

တစ်နိုင်ငံလုံး ပစ်ခတ်တိုက်ခိုက်မှုရပ်စဲရေး
သဘောတူစာချုပ် လက်မှတ်ရေးထိုးပွဲအခမ်းအနား

The Signing Ceremony of the Nationwide Ceasefire Agreement

နေပြည်တော်

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Does the
NCA
still exist

Does the
NCA
still exist



NOTES



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Objective

Myanmar Peace Monitor (MPM) under the Burma News International (BNI) has been monitoring local peace processes since its inception in Year. The MPM regularly Publishes analysis papers and reference books through the systematic studies on the peace processes. In doing so, the MPM is carrying out publications in accord with its objective: "In order that the public can read, quote and record peace-related information, facts and analysis," The MPM's books and reports are not aimed at harming an individual and an organization. It aims to ensure the emergence of a better peace process and a better human society. They are unbiased and fair reviews.

This review paper aims to provide a better understanding of the renewed armed conflicts and political problems taking place after the 2021 military coup, through the systematic reviews. It also aims to bring about the benefits to a certain extent, in solving the new civil war, IDPs issue, hunger and armed conflicts and other issues caused by political, economic and social problems.

NCA Timeline

ဦးသိန်းစိန်ခေတ်



လိုင်ဇာ ညီလာခံ

တိုင်းရင်းသားလက်နက်ကိုင်များက တစ်နိုင်လုံးပစ်ခတ်တိုက်ခိုက်မှုရပ်စဲရေးစာချုပ်မူကြမ်းရေးဆွဲရန် ဆုံးဖြတ်ချက်ချ



ပထမဆုံးတွေ့ဆုံမှု

အစိုးရကိုယ်စားပြု UPWC နှင့် တိုင်းရင်းသားကိုယ်စားပြု NCCT တို့ NCA အတွက် ပထမဆုံးတွေ့



တခုတည်းအဖြစ်ပေါင်းခြင်း

နှစ်ဘက်ဆွေးနွေးချက်များကိုပေါင်း၍ တခုတည်းသော NCA မူကြမ်းအဖြစ်ပေါင်း



လက်မှတ်ရေးထိုး

NCA စာချုပ်အား တိုင်းရင်းသားလက်နက်ကိုင်(၈)ဖွဲ့နှင့် အစိုးရစတင်ချုပ်ဆိုနိုင်ခဲ့၊ ထိုအချိန်မှစ၍ တရားဝင်ဖြစ်သွား



သဘောတူညီချက်ရယူ

အစိုးရကိုယ်စားပြု UPWC နှင့် တိုင်းရင်းသားကိုယ်စားပြု NCCT-SD တို့ NCA အတွက် သဘောတူညီချက်ရ



