

# Where are the Women?



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## Negotiations for Peace in Burma

**SVENSKA BURMA KOMMITTÉN**  
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Author: Jenny Hedström  
Layout: Claes Morén and Susanna Lif  
Cover photo: a KIA soldier by Narciso Contreras

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Note to reader: the political context in Burma is fast-changing. This report was updated until April 2013. "Burma" is used consistently throughout the report instead of "Myanmar" for practical reasons and not to indicate any political affiliation.

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## INTRODUCTION

Since the unanimous adoption of the United Nations Security Council Resolution 1325 on Women, Peace and Security in 2000, international consensus has been built around the need to involve women in peace processes in order for peace building to be sustainable, democratic and inclusive.<sup>1</sup> This policy framework now includes five resolutions adopted by the Security Council to promote and protect the rights of women in conflict and post-conflict situations.<sup>2</sup> The recent 7-point action plan released by the United Nation's Secretary General in 2010 reaffirmed the importance of mainstreaming a gender perspective throughout all aspects of the peace building process, and identified several substantive points of action to increase gender responsiveness.<sup>3</sup>

Despite this, women in Burma are effectively excluded from participating in the negotiations for peace. Less than a handful of women have been part of the official talks held between the State and the armed groups, and none of the 12 preliminary cease fire agreements reviewed for this report includes any references to gender or women. The expertise of local women's groups in peacemaking and trust building efforts has gone unnoticed, and concerns raised by women are being sidelined. The interest by the dominant funders of the Burmese peace building initiatives, the international community, in advocating for the increased participation of women or for the mainstreaming of gender responsiveness has been, at best, inadequate. This is a worrisome development which requires action from both international and local actors as the continued exclusion of women risks undermining the legitimacy of the entire process.

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1. Wilton Park, 2013

2. The five resolutions are the SCR 1325, SCR 1820, SCR 1888, SCR 1889 and SCR 1960.

3. Report of the Secretary-General on Women's Participation in Peace building, 2010

## BACKGROUND

Burma has been ruled by successive military regimes since the military took power in a coup in 1962, ostensibly with the aim of stabilizing the country, which was experiencing outbreaks of civil war. In the outlying ethnic areas some groups had taken up arms to fight the central Burman government, which had reneged on its promise to grant ethnic states autonomy. In order to quell the resistance movement, General Ne Win, head of the first military regime, decided to pursue a policy of 'burmanisation', which outlawed the teaching of ethnic minority languages, history and customs as well as the printing of texts written in anything other than Burmese. The Tatmadaw, the Burma Army, was instructed to target ethnic areas for destruction. Consequently the number of armed groups fighting the regime increased, and the continuing civil war forced hundreds of thousands of people to flee their homes. Frequent human rights abuses perpetrated by Burma Army soldiers posted in ethnic areas, such as forced portering, the rape of ethnic minority women and girls, and confiscation of land, have been well documented. Due to chronic economic mismanagement and endemic corruption, Burma has become one of the poorest countries in the world, with more than a fourth of its population living below the poverty line.

Women in Burma have been effectively excluded from participating in local and national decision-making processes since the military takeover, despite the country having ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Tellingly, the cabinet is a predominately all-male arena, with 37 out of 38 minister posts filled by men, most of which are former generals. The military, which women are largely barred from, similarly dominates all other branches of the government, resulting in a de facto exclusion of women from high positions of power. The 2008 constitution, presented by the Burmese regime as an important step towards democracy, does not provide women with any recourse to question this. It does not define gender-based discrimination or offer any guarantees of gender equality. Indeed, Article 352 states that "...nothing... shall prevent appointment of men to the positions that are suitable for men only."<sup>4</sup> The constitution also requires that the President must be well acquainted with military affairs, which could be used to disqualify women.

