



Delhi Policy Group

Advancing India's Rise as a Leading Power



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Myanmar, One Year after the Military Takeover

Author

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Cover Photographs:

Myanmar's State Administration Council Chairman Senior General Min Aung Hlaing presides over an army parade on Armed Forces Day in Naypyitaw, Myanmar, March 27, 2021. Source: Reuters

Cambodian Prime Minister Hun Sen and Myanmar State Administration Council Chairman Senior General Min Aung Hlaing, holding a souvenir photo in Naypyitaw, Myanmar, Jan. 7, 2022. Source: National Television of Cambodia / AP

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Myanmar, One Year after the Military Takeover

by
V.S. Seshadri

Introduction

It is now one year after what was declared to be an interim military takeover in Myanmar, but there is no resolution in sight as armed conflict continues in one region or the other and the death toll keeps mounting.¹ Violence is not uncommon even in Yangon. What began as a Civil Disobedience Movement (CDM) by striking medical professionals and civil servants along with Gen-Z activists has been transformed with some going underground or joining local militias, or “people’s defence forces” (PDF). Meanwhile, Daw Aung San Suu Kyi (ASSK) continues to face multiple charges and legal proceedings, as do several of the senior figures in her National League for Democracy (NLD) party who were occupying high office at the time of the military takeover on the midnight of February 1, 2021. Harsh sentences are being handed down to those accused by the military on various grounds, including for having won an allegedly fraudulent election. The country’s economy, meanwhile, has nosedived with GDP expected to decline by an estimated 18% in 2021, a year when the rest of ASEAN has recovered to positive growth after the pandemic impacted 2020². Several foreign investors have withdrawn. Most recently, Chevron and Total³, who were involved in gas extraction operations in the country, have announced their intention to leave. To better assess the overall situation and the future prospects it is important to briefly look at developments over the past year in relation to three key sets of domestic actors - the military regime itself, the NLD and the ethnic groups - as well as the emerging international discourse on Myanmar.

Internal situation and the key domestic actors

Internally, the chasm between the military regime headed by Senior General Min Aung Hlaing (MAH) and the ousted NLD government and its representatives has only widened. MAH, who assumed power as the head of a

¹ Even as per the SAC of Myanmar the Kayah and the Chin states and some parts of northern Sagaing and Magwe regions are currently unstable. See the report on 15 January in Eleven Myanmar titled ‘SAC will extend duties after one year’

² The World Bank predicts the economic activity in Myanmar to remain at low levels with the overall outlook bleak. See <https://www.worldbank.org/en/news/press-release/2022/01/26/economic-activity-in-myanmar-to-remain-at-low-levels-with-the-overall-outlook-bleak>

³ See https://www.business-standard.com/article/international/energy-major-chevron-total-to-exit-myanmar-over-human-rights-abuses-122012200076_1.html

State Administration Council (SAC), had announced a five point roadmap for handing governance back to a new administration after holding fresh elections in about an year or so. But in August last year, he designated himself the Prime Minister and has given the impression of running a legitimate government, putting also in place new laws and procedures. The goal of holding elections and handing over governance to the winning party has been delayed to August, 2023. NLD and its leadership are, meanwhile, being discredited in every possible way, including being called terrorists, an indication that the party or a good part of it could be kept out of the electoral process, for which the SAC-reconstituted Union Election Commission may be preparing the ground. There are also discussions about changing the electoral system to proportional representation from the existing first past the post method for picking the winners. A prevailing view is that the military-backed USDP party may score better with proportional representation, particularly against iconic or popular opposition leaders who can sway voters easily.

