# Examining the Peace Process in Myanmar: A Case Study of Nationwide Ceasefire Agreement (NCA) Related to the 2021 Military Coup

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#### Abstract

Peace negotiation processes come along with the civil war that has been happening since 1948 up to the present in Myanmar. The peace process called Nationwide Ceasefire Agreement (NCA) is the latest peace paper that has been agreed upon between some Ethnic Armed Organizations (EAOs) and the Burmese military. This research aims to find out the barriers to the peace process and analyze whether NCA is the best solution for the ethnic conflict. This paper used qualitative research methods to collect the data. Approximately, four participants, who were the ethnic leaders from Karenni National Progress Party (KNPP) and an activist from 8888 former students, were interviewed. This research found three main obstacles that delay the peace process. The absence of the Panglong Agreement is considered one of the main problems. Then, the 2008 constitution, which is created by military leaders, also stop the EAOs to sign NCA. The last obstacle is the current political crisis which started on February 1, 2021, military coup. Because of the recent military coup, some NCA signatory groups fight back against the military with the new emerging People Defense Force (PDF) around the country. Therefore, the peace process through the NCA would not be the best solution to the Myanmar Ethnic conflict. It could be considered a failed agreement.

**Keywords:** Myanmar peace process, 1989 peace process, Nationwide Ceasefire Agreement (NCA), Panglong Agreement, The 2008 constitution, Ethnic Armed Organization (EAOs).

### 1. Introduction

Myanmar conflict is considered the world's longest civil war between the military (Tatmadaw) and different Ethnic Armed Organizations (EAOs) (Melissa, 2019). Historically, the country got independence from the British in 1948. In 1947 conference at Panglong in Shan State was a meeting between General Aung San, leader of the independence movement, and father of Daw Aung San Suu Kyi, with representatives of the Shan, Kachin, and Chin ethnic groups. The conference resulted in the signing of an agreement that was a crucial step toward Burma's independence from colonial rule. One of the key aspects of the Panglong agreement was the recognition of the "full autonomy and Political representation" of the ethnic groups in the administration of their internal affairs (Melissa, 2019).

The world well understands that after getting independence from the British officially, the Myanmar civil war began in 1948 (Nyein, 2019). The absence of implementation of the Panglong Agreement and unbalance of power separation between the frontier area of ethnics and proper Burma has become the main reason that led to the ethnic's conflicts. Ethnics groups have demanded to implement the agreement from the Panglong that had made with General Aung San in 1947. However, it has been ignored by all military dictatorships since 1948 up to the present. As a result, more than 50 ethnic arm groups and parties have been formed for self-determination, equal rights, and autonomy (Nyein, 2019). Figure 1 shows the name list of emerging ethnic armed organizations. After the military coup in 1962, the Panglong Agreement was neglected and ethnic groups were politically, socially, and economically marginalized (Gum San Awang et al., 2019).

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AA		KNU/KNLA	Karen National Union/Karen National Liberation Army
		(PC)	(Peace Council)
ABSDF	All Burma Students Democratic Front	KNUSO	Karen National Unity & Solidarity Organization
ALP	Arakan Liberation Party	KPF	Karen Peace Force
AMRDP	All Mon Region Democracy Party	KSDDP	Kayin State Democracy & Development Party
ANC	Arakan National Council	SNLD	Shan Nationalities League for Democracy
BGF	Border Guard Force	LDU	Lahu Democratic Union
BSPP	Burma Socialist Party Program	MNDA	Mon National Defense Army
CAN	Chin National Army	MNDAA	Myanmar National democratic Alliance Army
CNF	Chin National Front	MSA	Military Security Affair
DAB	Democratic Alliance of Burma	NDA	National Democratic Army
DKBA	KDBA 5/Klo Htoo Baw Battalion	NDAA	National Democratic Alliance Army
	(Democratic Karen Benevolent Army)		
DPA	Democratic Party for Arakan	NDA-K	New Democratic Army (Kachin)
DPNS	Democratic Party for New Society	NDF	National Democratic Front
ENC	Ethnic Nationalities Council	NMSP	New Mon State Party
GOC	Government of Chinland	NNCNaga	National Council
HRP	Hangsawati Restoration Party	NSCN(K)	National Socialist Council of Nagaland (Khaplang)
IPSG	International Peace Support Group	NUPA	National United Party of Arakan
KDA	Kachin Defense Army	PMG/ PMF	People's Militia Group/ People's Militia force
KIA/ KIO	Kachin Independent Army/ Kachin Independent Organization	PNLO	Pa-oh National Liberation Organization
KKO	Klo Htoo Baw Karen Organization	PNO	Pa-O National Liberation
KNDP/A	Karenni National Development Party/ Army	SSPP/SSA	Shan State Progressive Party/ Shan State Army
KNDO	Karen National Defense Organization	KNPLF	Karenni State Nationalities People's Liberation Front
KNG	Kayan National Guard	SSPP/SSA	Shan State
KNLA	Karen National Liberation Army	TNLA	T'an National Liberation Army
KNLP	Kayan New Land Party		-
KNO	Kachin National Organization	PSLA	Palaung State Liberation Army
KNPP	Karenni National Progressive Party	PSLF	Palaung State Liberation Army
KNU	KNU Special Region Group Toungoo	RCSS/SSA	Restoration Council of the Shan State/ Shan State Army

 Table 1 Emerging of Ethnics Armed Organizations (Catalyzing Reflection) (Oo, 2014)

The conflicts have deep historical roots and revolve around political grievances about state form, power-sharing, and ethnic equality. In terms of political authority, ethnic minorities do not have equal rights to participate in government administration. Then, fewer representatives from ethnic minorities in both house of Representatives and the senate. Most military governments have emphasized economic policies and developing foreign investment strategies, and less attention is given to ethnic affairs and peace-building efforts (Reh, 2021).

In 1962, they established an authoritarian regime and began a massive counter-insurgency campaign in rural areas of Burma. In 1963, the Burmese military started using the so-called 'Four Cuts' strategy, intended to suppress support from ethnic communities for ethnic opposition armies by cutting off the four main links between them: food, funds, intelligence, and recruits (Heppner, 1995). The Four Cuts policy operated by terrorizing the civilian populations in zones where ethnic nationality armies operate. For example, in 1996 because of the four cuts operation, Karenni (Kayah) state lost more than two hundred villages in Shadow townships and eastern Than Lwin river. A hundred thousand Karen refugees have fled to the Thai Myanmar border (Heppner, 1995). Karenni and many ethnic people suffered the terrible consequences of four Cuts at that time.