"The reality of the situation is that this is a country that has been under army government since 1962, and the army is almost all men, almost all cabinet officers, all people in senior positions have been men, for decades. That has cultural and political reasons as well as realities that have to change. Unless we tackle the underlying dynamics that have resulted in the country being ruled almost entirely by men I don't think anything will change."<sup>5</sup>

Thant Myint-U

4. Ministry of Information, 2008, p.150

5. International Institute for Democracy and Electoral Assistance, 2013

## NON-STATE ARMED GROUPS

Burma's civil war has primarily been fought between ethnic minority-based organizations, most of which at some point have had an armed wing, and the Tatmadaw. There have also been armed groups with more of an ideological or political underpinning, such as the Burmese Communist Party and the All Burma Student Democratic Front, as well as criminal enterprises and militias, controlling areas rich in opium production and other important economic resources. Some have split into warring factions and have entered into separate ceasefire agreements with the regime. This complexity is illustrated by the fact that in Shan state alone, there are more than 42 ethnic armies and militias.<sup>6</sup>

The leadership of the ethnic armed forces has been almost exclusively male, although some of them have had a women's branch attached to their armed wing. These have historically been mainly responsible for seeing to the needs of the people living in their midst, and female members have worked as midwives, nursery teachers and shopkeepers. Women have not traditionally been encouraged to train as combatants or soldiers in the ethnic armies, or to involve themselves in the political affairs of the armed groups.<sup>7</sup>

"The women don't have a voice [in the ethnic armies]. The mechanisms don't exist. I think things are slowly changing, but I just feel, when I see what's going on now with all these ceasefire deals, which are ignoring the concerns of the people, it just makes me sad. There is no political structure allowing women in, yet."<sup>8</sup>

Recently, some of these branches have morphed into more independently-minded women's organizations, focusing on changing norms of gender and violence as well as on advocating for political change, their goal being a democratic state inclusive of both gender and ethnic minorities at all levels of leadership and decision-making. As such, they are running gender-mainstreaming workshops for male-dominated organizations and intensive training programs for young women, preparing them to take up positions of leadership in political bodies. They are also documenting abuses suffered by ethnic minority women and girls at the hands of both men in their communities and the soldiers of the Tatmadaw, and have released several high-profile reports on rape and sexual violence in ethnic states.<sup>9</sup>

## CEASEFIRES BEFORE 2008

In the period leading up to 2008, cease-fires had been agreed with up to 25 non-state armed forces, including armed groups representing all of the major ethnic nationalities, with the exception of the Karen National Union.<sup>10</sup> The ceasefire agreements were mostly verbal agreements and not made public.<sup>11</sup> As such, input from civil society was kept at a minimum and women were effectively excluded from the negotiations.<sup>12</sup>

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6. Transnational Institute, 2009

7. Hedström, 2012

8. Anonymous, interview with author, 2012-02-06

9. See for example, The Shan Women's Action Network, 2002; Karen Women's Organization, 2010; Kachin Women's Action Network, 2012

10. South, 2007, p.14

11. Transnational Institute, 2009, p.13

12. Lahtaw, Ja Nan and Raw, Nang, 2012, p.7

None of the ethnic armed groups gave up all of their arms or relinquished control of the entirety of their territories. They did not discuss long-term political solutions or address ethnic demands, such as federalism. The conditions of the agreements meant that the leadership of the major ethnic ceasefire armies could now engage in major business deals, collect taxes, and recruit soldiers, on behalf of their communities and in the areas under their control. Ethnic languages were used in schools, and churches could be built in Christian communities. A level of peace was restored to parts of the country. However, as Moon Nay Li points out, the situation for women during ceasefires did not necessarily improve at all levels: "During the ceasefire, there were more Burma military soldiers and many human rights violations because of this. Kachin women were abused by the military, including sexual violence and human trafficking and it was not safe for moving around their village even on the way to the farms. Before the ceasefire in 1994 there are around 24 Burma military battalions of Kachin State. At the end of 2010, the battalions had almost doubled in size." The agreements were in essence military arrangements that ceased open hostilities but which did not in any meaningful way attempt to resolve the underlying grievances; in this way, the conflict remained.<sup>13</sup>