NLD and the NUG both in a combative mood

The NLD too, with several of its leaders having been charged with various crimes, has been in a combative mood and has viewed the SAC as usurpers. The newly elected NLD parliamentarians who were ousted by the coup grouped themselves into a Committee for Representatives of the Pyidaungsu Hluttaw⁴. A shadow National Unity Government (NUG) was also set up comprising 27 ministers in May, 2021 drawn from not only the NLD but also some of the ethnic groups. The NUG came up with its own idea of a federal constitution and a federal army. Since September, 2021 the NUG has also declared a 'peoples' defensive war' against the regime, straying from non violence and raising doubts if ASSK would have approved of this⁵. From peaceful protests seen in the initial months, the NUG has moved forward to armed resistance, encouraging groups willing to take up arms to collaborate with willing ethnic armed organisations who could provide training. In recent months, the Sagaing and Magwe regions have seen considerable resistance activity that has turned violent. Whether such a strategy has any chance of success against the Myanmar armed forces that have an active strength of an estimated 350,000 military personnel is, however, uncertain. The shadow NUG Prime Minister Mahn Wai Khaing Than, also a Karen NLD MP, was recently

⁴ Pyidaungsu hluttaw is the combined house of the lower and upper houses on the national parliament

⁵ A briefing on the Myanmar situation by the International Crisis Group dated 20 October 2021 may be seen at <https://www.crisisgroup.org/asia/south-east-asia/myanmar/b170-deadly-stalemate-post-coup-myanmar>

quoted as saying⁶ that “victory is inevitable” and predicting that the military regime can be defeated by the end of 2022.

Ethnic divisions continue

Meanwhile some of the ethnic armed organisations (EAOs) that were earlier signatories to the National Ceasefire Agreement (NCA) have pulled out of the NCA during the last one year and taken to fighting against the regime. These include the Karen National Union (KNU) and the Chin National Front (CNF), in whose ethnic areas fighting has escalated with the military also using airpower in certain instances. Most recently, the All Burma Student’s Democratic Federation (ABSDF) has also exited the NCA, reducing the signatories now to seven as against the earlier ten. These developments are apart from clashes that continue to take place with the military from time to time in the Kachin, Shan and Kayah states with armed groups that were not with the NCA even earlier. As for other armed groups such as the Was, the Restoration Council of Shan State (RCSS), the Monglas etc., which are regarded as having close ties with China, they are monitoring the situation from the sidelines. It is against this backdrop that one has to evaluate the meaning of the ceasefire agreement that the military regime had earlier announced till February, 2022 against all the EAOs and which it has offered to extend till the end of 2022 during the recent visit of the Cambodian Prime Minister to Myanmar. It needs to be also pointed out that for several of the EAOs, both the military regime and the NLD, which are seen as only pursuing Bamar dominated majoritarian interests, are seen as two sides of the same coin with little to choose.

Regional Perspectives on Myanmar and the ASEAN “five point consensus”

There has also been some evolution in the regional positions on the Myanmar situation. Of particular relevance are those of ASEAN, China and Japan. Following an ASEAN summit last April in Jakarta in which Myanmar’s internal situation was the main item of discussion with MAH in attendance, ASEAN had come up with a “five point consensus” (FPC) peace plan, which inter alia called for immediate cessation of violence and inclusive political dialogue including “all parties” to the country’s conflict. The process received wide international support but went nowhere in implementation. The Myanmar military showed no interest in facilitating the visit to Myanmar of the special envoy appointed by the then ASEAN chair (Brunei) to hold consultations with all parties

⁶ See the report ‘I have never seen such solidarity.....-NUG Prime Minister’ by Nyan Hlaing Lin, 22nd January, 2022. See <https://www.myanmar-now.org/en/news/ive-never-seen-such-solidarity-we-expect-the-revolution-to-succeed-this-year-nug-prime-minister>

concerned, including the NLD. Nor were specific measures taken to bring down the level of violence. Several ASEAN members felt disturbed at the lack of any progress. The Brunei chair, in consultation with other members, then took the unprecedented step of not permitting the Myanmar military leadership to participate in the ASEAN Summit which was held in October last year⁷. While a non-political representation of the country was permitted, this offer was not taken up by the Myanmar military. This was a significant setback to the regime which blamed “foreign intervention” for the decision which it said was made without consensus and went against the objectives of ASEAN, its charter and principles.



Myanmar's State Administration Council Chairman Senior General Min Aung Hlaing presides over an army parade on Armed Forces Day in Naypyitaw, Myanmar, March 27, 2021.