To reduce the conflicts, there has been clarified the peace approaches that had been tried in the past and still ongoing as well. Officially, there are two main peace negotiations offered by the military government in history.

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The first invitation of the Military government for the peace process with ethnic armed organizations began in 1989 (Fessha, 2011). After discussion on the table, half of the EAOs signed the ceasefire agreement, but only a few arm organizations agreed to disarm. Those organizations that agreed to disarm are now becoming the Border Guard or People militias across the country. After a few years of the contract, the agreement broke out because the military built up more camps based and deployed soldiers in EAOs control areas by claiming the territory cleansing. Therefore, the fighting started again and the EAOs demanded and fought for their self-determination toward federal democracy, whereas the military government did not want to share the power.

The second peace invitation, known as Nationwide Ceasefire Agreement (NCA), started again in 2010 up to the present. Both military government and civilian government participated in this peace process with their own obstacles in their administration. There is still clashing and battling between military and NCA signatory groups or non-signatory EAOs because the military deployed more soldiers and built more camps in the EAOs' control areas. Sometimes, both sides blamed each other by claiming the movement of their soldiers over the other control areas. Nowadays, the People Defense Forces (PDF) which emerged after the recent military coup are fighting against the juntas' troops around the country. It becomes even harder to continue the peace negotiation and implement the NCA with the current situation. For example, most PDF and civil service workers who are Civil Disobedience Movement (CDM) are hiding in KNU's liberated areas where the junta carried out airstrikes close to the Thai-Burma border recently. The KNU is a member of the NCA signatory groups. However, after the repeated incident, some KNU leaders claimed that NCA is gone. The peace process called NCA is full of obstacles and the 2008 Constitution is also part of the reason that constraints the EAOs to fully trust the military in building peace. Therefore, this research paper is important to study the obstacles to the peace process and analysis whether NCA will bring real peace to Myanmar.

This research is divided into five sections. The first section defines the National Ceasefire Agreement (NCA), Panglong Agreement, and the 2008 Constitution. This section also describes theories of ethnic conflicts and conflict of solutions and explains the peace process in Myanmar. The research objectives are described in the second section. The third section focuses on research methodology. This section describes the research design and participants in this research. The research results and discussion part are in the fourth section by identifying barriers that make the peace process delay reaching the target and analyzing whether the NCA is the best solution for ethnic's conflict or not, toward peace. The last section is the conclusion and recommendations to achieve the goal of peace negotiation and to have peace in Myanmar through the NCA or other alternative approaches.

#### 1.1 Definition of terms

Nationwide Ceasefire Agreement (NCA): The Nationwide Ceasefire Agreement is a landmark ceasefire agreement between the government of Myanmar and representatives of an ethnic armed organization.

Panglong Agreement: Panglong Agreement was reached in Panglong, Southern Shan State, between General Aung San's government and ethnic groups such as Shan, Kachin, and Chin on 12 February 1947.

2008 Constitution: The 2008 constitution is the supreme law of Myanmar, and it is the country's third constitution in its history of Myanmar. It was written by the military, and the military retains significant control of the government under the 2008 constitution.

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#### 1.2 Literature Review

1.2.1 Theories of ethnic conflicts and solutions

1) Theories of ethnic conflicts

"Primordial" arguments stress the different cultural cultures of ethnics and their biological or psychological distinctive are where the conflict originated. On the other hand, the "modernist" theories claim that ethnic conflicts occurred when the government or the majority of the ethnic group ignored the social, equality, and political power balancing of ethnic minorities (Blattman & Miguel, 2010). Both Primordialism and Modernism's definition of the ethnic's ethnic conflict is exactly right to what Myanmar has faced for over 70 years. Myanmar is a country where diversity of races is coexisting, sharing different cultures and languages. The Burmese Army (ethnic majority) has been exercising absolute power alone since 1948 till now. As a result, the conflict has happened along with their action to the present. It hasn't shared the power and given equality to minority ethnic groups in the country. That is why the ethnic conflict has begun in the past up to the present.

Myanmar's ethnic conflicts are Similar to Marx's concept, the extreme exploitation of power would lead to the revolt of the masses and the destruction of society. Simply, it happened, and many ethnic armed groups are formed with the purpose of their self-autonomy, self-determination right, equal political rights, and establishment of a federal country (Mejer, 1987).

## 2) Theories of conflict solutions

Peacebuilding is commonly understood as a process of achieving durable peace by tackling the root causes of conflict. According to Liberalism's approach to peace, there should be liberal economics and democratic political institutions for each ethnicity so that they can reduce the conflict (Bojana, 2007). It means creating a free market or sharing a common interest.

Multiculturalism approaches can be used to address ethnic conflicts by attempting to separate the state with a strong identity, particular ethnic nationality, and by recognizing the cultural rights of minorities. Many scholars argue that separation is a solution to ethnic conflict. The ethnic conflict can be reduced through the human rights approach as well. This approach sees the enactment of the bill of rights, guarantees equality and liberty, and can reduce the scope of discrimination against minorities (Nkwachukwu, 2006).

The consociationalism approach seems to work in Myanmar's ethnic conflicts. It defines the power-sharing at the executive level which means all ethnic representatives can participate in political decision-making (Nkwachukwu, 2006). Then, each ethnicity has its autonomy, especially in the areas of education and culture.

In the case of internally displaced Srebrenica women and Muslim women of Tuzla, a variety of actors from local, national, and international had several meetings and applied the peacebuilding through the "reconciliation approach" (Bojana, 2007). As result, both sides agree to return to their hometown. Peacebuilding through the Reconciliation approach means is based on the concept of non-discrimination, equality, and communal functionalism. It could be an example of peacebuilding through inter-ethnic exchange centered on working together for a specific common interest and good.