### **BORDER-GUARD FORCES**

The establishment of the new, military-drafted, constitution in 2008 paved the way for parliament elections in 2010, followed by a number of quasi-democratic reforms, envisioned to move Burma away from its military past to a new system of 'disciplined democracy'. Critics have questioned the sincerity of the government in undertaking these reforms, not least due to the military dominance of the new parliament – 25 per cent of the seats in the legislature are reserved for military officers. The vast majority of the remaining spaces are filled by the army's proxy party, the Union Solidarity and Development Party (USDP), which dominated the 2010 amid, among widespread accusations of voter fraud and electoral irregularities.<sup>14</sup>

As part of the reform process, a government proposal was made to integrate all non-state armed groups into a unified force under the command of the Tatmadaw. The regime did not offer anything substantial in return for groups participating in the proposed Border Guard Forces (BGF) initiative, and thus many were unwilling to do so. Importantly, none of the major ethnic groups would join, and intense pressure was leveraged on those holding out. Existing ceasefires were effectively abandoned.<sup>15</sup> In August 2010, the Tatmadaw launched an attack in the Kokang region in northern Burma targeting the Myanmar National Democratic Alliance Army (NDAA) in retaliation for the group refusing to join the BGF.<sup>16</sup> In February 2011, six months after the deadline to join the BGF expired, the United Nationalities Federal Council (UNFC) was established, a military alliance between eleven

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13. International Crisis Group, 2003, p. 14

14. The British Broadcasting Corporation, 2010-11-08

15. International Crisis Group, 2011, p. 5

16. *Irin News*, 2010-11-29

of the major ethnic armed forces, all of which refused to transform into BGF.<sup>17</sup> In June of that same year, the outposts of the Kachin Independence Army (KIA), another group refusing to become part of the BGF, came under attack. The conflict in Kachin state continues unabated, and has to date displaced over 75,000 civilians.

## THE PEACE PLAN

“The Government firmly believes that the State hand in hand with the entire people, upholding Our Three Main National Causes, need to pursue regional development by putting an end to armed insurrection to make internal peace in order to build a peaceful, developed nation...It is hereby announced that the government invites national race armed groups to peace talks”<sup>18</sup>

In August 2011 President Thein Sein declared a peace plan for national reconciliation. He relinquished the demand for armed groups to join the BGF and encouraged the ethnic armed forces to participate in a dialogue. A number of institutions were established, aiming to facilitate negotiations between non-state armed groups and the government. Prominent among these has been the peace initiative led by Minister Aung Min. He has been the regime’s key peace envoy since the commencement of the government’s peace plan, and has successfully headed one of the two official teams negotiating for peace.<sup>19</sup> In the spring of 2012, the Union Level Peace Team (ULPT) came into force. President Thein Sein himself heads the central committee, which is responsible for designing and implementing policies with regards to the ceasefires. The Myanmar Peace Center (MPC), funded by the European Commission, Norway and others, was opened later that year and is under the administration of Minister Aung Min. It coordinates all peace activities and reports directly to the President’s office and the ULPT.<sup>20</sup>

The peace process has three levels. First, armed groups and the government’s peace team settle on a basic state level agreement, agreeing to cease hostilities, remaining in the Union and establishing official liaison offices for further contact. The union level settlement follows the state level agreement, and here issues of common concerns are discussed in more detail, such as regional development, drug eradication policies, use of minority languages, religious freedom, etc. The third, and last, agreement will be discussed and decided upon in the parliament, but no group has reached this level yet.<sup>21</sup>

The government’s delegations have to date signed cease fire agreements with twelve groups: Karen National Union (KNU); Karenni National Progress party (KNPP); Shan State Army-North (SSPP/SSA-N); Chin National Front (CNF); New Mon State Party (NMSP); PaO National Liberation Organization (PNLO); Arakan Liberation Party (ALP); Kayan New Land Party (KNLP); Democratic Karen Buddhist Army - Brigade 5 (DKBA-5); Shan State

17. Shaung, 2013-01-08

18. The New Light of Myanmar, 2011

19. The Irrawaddy, 2012-05-08

20. Burma News International, 2013

21. The Nation, 2013-02-17

Army South (RCSS-SSA); United Wa State Army (UWSA); and National Democratic Alliance Army (NDAA).<sup>22</sup>

