What should the government do to maximize number of signatories to the NCA?

The highest level of direct negotiation between President Thein Sein and 9 top leaders of Ethnic Armed Organizations (EAOs), aiming to secure the Nationwide Ceasefire Agreement (NCA) took place on September 9, 2015 in the country`s capital, Napyitaw. The meeting was inconclusive, failing to deliver the expected outcome of fully resolving any remaining issues of disagreement in the Nationwide Ceasefire Agreement (NCA). The only clear outcome from the meeting was the decision of signing NCA in October as proposed by President Thein Sein. The failure of securing a final DEAL left everyone guessing how many numbers of EAOs would sign NCA. The question then becomes "how inclusive the NCA process would be? If only a handful of EAOs sign onto it, can one really call it nationwide? Or if only two or three groups sign NCA, can the process move forward as the Commander-in-Chief had already stated that he would do the signing of NCA with even one or two groups? The fundamental question now is what should the government do to offer to convince as much EAOs as possible to sign NCA, if not all that it recognizes? With this unwanted real situation facing the NCA process, this analysis is going to offer what both sides have to do to salvage the peace process within the next two weeks.

Just to recap, the main contentious issue, which was not expected to be an issue of this scale of difficulty a year ago, is the all-inclusive policy of EAOs. Summit after summit, EAO leaders reaffirmed their common position endorsing the inclusion of all Ethnic armed organizations, especially 16 original members of the Nationwide Ceasefire Coordinating Team (NCCT), to sign NCA. In adopting their common policy of all-inclusion, their main fear is the potential military assault of Tatmadaw on EAO groups who might not be able to sign NCA. None of the EAO leaders want to see a situation, where the government forces will launch a full-scale military attack on the non-signatory members of NCA. Because of such lingering concern for military assault from the Tatmadaw, EAO leaders, in their last ethnic summit at Law Khee Lar in June 2015, collectively re-adopted their common position of all-inclusion in the signing of NCA. To advocate for this all-inclusive position with President Thein Sein, they formed the highest level of negotiating team with 9 members, comprising of 5 top leaders from the five largest groups of NCCT members, 3 leaders from the newly formed Senior Delegation (SD), and one NCCT representative. Only one from NCCT could attend even though 3 NCCT team leaders were invited. As a silver bullet from EAOs, this high-level team was given the full mandate to fully finalize NCA.

In their historic mission, the high-level delegation indeed has asked President Thein Sein to approve their all-inclusive policy of EAOs in the signing of NCA. This inclusion position is basically calling for allowing the six groups that the government has refused to include such as TNLA, AA, MNDAA, LDU, WNO and ANC to sign. President accepted all-inclusiveness as a policy in principle, but rejecting the idea of all EAOs to sign NCA simultaneously. Because of President`s refusal to include the six groups, EAO top leaders asked President to give guarantees for the four underlined conditions: (1) **military**: no military offensive against any group that does not sign at the first phase of the signing of NCA, (2) **political:** ensuring that all relevant forces including EAOs participate in future political dialogue, (3) **humanitarian assistance**: assuring that all ethnic states, including conflict-affected areas, have equal access to humanitarian aid and other humanitarian assistance services, and (4) lifting of unlawful association act for groups who do not sign the NCA. Most of the EAO top leaders, who were actually negotiating with President, felt that President was not forthright in giving the reassurances that they sought from the government. Such unconvincing response from President

created a very uncertain atmosphere for EAO top leaders to finalize the Deal, even though they had the full mandated power to do so.