### 1.2.2 Peace processes in Myanmar

Throughout the history of Myanmar, there have been two times that the military government officially welcomed the EAOs for all-inclusive peace negotiation. The first peace negotiation was in 1989s, the military government welcomed ethnic arm groups for the first time in the political dialogue for the ceasefire agreement which was led by Military Intelligence (MI) General Khin Nyunt (Oo, 2014). Forty ethnic armed groups joined the ceasefire process under the military government, but only fifteen (small groups) of them were disarmed into People Militia. However, the unwritten ceasefire deals from expecting Kachin Independent Organization (KIO) led to an invalid or not durable agreement. Besides, the ceasefire process led to uncertainty and regret by both ethnic armed groups and some of those who agreed to disarm. There were some examples, Karenni National Progressive Party (KNPP) and the military fought back after three months of the ceasefire agreement because the military deployed more troops in the KNPP's control

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areas which were totally against the agreement (Oo, 2014). In 2011, the 1989 agreement between KIO and the military broke out and the fighting continues today. Therefore, the first ceasefire failed to end the conflict and build peace in Myanmar.

The second peace process started again after the 2010 election when the new military government took power. In 2014, the U Thein Sein government paved the way for political dialogue on ethnic issues by welcoming the EAOs to sign Nationwide Ceasefire Agreement (NCA) (Fessha, 2011). NCA aims to secure sustainable peace based on the principles of dignity and justice through an inclusive political dialogue process including all relevant stakeholders.

There are seven chapters with 33 paragraphs consisting of NCA

- Basic principles
- Aims and objectives
- Ceasefire premises
- Guidelines and regulations governing the ceasefire
- Guarantees for political dialogue
- Future tasks and responsibilities
- Administrative obligations and guidelines for dispute settlement

Overall, NCA is created by the military government, therefore, this invitation did not trigger prompt responses from EAOs because of their concerns and trust in the government as they have experienced in the first broken peace ceasefire agreement. However, United Wa State Army (UWSA) and National Democratic Alliance Army (NDAA) joined firstly to the new peace process in 2011 (Oo, 2014). Later, only the Restoration Council of Shan State (RCSS), the Karen National Union/Karen National Liberation Army (KNU/KLA), and the Democratic Karen Buddhist Army (DKBA) signed Nationwide Ceasefire Agreement (NCA) as the first groups. Then the Arakan Liberation Party/ Army (ALP/ALA), Chin National Front Army (CNF/CAN), Karen Peace Council (KPC), PaO National Liberation Organization (PNLO), and All Burma Students Democratic Front (ABSDF) signed NCA as a second group. There are eight EAOs signed the NCA in total (see table 2). The total population of soldiers of the groups that signed the NCA amounts to only around 18,000 compared to the groups that did not sign a total amount of around 40,500 (Routray, 2017). This means, in terms of U Thein Sein government NCA, which was touted as a success, could be called a fake.

Signatories' groups **Non-Signatory groups** 1.All Burma Student Democratic Front (ABSDF) 1.Kachin Independent Organization Army (KIO/KIA) 2. Arakan Liberation Party/ Army (ALP/ALA) 2. New Mon State Party/ Mon National Liberation Army 3. Chin National Front/ Army (CNF/CAN) (NMSP/MNLA) 4.Democratic Karen Benevolent Army (DKBA) 3. Karenni National Progressive Party/ Karenni Army/ 5.Karen National Union/ Liberation Army (KNU/KNLA) (KNPP/KA) 6.Karen Peace Council (KPC) 4. Shan State Progressive Party/ Shan State Army 7.PaO National Liberation Organization (PNLO) (SSPP/SSA) 8. Restoration Council of Shan State/Shan State Army 5. Arakan National Council (ANC) (RCSS/SSA) 6. Wa National Organization (WNC) 7. Lahu Democratic Union (LDU) 8. Palaung State Liberation Front/ Ta -ang National Liberation Army (PSLF/ TNLA) 9. Myanmar National Democratic Alliance Army (MNDAA) 10. Arakan Army (AA) 11. National Socialist Council of Nagaland (NSCN) 12. United Wa State Army (UWSA) 13. National Democratic Alliance Army (NDAA)

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 Table 2 EAOs NCA signatories and non-signatories (Boonyawaongwiwat, 2018)

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Both the military government and the NLD government did not invite all EAOs especially the strong-armed groups like AA, TNLA, and MNDDA to join peace negotiations, though they called "all-inclusive" peace dialogue (Institute for Security & Development Policy, 2015). The other EAOs subsequently requested governments to let them join in the peace talks, however, it was rejected. Some EAOs like KIO were invited by the military but they do not sign both bilateral and the NCA. Table 3 shows groups invited by the military to sign the NCA and groups that were not invited. On the other hand, Tatmadaw and the government mainly emphasized on Disarmament, Demobilization, and Reintegration (DDR) of EAOs in the NCA (ISDP, 2015). Most EAOs do not agree with that because these are going to implement under the 2008 constitution. Then, the NCA does not consist of much of the spirit of the Panglong Agreement. As a result, many EAOs felt that they would not obtain a military assurance and postponed and reconsidered a date for signing until a further compromise could be reached. The tension and the fighting are likely to increase in non-signatories areas.

Group	s invited by the gov't to sign t	he NCA	Not Invited
Standing bilateral ceasefire		No bilateral ceasefire	
Non-NCCT	NCCT	NCCT	NCCT
ABSDF	ALP	KIO	AA
NDAA	NCF		ANC
NSCN-K	DKBA		LDU
RCSS/SSA-S	KNU/KNLA-PC		MNDAA
UWSA	KNPP		TNLA
	KNU		WNO
	NMSP		
	PNLO		
	SSPP/SSA-N		

Some EAOs have signed the NCA with their interests, although they dislike some key points of the agreement, whereas many EAOs do not sign the NCA when they did not get what are demanding. Those NCA signatories and Tatmadaw (military) must abide by the following main points:

- Deployment of military forces to avoid confrontations
- Free movement of troops
- Protection of Civilian
- Provision of humanitarian assistance
- Opening liaison offices
- Holding inclusive political dialogue

According to the NCA, all signatories must agree to remain in the union and must not call for an independent state in the union. When some EAOs were signing the NCA agreement on October 15, 2015, leaders of the executive, Hluttaw and Tatmadaw were representatives of the Myanmar military and EAOs leaders were representatives of their organizations (UN peacemaker, 2021). And both national third parties and international organizations participated as witnesses. Then, both military and the NCA signatories agreed to create Joint Ceasefire Monitoring Committee to have a close watch on their movements.