These institutions are almost exclusively male dominated – none of ULPC’s twelve central committee members are women. The working committee has 52 members; of these, only two are women.<sup>23</sup> The numbers for the MPC are equally stark: no women are employed in the strategic running of the organization, and the mission statement does not mention the importance of including women in peace negotiations, in glaring contrast to the recommendations set forth in UN Resolution 1325 on Women, Peace and Security. Indeed, nowhere in the mission statement can the words gender, women or girls be found.<sup>24</sup>

“Honestly, there was no engagement or attempt to engage [with women and gender issues]. The institutions such as the President’s office and the Myanmar Peace Center are heavily, if not exclusively, male dominated ones... the Burmese government’s delegation did not include any woman...I do not have a feeling that they understand what Resolution 1325 means...The men in Burmese politics are not yet used to seeing things comprehensively, including from a gender perspective. As long as gender issues have not been mainstreamed, it is impossible to expect any exclusive male club to come up with any policy or plan that considers or includes a gender perspective.”<sup>25</sup>

Naw May Oo, KNU

## CURRENT CEASEFIRES

Unlike the last round of ceasefire talks, pre-2008, which was closed to the public, this process has been largely conducted in the open. The ceasefire agreements can be found online, and media, whether government controlled, oppositional or independent, are publishing articles on the process and the actors involved. Five of the ceasefire agreements explicitly refer to the right of the armed groups to consult with the public or with the media about the process they are involved in. One, the NDAA’s union-level peace agreement, identifies the importance of including and empowering youths from the Kokang ethnic group. From the government’s side, the level of civil society input has been restricted, but some of the ethnic armed groups have been actively seeking input from grassroots-based organizations in their community, such as women’s groups.

“Until the last negotiation meeting, which was in September 2012, the KNU’s approach to the ceasefire process had been guided by inputs from all Karen organizations, including the Karen Women’s Organization...KNU worked closely with KWO from seeking inputs to having KWO’s representation in the delegation.”<sup>26</sup>

Naw May Oo, KNU

22. Burma News International, 2013

23. Burma News International, 2013

24. Burma News International, *ibid.*

25. Naw May Oo, e-mail communication with author, 2013-02-19

26. Naw May Oo, *ibid.*

"In this current ceasefire process, our organization's role is that we give information about women's situation, we share our advocacy issues, and we lobby and advocate to our KIA/KIO leaders about women's role in the peace process, including in the negotiation process."<sup>27</sup>

Moon Nay Li, KWAT

Women's organizations are well qualified to be involved in this process. Under the umbrella of the Women's League of Burma (WLB), they have for the past 13 years conducted a program aimed at advancing peace and reconciliation in Burma, educating communities and leaders alike about strategies to enhance trust and build peace. The organization's very first Congress in 2000 identified the building of trust and peace throughout Burma's many ethnic communities as the *raison d'être* for their very existence, and gender equality as an integral part of this. Up to 3,000 women and men from different ethnic and religious backgrounds participate in their annual peace building training for grassroots communities throughout Burma and the Burma borders.<sup>28</sup>

The women have also been involved in the drafting of an alternative, "shadow constitution" of Burma, advocating for a 30 % quota of women in parliament, and have called for the International Criminal Court to prosecute the Burmese general Than Shwe for crimes against humanity based their research unearthing the systematic use of sexual violence against ethnic minority women by the Tatmadaw. In cooperation with Nobel Women's Initiative they in 2010 organized an International Tribunal on Crimes against Women of Burma, held in New York, USA.<sup>29</sup> The knowledge held by women's groups regarding effective peace-building processes is therefore extensive and includes in-depth understanding of both international and local mechanisms and of relevant jurisdictional frameworks.