လော်ခီးလာညီလာခံ

NCA မူကြမ်းကို စာချုပ်အဖြစ်အချောသတ်ဆွေးနွေး

၈ နိုဝင်ဘာ ၂၀၁၅

၂၀၁၅ အထွေထွေ ရွေးကောက်ပွဲကျင်းပ

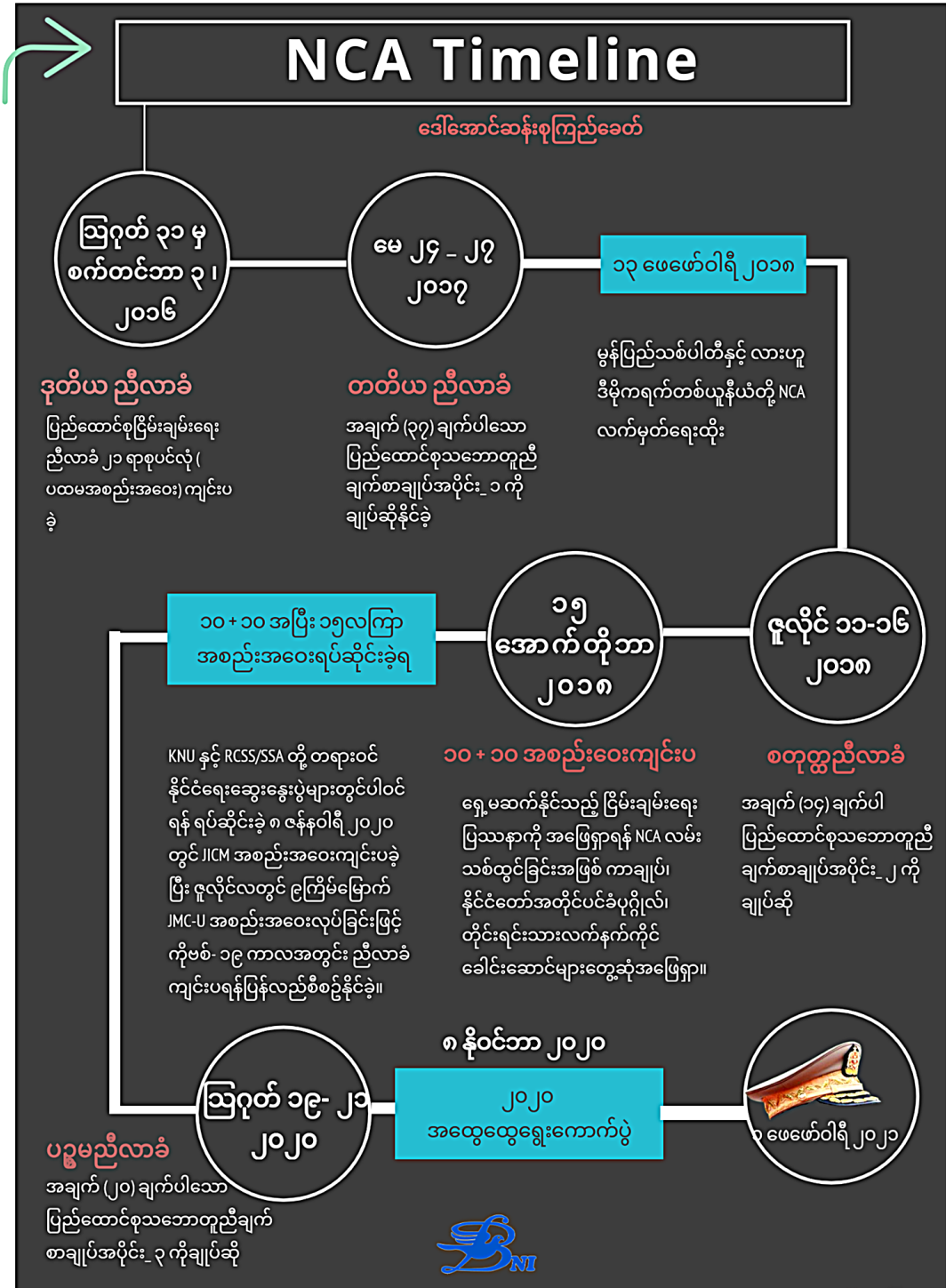


ပြည်ထောင်စုငြိမ်းချမ်းရေးညီလာခံ

ပထမ ညီလာခံ

တရားဝင်နိုင်ငံရေးဆွေးနွေးပွဲများစတင်သည့်အနေဖြင့် ပြည်ထောင်စုငြိမ်းချမ်းရေးညီလာခံကို နေပြည်တော်တွင် သမ္မတဦးသိန်းစိန်အစိုးရက ဖော်ဆောင်ခဲ့သည်။ နိုင်ငံရေး၊ စီးပွားရေး၊ လူမှုရေး၊ မြေယာနှင့်သဘာဝပတ်ဝန်းကျင်၊ လုံခြုံရေးကဏ္ဍစသည့် ခေါင်းစဉ် (၅) ခုဖြင့်ဆွေးနွေးခဲ့သည်။ နောက်ဆက်တွဲအဖြစ် JICM ဖြစ်တည်လာပြီး ၎င်းမှ တပ်ပိုင်းဆိုင်ရာအတွက် JMC နှင့် နိုင်ငံရေးပိုင်းဆိုင်ရာအတွက် UPDJC တို့ ထွက်ပေါ်လာခဲ့တော့သည်။ မကြာမီ ဒေါ်အောင်ဆန်းစုကြည်အစိုးရတက်လာခဲ့သည်။





Introduction

There were peaceful protests across the country for around two months since the military coup on February 1st. But the military council's brutal crackdowns came to the surface during that period. The world was shocked by the military council's brutal crackdowns. Youth protestors flocked to Ethnic Armed Organizations (EAOs)-controlled areas. Now those areas have seen persistent fighting. Four months after the coup, the international community expressed their concerns as hundreds of battles took place across the country. But fighting did not come to an end. Now the country sees more and more armed conflicts day by day. Fighting takes place between the Nationwide Ceasefire Agreement (NCA) signatories and the military council's troops as well as between the non-NCA signatories and the military council's troops. Now fighting is also taking place between the military council's troops and the People's Defence Forces (PDFs) formed by the National Unity Government (NUG) and local PDFs, across the country. Most of the people have said that Myanmar is headed toward a full-blown civil war due to fighting. Under this circumstance, it is questionable how the NCA, which is the result of 10-year efforts (2011-2021) aimed at solving the Myanmar po-

litical problems by political means and ending the over 60-year-long civil war. Recently the leaders of ten NCA-signatories affirmed that the NCA continues to exist. After the Coup the military council sent letters to some EAOs, informing that the National Reconciliation and Peace Center (NRPC) formed by the NLD-led government was abolished. The military council issued statements dated March 31st, 2021 about the formation of the National Solidarity and Peace-making Central Committee (NSPCC), the National Solidarity and Peace-making Working Committee (NSPWC) and the National Unity and Peace Restoration Coordination Committee (NUPRCC) in order to swiftly implement the peace processes with the EAOs.

Later, the military council met not only some NCA-signatories but also non-NCA signatories. At the same time, fighting between the Karen National Union (KNU) which signed the NCA and the military, has resumed in all seven brigades under the KNU. Fighting took place between the military and the Restoration Council of Shan State/ Shan State Army (RCSS/SSA) which is also an NCA. There is a question whether the NCA still exists or not. Military tensions and political shifts in Myanmar have had huge impacts on the entire political process and ethnic races. This short research paper is aims to study how we will face these problems in the near future.

2. Backgrounds

Although it is said that Myanmar's political system changed in 2011, the military council's dominance in the political and security decisions are the major overwhelming issue for the current peace processes. On the one hand, the EAOs passed a 10-year peace trip after signing the NCA. It survived the tenure the two governments led by U Thein Sein and Daw Aung San Suu Kyi. It ended up with the coup although a 71-point agreement was part in the NCA. Four groups—the government, parliament, the EAOs and the military are involved in the peace process. It is an interesting question about any future peace talk will be held as there is no government and parliaments. There are questions why did a decade-long NCA exist or stop? Which reasons make the political dialogue and negotiation difficult? and how can the current mechanism maintain the NCA which is important for Myanmar's peace process. These questions partly have impacts on the current peace process which faces a deadlock.

The NCA is crucial for solving the 60-year-long civil war. But the important fact after the coup is that Myanmar doesn't become a failed state and a new civil war. In practice, it is not easy to find a common

goal for the peace process among different groups, their political aspirations, and armed organizations. The above-mentioned background factors are the parts of this research.

3. Research problems

This small research paper aims to put a spotlight on the fact that how the NCA will happen when the country faces a new civil war while efforts are being made to solve the decades-long armed conflicts and political problems through the NCA.

The demands of the groups involved in the current conflict and the contexts pertaining to the existing conditions have impelled us to do this research. This research paper is based on the problems which arose from the discussions on the NCA signed between the Tatmadaw and Ten EAOs and the questions of whether or not Ten NCA signatories and the military abide by the provisions of the NCA after the coup, how do the new emerging military affairs impact the NCA and whether the NCA still exist or not?

We have built research questions with four factors in mind.

1. Public's pressure on SAC
2. changing local peace situations after the coup.
3. Armed conflicts (old, new) and ceasefire problems.
4. Political problems.

4.Reserach Methodology and Research Design

This research paper collected data and evidence from a single source (Secondary). This paper mainly collected data and information from published online news, newspapers, publications (Magazine etc.), articles, and books.

5. Analysis of the NCA

A General Election was held under the 2008 Constitution on November 7th, 2010. The State Peace and Development Council (SPDC) led by the military leaders announced on August 13th, 2010 that the election would be held. The election was of 5th step of the seven-step roadmap to disciplined democracy released by General Khin Nyunt and military leaders in 2003. The Union Solidarity and Development Party (USDP) formed with former generals secured 883 of 1,154 constituencies in the 2010 general election. The USDP won 259 out of 325 seats for lower house, 129 out of 168 seats for upper house and 459 out of 661 region and state parliamentary seats. The USDP was notorious for its vote frauds. On November 13th, 2010, the SPDC released Daw Aung San Suu Kyi from house arrest. President U Thein Sein started running the USDP-led government with 35 cabinet members. On March 30th, 2011. Some members of the international community called the U Thein Sein-led government a "Quasi-civilian government. On August 18th, 2011 after U Thein Sein accepted the post of President, he issued a notification No.1/2011 about the extension of an olive branch to the EAOs. The statement would prioritize the ethnic and national affairs, the statement says.