Source: Reuters

⁷ See the news report ' Myanmar opposition welcomes ASEAN's exclusion of junta leader' by Sebastian Strangio', 19 October, 2021 published by The Diplomat

Box 1: The two five points

The five point roadmap of the State Administration Council of Myanmar (FPR)

1. Union Election Commission will be reconstituted and its mandated tasks including scrutiny of voter lists shall be implemented in accordance with the law;
2. Effective measures will be taken with added momentum to prevent and manage the COVID-19 pandemic;
3. Actions will be taken to ensure speedy recovery of businesses from the impact of COVID-19;
4. Emphasis will be placed on achieving enduring peace for the entire nation in line with the Nationwide Ceasefire Agreement (NCA); and
5. Upon accomplishing the provisions of the status of emergency, free and fair multi-party elections will be held in line with the 2008 constitution and further work will be undertaken to hand over state duties to the winning party in accordance with democratic standards.

ASEAN Five Point Consensus on Myanmar (FPC)

1. There shall be immediate cessation of violence in Myanmar and all parties shall exercise utmost restraint;
2. Constructive dialogue among all parties concerned shall commence to seek a peaceful solution in the interests of the people;
3. A special envoy of the ASEAN chair shall facilitate mediation of the dialogue process, with the assistance of the Secretary General of ASEAN;
4. ASEAN shall provide humanitarian assistance through the ASEAN Coordinating Centre for Humanitarian Assistance on disaster management (AHA); and
5. The Special Envoy shall visit Myanmar to meet all parties concerned.

Notes on the FPR and the FPC

The FPR was unilaterally announced by the military regime soon after its takeover on 1st February 2021. It made no reference to the protests or violence that soon spread to various parts of the country. On the other hand, the FPC was announced to resolve the violence and unrest that had spread in the country in response to the military takeover by the time of the ASEAN summit meeting in April 2021. It outlined a process of halting the violence and holding a constructive dialogue among 'all parties concerned' in moving towards a peaceful solution and for providing humanitarian assistance.

Linking the FPR with the FPC, as was done in the joint press release issued after the Hun Sen visit to Myanmar as ASEAN chair, implied that ASEAN was inter alia endorsing a) the reconstitution of the Union Election Commission of Myanmar: b) the accomplishment of the emergency provisions announced by the military regime and c) the holding of the multi-party elections as may be decided under the regime, all of which did not figure in the FPC. Not surprisingly, some of the ASEAN members have objected to such a linkage.

Enter Cambodia, to which the ASEAN chairmanship has been passed by Brunei, effective this year. Even before its onset, the Myanmar regime's foreign minister Wunna Maung Lwin made a dash to Pnom Penh in December, 2021 seeking to resolve the exclusion of its representation. Prime Minister Hun Sen,

who had gone along with the ASEAN decision to exclude the military leadership from the summit in October last year, had in the interim changed his stance, perhaps with prodding from China. He promised to try new approaches and visited Myanmar on January 7-8, 2022.

PM Hun Sen's Myanmar visit as ASEAN chair turns controversial

The joint press release issued at the conclusion of the Hun Sen visit to Myanmar⁸ featured a controversial interpretation of the FPC of ASEAN. The Myanmar regime pledged to fulfil the FPC in accordance with the ASEAN charter, but emphasised that its implementation should be complementary to the realisation of the five-point roadmap (FPR) of the SAC itself. The Myanmar leader was clearly giving primacy to the FPR over the FPC (see Box 1 for the texts of FPC and FPR, with some notes). The press release further welcomed the Myanmar regime's offer to extend the ceasefire with ethnic armed organisations (EAOs), already in force upto end-February 2022, till the end of the year and to allow the participation of the special envoy of the ASEAN chair (the Cambodian foreign minister has now been designated as the special envoy) to join the talks with and among the EAOs. This appeared to seriously limit the call for cessation of violence in the FPC to only the EAOs, at a time when the country was witnessing unrest and violence by civilian populations from both the Bamar regions and ethnic states against the military takeover. And what was not said in the press release was also that the Cambodian chair will invite the Myanmar regime's representatives for future ASEAN high level meetings. Indeed, its foreign minister was also invited to the first ASEAN foreign Minister's meeting that was to be held in Siam Reap in the third week of January, 2022.