They have two options in the peace process. Signing bilateral ceasefires on a state level or union level, and NCA (Institute for Security & Development Policy, 2015). There are eight EAOs (have already mentioned above) signed NCA directly and one of the EAOs called KNPP has signed a bilateral ceasefire at the state level. The NLD government encouraged all 16 ethnic armed groups to sign on Nationwide Ceasefire Agreement (NCA), but it is very difficult to sign because the NCA is called by the military, and the rest EAOs have learned a lesson from the NCA signatories' group which fought back the military after signing the agreement (Burma News International, 2019). This agreement is not successful yet Although chapter three- 5(a) mentions that there will be no actions of troop movement, destruction of property, and launching of military offensives, the reality did not proven with this matter (Burma News International,

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2019, p.33). Mostly Burmese military has broken the agreement in the sections of troop movement and absence to protect civilians, instead, they killed innocent people and burnt down villages, particularly in conflict areas. In that case, the increase of less trust gives more anxiety to all the ethnic armed groups.

According to the trust-building between EAOs and Tatmadaw to end the conflict, trust-building is one of the biggest roles and essential functions. Even though EAOs signed a ceasefire agreement, the agreement has broken when they do not trust each other. People tend to hear that EAOs and Tatmadaw blame each other for not being willing to peace.

There was an example, the unlawful arrest and extrajudicial killing of three Karenni soldiers from the KNPP and one civilian by the Myanmar Army in the Karenni State on December 20, 2017, is the amount to war crimes even though the KNPP and the ruling Myanmar military regime signed the ceasefire agreements in both provincial (Legal Aid Network, 2017). The abovementioned extrajudicial killing took place because the Karenni soldiers checked the Myanmar military's trucks, carrying timbers that were extracted from the Karenni forests illegally, and warned Myanmar army officials not to do a similar illegal manner again. The central government and state governments tend to avoid issues and did not give any explanation for them. As a result, KNPP never signed the NCA agreement till today because they do not trust the military anymore.

### 1.2.3 Previous Studies

Thawnghmung (2017) researched the NCA process and found out that both the NLD government and Myanmar military remain important to the achievement of peace efforts and the implementation of the Nationwide Ceasefire Agreement (NCA) is not possible if the eight NCA signatories are not supported. Indirectly, it means the EAOs signatory groups must be more tolerant of the military's action. However, the responsible government and military leaders should listen to the wiliness of EAOs. Ignoring these significant actors in dialogue will only provide an incomplete picture of ongoing peace-building efforts and may undermine efforts to promote national reconciliation.

Burmese News International (2019) also studied the research about the NCA and argued that the National Ceasefire Agreement in Myanmar will bring the real peace and encouraged others to support the eight NCA signatories such as the Chin National Front the All-Burma Students' Democratic Front, the Arakan Liberation Party, the Restoration Council of Shan State, the Karen National Union, the Karen National Liberation Army Peace Council, the Democratic Karen Buddhist Army, and the Pa-O National Liberation Organization.

Mathieson's (2021) research study analyzed the NCA and report that the peace process seems to be at a dead-end in DASSK's government because she tried to work alongside the military for trust-building. Instead of approaching to EAOs for peace negotiation, she argued for the military to start heavy military operations on AA in Arakhine state even on the NCA anniversary in 2018. She declared AA a terrorist group. As a result, the EAOs seem to understand that DASSK and the military were working together as two in one.

### 1.2.4 Literature Gaps

The study of Thawnghmung (2017) and Burmese News International (2019) on the peace process and the NCA argued that NCA will bring real peace to Myanmar if signatory groups support NCA. Both studies seem to believe that ethnic armed organizations should use more effort but also the sincerity of the military leaders. Mathieson's (2021) research study has stated that the peace process through NCA is dead by pointing out the ongoing conflicts in some EAOs' control areas. However, the current political situation in Myanmar has changed a lot including the NCA process. Therefore, this research will analyze the NCA based on the current situation.

#### 2. Objectives

1.To examine the obstacles that make the peace process delay reaching the target 2.To analyze whether the NCA is the best solution for ethnic's conflict or not, toward peace

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### 3. Methods

This research is based on the study of Myanmar's peace processes and the current situation in Myanmar. The research paper is applied the qualitative research method. This research used both primary and secondary data to answer the research questions and identify the obstacles to the peace process through NCA. A semi-structured interview was also used in this research.

## 3.1 Data Collection

This research has included both primary sources and secondary sources. For the primary sources, the interviewing process was conducted with a total of four participants. As the secondary sources, information was collected from the high credibility researchers and non-government organization institutions. Then most reliable information is collected through international institutions, news, journal article, book, and research report. After collecting the data and information, the researcher analyzed what those authors mentioned and identified to explain the specific what is involved in the NCA paper, the obstacles to achieving peace process through NCA, and the problems of peace negotiation.

## 3.2 Participants

Approximately four participants were interviewed. There was a participant from a former student of 8888 people uprising. He is a political analyst who has been analyzing Myanmar's political role plays and the NCA's code of conduct for several years. In addition, approximately, three participants are from Karenni National Progressive Party (KNPP) which has signed the bilateral agreement at the state level. The KNPP became the researcher's main target for the interview because they experienced the first peace negotiation in 1989 and a bilateral agreement in 2015 which has broken recently. However, they do not sign the NCA because they do not believe that both NCA and the military because after a few months of signing the bilateral agreement, three soldiers from the KNPP and a civilian brutally were killed by the military without any explanation. All participants from the KNPP are playing important roles in different positions in their organization.

There are three reasons why KNPP plays an important role in NCA. Firstly, one of the KNPP's leaders is a secretary of the United Nationalities Federation Council (UNFC), which is a coalition of 11 EAOs since the NCA was introduced. It means the KNPP took a leading position for all 11 EAOs in joining the NCA peace process. The KNPP has a very good relationship with all EAOs. Secondly, the KNPP believes that before signing NCA, it is important to listen to the public opinion because they had experienced how the military broke the rules after 3 months after signing the peace agreement in 1989. To observe more NCA, they have signed only a bilateral agreement at the state level and analyzed other signatory groups' conditions.

Thirdly, the KNPP is the most senior armed group that has been invited to NCA and has a strong political vision and mission. Historically, the KNPP is different from other EAOs. The KNPP was an independent state and was not a part of Burma. Some EAOs especially those who do not sign NCA worried that the KNPP will sign NCA because the KNPP is one of the oldest armed organizations that stand firmly for their political will. If they sign NCA, it will be a great depression for organizations that are holding the inspiration of federal democracy, self-determination, and equality. Burmese military will then launch huge military operations on the non-signatory group like Arakan Army (AA), which is still young in Myanmar political conflict because it was established in 2009 and was not invited to join the NCA.