ငြိမ်းချမ်းရေးဆွေးနွေးရန် ဖိတ်ခေါ်ခြင်း

နေပြည်တော် မြို့ရတ် ၁၈

ပြည်ထောင်စုသမ္မတမြန်မာနိုင်ငံတော် ပြည်ထောင်စုအစိုးရအဖွဲ့က ကြေညာချက်အမှတ် (၁/၂၀၁၁)ကို ယနေ့ရက်ခွဲဖြင့် ထုတ်ပြန်ကြေညာလိုက်သည်။
အဆိုပါ ကြေညာချက်အပြည့်အစုံမှာ အောက်ပါအတိုင်းဖြစ်သည်။ -

ပြည်ထောင်စုသမ္မတမြန်မာနိုင်ငံတော်

ပြည်ထောင်စုအစိုးရအဖွဲ့

ကြေညာချက်အမှတ် ၁/၂၀၁၁

၁၃၇၃ ခုနှစ်၊ ဝါခေါင်လပြည့်ကျော် ၄ ရက်
(၂၀၁၁ ခုနှစ်၊ ဩဂုတ်လ ၁၈ ရက်)

ငြိမ်းချမ်းရေးဆွေးနွေးရန် ဖိတ်ခေါ်ခြင်း

နိုင်ငံတော်အစိုးရသည် ဒီမိုကရေစီအဖွဲ့(၃)ပါးကို ထိန်းသိမ်းပြီး အေးချမ်းသာယာ၍ ဖွံ့ဖြိုး
သာ နိုင်ငံတော်ကို တည်ဆောက်ရန်အတွက် နိုင်ငံတော်အတွင်းရှိ လက်နက်ကိုင် ပဋိပက္ခများ
ကို ပြည်တွင်းငြိမ်းချမ်းရေးကို တည်ဆောက်ကာ နေရာဒေသအနှံ့ ဖွံ့ဖြိုးတိုးတက်ရေး

လုပ်ငန်းများကို နိုင်ငံတော်နှင့် ပြည်သူတစ်ရပ်လုံး ပူးပေါင်းတည်ဆောက်သွားရန် အထူးပ
သည့်ဟု ယုံကြည်ပါသည်။

၂။ လက်နက်ကိုင် ပဋိပက္ခများဖြေငြိမ်းပြီး ငြိမ်းချမ်းရေးပေးဆောင်လိုသော တိုင်း
လက်နက်ကိုင်အဖွဲ့အစည်းများသည် မိမိတို့အင်အားချင်းအညီအမျှ ပထမအဆင့်အနေဖြင့်
ဆောင်ရွက်ရန် လိုအပ်သော လုပ်ငန်းစဉ်များကို ဆောင်ရွက်နိုင်ရန်အတွက် သက်ဆိုင်ရာ ပြု
တိုင်းဒေသကြီး အစိုးရအဖွဲ့နှင့် ဆက်သွယ်ဆောင်ရွက်နိုင်ပါသည်။

၃။ ပဏာမဆောင်ရွက်ဖွယ်ရာများ ဆောင်ရွက်ပြီးပါက နိုင်ငံတော်အစိုးရဘက်မှ နေ
အဖွဲ့အစည်းဖွဲ့စည်းပြီး သက်ဆိုင်ရာ ငြိမ်းချမ်းရေးပေးဆောင်မည့် အဖွဲ့အစည်းနှင့် နေ
လုပ်ငန်းစဉ်များကို ဆောင်ရွက်သွားမည်ဖြစ်ပါကြောင်း ဖိတ်ခေါ်အပ်ပါသည်။

အမိန့်အရ
(တင်ဖျိုးကြ
အတွင်းရေး
ပြည်ထောင်စု

5.1 The NCA's history

After the election, President U Thein Sein held talks with two organizations to hold a peace dialogue with EAOs. There were two discussion groups created by the government after the election. Led by U Aung Thaung and U Aung Min who were assigned according to the geographical locations. The following table shows

EAOs	Govt's peace delegation	Date	Ceasefire-level
UWSA/UWSP	U Aung Thaung	6-9-2011	Peace level-2
NDAA-ESS	U Aung Thaung	7-9-2011	Peace level-2
SSPP/SSA	U Aung Thaung	28-1-2012	Peace level-2
RCSS/SSA	U Aung Min	2-12-2011	Peace Level-2
PNLO	U Aung Min	25-8-2012	Peace Level-1
MNDAA			Still fighting
TNLA			Still fighting
LUD			No-fighting
WNO			No-fighting

the signing of a ceasefire between two former military officials and ethnic armed organizations (EAOs) in Shan State (including other EAOs).

In a bid to effectively carry out peace processes, President U Thein Sein formed the Union Level Peace-making Team (ULPT) by issuing the Presidential Order No.12/2012 on May 3rd, 2012. The Union Peace-making Central Committee (UPCC) and the Union Peace-making Working Committee (UPWC) were formed under the ULPT comprised of 11 central committee members. President U Thein Sein served as the UPCC's chair while the UPWC was led by Vice-President Dr. Sai Mauk Kham. The members played a crucial role in making peace and solving conflicts in the tenure of the USDP-led government.

Union Peace-making Central Committee (UPCC)	Union Peace-making Working Committee (UPWC)
Chair-President U Thein Sein Central Committee Members— Vice-President U Nyan Tun, Vice-President Dr. Sai Mauk Kham, U Shwe Mann (Pyithu Hluttaw Speaker), U Khin Aung Myint (Amyothar Hluttaw Speaker), Vice-Senior General Min Aung Hlaing (Commander-in-Chief of Defense Services) , Lt-Gen Ko Ko (Home Affairs Minister), Maj-Gen Hla Min (Ministry of Defense), Lt-Gen Thein Htay (Border Affairs Minister), Dr. Tun Shin (Attorney-General), U Min Zaw (Director of the President Office)	Chair – Dr. Sai Mauk Kham Vice-Chair – U Aung Min (Minister for President Office), General Soe Win (Deputy Commander-in-Chief of Defense Services and Commander-in-Chief (Army), U Thein Zaw (Lower House MP) Members – Nine government ministers, ten from regions and states, ten military command commanders, 18 members of Parliament (nine from Pyithu Hluttaw and nine from the Amyothar Hluttaw) and Director-General of the Union Government Office, 52 in total.

Similarly, the Myanmar Peace Center (MPC) became active under the leadership of the Minister for the President's Office U Aung Min in August 3rd, 2012. The establishment of the MPC was aimed at helping

support the UPCC and the UPWC. It was a very active platform. The government led by President U Thein Sein aimed to finalize the ceasefire with the EAOs at the end of 2013 and reach an agreement with them in 2015. Thus, the government made a three-phase peace plan. The three-phase peace plan are: -

1. Signing the ceasefire at the State level
2. Signing the ceasefire at the Union level
3. Establishing political parties

For the EAOs ----

(a) At the State Level---

Making ceasefire, opening liaison offices, allowing the travel without carrying arms and allowing Myanmar army to go to the EAOs-controlled areas with arms (but) need to ask for the permission from relevant organizations.

(b) At the Union Level

Trust building continued political dialogues and the implementation of education, communication, and regional development projects.

(c) At the final stage

Three forms for the establishment of political parties were proposed for Region/State Parliaments, the Pyithu Hluttaw and Amyothar Hluttaw.

Likewise, the working committee issued ceasefire guidelines after the formation of the Union-Level Peace Implementation Committee. It includes five principles of State-Level Peace Negotiation and eight principles of the Union-Level Peace Negotiation.