Military guarantee is a must: : President Thein Sein, the Chief negotiator Minister U Aung Min, and the Commander-in-Chief must accept the reality that many EAOs are still reluctant to sign NCA Deal if no explicit guarantee is given, promising that there will be no military offensive against groups who do not sign NCA at the first phase. The simple truth is that the signing of NCA depends on this type of guarantee that EAO leaders are calling for. In retrospect, the outcome of the high-level meeting would have been decisive as expected, if U Aung Min and President Thein Sein had utilized their rare meeting times in the actual negotiation to explain the types of guarantee that EAO top leaders are asking for. Unfortunately, the top leaders of EAOs, who wield the final decision-making power, were not convinced enough to make the final call, as mandated, in favour of committing to the signing of NCA. Worse, a majority of top leaders came back with their longstanding sense of skepticism and distrust in the overall peace process exacerbated. To make the mater worse, Senior General Min Aung Hlaing, the Commander-in-Chief, was taking oversea trip in the times of such historic high-level meeting, which was another factor fuelling the skepticism argument that "Tatmadaw does not want to give any form of reassurances that EAO leaders are coming here for".

With such hardening skepticism overshadowing the current NCA process, the attempt to woo hard-lined leaders of EAOs to sign NCA is becoming much more difficult, if not impossible between now and general election. The problem is that the key EAO leader like General N Ban La, who is also leading KIO, the most powerful group of EAOs, took a public stance already stating that KIO will not sign NCA in the first week of October. This is very serious matter since KIO has been holding the deal-breaking power. The decision of KIO either for or against the signing of NCA has a profound effect on the process. The peace process without KIO onboard is going to be very challenging, and would not be conducive at all for the successful implementation of the agreed terms and conditions in NCA.

From the government side, Minister U Aung Min himself has stated publicly in numerous occasions that the government will be willing to give guarantees. The mismatch between words and real actions become a problem here. Cautiously cooperating EAO leaders see that giving a verbal guarantee as nothing more than just paying the lip-service. In fact, it does not make sense to utter out verbally if the government is not willing to give such reassurance either. As it stands, in order to maximize number of EAOs for the signing of NCA, the only thing the government can do is to put in writing whatever guarantees the government can do as explicit as possible. Without giving such unequivocal guarantees with the plain languages, a majority of EAOs would still be reluctant to sign NCA in October. Implementing the provisions of NCA with a handful of EAOs will be too difficult, if not impossible. Therefore, the government should use any opportunity it has to hammer out a written form of guarantees and present to the EAO leaders ahead of their ethnic summit, which would be the last and final round for all EAO leaders to gather before the signing of NCA in October, 2015.

A time for exercising the right to self-determination for EAOs

Collective Unity versus self-determination: : Leaders of EAOs are preparing to come for the last round of their own Ethnic Summit scheduled to be held on September 28-30, 2015 before the signing of NCA. The central question of the meeting is to tackle the key practical question of maintaining Collective unity among EAOs versus the individual right to self-determination. Of course, the clear answer is not to choose either ONE or the other. They need both. The only thing is how they manage the two intertwined questions. Managing the two questions requires a clear differentiation between

Unity and self-determination. Unity is not their political goal, but a mean they would employ to achieve their end political goal such as the right to self-determination, which would allow them to determine their own political destiny. While doing everything they can to maintain their collective unity, it is also very critical that their effort to maintain unity does not become a stumbling block preventing them from pursuing their desired political goal. It would be a missed opportunity as well as strategic blunder for them to sacrifice their chance of entering into a serious political dialogue with the government for the sake of maintaining a total unity. After all, as a veteran revolutionary Arakan leader, U Khaing Soe Naing Aung has said, "the total Unity or a 100 % unity among EAOs is not possible" among ethnic armed organizations with such diversity and different interests.