The outcome of the Hun Sen visit, the first by a foreign head of government to Myanmar after the military takeover, caused a vertical division in ASEAN. At least four of the founding members - Indonesia, Malaysia, Philippines and Singapore - took strong objection⁹. The Singapore Prime Minister urged ASEAN's new chair to engage all sides in the Myanmar conflict and conveyed that any change in respect of Myanmar's representation in ASEAN meetings had to be based on facts. Indonesia and Malaysia also appeared to be unhappy, especially with the linking of the FPC of ASEAN with the FPR of the Myanmar

⁸ See page 6 of the issue dated 8th January 2022 of the The Global New Light of Myanmar, <https://cdn.myanmarseo.com/file/client-cdn/2022/01/8-1-2022-1.pdf>

⁹ See for example the Reuter's newsreport 'Discord over Myanmar as ASEAN postpones year's first meeting' dated 17 January 2022, <https://www.reuters.com/world/asia-pacific/discord-over-myanmar-asean-postpones-years-first-meeting-2022-01-17/>

regime. Facing the heat, Cambodia decided to postpone the Foreign Ministers' meeting but attributed the deferral to scheduling difficulties.

PM Hun Sen has also backtracked somewhat since¹⁰. There is now talk of MAH being invited to the next ASEAN summit only if there was progress in implementing the FPC. In a virtual meeting between Hun Sen and MAH on January 26, he reportedly conveyed his deep concern about the persistent violence in Myanmar. He further urged that the ASEAN special envoy be allowed to visit the country and to support humanitarian access. While there is no word on how MAH responded during the call with Hun Sen, there is interestingly an indication from Myanmar now that the regime may permit the special envoy to have access to some of the moderate members of the NLD.



Cambodian Prime Minister Hun Sen and Myanmar State Administration Council Chairman Senior General Min Aung Hlaing, holding a souvenir photo in Naypyitaw, Myanmar, Jan. 7, 2022. Source: National Television of Cambodia / AP

Cambodia is close to China and has acted at China's behest in the past. It was during its previous ASEAN chairmanship in 2012 that the ASEAN foreign minister's meeting that year ended without issuing a joint statement over differences on the South China Sea issue. Cambodia's about turn after agreeing in October last year to the consensus of not inviting MAH to the ASEAN summit could also be seen as mirroring the change in position of China itself in the last few months regarding the level of its support to the regime. Following the Hun

¹⁰ See the news item "Cambodian PM calls on Myanmar junta to implement ASEAN Peace Plan' by Sebastian Strangio which appeared in *The Diplomat* on 27 January 2022, <https://thediplomat.com/2022/01/cambodian-pm-calls-on-myanmar-junta-to-implement-asean-peace-plan/>

Sen visit, the Chinese foreign ministry spokesman has appreciated Myanmar's readiness to create favourable conditions to fulfil the duties of the ASEAN special envoy, and work towards effective alignment between Myanmar's FPR and ASEAN's FPC.

China's position on the Myanmar situation also sees evolution

Since the onset of the Myanmar crisis last year, China (along with Russia) has ensured that there was no strong condemnation of the Myanmar regime in the UN Security Council. It was initially cautious about fully embracing the military regime as against the NLD, with which it had been able to build a good working relationship, including with ASSK. She had visited China several times during 2015-20, with Xi Jinping also paying a return visit in January, 2020. China's caution also reflected the informal deal with the US not to offer the Myanmar seat to the regime's representatives at the UN.

However, as pointed out by an analyst¹¹, China has since August, 2021 engaged in economic, diplomatic and humanitarian activities that strengthen and directly benefit ties with the military regime, even as it may keep lines of communication open with the NLD. China has huge stakes in Myanmar, including protection of its existing investments and assets, cross-country pipelines and mining activities, and ensuring the completion of the China-Myanmar economic corridor. It will further seek to ensure that Myanmar remains substantially dependent on it even in relation to defence supplies. This is evident in its keenness to keep up the competition seeing the developing ties between Myanmar and Russia on this front¹².