State-Level Peace Negotiation Five principles	Union-Level Peace Negotiation Eight principles
1. Both sides agree to ceasefire	1. Live forever in the Union (not to secede from the Union)
2. Allow the deployment of the troops only at the designated places.	2. Must accept three main national causes (EAOs) (Non-Disintegration of the Union, Non-Disintegration of the National Unity and Perpetuation of Sovereignty)
3. Restrict travel with arms apart from the designated places for EAOs.	3. cooperate in economic and development affairs.
4. Agree to open the liaison offices at the places agreed by both sides.	4. cooperate in the eradication of narcotic drugs
5. All groups shall form the official delegation and coordinate venues and times to hold the Union-Level Talk in order that peace processes may lead to the Union-Level Talk.	5. compete (EAOs) in the election after the establishment of political parties.
	6. accept the 2008 Constitution and amend it with the consent of the majority of MPs if necessary.
	7. build eternal peace after returning to the legal fold and live-in accordance with the constitution.
	8. collaborate in the existence of a single army according to the Constitution.

At the beginning, it could make a ceasefire with each EAOs. Making such ceasefire agreement is called "Bilateral Agreement". But the ceasefire signed between the government and the KIO/KIA in 2004 was void (The Tatmadaw) with the resumption of fighting on June 9th, 2011. The government and Tatmadaw did not issue an official statement that the ceasefire agreement was void. The following table-4 shows the ceasefire agreement signed between the EAOs and the government at the State-level.

No.	Group	Agreement Level	Signing Date	NCCT member	Invited to sign the NCA	NCA Signatories
1	UWSA	Union Level	6 Sept 2011	-	Y	-
2	NDAA	Union Level	7 Sept 2011	-	Y	-
3	RCSS/SSA	Union Level	2 Dec 2011	-	Y	Y
4	NSCN-K	State Level	9 Apr 2012	-	-	-
5	KNU	Union Level	12 Jan 2012	Y	Y	Y
6	DKBA	Union Level	3 Nov 2011	Y	Y	Y
7	KNLA/PC	State Level	7 Feb 2012	Y	Y	Y
8	SSPP/SSA	Union Level	28 Jan 2012	Y	Y	-
9	PNLO	Union Level	25 Aug 2012	Y	Y	Y
10	NMSP	Union Level	1 Feb 2012	Y	Y	Y
11	KNPP	Union Level	7 Mar 2012	Y	Y	-
12	CNF	Union Level	6 Jan 2012	Y	Y	Y
13	ABSDF	Union Level	5 Aug 2013	Y	Y	Y
14	ALP	State Level	5 Apr 2012	Y	Y	Y
15	KIA	Y	Y	-	-	-
16	AA	Y	-	-	-	-
17	TNLA	Y	-	-	-	-
18	MNDAA	Y	-	-	-	-
19	ANC	Y	-	-	-	-
20	LDU	Y	-	Y	-	-

The draft ceasefire agreement (Bilateral) of President U Thein Sein includes as follow-

1. Lay down goals and objectives
2. Guidelines and rules pertaining to the nationwide ceasefire.
3. Redeployment of troops to avoid encounters between two troops.
4. Freely travel
5. Allowed to open liaison offices.
6. Government will provide humanitarian assistance.
7. protect human rights
8. form peace and political discussion committee
9. form the joint ceasefire committee
10. Form the joint peace building committee
11. get the facts for trust building among those involved in the peace talks.
12. Pledge to hold the political dialogues.
13. allow the remaining groups to sign the ceasefire agreement
14. Seek approval from the Union parliament.
15. General

Efforts by the EAOs

The EAOs made a lot of demands in the peace talks with the government, based on their policies. During that period, the United Nationalities Federal Council (UNFC) was the most active ethnic alliance. In 2011, there were no organizations which would represent the EAOs and their various demands or collective measures. The objective of the UNFC is to build the federal union, set up a Federal Union Army (FUA) and protect ethnic areas. At the beginning, the UNFC has a six-points peace plan. The government gave the green-light for the EAOs to hold the Laiza Ethnic Conference (or) Laiza Conference in KIO-controlled Laiza of Kachin State. Ethnic Armed Organization Conference-Laiza was held in Laiza for three days from October 30, 31 and November 1st. The leaders from 16 of the 18 EAOs from home and abroad attended the conference.

President U Thein Sein, the Karen People's Party, the NLD (Liberation area) and U Khun Mar Ko Ban's border-based political group sent congratulation letters to the conference. The conference was attended by the RCSS/SSA, the UNFC, the Kachin Independence Organization (KIO), the Karenni National Progressive Party (KNPP), the New Mon State Party (NMSP), the Arakan National Council (ANC), the Arakan Liberation Party (ALP), the Pa-O National Liberation Organization (PNLO), the Lahu Democratic Union (LDU), the Wa National Organization (WNO), the Palaung State Liberation Front (PSLF), the Chin National Front (CNF), the Shan State Progressive Party/Shan State Army (SSPP/SSA), the Democratic Karen Buddhist Army (DKBA), the Karen National Liberation Army/Peace Council (KNLA/PC), Mon National Liberation Army (MNLA) and the Arakan Army (AA). The delegates from the United Wa State Army (UWSA), the Myanmar National Democratic Alliance Army (MNDAA)-Kokang and the National Socialist Council of Nagaland-Khaplang (NSCN-K) did not attend the conference. Later the organizations sent delegates to explain the facts about the results of the conference.

After the conference, the EAOs' common position for the nationwide ceasefire was issued on November 2nd, 2013. The statement covered 11 main points and 41 detail points. This plan became the parts of the basic foundation of the NCA. The 11-point agreement arrived at the Laiza conference are:

1. Fundamental principles
2. Objectives
3. Draw the political roadmap agreeable to both sides.
4. The main facts to be included in the nationwide ceasefire
5. Implementation
6. The facts pertaining to trust building.
7. The fact pertaining to the removal of organizations from the list of unlawful associations.
8. The discussion period and program
9. Signing

- 10. Approval
- 11. General

The 16 EAOs signed the agreement to form the Nationwide Ceasefire Coordination Team (NCCT) after the Laza Conference. (But the RCSS/SSA did not sign it). The EAOs agreed to hold a talk with the government's peace delegation in the agreements arrived at the Laza Conference on November 4th and 5th. They agreed to choose Nang Han Thar from the NMSP as a team leader-1, Padoh Saw Kwal Htoo Win from the KNU as the deputy leader-1 and Maj-Gen Gwan Maw from the KIO as the deputy leader-2 for the ethnic organizations. Union Minister U Aung Min from the government peace delegation said the government has drafted the basic framework for political dialogues with ethnics, in cooperation with the Tatmadaw. The government held a series of talks with the EAOs to sign the NCA. On October 15th, 2015, the USDP government led by President U Thein Sein signed the NCA with eight armed organizations. On February 13th, 2018, the NLD government led by Daw Aung San Suu Kyi signed the NCA with two ethnic armed organizations. On February 1st, 2021, the military led by Senior General Min Aung Hlaing staged a coup.

