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Mini
Negotiation
Simulation



**MYANMAR:
JADE
EXPLOITATION**

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LAWYERING PEACE

Mini-Negotiation Simulation

Natural Resources: Jade Exploitation in Myanmar

The purpose of this negotiation is to identify and address the complex challenges related to negotiating the ownership, management, and equitable revenue distribution of jade resources in Myanmar, while delving into the historical context and conflicts associated with the jade trade. The intention is to explore potential points of agreement or disagreement among the key negotiating parties. Through the simulation, participants will debate their positions, learn negotiation techniques, identify points of conflict, and discuss potential solutions.

The simulation will tee up the conversation in the remainder of the class time on the question of negotiating the ownership and management of natural resources, and draw from the relevant chapter in *Lawyering Peace* as well as the supplementary material, if any, provided on the class website.

The history of jade mining in Myanmar is marked by its deep cultural significance, economic importance, and conflicts arising from its trade. For centuries, jade has held immense spiritual and cultural value in Burmese society, symbolizing purity, prosperity, and longevity. However, the modern jade industry has been marred by controversies, often stemming from issues of governance, resource management, and equitable distribution of profits. The country's jade mines, primarily concentrated in the northern regions, have been sources of conflict due to the complex interplay of interests among various stakeholders, including the central government, ethnic armed groups, and local communities. These conflicts have been exacerbated by allegations of corruption, illegal mining, and human rights abuses. Deadly landslides and environmental degradation have

also been unfortunate consequences of unregulated jade mining practices. The clashes over control, ownership, and revenue sharing have led to tensions and violence, underscoring the need for comprehensive negotiations to address these contentious issues and ensure the sustainable and equitable management of Myanmar's jade resources.

Parties

- The Junta (Myanmar Military)
- United Wa State Army (The Wa)
- Association of Southeast Asian Nations (ASEAN)

Time Allotted: 45 minutes

Instructions: Prior to negotiations, each delegation will meet for 5 minutes to discuss negotiation strategies and their positions with respect to ownership, management, and equitable revenue distribution of jade resources. You may assume that other issues are on the agenda for a later session and will be addressed in subsequent negotiations.

Agenda

- Individual Delegation Meetings (5 minutes)
- Plenary (15 minutes)
- Individual Delegation (5 minutes)
- Plenary (20 minutes)

Conflict Background

Myanmar is rich in jade resources, with vast deposits located predominantly in the northern region of the country. These resources have been a source of contention due to historical mismanagement, environmental concerns, and armed conflicts between various stakeholders, including the ruling military Junta and ethnic armed groups. Listen to the interview at Annex 1: [NPR, 'Until The World Shatters' Explores Jade's Role In Myanmar's Struggles](#).

- *Historical and Cultural Significance:* Throughout history, jade has been used in ceremonies, jewelry, and religious artifacts, fostering a strong attachment to the mineral. The reverence for jade has contributed to its

desirability and economic importance, intensifying competition over its control and access.

- *Economic Exploitation and Mismanagement:* A lack of effective governance and regulation led to rampant illegal mining, with armed groups and criminal networks exploiting the lucrative trade. The central government's inability to manage the industry contributed to a loss of revenue and heightened tensions among stakeholders.
- *Ethnic Conflicts and Armed Groups:* Ethnic armed groups, such as the United Wa State Army (The Wa), have controlled significant jade-rich territories, seeking autonomy and economic benefits. The quest for control over jade resources has fueled conflicts between these groups, the central government, and other ethnic communities. These conflicts are intertwined with broader political and ethnic struggles, exacerbating instability in the regions where jade is abundant.
- *Human Rights Abuses and Environmental Degradation:* Allegations of corruption, bribery, and the involvement of powerful elites in the jade trade have been widespread. Reports of human rights abuses, including forced labor and unsafe working conditions in mines, have raised international concerns. Unregulated jade mining practices have led to severe environmental degradation, deforestation, and ecosystem disruption. The deadly consequences of unchecked mining practices have further intensified calls for responsible resource management and negotiation among stakeholders.

Issue for Negotiation

The central issue to be negotiated is the equitable distribution of ownership, management authority, and revenue sharing models for Myanmar's jade resources among the Junta and the Wa. The parties must decide on a comprehensive approach that addresses historical conflicts and ensures sustainable development.

Party Positions

For The Junta (Myanmar Military)

- The Junta insists on maintaining central ownership, emphasizing the government's sovereign ownership over the country's natural resources.

They argue that centralized control allows for efficient resource management, and that relinquishing any control to regional actors will result in instability and loss of revenue. They may demand complete control over jade mining licenses, and dismiss any revenue-sharing model proposed.

- The Junta rejects the idea of any sort of local autonomy in governance and mining regulations, and would likely only agree to token representation for the Wa in decision-making processes.
- Further, the Junta views ethnic armed organizations like the Wa as illegitimate and criminal, and will likely insist on their suppression. They may also insist on a heavy military presence in jade-rich regions to maintain order, dismissing any joint security arrangements proposed.
- The Junta will downplay human rights concerns and will likely view any sort of international oversight as an unnecessary infringement on national sovereignty.

For The Wa

- The Wa will assert historical and cultural ties to jade rich regions, and will challenge the legitimacy of the Junta's control over those resources. They insist on a historical right to regional sovereignty and consider the possibility of complete separation from the central government.
- The Wa insists on recognition as a legitimate political entity, and as such demands complete control over jade mining, including licensing, and full autonomy in governance and resource management.
- The Wa contends that any revenue sharing model with the Junta should prioritize regional autonomy and direct control over revenue allocation, reflecting their historical ownership of the jade-rich territories.
- The Wa refuses to engage with the Junta without third-party mediation. Further, The Wa rejects any proposed military presence in the region, demanding withdrawal and local control over security. They may express readiness to take drastic measures to protect their interests and push back against perceived oppression.

For ASEAN

- ASEAN, as a mediator, faces a challenging environment, with both sides making extreme demands and refusing compromise. ASEAN is also caught between its own economic interests for its member state corporations in securing mining rights and adhering to international ethical standards. As such, ASEAN will likely have to face accusations of bias or self-interest from both sides.
- International pressure and recent media scrutiny may add to the tensions, with both sides attempting to win public opinion rather than seek compromise. Environmental and community concerns may be overshadowed by political and economic interests, leading to protests and resistance from other stakeholders.
- As mediator, ASEAN may emphasize the potential benefits of various approaches, including a phased approach to management that gradually transitions to more autonomous regional control, the establishment of a parallel regional government to oversee jade resource management, taxation, and revenue distribution, or the appointment of a neutral international expert to ensure transparency and sustainability.

Additional Resources - Not Required Reading

- Global Witness, [Jade and Conflict: Myanmar's Vicious Cycle](#)
- TIME, [Battling for Blood Jade | TIME](#)
- VOA, [Myanmar Junta Gains Hold on Jade Profits as Fighting Flares](#)
- Council on Foreign Relations, [Myanmar's Troubled History: Coups, Military Rule, and Ethnic Conflict](#)
- United States Institute of Peace, [The United Wa State Army and Burma's Peace Process](#)

Annex 1: NPR, ['Until The World Shatters' Explores Jade's Role In Myanmar's Struggles](#)