main opposition leader have acknowledged the need for a federal political settlement, but key actors (particularly the Myanmar Army) do not always acknowledge the political legitimacy of ethnic (especially armed) actors.

Another notable difference between these case studies is their international dimensions. The Philippines has long been a client of the United States, including in the global “war on terror.” A key variable is the manner in which Myanmar has moved under the present government from being a client of China, toward cultivating much closer relationships with other countries, particularly the United States. The Mindanao peace process has, for some years, involved international advocacy, including the involvement of the Organization of Islamic Cooperation, and Malaysia.

⁶⁹Field Notes, February 2016.

⁷⁰The KNU (and its armed front, the Karen National Liberation Army) may itself be regarded as a sort of intra-Karen “federal union,” bringing together different autonomous geographic districts (and military brigades) from a diverse Karen ethnic community with speakers of different dialects, variable livelihood situations, and diverse religious identities. See South 2011.

⁷¹South 2011.

⁷²The BBL recognizes the Bangsamoro as an “inalienable part of the Republic of the Philippines”; cf. the Myanmar Army’s insistence on respect for the “Three National Causes,” prioritizing the indivisibility of the union.

In contrast, the Myanmar peace process remains far more domestic. The willingness of governments to negotiate with EAGs in both cases is partly explained by a desire for better relations with Western countries, which are perceived as sympathetic to ethnic minorities. Significant international involvement in the Philippines peace process is also a result of its relatively isolated island geography.⁷³ By contrast, Myanmar borders Bangladesh, India, China, Laos, and Thailand, and shares maritime boundaries with Indonesia and Malaysia. All of these borders have been associated with geopolitical tensions, informal economies, and cross-border trade – and significant refugee populations. The Myanmar government has historically been isolationist and xenophobic, although this is beginning to change.

There are also significant differences in the dynamics that sustain these two armed conflicts. Particularly noteworthy is the presence of MILF barracks close to government-held positions and garrisons on Mindanao. Some isolated areas are exclusively controlled by the MNLF, MILF and splinter groups, but territory under the single authority of EAGs is less common on Mindanao. In contrast, several of Myanmar's larger EAGs (including the KNU) have controlled extensive territory for decades.⁷⁴

Conclusion

This article is a preliminary discussion of two cases that have not previously been subject to a systematic comparison. We have identified key variables common to the two contexts and EAGs that help to explain the transition from war to peace. These include the changing nature of the Philippine and Myanmar states and the roles of presidents elected in 2010; Myanmar's move to cultivate better relations with the West and its allies (long enjoyed by the Philippines); the strategic choices of insurgent leaders to engage with peace processes despite the risks involved; and the roles of civil society organizations and local communities, in order for peace accords to be sustained and locally owned. We have also focused on a key challenge facing rebels seeking to reinvent themselves as rulers in Myanmar and Mindanao, respectively: how to establish (in the case of the MILF) or ensure the continuation of (in the case of the KNU) governance and service delivery (Mampilly's "rebel rulership"). We argue that the key asset for EAGs in these cases is their legitimacy (albeit often contested) among client communities.

Currently, the peace process is more advanced in the southern Philippines than in Myanmar. This is hardly surprising, given that negotiations in the former began in the mid-1970s. Although the failure of the BBL was a major setback, the MILF is preparing to inherit many aspects of government in the established Bangsamoro, initially through the Bangsamoro Transition Authority, but later (presumably) as an elected government. Notwithstanding the still significant hurdle of the BBL clearing the Philippines Congress (failing which, an interim solution will be urgently required), the MILF's main challenge will be effective governance, which in turn will be a key determinant of its perceived legitimacy. Assuming its acceptance by Congress (or compromise interim measures) the Bangsamoro's existence should be acceptable to the international community (e.g. the ASEAN regional grouping, the EU and the USA). More problematic however, is whether the new Bangsamoro autonomous zone can avoid the mistakes of the past, including the largely unsuccessful ARMM. Will MILF governance be regarded as credible, effective, and reasonably free from corruption by residents, including indigenous and Christian minorities?

⁷³Furthermore, the Tawi Tawi and Sulu Islands are deeply involved in mostly informal and often "criminal" international trade.

⁷⁴Smith 1999, South 2008, 2011.

In Myanmar, EAGs have long demonstrated state-like qualities, with larger groups such as the KNU exercising authority over sometimes quite extensive territories. With the caveat that EAG-controlled areas have been shrinking over the past several decades as the Myanmar Army has waged a brutal but effective counterinsurgency campaign, the main EAGs still administer significant areas and can exert an influence over a far wider range of territory. In these areas of influence, the KNU and its counterparts have developed departments of health, education, and agriculture. Often, these services are complemented or implemented by local civil society organizations, and occasionally by international NGOs, working in close partnership with armed groups. The challenge for the KNU is twofold: (1) to maintain and enhance governance and service delivery during a period when international donors are increasingly keen to support state services (especially under a newly elected and strongly legitimate, NLD-led government; and (2) to retain recognition from the state, from international development (and diplomatic) partners, and from its own client communities. This can be framed as an issue of convergence, with various models and suggestions regarding how state and non-state administration and service delivery regimes should relate to each other. Will non-state governance authority and service delivery regimes continue in parallel with those of the state, be gradually displaced, or undertake a process of “convergence” with state structures and systems?⁷⁵ Chapter Six of the NCA recognizes signatory EAGs’ authority in the fields of health, education, natural resource management, and even security, and allows for international assistance in these sectors (with the agreement of the national government). International donors (and the Myanmar government) are thus challenged to acknowledge and support EAG governance and service delivery regimes, during the likely protracted period between agreement of the NCA and negotiation of a comprehensive political settlement. In the meantime, groups such as the KNU will have to demonstrate their effectiveness and credibility, in a context in which local field commanders have more expertise as insurgents and “guerrilla administrators” than as local governance authorities, and where neopatrimonial political economies are deeply entrenched.