Japan is exploring ways forward

Japan is another country that has substantial interests and investments in Myanmar and has been closely monitoring developments. While the Japanese Diet condemned the coup and called for a swift restoration of the democratic political system, the government has maintained working links with the military regime. New ODA projects have been halted but existing projects continue. Japan's special envoy Yohei Sasakawa has visited the country and also met MAH. He has voiced concern regarding targeted sanctions on the

¹¹ See for example 'China plays a risky game in Myanmar' by Jan Servaes in The Citizen dated 8 November 2021, <https://www.thecitizen.in/index.php/en/newsdetail/index/6/21094/china-plays-a-risky-game-in-myanmar>

¹² See the commentary by Ian Storey on 10 January 2022 titled 'Why China transferred a submarine to Myanmar' in the Channel News Agency, <https://www.channelnewsasia.com/commentary/commentary-why-china-transferred-submarine-myanmar-2416416>

military, claiming that doing so would increase China's influence¹³. This appears to be a key element in defining Japan's approach. Interestingly, Japan's Foreign Minister praised¹⁴ the positive results from the Hun Sen visit, seeing it as having led to an extended ceasefire (with the EAOs) and marking progress on humanitarian assistance, even as he expressed concern about the ongoing violence in Myanmar.

India's position

The realisation that isolating Myanmar can only lead to its greater dependence on China is a major factor in India's calculus as well. This is even as India also has to keep in view its security interests across the long land border. The working visit of Foreign Secretary Harsh Vardhan Shringla to Myanmar in December, 2021 provided an opportunity for him to meet with senior representatives of the military regime, including a call on MAH, as well as with members of civil society and political parties, including the NLD. Shringla is said to have emphasised India's interest in Myanmar's return to democracy at the earliest, the release of detainees and prisoners, the resolution of issues through dialogue and the complete cessation of all violence¹⁵. He further reaffirmed India's strong and consistent support for the ASEAN initiative, and expressed the hope that progress would be made in a pragmatic and constructive manner, based on the five point consensus. Further, he raised matters relating to India's security, especially in the light of recent incidents in southern Manipur. Subsequently, after the Hun Sen visit to Myanmar, External Affairs Minister Jaishankar also spoke to the Cambodian Deputy Prime Minister and Foreign minister Prak Sokhom and discussed with him India-ASEAN relations, Mekong-Ganga cooperation and the situation in Myanmar¹⁶. Jaishankar assured Sokhom that India will work closely with Cambodia in its capacity as the ASEAN chair for 2022.

How do these matters add up?

Even as there are differences in their positions, all regional players have an interest in bringing about an early resolution to the Myanmar crisis. The ASEAN

¹³ The article by Tappei Kasai from HRW documents the various responses from Myanmar to the developments in Myanmar during the last year even as it assesses them mainly from a human rights perspective. See <https://www.hrw.org/news/2021/12/02/japan-plays-diplomatic-double-game-rights-myanmar>

¹⁴ See <https://english.kyodonews.net/news/2022/01/3aa71d871535-japan-foreign-minister-praises-cambodian-pms-myanmar-trip-outcome.html>

¹⁵ See the MEA Press Release https://www.mea.gov.in/press-releases.htm?dtl/34723/Visit_of_Foreign_Secretary_Shri_Harsh_Vardhan_Shringla_to_Myanmar_December_2223_2021

¹⁶ https://twitter.com/DrSJaishankar/status/1480557894428889090?ref_src=twsrc%5Etfw

initiative is presently the only one on the table that also keeps the regional interests in mind. Not moving on it quickly will only cede space to other interests with narrower objectives. In this context, it is important to assess what may be required of the stakeholders to impart some momentum for the ASEAN initiative to move forward.