All participants were chosen based on these three criteria. The first criteria were experiences in Myanmar politics for more than 10 years because interviewees persons must be able to answer the questions related to both the past and present Myanmar's political conflicts toward peace processes based on their experiences. The second criterion was participation in the NCA process because it is important to respond to the research questions effectively from a professional perspective and be able to analyze the whole process of NCA. The third criterion was the minimum age. The participant must have the age at least 35 years old and above because their experiences and knowledge are fairly enough in political movements and the peace process in Myanmar. There are three males and one female participated to answer the research

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questions. The interview questions are based on the research objectives and questions. The researcher conducted all interviews from September 4<sup>th</sup> to December 5<sup>th</sup>, 2021. The detailed information of participants can be found in Table 1. Additionally, all participants' identities will be protected. So, the researcher will use participants a, b, c, and d, in this research.

No	Participants	Gender	Age	Ethnicity	Organization/ position
1	А	Male	59	Karenni	General secretary#2 of KNPP
2	В	Male	38	Karenni	Spokesperson of KNPP
3	C	Female	35	Karenni	Coordinator of Karenni National Women Organization (KNOW), member of KNPP
4	D	Male	62	Burmese	Political Analyst/ expert

## 3.3 Limitation

There were some difficulties in the interview section. The researcher firstly tried to contact spokespersons from different EAOs, but it was very difficult to contact them in the current situation. Since the conflict in Myanmar is in high momentum, the signal and internet connection are being shut down in the state which gave the researcher a hard time contacting some leaders that whom the researcher wanted to do an interview. Some leaders did not pick up the researcher's calls. Then going to the real field of the conflicts or approaches to the spokesmen is not possible in this tough time because of the restriction of Covid-19. The onsite interview was not available, therefore, the research used social media such as zoom meetings and telephone calls, and messenger for the interview.

## 4. Results and Discussion

## 4.1 Results

This section describes the obstacles and problems of the peace process and why both EAOs and the Burmese military cannot bring real peace through NCA. It will divide into three main points which are 1) the absence of the Panglong Agreement, 2) the initiator of NCA, and 3) the 2008 constitution.

## 4.1.1 Absence of Panglong Agreement

All participants reported that Panglong Agreement is a very important one to implement to get real peace. However, the military government has been ignoring it for several years and the NLD government also struggled to carry out it because their administration was running under the 2008 constitution. This is the main point related to the absence of this agreement.

All participants agreed that the absence of the Panglong Agreement is part of the reasons that real peace cannot settle in Myanmar. Participant A said, "all military governments have neglected the Panglong Agreement. Instead, they created their peace treaties which are not including the basic principle of the Panglong agreement". For several decades, EAOs have been demanding every government apply the Panglong agreement and stop the long years of conflict in Myanmar.

Participant A also reported that when the NLD government gains power, EAOs put high expectations on DASSK and her government to carry out the treaty. Later, the NLD government called the first and second Panglong Conferences for reconciliation toward the federal union. However, since DASSK worked alongside military leaders, there was some discrimination with the invitation of EAOs. They did not invite all EAOs to the conferences. At the same time, participant B agreed with this point and further stated that "the NLD government followed the old tactics of military's divide and rule". The fact is that the NLD did not have strong power to implement the Panglong agreement. Therefore, not many EAOs trusted the NLD. The NLD itself could not persuade all EAOs to join the conferences. Based on that participant D's raised question was to know the way how the NLD can get more power. Participant D said, "within five years of the NLD administration, they looked like a puppet government. They could not do anything freely while military leaders were having a close watch on them". All EAOs still want her to be able to implement

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the Panglong agreement because the basic principles of PA are self-determination, ethnics rights, equality, and autonomy. She is the only creditable leader in Myanmar. It is very important for all ethnicities in Myanmar. However, the NLD could not create any positive or effective results from these conferences. In that case, re-amending the 2008 constitution is the main thing that needs to consider as the main challenge that stops the NLD and DASSK from getting more power and implementing Panglong. To get more power, the NLD must be able to amend or abolish the 2008 constitution first. Participant C commented that,

DASSK and her government protected and helped the military leaders

from the International Court of Criminal (ICC) sue for committing the Ethnic cleansing of Rohingya in 2016. However, her approach to

convincing the military leaders was a great mistake.

Most participants agreed that Panglong Agreement will never be able to implement unless the NLD get full power in their hands.

### 4.1.2 Crisis of the 2008 constitution

All participants reported that the 2008 constitution is one of the main problems in the peace process. All participants also said that the 2008 constitution which has been given favor to the military and no guarantee for the EAOs to survive in politics, is playing a very important role that delaying the peace process in Myanmar. Some EAOs signed NCA are acting like they are accepting the 2008 constitution while some are not. In that case, participant D raised another question whether all EAGs have the same purpose or interests. Participant D answered by itself, that every EAG has their interests while the military government in the past practiced the way of divide and rule. Even though they do not believe in 2008, some EAOs have signed NCA just to grab some economic opportunity for their survival. It is for all their own interests. Participant A claimed that

The 2008 constitution never represented the will of the people in the country especially the will of ethnic armed organizations. The military leaders invited some ethnic representatives in the first draft of the constitution, but the ethnic representatives did not get a chance in the final confirmation of the 2008 constitution.

All participants saw the 2008 constitution as one of the main problems that delay the peace processes.

### 4.1.3 The Initiator of NCA

A question has been raised by participants A and D, "Who called the NCA agreement? who is the initiator?" Both participants A and D said that the past peace negotiation was called by the military and the NCA was also called by the military while every ethnic aware that the military is not reliable and trustworthy in making peace. Participant A suggested that there should be a strong third party and strong witnesses from an outsider or civilian government to create a solid agreement and have the power to take-action against whoever breaks the rules of the agreement. When the military is leading the NCA, all codes and conducts in NCA are written by them, and they are the only party that has the right to amend or add points in NCA.