In calling for ethnic unity, one should realize that there is also a greater need to be able to seize the opportunity to advance ethnic political interests within the limited time. The historical accounts of armed struggles have shown that there had been cases of Unity breakdown among EAOs. Such breakdown of unity among them in the past was made possible by their own ethnic groups. One of the challenging facts that make the attempt to maintain ethnic unity very difficult is the diversity in terms of political viewpoints, geographical concentrations, multiple and different interests of 16 or more ethnic armed organizations. The sad reality is that with these 17 groups, the motive and intention of each group in calling for the collective unity will not be the same. For some groups, there is a genuine concern about divide and rule of the enemy`s long military tactics, fearing that Ethnic Armed organization will be dismantled one after another. There would also be some groups who believe that maintaining unity as one bloc means that EAOs have a stronger bargaining power in any negotiation with their common enemy. That is legitimate and true. But, for some, calling for unity could basically mean protecting their own narrow economic interests as well as current political power status. No one is fully sure of what goes on in the minds of all these key leaders with diverse backgrounds as well as experiences. Their respective political calculations behind calling for unity could vary. By all means, calling for ethnic unity should not be driven by self-serving interests nor should it be simply driven by having just a common enemy. What is important and necessary now is that "EAO leaders are pragmatic with the ethnic unity theme and how they utilize it as a mean to advance their causes of longstanding armed struggles."

In fact, leaders of the EAOs deserve a due recognition for consistently safeguarding the collective unity of EAOs especially since their formation of the negotiating team - the Nationwide Ceasefire Coordination Team (NCCT) – in November, 2013. Their commitment to the collective unity is one of the main operating engines behind their successful negotiation of the text of what become known as the Nationwide Ceasefire Agreement (NCA), which is one of the most comprehensive and politically meaningful documents so far in the political history of the Union of Myanmar. Even after negotiating the text of NCA, for the sake of ethnic unity, EAO leaders still defend their common position calling for the inclusion of all EAOs, particularly members of the NCCT Team, in the signing of NCA. Despite knowing that the government will not agree to their proposal of all EAOs to sign NCA at the first phase for various political reasons, EAO leaders had sent delegation after another including the highest level of negotiating team, which was their final attempt to push for all-inclusion. The mission of the highest level of negotiation did not result in securing their primary goal of all-inclusion. However, the main message here is that EAOs had adhered to their collective unity until the final minute of direct negotiation with the head of the country, President Thein Sein. If one look at the effort of EAOs through the lens of ethnic unity, it is clear that EAOs had done all that they had to do in order to maintain ethnic unity.

After all, the next step is to allow pragmatism and realism to prevail in pursuing their political goal. With the reality that they cannot move forward with their policy of all-inclusiveness for the signing of

NCA at the first phase, leaders of EAOs must adopt a pragmatic approach to break the impasse. In fact, this so-called all-inclusion is more important for the political dialogue phase. No relevant forces including the EAOs should be left out of the political dialogue process, where each stakeholder would have opportunity to present their viewpoints on any topic of discussion. What is most important in this whole process of NCA is the text of NCA – provisions and clauses mutually agreed already. If some of EAO leaders object to a certain clauses in the NCA text, it would be a serious issue. That was not the case anyway. Be the hardliners or moderate thinkers, they all agree to the text of the current NCA, which is what they are going to sign with the government of Myanmar. Now is the time for individual member organizations to exercise their birthright to self-determination in line with Saw Ba Oo Gyi`s principle of "Karens shall determine Karen destiny". Or in line with the Shan political scientist, the late Mr. Chao Tzang Yawnghwe put it, "Common aim, diverse actions".

The leaderships of EAOs are under immense pressure from different interest groups whether to sign or not to sign. The fact that they know best about the real situation they are facing, the time has come for them to make the tough choice with their own decisions. Whatever choice they make, they should defend and justify the difficult decision they will make. With the time almost running out, they cannot afford to try to avoid exercising their decision making power. After all, the job of a leader is to make an informed decision after evaluating both sides of the competing arguments. Worrying about making a mistake should not be their only calculation in calling their final shot. The principled and responsible leadership requires the instinct and courage to make a decision at the right time. Now is such right time for EAO leaders to play the role of their principled leaderships as they are expected.

The clear message as far as the NCA process is concerned, delaying the process and buying time for the next one year will not necessarily bring a better outcome than what they have got. By taking into account the agreed text of NCA and guarantees that President Thein Sein has given, the time has come for each member of the EAOs to make the final call either for or against the signing of NCA in October.

© BCES : Centre for Ethnic Studies. 2012