တစ်နိုင်ငံလုံးပစ်ခတ်တိုက်ခိုက်မှု ရပ်စဲရေး သဘောတူစာချုပ် လက်မှတ်ရေးထိုးထားသော တိုင်းရင်းသားလက်နက်ကိုင် အဖွဲ့အစည်းများ
Nationwide Ceasefire Agreement – Signatory, Ethnic Armed Organizations

<div style="display: flex; align-items: center; margin-bottom: 10px;">  <div> <p>The All Burma Students' Democratic Front (ABSDF) မြန်မာနိုင်ငံလုံးဆိုင်ရာကျောင်းသားများတိုက်ရိုက်တပ်တော်</p> </div> </div> <div style="display: flex; align-items: center; margin-bottom: 10px;">  <div> <p>The Arakan Liberation Party (ALP) ရခိုင်ပြည် လွတ်မြောက်ရေး မဟာ</p> </div> </div> <div style="display: flex; align-items: center; margin-bottom: 10px;">  <div> <p>The Chin National Front (CNF) မိုင်းအချိုသာတပ်တော်</p> </div> </div> <div style="display: flex; align-items: center; margin-bottom: 10px;">  <div> <p>The Democratic Karen Benevolent Army (DKBA) ဒီမိုကရေစီအတိုးတိုး ကရင်တပ်မတော်</p> </div> </div> <div style="display: flex; align-items: center;">  <div> <p>The Karen National Union (KNU) ကရင်အမျိုးသားအစည်းအရုံး</p> </div> </div>	<div style="display: flex; align-items: center; margin-bottom: 10px;">  <div> <p>The KNU/Karen National Liberation Army Peace Council (KNU/KNLA PC) ကရင်အမျိုးသားအစည်းအရုံး/ကရင်အမျိုးသားလွတ်မြောက်ရေးတပ်မတော် ငြိမ်းချမ်းရေးကောင်စီ</p> </div> </div> <div style="display: flex; align-items: center; margin-bottom: 10px;">  <div> <p>The Pa-O National Liberation Organization (PNLO) ပာဝ်အမျိုးသားလွတ်မြောက်ရေးအဖွဲ့ချုပ်</p> </div> </div> <div style="display: flex; align-items: center; margin-bottom: 10px;">  <div> <p>The Restoration Council of Shan State (RCSS) သွယ်ပြည်မြို့လှည့်ထူထောင်ရေးကောင်စီ</p> </div> </div> <div style="display: flex; align-items: center; margin-bottom: 10px;">  <div> <p>The New Mon State Party (NMSP) မွန်ပြည်သစ်ပါတီ</p> </div> </div> <div style="display: flex; align-items: center;">  <div> <p>The Lahu Democratic Union (LDU) လားဟူဒီမိုကရက်တစ်အစည်းအရုံး</p> </div> </div>
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5.1.1 The NCA's set-up with chapter by chapter and restrictions.

The discussions between the government and the EAOs to sign the NCA lasted around 22 months. To be exact, the discussion between the NCCT formed with 16 EAOs and the UPWC started on November 30th, 2013. The signing of the NCA with the RCSS/SSA on December 2nd, 2011 and with KNU on January 12th, 2012 was the biggest success for the government led by U Thein Sein. In August, 2013, the government made a ceasefire with 14 EAOs. Making a ceasefire with the USDP-led government, the goal for the completion of the ceasefire process in 2013 and the goal for the completion of the peace agreement in 2015 became stronger. Peace talks faced a deadlock in 2014. Especially the discussions about the disarmament (DDR) and the security sector reforms (SSR) did not run smoothly. It took a longer period of time to resume the regular meetings.

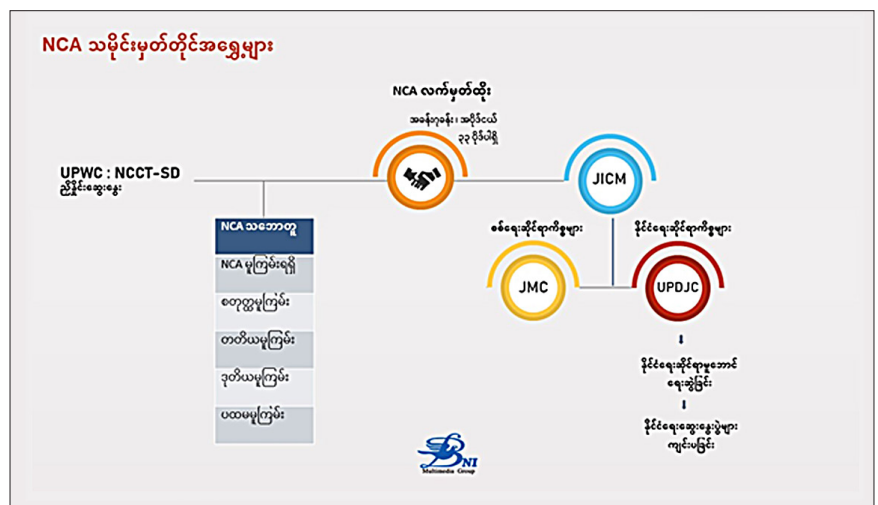
It is found that there are two parts when the NCA's objectives are summarized. They are to end military encounters and further cement the ceasefire and start discussions to seek the political solution to local problems.

Chapter	Particular	Importance
Chapter (1)	Basic Principles	The most important part of the NCA
Chapter (2)	Aims and objectives	This part covers many facts about politics.
Chapter (3)	Ceasefire-related matters	This part covers many facts about solving the problems by military means.
Chapter (4)	Maintaining and Strengthening Ceasefire	
Chapter (5)	Guarantees for Political Dialogue	This is a very important platform as it gives guarantees to solve political problems by political means. But there are many limitations.
Chapter (6)	Future Tasks	This part mainly covers the planning in the transitional period and future plans
Chapter (7)	Miscellaneous	Legitimacy of the NCA and signing

The NCA (draft) which covers 20 pages, seven chapters and 120 points was the longest agreement in the world. Ethnic leaders and observers criticized that the NCA for being weak. The 7th round coordination meeting of the NCA was held from March 17th to 22nd, 2015 after it faced a deadlock for over six months. There were four points for negotiation left to sign the NCA. After the discussion, the NCA (draft) came out on March 21st.

The EAOs held a conference in KNU-controlled Lawkheelar in Karen State in July when the EAOs stopped the peace talks with the govern-

ment. The EAOs abolished the NCCT formed in Laiza of Kachin State in 2013. The NCCT was replaced with the newly-formed Senior Delegation (SD). The SD made 15 new demands in addition to the draft agreement that arrived at the 7th round of coordination meeting. The SD's demand "All inclusion" of the EAOs in the NCA signing made the government difficult. Finally, the SD could hold a talk with the UPWC to sign the NCA. The government agreed to keep the SD's demands as follow-ups and to be effective like the NCA. Seven EAOs (the number was eight as the RCSS/SSA later informed that it would sign the NCA) decided to sign the draft NCA after the 9th coordination meeting. On September 30th, the SD was abolished. But the NCCT continued to stand for the duties to draft the political dialogue framework and code of conduct, form the joint monitoring committee and hold the political dialogues. The NCCT formed with 15 EAOs did not officially reject the NCA signing.