Since all the EAOs did not sign the Nationwide Ceasefire Agreement (NCA) and the Tatmadaw did not invite all EAOs, it still exists as an obstacle to success in the peace process. Participant B reported that NCA is led by the military, they only force EAOs to surrender (disarmament) and transform into Border Guard Forces, and they also tried solving the political problem in the parliament. Most codes conduct in NCA are impossible for EAOs to accept. Based on the responses from participants, EAOs want civilian government or international government to hold the peace process with strong commitments. All participants reported that it is hard to believe that NCA will bring real peace if the military is taking a leading position in peace negotiations. Participant A said that "we do not trust the military; therefore, we do not sign NCA, but we did sign the biliteral agreement at the state level which has broken very recently".

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To achieve NCA, the common suggestions from participants are 1) both EAOs and military government should overcome obstacles to signing the NCA, so that the peace process can go further, 2) both sides should make sure the deployment of troops in their control areas after signing the agreement, 3) There should be an international community to support and strengthening the ceasefire implementation or international should call the peace talks as a host, 4) some codes and conducts of the military in NCA should be amended or abolish, 5) or the government should forget NCA but implement Panglong Agreement because there is no agreement better than NCA.

### 4.2 Discussion

In this section, the researcher will analyze the obstacles to peace processes and the weaknesses that make NCA not the best solution for peace. The discussion is based on the research finding and secondary sources.

#### 4.2.1 The obstacles that make the peace process slowly

The NCA that has been created by the military government continues by the NLD government. In 2015, the National League for Democracy (NLD), won the election, and continuously the peace process has been positioned as a major priority of the government to end the conflicts and bring peace toward the federal democracy which has been demanded by all ethnics and people in Myanmar (Rieffel, 2016). The NLD government took office in 2016 and controlled the parliaments. The NLD did try to approach both EAOs and the military for peacebuilding.

Under the administration of NLD, the NLD and military leaders have claimed that NCA is the best answer to bring peace to the country. Therefore, together with military leadership, NLD invited EAOs for peace negotiation. However, the high press on military operations has continuedly happened in some EAOs control areas like the Kachin Independent Organization (KIO) and T'an National Liberation Army (TNLA), because they are still holding the aspirations of a federal and democratic Myanmar which consists of the right to self-determination and power-sharing among all ethnic groups is enshrined in the constitution (Jolliffe, 2014). For EAOs that have signed the NCA, the agreement is allowed them to travel freely without weapons across demarcation land and establish liaison offices where necessary (Oo, 2013). However, some ethnics still worry that they will be providing legitimacy and political glory to the government without getting anything in return because there were many examples of clashing between NCA signatories' ethnics and the government military. On one side, the NLD government could not maintain the peace agreement that has been made between NCA signatories EAOs and the military. As a big consequence, the peace process could not go faster due to the anxiously distrusting each other. Three main obstacles are considered as the keys point that slow the peace process in Myanmar which are the absence of the Panglong Agreement, the 2008 constitution, and the current situation. Based on the research findings, this section informs that the NCA peace agreement failed to bring real peace.

## 1) Absence of Panglong Agreement

After NLD took office in 2016, DASSK and her government recalled the spirit of the original Panglong Agreement which convened in 1947, in September 2016. DASSK summoned a four-day Union Peace Conference (1<sup>st</sup> meeting) which is also understood as the 21<sup>st</sup> century Panglong Conference (Barany, 2017). It was for the first time since independence, that DASSK brought together factions representing all sides – ethnic armed organizations, the government, parliament, political parties, the military, and the third parties – to discuss ethnic relations including the way of federal democracy in Myanmar. DASSK smartly applied the Multiculturalism approach by inviting all different sectors of political parties who have the same interests in peacebuilding. EAOs firstly believed DASSK will be able to implement PA's codes of conduct which are the most demanded by EAOs and people in the country. DASSK could not convince all non-signatory groups. Seven ethnic arm groups did not attend the conference including TNLA (Boonyawaongwiwat, 2018). Some scholars claimed that the NLD government followed the political will of the military and treated some EAOs unfairly by inviting them as an observer (KNPP) of the conference and some did not even get invited as well. Participant B supported this argument by claiming that, both

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military and the NLD government were holding a "divide and rule" formula which will never bring equality in making peace. Therefore, seven EAOs showed that they are united in one and prefer an all-inclusive conference by not attending the meeting. The first conference ended up without any decision being made.

The NLD government applied the Reconciliation approach by calling the peace conference toward the NCA process. On May 24- 29, 2017, the 2nd meeting of the Union Peace Conference -21st Century Panglong was seen to draw to a successful close, having made breakthroughs in advancing Myanmar's peace and national reconciliation (Barany, 2017). Among the 15 ethnic armed organizations present at the event, there are eight signatories and seven non-signatory groups to the NCA, out of around 20 ethnic groups in Myanmar. there were 1,400 representatives from the government, the parliament, and the military, who invited political parties, ethnic organizations, and civil society groups to attend the conference (Lin, 2021). However, several ethnic armed forces have not yet attended the conferences since they still hold divided opinions regarding their interests, allocations, and negotiation stances with the government and the military, which reflects an issue to be improved upon. The responsible government should have applied the Liberalism approach to these non-signatory groups to reduce the conflicts because not all EAOs have the same political interest, therefore, many different approaches should have been tried. From the 2<sup>nd</sup> session, the conference successfully reached to settlement on 37 points out of 41 by covering political, economic, social, security, and land and environmental issues (Lin, 2021). Both parties approved decisions including building a union based on democracy and federalism with the right to self-determination. The problem is that there were no actions to implement the Panglong agreement. Participant D said no matter how many peace conferences are created and what decisions they have made, it will never happen if the military leaders and the NLD government do not want to do it wholeheartedly.

On the second Union conference day, the commander-in-Chief General Min Aung Hlaing officially invited EAOs to sign the NCA and he encouraged them to ignore and pursue others but attempt to establish the Union which is based on peace, democracy, and federalism (Qingrun, 2017). However, Arakan Army (AA), which is not signing NCA yet, and Tatmadaw were still fighting each other in Arakine State (Aung, 2020). AA was not invited to sign NCA like other ethnics as well as not invited to join the Union Conference, because the government and military do not acknowledge the existence of AA but as a terrorist group Participant C claimed that, "after announcing AA as a terrorist group, DASSK herself told the military to end up the existing of AA from Arakine State" she said, as an icon of democracy, she should never make that mistake. Since NCA is an agreement that was made under the frame of the 2008 constitution, the military to stand last long in the power. Carrying out PA under the 2008 constitution is less possible to get real peace.

