

# The Draft Nationwide Ceasefire Agreement

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After seven rounds of talks between armed ethnic groups and the Thein Sein Government, progress was finally achieved on 31 March 2015 with the signing of the Draft Nationwide Ceasefire agreement. While there is still a long way to go in securing an equal and stable Burma, the finalisation of a draft Nationwide Ceasefire Agreement text was a fundamental step in satisfying ethnic group's demands for a genuine federal union.

The signing, which took place in Rangoon, was the culmination of talks that have lasted over seventeen months and have seen armed ethnic groups through the NCCT, the Union Peace Working Committee (UPWC) led by U Aung Min, and the Myanmar Peace Centre (MPC) debate the various conditions necessary to bring about a nationwide ceasefire.

While the signing, with the endorsement of the President, is the most positive step yet – there remain a number of issues to be addressed including on-going conflict in Kachin State, Shan State, and the Kokang region. The draft Nationwide Ceasefire Agreement (NCA) is only the first stage in a lengthy process that hopes to bring peace to the country.

One of the main issues that needed to be clarified prior to the signing was chapter six of the agreement, entitled the Interim period. The interim arrangement involves

how both parties will act after a ceasefire has been put in place and during the political dialogue phase. Col Khun Okker noted during the meeting that:

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*We want to preserve our status quo. We want our troops to be all in place. We will improve security in our states and carry out development for our states.<sup>1</sup>*

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Other main issues that needed to be settled prior to the signing included recruitment of soldiers into armed ethnic groups, the agenda for the political dialogue framework meetings, and how ethnic armed groups should be represented during political negotiations. According to media sources, reporting after the signing, these issues were resolved. There would be a halt to recruitment by the armed groups, their territory and status was confirmed, as was the nature and composition of the political dialogue that would follow.<sup>2</sup>

Although the draft NCA has been signed by both parties there still remains another stage to be achieved before it is accepted by all sides. Even though the Government has signalled its acceptance of the document,<sup>3</sup> the case is not the same

for the armed ethnic organisations. The Nationwide Ceasefire Coordinating Team (NCCT) does not have authorisation to make a final decision on the text as Nai Han Tha noted:

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*I want to say that both sides have reached an agreement. However, as the NCCT delegation, we cannot make decisions on the nationwide ceasefire. We have to call for a summit where the top leaders of all our member groups can meet and submit this [preliminary] document there. They [ethnic leaders] will have to make the decision. They might want to make changes [to the document]. After we have all the approvals, it is planned that the top [ethnic] leaders will officially sign the document.*<sup>4</sup>

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The fact that the draft must be referred to the leaders of individual ethnic groups could cause some problems and yet further delays.

As noted by Nai Han Tha, the armed ethnic organisations have called for a leadership summit that will take place 1-6 May 2015 in Panghsang to further debate the text after individual leaders have presumably provided their input. In preparation, the UNFC held an emergency meeting from 11-13 April to discuss the matter while the Karen National Union held its Central Standing Committee meeting from 20-25 April. The CSC reached the unanimous

decision to approve the final draft with seven point recommendations to be discussed at the summit.<sup>5</sup> In addition, the Chin National Front has also approved the draft text with only a few comments to be discussed.

At the summit any amendments will be agreed upon on, and then the text, if changed, will need to be given to the NCCT for further endorsement<sup>6</sup> and then resubmitted to the Government for them to discuss and agree to any further amendments.

The summit itself could lead to some problems. Nai Han Tha had stated that all member groups would be included and NCCT member Dr. Lian H. Sakhong said that they would like to invite all the ethnic armed organizations, whether they are NCCT members or not.<sup>7</sup> The Government via the UPWC has been quite emphatic that it would only consider an agreement with the 16 recognised groups, and that other groups could be invited to participate at a later date.<sup>8</sup> For ethnic leaders their inclusion in the summit would give a broader commitment on behalf of ethnic leaders to representing those groups the Government does not yet recognise.<sup>9</sup> However, should the summit decide that all members must be allowed to sign the agreement it would cause further delays and possibly derail the achievements of the seventh round of talks.

Shortly after the conclusion of the talks, fissures already began to appear in relation to the outcome of the negotiations. One of the main stumbling blocks was confusion in relation to the Burma Army's six-point guiding principles that stipulate ethnic groups have:

1. to have a keen desire to reach eternal peace,

2. to keep promises agreed to in peace deals
3. to avoid capitalising on the peace agreement,
4. to avoid placing a heavy burden on local people
5. to strictly abide by the existing laws, and
6. to march towards a democratic country in accord with the 2008 Constitution.<sup>10</sup>

Although the six points are not included in the NCA text some ethnic leaders are concerned about them. Point six is particularly difficult to adhere to as the Armed Ethnic Groups do not recognise the validity of the 2008 constitution which insists all armed groups come under the direct control of the Commander-in-Chief of Burma's armed forces.

Nai Han Tha speaking at a press conference, on 31 March 2015, stated that:

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*We don't agree to this six-point policy, especially the last two points which say that everybody has to follow the current laws and everybody has to work according to the 2008 constitution. . . We don't accept these points because the 2008 constitution is not a democratic constitution, and there are no rights for ethnic people in it <sup>11</sup>*

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While a small number of ethnic leaders remain wary of the Government many others believe the signing was an extremely positive breakthrough.<sup>12</sup> It is hoped that during the political dialogue

phase, which is expected to start within three months of a final NCA being signed, that constitutional amendments, and the role of the armed forces can be discussed. Currently, however, ethnic groups fear that if they agree to adhere to the constitution in its current form they will have signed over their armed forces to Burma Army control – a move they see as tantamount to surrender.