5.1.2 Words and different assumptions which cause blockages

There was a 75-25 problem (procedural) during the peace deadlock in 2014. The 75-25 problem means that 75 per cent of matters for the NCA signing have been discussed and 25 per cent remains unresolved. The remaining problem is that 20 to 30 words need defining (or) need redefining. These words are like Federal, Federal Tatmadaw, Revolution, Union and existing law.

Both sides were unable to coordinate on the issue after the NCA signing. It is impossible to coordinate the NCA when the new government wants to amend it and non-NCA signatories make news demands. On December 8th, 2015, the NCA was approved by the Union Parliament. The NCA has been legal since signing by EAOs and Government. Under the NCA, the JMC and the UPDJC cannot be abolished. The words described in the following table become a problem at the peace talks in the tenure of the NLD-led government.

Chapter (1)	<p>Aiming at the three main national causes</p> <ul style="list-style-type: none"> • based on freedom, equality and justice • in accord with the Panglong spirits. • in accord with the results of political dialogues. • have the full guarantees • the matters relating to the Union Tatmadaw
Chapter (2)	All those who shall include.
Para-6 of the Chapter (3)	Recruitment of new members by the EAOs.
Chapter (4)	The persons who win the respect of the people.
Para-20 (e) under Chapter (5)	<p>Union Accord is submitted to the Union Parliament to seek approval.</p> <p>(Chapter-5, Para 22 (d) says: "We agree that all decisions adopted by the Union Peace Conference shall be the basis for amending, repealing and adding provisions to the Constitution and laws, in line with established procedures."</p>

Other words which have no exact meanings are: Panglong Spirits, in accord with the security reintegration works, ceasefire territory, reinforcement in ceasefire territory (recruitment of new members), designated areas, the territories controlled by other organizations, all-inclusive principle, those who should include, in conformity with the peace progresses, coordination of military administration in ceasefire territory, not allowed to forcibly seize the lands owned by locals and hand over, in accord with the law, the most respected persons, interim period, the completion of coordination, national equality, self-determination, the new political culture which will solve the political problems by political means instead of military means and understanding of the politics based on the revolution of EAOs. The two successive governments were unable to solve the problem with these words. State Counsellor Daw Aung San Suu Kyi appeared to amend the constitu-

tion through the NCA path. But the military staged a coup while she was trying to amend the constitution. The country has neither government nor parliaments. The NCA will be really void if the EAOs said the NCA was voided. The NCA will not be active only with the military. It cannot be said that the NCA is void if the EAOs say the NCA still exists. So, whether the NCA still exists or not depends on ten EAOs which have signed the NCA.

5.2 Compare the ceasefire rule and regulations included in the NCA and the facts included in the military codes of conduct.

Here, we will check whether the JMC which shall implement military affairs under the implementation of military and political affairs included in the NCA, is active and whether the military council's troops follow the facts included in the NCA. On August 5th after six months of coup by the military led by Senior General Min Aung Hlaing, 948 civilians were killed by the military council and 7,055 arrested. The JMC must be active about violence if the NCA still exists. But there are no activities of the JMC on the ground. The JMC is not active from reporting on the conflicts to activities of civilian representatives, regional representatives, state/region representatives and the union-level representatives. The last JMC -U meeting (19th) was held in 2020 July 7 and 8. The failures of jmc before the coup so that in future it can be hard to fixed. The groups included in the NCA have not revealed the rights of committee members yet. Ten EAOs signed the NCA in the tenure of President U Thein Sein and President U Win Myint. Most of people raised a question whether the NCA is void due to the military coup on February 1st. Leaders of NCA signatories said that as different groups from Myanmar signed the NCA in the presence of international and the

NCA has been approved by the parliament, the NCA is not void yet. It is sure that 10 NCA signatories cannot accept the fact that the NCA is void. It is the sleeping on the platform while walking. But Dr. Salai Lian Hmung Sakhong, head of Chin National Front (CNF) which is one of ten NCA-signatories becomes the Union Minister for Federal Affairs under the NUG. The CNF/CNA is fighting against the military council's troops in cooperation with the Chinland Defence Force (CDF).

Likewise, the KNU which is the biggest of the ten NCA signatories has been fighting against the military council's troops for six months. Some leaders of the ten NCA signatories want to stick to the NCA while some leaders want to do in accord with the people's desires. On the other hand, the terrorist acts committed by the military council's troops have become worse and worse. Although Myanmar people have received an outpouring of sympathy from the international community, many Myanmar youth or Generation Z, have begun waging resistance against the military council's troops by taking up arms. Under this circumstance, It has become critical to check whether the military council's troops follow the guidelines issued by the JMC as part of in the NCA with the codes for conduct by both civilian and military parties.

Sector	Detail Description	Whether abide by or not
Chapter- 2 To abide by the provisions regarding the protection of civilians	a. Provide necessary support in coordination with each other to improve livelihoods, health, education, and regional development for the people.	no
Chapter-3	b. Permit civilians to move freely inside ceasefire areas.	no
The Tatmadaw and the Ethnic	c. Ensure the security and development of civilians living in ceasefire areas.	no

Sector	Detail Description	Whether abide by or not
Armed Organizations shall abide by the following provisions regarding the protection of civilians.	d. Avoid enslavement or forced labor of civilians.	no
	e. Avoid either directly or indirectly interfering, humiliating, or damaging the reputation of public activities to preserve religion, literature, and cultural and traditional practices	no
	f. Avoid the destruction or actions that would lead to the destruction of schools, hospitals, clinics, religious buildings and their premises and the use of such places as military bases or outposts.	no
	g. Avoid impeding an individual's right to health or access to healthcare; or restricting public health resources and the legal transportation of medicines for public use.	no
	h. Avoid forcible displacement or relocation of local populations.	no
	i. Avoid acts violating a person's dignity, violence, extrajudicial detention, kidnapping, torture, inhumane treatment, imprisonment, killing or otherwise causing the disappearance of the individual.	no

Another important issue of concern is military affairs. The military affairs are important at every step of the JMC.

Sector	Particular	Whether abide by or not
Military codes of conduct for ceasefire-related matters under NCA Chapter-3 The Tatmadaw and the Ethnic Armed Organizations agree to abide by the following troop-related terms and conditions:	a. Cease the following actions in ceasefire areas: troop movements for territorial control, reconnaissance, recruitment, armed attacks, laying of mines, acts of violence, destruction of property, and launching of military offensives.	no
	b. Avoid any direct or indirect action that may be regarded as hostile or contemptuous.	no
	c. Avoid using any religious buildings, schools, hospitals, clinics, and their premises as well as culturally important places and public spaces as military outposts or encampments.	no
	d. Avoid hostile propaganda, defamatory, untruthful, or derogatory statements, both within and outside the country	no

The military council's troops have violated the NCA several times. This situation may have changed after the coup to until now if the NCA signatories declare that the NCA is no longer valid.