Does it matter if EAGs in either country become politically marginalized? Armed groups are just one (albeit particularly important) set of stakeholders on the ethnic political scene. Furthermore, some EAG leaders have significant economic agendas and questionable records on human rights and governance, as do state armed forces and government-aligned militias. Nevertheless, in both the case studies examined here, the main EAGs enjoy significant (albeit often contested) legitimacy among the communities they claim to represent. Furthermore, their ability to use force represents a significant threat to stability, with the potential to undermine transitions currently underway. If peace-support actors are serious about helping both countries recover from decades of conflict, they will have to engage with complex and contested realities on the ground. This must involve trying to understand and work with non-state governance systems. The risk of pursuing a technocratic “business as usual” approach is that post-conflict assistance fails to address the issues that have structured decades of conflict, missing the opportunity of supporting a genuinely transformative peace process.

As Berdal notes, “the key question as far as the post-war violence is concerned is whether those with a vested interest in continued violence succeed in appropriating and harnessing the power and symbols of nationalism to serve their own purposes.”⁷⁶ The risks of a return to violence have already been illustrated. In Mindanao, the most recent example is the January 2015 Mama-sapano incident (mentioned above). In Myanmar, state military forces have broken previous

⁷⁵See Jolliffe 2014.

⁷⁶Berdal and Suhrke 2013, 324.

truces on numerous occasions and launched attacks on ethnic communities associated with EAGs in Kachin and the Shan States. Furthermore, a lack of a mutually satisfactory outcome for all of Myanmar's diverse stakeholders may embolden EAG hardliners to return to armed conflict. This is a strategy that has not been successful in promoting ethnic-nationality elites' political agendas over the past half-century but has led to the construction of entrenched identities and positions, and enriched some rebel commanders.

Much will depend on whether, and to what extent, the Myanmar government and international actors (including but not limited to bilateral aid donors) are willing to recognize the legitimacy of EAGs. This is something that the MILF (and to a lesser extent, historically at least, the MNLF) has achieved. Myanmar's EAGs have focused in current negotiations on the state's acceptance of them as "revolutionary organizations" (a designation that many EAG leaders prefer, as they regard this as emphasizing their political identity and agendas). This is more than just semantics, but indicates the importance for Myanmar's ethnic-nationalist movements of acknowledging the justice of their struggle, and the legitimacy of ethnic claims to nationhood. They can credibly claim *de facto* state-like status. Mampilly argues that EAG administrations deserve "a more formal process of recognition," especially for those insurgent organizations ("counter-state sovereigns") meeting minimum standards of governance efficiency, "ensuring both stability and civilian welfare."⁷⁷ Such arguments should be particularly compelling in the case of post-insurgent organizations, such as the MILF and Myanmar's main EAGs.⁷⁸

Mampilly warns of dire consequences should insurgents be labeled as "terrorists," relieving them of responsibility for good governance.⁷⁹ This is a credible scenario in Myanmar. In Mindanao, the stakes are higher: should more discontented field commanders and their followers return to armed conflict, this would derail an agreement important not only for Mindanao but also internationally, as a rare example of an Islamic armed movement negotiating a comprehensive political settlement.

The peace processes in both contexts remain problematic, and the existence of opposing views is inevitable. Indeed, "spoilers" may be disruptive and often violent, but can still be legitimate within their own contexts, articulating credible and widespread grievances and concerns.⁸⁰ Unpacking prevalent narratives raises questions about the legitimacy of EAG elites as rulers of the communities and territories they purport to lead or represent, in both contexts. At some point, EAG elites in both countries will have to seek legitimacy through elections. This returns us to a further common element: the risks to comprehensive peace settlements represented by "the tyranny of elections" in Myanmar (2015) and the Philippines (2016). A major "known unknown" is how future governments will engage with these peace processes – an ironic conclusion, given the normative emphasis on democratic elections in international and diplomatic circles.⁸¹

⁷⁷Mampilly 2011, 247–248.

⁷⁸The Myanmar and Mindanao case studies support Mampilly's suggestion that territorially based insurgents are more credible as "counter-state sovereigns" than non-territorially inspired terrorists; Mampilly 2011, 254–255.

⁷⁹Mampilly 2011, 251.

⁸⁰Tobia 2014.

⁸¹Issues that lend themselves to future analysis include the situation of, and responses to, widespread forced migration (refugees and internally displaced persons) in Myanmar and Mindanao; a comparative study of the roles of state military and paramilitary/militia forces in the two countries; a critical comparison of international diplomatic engagement with and foreign aid to these conflicts and peace processes; and a historical study of how ethnic identity frames, and is reflexively framed by, the two contexts.

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Notes on contributors

Ashley South is a Research Fellow at Chiang Mai University, Center for Ethnic Studies and Development. Dr Christopher M. Joll is a New Zealand anthropologist affiliated with the Chiang Mai University's Center for Ethnic Studies and Development (CESD). He has been based in Thailand for 15 years, and has a PhD from the National University of Malaysia in 2009. He is the author of *Muslim Merit-Making in Thailand's Far-South* (Springer 2011).

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