Assessment and Prospects

- The military regime and the SAC are dealing with the internal situation largely as a law-and-order issue, with little dialogue with those who hold opposing views. Its FPR roadmap could at best lead to another experiment with a general (perhaps MAH himself this time) assuming a civilian role as President through a managed election that may be billed as a transition to a truly "disciplined democracy". Whether 2010 can be repeated, and will people accept it this time around, is far from certain. Whether a proportional representation system, that carries risks of unstable coalitions, will be appropriate for Myanmar is again unclear. Even if the answers to the preceding questions are positive, Myanmar's regression from the path of economic development will be a certainty for several years to come, with foreign investors becoming even more wary this time. This could revive the past of cronyism and military involvement in business and the economy. Dependence on one or two outside powers will rise. Myanmar, which was well poised to graduate out of the LDC status just a couple of years ago, could well end up remaining there during much of this decade as well.
- Fighting for an outright win is also the strategy being employed by the NUG and the many people's defence forces that have sprung up. While they may believe they are legally and morally right in this strategy at a time when their leaders have unjustly been criminally charged, the armed path against a much stronger adversary makes sustainability and success very doubtful. That these elements can work out an eventual federal union keeping the military completely on the sidelines also appears unrealistic in the Myanmar context. Moreover, with no territory or finances under their control, any international recognition of their role will be difficult to come by.
- ASEAN has to be commended for sticking to its stand that there is real progress in the implementation of its FPC before yielding on Myanmar's representation at ASEAN meetings. The Brunei chair was right in its assessment last year when it conveyed its decision to disallow MAH from

representing Myanmar at the ASEAN Summit in October, 2021 recognising that the situation in Myanmar was having a corrosive impact on regional security as well as on the unity, credibility and centrality of ASEAN.

- Holding a constructive dialogue among all the parties involved is central to implementing the FPC of ASEAN. Both the SAC and the NUG have to be urged by ASEAN to desist from their “fight to win” strategies and see if they could still forge a common way forward. Incremental gestures from each side, including release of detainees and slowing the legal proceedings, may help in starting the process. ASEAN may well find cooperation forthcoming particularly from countries like India and Japan, both of which have expressed their keen interest to see an early return to democracy in Myanmar. Should ASEAN show greater unity of purpose among its own ranks on this issue, China too may feel compelled to fall in line.
- Bringing peace and democracy to Myanmar is, however, far from being a binary affair involving only the military regime and the NLD, which are both largely Bamar dominated. Myanmar’s history has shown that when the majority Bamar’s are together in governing the country, ethnic reconciliation takes a backseat. When they are split, as during the present crisis relating to a return to democratic governance, Bamar factions tend to woo ethnic groups to their respective sides. It may be a good time, therefore, for the ASEAN to see if in the constructive dialogue with all the parties concerned, it can nudge the country to also move forward on ethnic reconciliation which is a must for enduring peace. In this context, it is opportune that in the joint press release issued at the conclusion of the Hun Sen visit, MAH has welcomed the participation of the special envoy of the ASEAN Chair for Myanmar to join the ceasefire talks with and among the EAOs, even though he may have in mind a limited scope of the “constructive dialogue”.
- Ultimately peace, reconciliation and democratic governance are issues that have to be domestically decided through give and take among stakeholders. ASEAN can at best be a catalyst in creating an enabling environment, but at the present juncture that itself can make an enormous contribution.
- If the right conditions are created, international support will be forthcoming, including in relation to dealing more adequately with the COVID-19 situation in Myanmar and in helping the return of people who

have been displaced due to the ongoing conflict. The FPC itself provides for initiatives that can be built upon in this regard.

- For India, the present uncertain situation in Myanmar is fraught with geopolitical, economic and security risks. Recent incidents involving Indian insurgent groups acting from across the border are indicative of possible future trends, quite apart from refugee inflows that can surge. The Chin state of Myanmar adjoining Mizoram and the western part of Sagaing region next to Manipur have already witnessed violent clashes between the Myanmar armed forces and the people's resistance. India's development projects like the Kaladan project or the trilateral highway stand little chance of making headway if the unrest prevails. For India, there is much at stake for peace to return to Myanmar, something which only a more constructive and consensual process involving all parties can bring about.



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