### 2) The 2008 Constitution

The 2008 Constitution has played a very important role that limiting the momentum of the peace process. According to the 2008 constitution, the assembly of the union is made up of two houses, the House of Nationalities and the Hours of representatives. Both houses guaranteed the proportion with a maximum of 25% going to the representatives of the military. Stipulates that it is necessary to agree more than 75% of the total representatives of both houses for amending the constitution. The military takes 25% of the amendment, so it shows that the military dictatorship still retains power even through a change of regime (BBC, 2015). The formal amendment process under the 2008 Constitution is detailed and specific. If an article needs to amend the Constitution must be submitted in the form of a bill solely for a constitutional amendment (section 433). Most participants reported that the military representatives take 25 % of seats without joining the election which is not easy for opposition parties to win 75% if they want to amend the 2008 constitution. The proposed bill must be supported by at least 20 percent of all members of the Union Parliament (664 members (75%), including 166 from the military (25%)) (section 434) (Williams & Sahkon, 2020). This means that the process of initiating a bill can begin with non-military members of Parliament, yet final approval needs some level of support from the military to amend the bill.

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Furthermore, outside Burma Townships, there are no more than 123 townships and Hluttaw representatives from the ethnic side. If counting the seat combined with Pyidaungsu Hluttaw, the ethnic parties' representatives cannot win the vote. Participant A stated that

If this election and seat in Hluttaw are not amended, it would be hard to progress the effective peace talking and EAOs will not risk their life or unsure future to get into the Hluttaw. Ethnic affairs will not be improved at any level.

The consociationalism approach states that sharing power at the executive level and ground autonomy will be a good answer to ethnic conflicts. This theory is needed to solve Myanmar's ethnic problems. Myanmar politicians also suggest that the system of each ethnic 1 Kyat and all Burman 1 Kyat systems would work for peace negotiation. It is how ethnics understand the meaning of equality (Williams, D & Sahkon, Lian. H, 2020).

Participant B claimed that the 2008 Constitution has never been accepted by the main actors of ethnic representative groups. This is not only because of its contents but also because of the nature of the drafting process, which was not all-inclusive. Representatives from EAOs had no real influence and viewed their involvement, though they participated in the drafting process. Furthermore, the 2008 Constitution does not include much about ethnic rights based on the principles of federal democracy and the key points that had been made in the 1947 Panglong Agreement (Williams, D & Sahkon, Lian. H, 2020). For the constitution to be a political document for all the different ethnic political entities, it must consider the points that EAOs had to suggest. Even though the 2008 Constitution has some features of democratic norms and principles, there are no articles that guarantee the ethnic rights that EAOs have been demanding. No ethnic organizations trust and want to build forever peace under the 2008 constitution. Most participants claimed that unless the military abolishes the 2008 constitution or amends it all EAOs would not dare to sign NCA.

#### *3) The current situation toward the peace*

Myanmar officially held an election on November 8, 2020 (Cuddy, 2021). National League for Democracy (NLD) party led by Daw Aung San Suu Kyi won by a landslide. After that, the military forces claimed that there was widespread fraud in the election and then they are demanding to a rerun of the vote. The election commission claimed that there was no evidence to support this statement. It was the very early morning of February 1, 2021, the military forces took a coup and detained the president, the state counselor Ms. Aung San Suu Kyi, and many NLD members (Cuddy, 2021). It was the day that the winning party is planned to call the new session of parliament. The recent military coup becomes a huge new challenge for peace negotiation.

On September 7, 2021, the temporary president of the National Unity Government (NUG) named Duwa Lashi La, announced to start of a "people's defensive war" which is understood as D-Day as a state of emergency (Reuter, 2021). However, military spokesman Zaw Min Tun rejected the NUG's call for revolt. He said that NUG is trying to draw international attention and put pressure on the military reign. Then, he said that NUG is making destabilizing the country, including disrupting a national coronavirus vaccination program. After the announcement of D-Day, more than a hundred thousand People Defense Forces (PDF) emerged to fight against the military rule around the country. Some groups of PDFs have formed alliances with some EAOs including both NCA signatories and non-signatories. The junta has declared the NUG and PDFs forces as terrorist groups (Reuter, 2021).

Participants A, B, and C claimed that now, the junta forces do not face only EAOs but also PDF which has a strong desire to end up the military reign in this generation. Starting from February 1 up to the present the fighting between some EAOs plus PDF and the junta troops is happening every day. And then, many civilians were killed and more than hundreds of thousands of people become Internal Displaced persons (IDPs) in war-impacted areas. Over hundreds of houses were burnt by the military in both proper Burma and frontier areas. The situation is getting complex for both ASEAN and international organizations such as United Nations (UN). Because two governments are running the country in a different positions. NUG and the military government are known as caretaker governments. Both are trying to get the attention

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and recognition of international governments. Participant D reported Myanmar is leading to a huge civil war and later will be turning into a failed state. Then, the NUG government has claimed that there is no negotiation in this revolution and the military spokesperson Zaw Min Tun also said that there is no reason to negotiate with terrorist groups (referring to NUG and PDF). Based on these two statements, participants A and B said that the peace negotiation is not the answer to end the world's longest civil war in Myanmar.

Recently, NUG officially announced that the 2008 constitution is abolished after the military coup. However, some EAOs that signed the NCA, which has been created under the 2008 constitution, are keeping their promises and avoiding clashing with junta troops, whereas some NCA signatory groups are fighting against the military with PDF and claiming the NCA is broken already. Participant D claimed that all EAOs understand that NCA is dead and not going to bring peace, but they cannot deny the incentive for their interest offered by the military. It is hard to predict how the EAOs are going to end up the military dictatorship and bring peace to Myanmar.

4.2.2 Weaknesses that make NCA is not the best solution for peace

Many scholars claimed that NCA is dead already and both NCA signatories' groups and nonsignatories groups have witnessed and believed it (Mathieson, 2021). Participant B also claimed that NCA is dead. Both military and EAOs as well as the government play an important role in making an agreement unsuccessful. On January 4, 2016, Aung San Suu Kyi announced that the peace process would be the priority of the new government and that they would work to achieve an all-inclusive ceasefire agreement. She argued that "we can do nothing without peace in our country," highlighting its interconnectedness to all key goals of the new government (Zaw, 2016).