While there has been much fanfare from the international community and the press, it cannot be stressed enough that although the draft NCA is a major accomplishment for both sides the process is still ongoing. Most recently, the UNFC issued a position statement dated 7 April 2015:

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*The signing on March 31, 2015 was not the signing of the Nationwide Ceasefire Agreement (NCA), but it was simply the signing of an approval reached on a draft agreement, between the NCCT and the Union Peace-making Work Committee (UPWC).*

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And that:

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*The approval of NCA draft, reached between the NCCT and UPWC is not the final accepted agreement, and the final signing shall be done only after continued discussions on some topics, and if there is*

*the “required implementation”.*<sup>13</sup>

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Although it was originally reported that Karen State would be the likely venue for the ethnic summit, this has been changed to the HQ of the UWSA. The summit organised by the KIO, UWSA, and the NDAA (Mongla) has only invited 12 ethnic organisations. These are:

1. Restoration Council of Shan State (RCSS)
2. Kachin Independence Organisation (KIO/KIA)
3. Karen National Union (KNU)
4. Karenni National Progressive Party (KNPP)
5. Pa-Oh National Liberation Organisation (PNLO),
6. New Mon-State Party (NMSP)
7. United Wa State Army
8. Palaung State Liberation Front (PSLF/TNLA)
9. Arakan Army (AA)
10. Shan State Progressive Party (SSPP/SSA)
11. Myanmar National Democratic Alliance Army (MNDAA)
12. National Democratic Alliance Army (NDAA).<sup>14</sup>

In fact, only 9 of the 16 NCCT member groups received invitations.<sup>15</sup> The NCCT will be represented as a single block according to media sources.<sup>16</sup> A decision that a number of NCCT members refused to accept. As NCCT member Lian Sakhong notes:

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*The NCCT was formed not as a single block but all members represented the respective organizations independently, and most of them will not be willing*

*to compromise their self-determination in such an important matter.*<sup>17</sup>

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The failure to include a number of groups, especially the Chin National Front, is at odds with the spirit of unity that has so often been promoted, while the inclusion of the Ta-ang, the Kokang, and the Arakan Army is likely to further irritate the Government. The status of the Kokang especially in relation to the current conflict, will be a major stumbling block in future talks.

Major concerns in finalising the agreement need to be addressed by armed ethnic organisations as a priority and it is hoped the summit can do this. Nonetheless, the fact that the KIO, UWSA, and NDAA now appear to be the driving force behind future negotiations casts a dark shadow over the pace of future progress.

While the Government has all but agreed that this text is finalised in relation to them, this is not the case for ethnic actors. Ethnic organisations have seen a number of concessions given to them by the government, even if some issues have been deferred until the Political Dialogue phase. However, it is clear that a number of issues remain.

While it is expected that the ethnic leaders summit at Panghsang in May will allow further discussion of the draft and other issues, it is the NCCT organised Ethnic Conference held shortly after, that will hopefully see the final document approved and the peace process move forward.

## Notes

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- <sup>1</sup> 'Ceasefire talks to resume on March 30', Kay Zue, Mizzima, 23 March 2015
- <sup>2</sup> 'Myanmar army and rebels sign draft ceasefire agreement', BBC, 31 March 2015
- <sup>3</sup> The UWPC has to give the text for approval to the UPCC (The Union Peace Central Committee) however, as the President has already signed the draft this is most likely to be a formality.
- <sup>4</sup> 'Govt Ready to Sign Nationwide Ceasefire Agreement', Karen News, 1 April 2015
- <sup>5</sup> 'KNU Central Standing Committee Meeting Concluded', KNU, 29 April 2015
- <sup>6</sup> Personal Conversation with Lian Sakhong 1 May 2015
- <sup>7</sup> Ibid.
- <sup>8</sup> <http://www.reuters.com/article/2015/03/31/us-myanmar-peace-idUSKBN0MR09F20150331>
- <sup>9</sup> Groups not recognised are the MNDAA, Arakan Army – Kachin, Arakan National Congress, Lahu Democratic Union, and the Wa National Organisation.
- <sup>10</sup> 'Tatmadaw outlines 6-point policy for peace talk', AFP, 23 September 2014
- <sup>11</sup> 'Armed Ethnic Groups See Myanmar Charter as Barrier to Political Dialogue', RFA, 1 April 2015
- <sup>12</sup> Personal Conversation with Lian Sakhong 1 May 2015
- <sup>13</sup> Statement by The United Nationalities Federal Council (UNFC), April 7, 2015
- <sup>14</sup> <http://www.elevenmyanmar.com/politics/12-ethnic-armed-organisations-attend-summit-panghsang>, accessed 28 April 2015
- <sup>15</sup> Groups not invited include Chin National Front (CNF), Democratic Karen Buddhist Army (DKBA), KNU's Peace Council, Lahu Democratic Union (LDU), Wa National Organisation (WNO), Arakan Liberation Party (ALP) and Arakan National Council (ANC).
- <sup>16</sup> Ibid.
- <sup>17</sup> Personal Conversation with Lian Sakhong 1 May 2015