5.3 From the legal point of view

The NCA signed between the Republic of the Union of Myanmar and the EAOs is an accord which was signed by the government, parliament, Tatmadaw and the EAOs in the presence of witnesses from both local and abroad. According to the Section 32 under Chapter-7, the NCA went into effect on the date when member of both parties sign it. The approval for the NCA was sought from the Union parliament. As the Union Parliament approved it with no objection on December 8th, 2015, it became an official accord.

After the military coup on February 1st, fighting between the Tatmadaw and the EAOs frequently takes place in the (all) areas included in the NCA. The military crushed ethnic areas using modern weapons, airstrikes, and excessive force. The military inhumanely killed people by engaging in mass killings, crimes against humanity, arrests, torture, destruction of houses and religious buildings, violation of human rights and war crimes.

It is questionable from the legal point of view whether the NCA aimed for peace is void or still exists. Although some NCA signatories said

the NCA was now void, they have not specified how the accord was made void. Next, will review it from a legal point of view.

The Nature of the Accord

The NCA is a government accord signed by the Republic of the Union of Myanmar. As its nature is not similar to the international contract signed between countries, it is not related to the provisions of the Vienna Convention on the Law of Treaties. Whether or not it is related to the provisions of the Contract Act (1872) of Myanmar, it cannot be said that it is completely related to it. The Contract Act (1872) of Myanmar is a law binding contracts signed between the persons, businesses, persons and businesses. But an exception is that it is regarded that despite being a government contract, the accord is related to the 1872 Contract Act as long as the accord is done in good faith and without bias. So, we will study whether the NCA still exists or not by comparing it with the 1872 Myanmar Contract Act.

Section 39 of the 1872 Contract Acts says: "When a party to a contract has refused to perform, or disabled himself from performing his promise in its entirety, the promise may put an end to the contract, unless he has signified, by words or conduct, his acquiescence in its continuance"

It is crystal clear that the military council has broken the NCA, turning a blind eye to the provisions of the NCA. For instance, the provision of the NCA explicitly describes that the military shall avoid attacks on civilians. The military council intentionally carried out targeted attacks on the civilians. The military also cut off the transport routes used to bring rations to people, breaking the provision that it shall provide medical assistance to the public. Instead, the military has sent reinforcements to the conflict-affected ethnic areas on daily basis.

Answering to the question "Does the military council break the provisions of the NCA" is very simple. Whether the NCA is void or not depends on the EAOs as the military council has broken the NCA. The

desires of the NCA signatories are more crucial than making decision by persons and organizations outside the NCA. If the NCA signatories announce that the NCA is void as the military council breaks the provisions of the NCA, then it is void. Alternatively, the NCA will continue to exist if the EAOs decide that they would continue supporting it despite the military council's violations. According to the provision of the 1872 Contract Acts, if a member of the contract dies or a member of the contract is unable to continue doing it, the contract shall be void. The NCA is an agreement signed by the Union Government, the parliament, Tatmadaw and the EAOs. Although the Tatmadaw and the EAOs continue to exist, the Union government and the parliaments have collapsed with the coup by Senior General Min Aung Hlaing. We need to take this matter into account. At present, there is a legitimacy problem about whether the NUG or the military is the official government.

In sum, if taking a legal perspective, the NCA is now void. Although it has outweighed the legal point of view, the answer to this question will be different based on the statements of existing EAOs.

5.4 From the political point of view

The root cause of the prolonged civil war in Myanmar is a political problem. This political problem is complex and not easily solved as it related to the problems such as the political rights of different races, the EAOs' concerns over security, racial, religious sensitivity, a lack of social harmony among and unequal development, all of which are the result of poor governance. Under this circumstance, the coup staged by the military led by Senior General Min Aung Hlaing has compounded the problem. Six-month after of the coup, new pattern of armed conflict has emerged in Myanmar. There is widespread concern that Myanmar may become a failed state as the current revolution is totally different from the past.

At present, it is impossible to solve the political problems according to the NCA. There is no involvement by the government, parliament and EAOs in the peace process. The military is not in a position to hold talks. Whether the international community recognizes the military council or not is important as the NCA was signed in the presence of international witnesses. The National Unity Government (NUG) declared the military as an unlawful association. Likewise, the military

NCA စာချုပ်ပါ ဆွေးနွေးရမည့်အဆင့်များ



council did the same with NUG. Political actors, both foreign and local, need to be very cautious as different assumptions about ethnic areas, different topography, history and position make it difficult to get a common goal.

The problem will remain unresolved although the military council is trying to maintain a peace processes during the current political situation. In particular, the Union Peace Discussion Joint Committee,

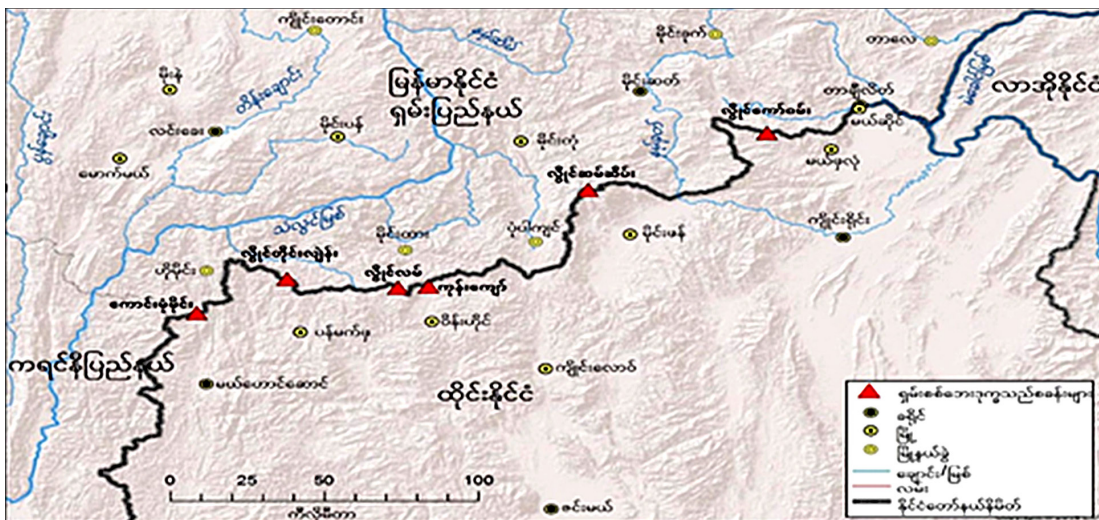
which was designated by the NCA as a mechanism to solve political issues, is not active. The military council announced that it has abolished the NLD-established National Reconciliation and Peace Center (NRPC). Thus, anyone who wants to hold peace talks must meet the military council's newly formed National Solidarity and Peace-making Central Committee and, it working committee coordination committees. But this situation is impossible. The military council does not describe who are included in three committees and what their duties are. It is a NCA path with no discussion partner.

President U Thein Sein said: "We cannot establish democracy without local peace. We cannot make peace without democracy." Due to the landscape in which the military council got the upper hand in Myanmar politics in during the tenure of the NLD-led government and its firm hold on security matters, it is difficult for give-and-to take place between the EAOs and the military. Now, the assumption that this problem could be solved if the government propose some kind coordination is incorrect. Now the MPs who secured the seats in the 2020 General Elections are leading an armed revolution against the military council. In short, the current situation makes it impossible to solve the current political problems through the NCA.