The WLB has established a peace mission in order to inject a gender perspective into the peace process. After meeting twice with Minister Aung Min in Thailand in 2011, they travelled to Burma in December 2012 on a one-week tour to meet with parliamentarians, the MPC and other officials involved in the ceasefire process.<sup>30</sup>

"When we met with the MPC, we asked them question about women, and what they plan to do for women, and about legal issues, how to make laws stronger for women...There are so many things they need to address! It is so important that women are part of the political dialogue. But it is a long way, and we have many challenges ahead"<sup>31</sup>

Tin Tin Nyo, WLB

27. Moon Nay Li, *ibid*

28. Women's League of Burma, accessed 2013-04-09

29. Nobel Women's Initiative, 2010

30. Ei Ei Toe Lwin, 2012-12-24

31. Tin Tin Nyo, interview with author, 2013-03-08

In addition to meeting with the government-controlled institutions, the WLB has also met with the UNFC, and has held separate talks with all of the ethnic armed groups involved in the ceasefire process, apart from the KIO and the NMSP (which nevertheless are represented in the UNFC).

However, despite frequent lobbying and advocacy on behalf of the women's groups, the issues they have brought forward have not been included in the agreements. None of the state or union-level ceasefire agreements include any references to women or gender issues. There is no mention of the use of sexual violence as a tool of warfare, as frequently documented by the women's groups, nor any discussions regarding the inclusion of women in governance settings. The need to develop gender-sensitive post-conflict recovery and reconciliation programs or development efforts, as stated in the internationally endorsed women, peace and security policy framework, including in the five UN Security Council resolutions identified above, is effectively ignored.

"During the peace talks between the government and CNF, there was just one women observer [from the CNF side]. In the lead up to the negotiations, CNF should have emphasized participation of women and their concerns. If you look at the outcome of the peace talks, the 28 agreement items do not reflect what women are concerned about for their lives, their children and their families."<sup>32</sup>

Cheery Zahau, Chin activist

Moreover, women have been physically excluded from attending the ceasefire negotiations. Out of the twelve preliminary agreements signed, women have been included as official representatives in only three peace teams: the KNU, the KNPP, and the CNF. However, even when women have been part of the official peace negotiation delegation, no ethnic armed force has ever included women in all of the official talks held. For example, the KNU invited women to participate as representatives of the delegation from the second round of talks held, and with the KNPP, women were included in the first meeting only<sup>33</sup>.

"The ethnic armed groups agree with us in principle that women should participate but they say there are no human resources from the women's side to represent at the negotiations. They do not really think that this issue is important. They don't really see that the women's participation is absent from the ceasefire level [because of] the fact that we can only join where there is a political dialogue [and not ceasefire negotiations], so, that is their perspective. All the meetings that we have been doing...have been challenging because they don't think this issue is an important issue for them."<sup>34</sup>

Tin Tin Nyo, WLB

32. Mirante, 2013-02-04

33. The KNPP brought two women members of the central committee to attend their first round of negotiations, but the second time round no women was part of the official delegation. The KNU delegation was all-male during their first delegation, but the second delegation was led by a woman, Zippora Sein, and a second woman, Naw May Oo participated as an official translator and head of the negotiation team. In addition to this, a representative from KWO attended. For the CNF negotiations, one woman observed the talks. Tin Tin Nyo, *ibid*, Naw May Oo, *ibid*, and Mirante, *op.cit*

34. Tin Tin Nyo, *ibid*.

“In my observation, men from both sides seemed to realize the importance of women’s participation in such an important process, only because they get questioned by their (Western) counterparts... Though the Burmese government’s delegation did not include any woman, seeing three women sitting in front of them was a friendly reminder which the government’s representatives admitted. Yet, their realization of the importance of women’s participation was merely a token...”<sup>35</sup>

