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The significance of NCA: What everyone ought to know about the peace process

One of the issues facing the Myanmar peace process today is the prevalent lack of an identical interpretation of the agreed text of the nationwide ceasefire agreement (NCA) among key actors. If they do not have the same understanding of the written content of NCA and the different aspects of the peace process, there is a risk that the leaderships will send different signals and competing visions that would confuse everyone, including the general public. Without a similar view of the process, it is difficult to have a coherent strategy in order to move the process forward collectively in the same direction. This analysis is assumed to present one of the key aspects of the Myanmar peace process – the nationwide ceasefire agreement for a shared understanding of the overall picture of the peace process.

The text of the nationwide ceasefire agreement (NCA): As for the ceasefire, Myanmar nationwide ceasefire agreement is very comprehensive in terms of its coverage of issues, deeply political as well as substantive document, crystal clear in terms of its short-term objectives and long-term goal, and well thought-out prescription in terms of its process of future undertakings. Even if one cannot understand or remember the whole text of NCA, there are four fundamental facts, which are very important for everyone to know. They are **(1)** key basic principles for future Union of Myanmar, **(2)** seven-step road map towards resolving political conflict to achieve lasting peace, **(3)** an agreed clause mandating full power to amend constitution and laws, and **(4)** the orchestration of peace process outside the bounds of 2008 constitution.

- (a) **Agreement calling for the establishment of a common Union based on federalism, democracy and three national causes:** According to article 1 of NCA, it stipulates, “Upholding the three main national causes of non-disintegration of the Union, non-disintegration of national solidarity, and perpetuation of national sovereignty, and based on the universal principles of liberty, equality, and justice, we agree to establish a democratic and federal Union of Myanmar that fully guarantees political equality, the right to self-determination, and democratic practices in accordance with the Panglong spirit and the subsequent outcomes of the future political dialogue.”

This article clearly spells out the ultimate goal of the peace process, which is to establish a federal Union of Myanmar. This agreement on federalism, in principle, is extremely significant for EAOs not only because setting up a federal system is the stated goal of their armed struggles, but it also gives them a clear sense of purpose to participate in the peace process. Without commitment to a federal system in the NCA agreement, EAOs might not have a compelling reason to participate in this ongoing peace process.

On the other hand, this paper also calls for safeguarding the integration of the Union. Throughout the political history of Myanmar, especially after the military coup in 1962, one of the main national priorities for the Myanmar Tatmadaw is to prevent the Union from disintegration at all cost. When ethnic leaders called for redressing the constitutional flaws in accordance with a genuine federal system in the 60s, they were accused of being separatists who were posing a threat to the territorial integration of the Union of Myanmar. Tatmadaw, indeed, has been intolerant of any move seen as a threat to the territorial integrity of the country. To safeguard the territorial integrity of the Union, they also adopted the military doctrine based on the three national causes of non-disintegration of the Union, non-disintegration of national solidarity, and the perpetuation of the national sovereignty. This is the heart of their national policy. Their perceived threat of secession is well-protected under their non-compromising policy of these three national causes. As a matter of fact, without agreement on the three national causes, and assurances by ethnic armed organizations, the Tatmadaw will not negotiate with EAOs and, as a result, there would not have been the NCA text itself.

Agreeing to this three national causes is politically significant because the ethnic armed organizations are pledging that “they will not secede from the Union.” In fact, by signing on to the three national causes, Ethnic Armed Organizations have made a substantial concession from their part. As such, EAOs can no longer be accused of being separatists. More importantly, no one including the Myanmar army have to worry about the potential break-up of the Union. Noting the firm commitment of ethnic armed groups to protect as well as consolidate the integration of the Union of Myanmar, none of the political forces in Myanmar should make any misleading statement accusing ethnic national minorities of attempting to break up the Union.

(b) There is a seven-step roadmap according to article 20 of NCA. Here are the following steps:

- (a) Signing the nationwide ceasefire agreement (NCA).
- (b) Drafting and adopting of the framework for political dialogue by Ethnic Armed Organizations and Representatives of the Government.
- (c) Holding of the national political dialogue based on the adopted framework for political dialogue, negotiating and undertaking of work programs regarding the security reintegration matters and other necessary works, agreed by both parties, to can be carried out in advance.
- (d) Holding of the Union Peace Conference.
- (e) Signing the Union Accord (Pyidaungsu Accord).
- (f) Submit the Union Accord to the Union Parliament (Pyidaungsu Hluttaw) to get ratification.
- (g) Actual implementation of all provisions contained in the Union Accord and carrying out responsibilities regarding security reintegration matters.