The signing of what the Myanmar government billed as the 'Nationwide Ceasefire Agreement' or NCA is neither nationwide nor results in a meaningful ceasefire agreement. Participant A from (KNPP) said that

"We first need to achieve a peace agreement. After that, the constitutionmaking (whether adoption or amendment) should be initiated based on the contents of that peace agreement. This is the procedure of how the peace process should be. However, the real situation of our current peace process is not like this. We do not have a strong peace agreement yet. The NCA is just a ceasefire agreement, not a peace agreement".

Nevertheless, for propaganda purposes, Myanmar officials and international peace supporters joined in the grandly organized signing ceremony in Naypyidaw, just before the November elections. The researcher believes that the international community needs to understand why the nationwide ceasefire negotiations have not succeeded. EAOs and government views on political dialogue are distrusting and causing tension.

According to the researcher's observations on NCA, the following (7) points are the weaknesses of

NCA.

- NCA is created by a Military dictatorship
- Both military government and civilian government refused to allow all EAOs who wished to join the NCA peace negotiation to end armed conflicts in their regions through NCA.
- There is no guarantee for the ethnic rights in NCA
- The military government has used the old approach, which is inviting individuals of EAOs, for division and isolation, while EAOs prefer to come out with one group one decision (United Nationalities Federal Council (UNFC)).
- Even during the well-publicized NCA ceasefire negotiations, the Tatmadaw continued to launch military offensives against the EAOs in Northern Myanmar, particularly in the Kachin (till now) and Shan States (till now) and Rakhine. As if they were waging a war against foreign enemies, the Tamadaws' military offensives included airstrikes and tanks against the EAOs especially those who do not sign NCA, resulting in the deepening of the EOAs' decades-old mistrust of the government.

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- The military wants the EAOs to accept the military code of conduct from agreements such as disarmament, demobilization, and rehabilitation (DDR) and security sector reform (SSR) which are locking the peace process to go further.
- The government (NLD) consistently failed to stop both Military and EAOs signatory groups from breaking the rules and regulations of NCA. Specifically, the government side fails to implement "military area demarcation issues".

To give an example, in the interest of establishing a durable ceasefire, the Karen National Union proposed a set of Codes of Conduct for troops on both sides, which included the relocation of Tatmadaw camps and outposts in the KNU areas, especially the ones close to Karen villages, farmlands, places of religious worship such as churches, monasteries and so on. The KNU only asked to withdraw military camps based on 150 out of the 300 camps and outposts in the KNU region (Sein, 2016). But the military government built more than 13 camps instead of withdrawing their camps from KNU's region. However, the responsible government did not interfere to reduce the tension on the frontline. Therefore, the NCA has broken slowly and led to battling over again and again.

There are many research studies (Sein, 2016; Zaw, 2016; Mathieson, 2021) that explained the weaknesses of NCA and the poor accountability of responsible government. These findings were similar to the findings of this research from interviewing. Therefore, this research-based on literature studies and interviewing, concludes that the NCA could not be the best answer for peace and EAOs seem to be acknowledged that the NCA is failed.

### 5. Conclusion and Recommendations

#### 5.1 Conclusion

This section concludes the research paper by identifying the obstacles to the peace process and proposing recommendations about the NCA for future peace negotiation.

#### 5.1.1 Obstacles that make the peace process more slowly

Obstacles and difficulties are always in peace negotiation in domestic conflicts. There could be many factors that delay the peace process of Myanmar conflicts. However, the research found that ignoring the Panglong agreement and the crisis of the 2008 constitution are considered the main reasons that constrain all EAOs from actively participating in peace talks. The current situation created more conflicts across the country; therefore, it must be considered as part of the reasons that delay the peace process. Many EAOs have demanded both military government and civilian government to implement the Panglong agreement because it includes the principle of the right to self-determination, power-sharing, equality and guarantees the right of ethnics. The military wrote the 2008 constitution without the desire of people and ethnic leaders. It aims to protect their power to last long, but it doesn't guarantee the existence of minority ethnics. Therefore, all EAOs are still not willing to participate in peace negotiations and sign the ceasefire agreement called the NCA under the 2008 constitution.

Most ceasefire agreements are organized by the military. The EAOs want reliable outsiders or the civilian government to organize the peace dialogue with powerful peace monitoring teams involved. When the military is leading the NCA, most EAOs do not believe them and do not want to sign it. They only forced EAOs to sign the NCA, but they never had a clear mission and no commitments for that. Moreover, they have broken the rules of the ceasefire agreement many times already. It would not be easy for us to trust the military again and participate in the NCA peace process wholeheartedly if there is no strong third party holding the ceasefire agreement with solid commitment.

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## 5.1.2 Is NCA the best solution to solve ethnic's conflict

The NCA is the latest ceasefire agreement created by the military government. almost half of EAOs have signed it, but many others still hesitate to participate in it because there are no points guarantee the right of what EAOs are demanding. Then the military themselves never followed the agreement and always broke its rule of it. Less trust-building is also part of the reasons. On one side, the military still uses the old tactics of divide and rule. They do not invite all EAOs to peace dialogue equally. Moreover, the NCA is running under the 2008 constitution and then the military government ignored Panglong Agreement. Therefore, based on the research, the researcher believes that the NCA is not the best solution to bring real peace to Myanmar.

## 5.2. Recommendations

Nowadays, Myanmar's conflict has shaken the world. Myanmar people, especially ethnic minorities have been suffering under the oppression of the military for several decades. All attempts at peace negotiation have failed; therefore, the researcher recommends both sides consider their future peace talks.

5.2.1 To achieve the goal of peace negotiation

- Any responsible government should implement Panglong Agreement which most ethnicities and civilians want to see.
- Any responsible government must abolish and create a new one with the will of the people including EAOs leaders or amend the 2008 constitution.
- The military must not be hosting peace dialogues, instead, a strong third party must be taking the leading and securing from the beginning to the end of the peace process.

# 5.2.2 In order to bring real peace through NCA or an alternative approach

- The military must use a real "all-inclusive" way to get every ethnicity to participate in the NCA
- They must have a clear guarantee and commitment to the right of ethnics in the NCA.
- Both sides must build trust with strong commitments and follow the rule of agreement.
- Since several EAOs accept that NCA is dead already, there should be other ways with the basic principle of the Panglong spirit. For example, "Confederate States"

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