Naw May Oo, KNU

This is problematic because if women are excluded from participating in the negotiations, their voices will be missing from any transitional plans put forward by the government and the ethnic armed groups. Women’s experiences of the war differs in significant ways from that of the men, argues Yee Htun, human rights lawyer and former advocacy officer for Nobel Women’s Initiative.<sup>36</sup> Women in Burma have been targeted for sexual violence by the Tatmadaw, and with the men fighting the war, there has been a sharp rise in single-headed female households, with women assuming responsibilities for the welfare of their families and communities. Laws concerning domestic violence, sexual harassment and rape as well as workplace discrimination need to be reformed for gender equality to develop. During transitional periods violence against women and girls often not only continues but actually increases due to the return of combatants, lack of social security such as housing and jobs, and post-traumatic stress issues.<sup>37</sup> Crucial issues such as these must be addressed in order to build the foundation for an equal and just society, and without the participation of women in the peace process, these issues risk going unnoticed in post-conflict arrangements. And as Naw May Oo points out, women make up half the population in Burma. For that reason alone, women must be a part of the process, now and in the future.<sup>38</sup>

“We are working very hard for women to be included at all levels. If women are excluded from the process, the post-conflict plan might not include consideration for women... They might overlook [violence against women], and might not reform gender-relevant laws. These considerations come from women’s groups, not from them, they would never look at this unless we tell them.”<sup>39</sup>

Tin Tin Nyo, WLB

The women from Burma have used their voices as powerful agents for peace, building alliances across ethnic divisions and advocating against violence. Why then are they excluded from participating? The answer, according to KWAT, may be linked to cultural reasons. Women are not expected to make political decisions; the public domain is a male domain, where women are not supposed to speak up.<sup>40</sup> Male political leaders do not see the absence of women from the negotiation table as a problem, explains Tin Tin Nyo, as women should not be sitting there in the first place.

35. Naw May Oo, *ibid.*

36. Htun, Yee, interview with author, 2013-03-13

37. Bastick, 2008

38. Naw May Oo, *ibid.*

39. Tin Tin Nyo, *ibid.*

40. Moon Nay Li, *ibid.*

“You know, it’s a little bit difficult to talk about women’s participation in this process and in politics, because in our culture and tradition, the men feel the man have to do [this], it is their duty”<sup>41</sup>

Moon Nay Li, KWAT

## CONCLUSION

The absence of Burmese women, from both majority and minority ethnic groups, from the many ongoing peace processes is a sad reality in Burma today. The country lacks the political will needed to push for women to be included. This is demonstrated by the failure to achieve equal representation in the agencies and organizations involved in this process. It is also evidenced by the exclusion of matters relating specifically to women and girls in the agreements signed by the State and the armed groups.

Without women’s inclusion at all levels of decision-making, important and critical perspectives on peace and gendered issues in transitional agreements between the armed groups and the State risk being ignored. In order to support the creation of an inclusive, democratic and just post-conflict Burma, the international community and national actors must take action to advocate for women’s rights and inclusion in the political process as well as in the current peace negotiations.

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41. Moon Nay Li, *ibid*

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## **GLOSSARY**

- BGF – Border Guard Forces
  - CNF – Chin National Front
  - DKBA-5 – Democratic Karen Buddhist Army Brigade 5
  - KNLP – Kayan New Land Party
  - KNPP – Karenni National Progress party
  - KNU – Karen National Union
  - KWAT – Kachin Women's Association Thailand
  - KWO – Karen Women's Organisation
  - MPC – Myanmar Peace Center
  - NDAA – Myanmar National Democratic Alliance Army
  - NMSP – New Mon State Party
  - PNLO – PaO National Liberation Organization
  - RCSS-SSA – Shan State Army South
  - SSPP/SSA-N – Shan State Army-North
  - ULPT – Union Level Peace Team
  - UNFC – United Nationalities Federation Council
  - USDP – United Solidarity and Development Party
  - UWSA – United Wa State Army
  - WLB – Women's League of Burma
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**“If women are not involved in the ceasefire process, and I mean at every step, every level of the process, if women are not participating, the consequences might be a longer conflict in Burma, and the fighting will not stop.”**

**Moon Nay Li, KWAT**

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Since the unanimous adoption of the UN Resolution 1325 on Women, Peace and Security in 2000, international consensus has been built around the need to involve women in peace processes in order for peace building to be sustainable. Yet, in Burma, women are effectively excluded from participating in the negotiations for peace. *Where are the Women?* provides an introduction to how women’s participation has been limited, and why this matters.