As outlined above, this road-map is a clear description of systematic steps and well-structured program of activities that leaders of the peace process will undertake to achieve lasting peace. There will be series of political dialogue among relevant stakeholders and the Union Peace

Conference (21st century Panglong). These dialogues and upcoming Union Peace Conferences will result in a Myanmar national peace accord, which is called “Union Accord”. Understanding this road-map is crucial just so one can understand where things stand in the peace process. Most of all, the road-map stated that all provisions of the agreement will be implemented.

Just like the Panglong agreement in 1947, which gave birth to the Union of Myanmar and its independence from colonization of Great Britain, was hailed as a monumental historic accord, the 21st century Panglong agreement, which can lead the Union of Myanmar to become a truly democratic and federal country, is expected to give birth to the upcoming Union Accord. This Union Accord will become a supreme agreement which will be the basis for amending the constitution and all laws. For ethnic national minorities, what list of agreements they can secure as well as include in the Union Accord is extremely important. Once again, they will be presented another window of opportunity to shape and transform the country’s political power structure.

If a substantive political dialogue is happening, there is no doubt about the chance of EAOs gaining benefit. However, what they will gain is an important question. Therefore, it is very crucial that they have continuously invested their political capitals, more so than before, into their ongoing preparations for developing and adopting their own proposal of basic principles and policies for any chosen topics for political dialogue. The more they can get what they want to be included in the expected written peace accord, the better it is. If they could secure key principles and policies into their peace agreement, this Union accord will liberate them from the institutional oppression of the Burman ethnic majority.

(c) **NCA and constitutional amendment:** Article 22, (d) of NCA stipulates, “We agree that all the decisions adopted from the Union Conference are the fundamental agreements, which shall be the basis to amend, abrogate, and add the constitution and laws as necessary in line with the agreed rules of procedure.”

This clause in the NCA is one of the most salient agreements that clearly mandates the most plausible path to amend 2008 constitution that all democratic forces want to change. The clause also underscores the unique significance of NCA in scope and its unhindered authority above all laws. In essence, this article authorizes the amendment of the 2008 constitution according to future agreements of the political dialogue. It is the life insurance policy of the entire nation and democratic forces who have long aspired to amend the 2008 constitution. That is why the eventual success of peace process is very important, and is in the best interests of all who want a genuine democratic reform by amending the 2008 constitution. All the signatories to the NCA, including the commander-in-chief of the Myanmar military, has already agreed and signed onto it. In fact, the peace process would have been insignificant without this clause authorizing the power to change the constitution.

No set pre-condition, and unbound by the 2008 constitution: Myanmar peace process is conducted extra-parliamentary, meaning it is outside the bounds of the 2008 constitution. The scope of negotiation is not constrained by the parameters of the 2008 constitution. That is the very

reason why many substantive agreements in the NCA, including the commitment to establishing a federal Union of Myanmar, were made. There is no mention of federal union whatsoever in the current 2008 constitution. If the peace process is limited by 2008 constitution, then such agreement on federalism could not have been achieved. Therefore, it is not true when someone is making a statement saying that the peace process is conducted within the legal bounds of 2008 constitution. Such misunderstanding and confusion only deepen the negative views of the whole process.

Of course, it is true that the government that came to power through the constitution has initiated and led the process. Without them, who will lead? The governmental peace teams and its representatives are all acting in accordance with the constitution and existing laws. They would do so as long as there is no actual amendment to the constitution. The Peace process is just at its initial phase, and there is a long way to go to produce its final outcome, which would be the basis to amend the 2008 constitution. One of the most important aspects of the process is that the government representatives – especially the Myanmar military – accepted the NCA process.

The fact of the matter is, ethnic armed organizations would not have joined the peace process if the scope of their negotiating parameter would be bound by the 2008 constitution. It would be a non-starter for them. Should they are required to abide by the existing laws of the nation, they would not have been different from political parties entering the parliament. The Peace process should not be confused with what is going on inside the parliament. There would have been no peace process today if not for the NCA. It is the understanding that, being able to negotiate any issue freely without the restriction of the 2008 constitution and the openness to negotiate without pre-condition are the incentives that motivate ethnic armed organizations to actively participate in the Myanmar peace process today. After all, peace process would not have come so far if ethnic armed organizations would have been forced to comply with the 2008 constitution and the existing laws of the country. What everyone needs to understand is this fact: the 2008 constitution including existing laws and the six guiding principles of the commander-in-chief for peace are only for the Myanmar military representatives to comply with, and NOT for ethnic armed organizations.

It is crucial that everyone understands as well as appreciates these important facts about the peace process including what is in the text of NCA, especially the commitment to establishing a federal system, the seven-step road map, and the constitutional amendment power. If one does not have a very good understanding of these positive and promising aspects of the peace process, one might not recognize the potential benefits for the entire nation. One cannot support the peace process without understanding it.