5.5 From the battle ground view of point

Two important milestones for the NCA signing were the bilateral agreements signed by the government and the RCSS/SSA on December 2nd, 2011, and the government and the KNU on January 12th, 2012. This was important not only for the government led by U Thein Sein but also for Myanmar's history. But the situation is back to square one after the February coup. The KNU and the RCSS/SSA issued statements expressing, showing opposition to the military coup. Soon thereafter, fighting erupted between the military council's troops and the EAOs.

After the coup, fighting took place between the military and the RCSS/SSA in Khaingsin village in Mongtone village-tract in Hsipaw Township on February 9th and in Pankhar village in Ohnmu village-tract on February 10th and 12th. Fighting took place in Hotat village in Mongnaung Township in southern Shan State for one hour after online video conferencing between the RCSS/SSA and the Committee Representing Pyidaungsu Hluttaw (CRPH) on March 9th. On March 29th, Senior General Min Aung Hlaing arrived in Kengtung. The media report that the military council informed the Thai border committee in



Mae Sai District of Chiang Rai Province to attack all camps of the RCSS/SSA on Thai-Myanmar border. After the news about offensive operations, more than 6,000 Shan IDPs along the border dug bankers to protect themselves. Due to the coup, nearly 300 people are taking shelter in the RCSS/SSA-controlled territory, said General Ywet Sit of the RCSS. On April 22nd, 2021, fighting took place in Moehne Township in Linkhae District, Namshan Township and Mongnaung Sub-Township in Kyethi Township in Southern Shan State. On the evening of April 23rd, there were two encounters. Fighting between the RCSS/SSA and the military council's troops in Namhsan Township in Loilem District in southern Shan State. At around 11 pm on April 25th, there was shooting near the road to Mongpun and Yinkwel mountain in Loilem Township.

The military council met the delegation led by UWSA military chief Kyauk Kaw Ann on April 7th and the SSPP/SSA on April 8th. The Tamadaw delegation was led by Lt-Gen Yar Pyae. Other Tamadaw delegation members were Lt-Gen (Retd) Lt-Gen Khin Zaw Oo, Lt-Gen Min Naung, Triangle Region Command Commander (Kengtung) Maj-Gen Khin Haling and the North-East Command Commander (Lashio) Maj-Gen Aung Zaw Aye. The SSPP/SSA fired shots at the military council's helicopter. The SSPP/SSA issued a statement that it

Date	The place where the incident took place	Place	Result
April, 18, 2021	Loikawwan camp near Myanmar-Thai border	Fire 120 mm from Hwaykhike camp	-heavy shells fell on the plantation in Hway-pankwaing village where the IDPs were taking shelter
April 19, 2021	Loikawwan camp	Fire heavy weapons	Move again
April 21, 2021	Loi Tai Leng	Fire three rounds of 88mm mortar.	hold talk with Thai government for the moving of IDPs.
April 21, 2021	The RCSS's No.1 Loilamlone outpost near Wiang Haeng Township in Chiang Mai	Fire five rounds of 88 mm mortar.	-dug bomb tanker in Wat Fah Wiang Inn monastery
From April 18 to 21	Loi Tai Leng, Loi San Sit, Loi Lan and Loikawwan	Fire heavy weapons	Loisansit and Loilan shootings were not confirmed.

Loi=(Lwal)

would take action against the soldier who fired shots as a high-ranking officer of the military council was injured. The military council met the SSPP/SSA while Tamadaw troops attacked the RCSS/SSA with heavy weapons. Fighting took place between the military council troops and the RCSS/SSA in Moehne, Namhsan and Kyethi townships and Mongnaung Sub-Township and Mongpon. Likewise, the military council's troops fired heavy weapons to almost all military outposts (the list of outposts described in the above table) on Thai-Myanmar border.

The KNU issued a statement within 24 hours of the coup, opposing the coup. In his letter sent to the 74th Anniversary Karen National Day which falls on February 5th, the KNU's President General Saw Mutu Say Pho said the KNU leaders should be on alert about the coup. The time has come for anti-dictator forces to finally end the military rule in unity as the military rule veers from the democracy path and hampers the country's development. According to the statement issued on February 14th, the KNU encourages the peaceful protests and has offered protection to the people. On February 15th, fighting took place between the military council's troops in Luthaw Township in Mutraw (Hpapun) District for the first time since the coup. There was an increase in the number of fighting in April. In May, fighting between the military council's troops and all brigades under the KNU. Since May, there were disagreements among KNU leaders over the NCA. The military council accused the KNU of giving training to youths from the four corners of the country. Due to military tensions, fighting has spread to the whole Karen State. There were the battles that captured the Tamadaw camps, firing of heavy weapons, aerial strikes and the battles in which the Border Guard Force (BGF) and the people's militia helped the military council. Due to the coup, the facts pertaining to the military affairs included in the NCA are no longer active. According to the incident and essence, the NCA is said to have collapsed.

Conclusion

The NCA was potentially an important step to control encounters and encourage the political dialogue (or) to normalize relations between old enemies and politics. But now the NCA is just an agreement which carries only words. There were many problems about the implementation of the NCA during the eight years of the two successive governments. The NCA moved forward with distrust, reconstruction and disputes over the firmness of the facts agreed throughout the earlier discussions among different political groups. To be frank, it is sure that the NCA was an all-out effort between the military, the EAOs and the government to end the civil war. But these attempts resulted in a coup by the terrorist military led by Senior General Min Aung Hlaing. Efforts to solve the conflicts through the systematically built political dialogues have gone up in smoke.

There are different understandings between the military and the EAOs over the Bilateral Ceasefire Agreement (BCA) and the NCA. Lack of flexible political dialogues in Myanmar's peace process and the ongoing fighting instead of building better relations to maintain the peace reflect the continued turning of a blind eye to the NCA. The new political landscape featuring new forms of revolution will shut

the NCA down. Although Myanmar's peace process could be implemented with the essence of peace through the political dialogue to a certain degree, it is overwhelmed by security concerns. The role of the NCA is going to disappear in the coming future.

Take a look back at the summary of the NCA reminds us that, the first step is to make the State-level ceasefire between the State governments and each armed organization. The second step is to make a ceasefire at the Union level. Signing the NCA is the third step. On October 15th, 2015, the USDP-led government signed the NCA with eight EAOs. The NCA covers seven chapters and 33 paras. It also covers 35 facts about the politics, 55 military-related facts and 23 socio-economic related facts.

To sum up, whether the NCA still exists or not depends only on the EAOs. The CRPH (the government-parliament) formed with elected candidates from the 2020 General Elections has declared that the NCA is no longer active. The EAOs said they would not hold talks with the military council even though they did not say the NCA was void. According to the essence, we can draw a conclusion that the NCA is no longer active. But the NCA is still active from the legal point of view. Arguably, anyone or any organization which talks about the political situations by using the NCA is sleepwalking.



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