



ABSDF



CNF



KNU

Open Letter regarding the Nationwide Ceasefire Agreement (NCA) from Ethnic Revolution Organizations (EROs) to the NCA witnesses and International Community

13 October 2023

Dear Excellencies, Friends, and Supporters of Myanmar's People,

October 15th 2023, is the 8th anniversary of the signing of the Nationwide Ceasefire Agreement (NCA). The NCA is the agreement that made a commitment between some Ethnic Armed Organizations (EAOs) and the Government of Myanmar to build a federal democratic union based on negotiations. With the implementation of NCA, we signed with the intention of solving the country's deep-rooted political crisis that have not been resolved for seven decades.

The military coup of February 2021 violated the basic principles and objectives of the NCA and made its implementation impossible. The military junta: the State Administration Council (SAC) stopped the path to an inclusive peace process negotiation and tried to destroy the country's democratic structures by imprisoning the elected leadership. Since the military's ongoing atrocities and brutal attacks including air strikes and artilleries after the coup, there are now nearly 2 million IDPs, more than 80,000 homes burned down, and many people's lives and properties have been lost. The military has committed more than 100 massacres in the past two years in ERO's territories and across the country, including the recent massacre in Kachin State in which 29 civilians, including women and children, have lost their lives, and more than 50 IDPs were injured.

Background

The NCA process started in 2011 with the signing of bi-lateral ceasefires and Codes of Conduct between the Tatmadaw and EAO's. The EAOs initiated the development and drafting of the NCA in late 2013 incorporating the essential elements from the bilateral agreements, common principles, and joint implementation mechanisms. Part from the ceasefire provisions, we also added provisions for the inclusive political dialogue to change the 2008 Constitution, and interim arrangement to support ethnic communities devastated by the war to help rebuild their lives. In response to our NCA proposed draft, the Myanmar Peace Center and the Myanmar Military Government responded with counter-drafts. The NCA negotiations lasted almost 3 years after we submitted our first draft to the Military Government in early 2013.

The Tatmadaw insisted to exclude several EAOs from signing the NCA which then led to other major EAOs such as KIO (Kachin Independent Organization), SSPP (Shan State Progress Party) and Arakan Army (AA) not signing. This resulted in the "non-signatories" being excluded from the inclusive political dialogue - eventually only inviting them as observers. Ceasefire provisions that were supposed to be finalized within a month after signing the agreement were only addressed 5 years later in the Union Agreement III during the dead-lock-breaking UPC in 2020.

NCA Substance and NCA Void

The outcome of the 2020 General Elections and the breakthrough of the Union Accord III threatened Myanmar Military leadership's control over their "disciplined transition to democracy" plan. Revealing their real intentions, the Commander in Chief, General Min Aung Hlaing (MAH) tried to take back control of the Myanmar Government and prevented parliament convening in its official buildings. The trust the Tatmadaw built with the people over the 10 years through the peace process, was destroyed in the few months after the coup and its ongoing brutal attacks and atrocities.

The military's repeated serious attacks that targeted civilians by using the Army, Air Force, and Navy forces are a flagrant violation of International Humanitarian Law and the NCA's own provisions that are based on the same. Thus, it reinforces the NCA's void and reveals the military's abandonment of peaceful means of resolution. **We believe that the fake implementations of NCA such as fake talks and putting pressure on us based on NCA, the sham acts of amending the constitution under the guise of the 2008 Constitution, and the sham elections that the SAC is preparing to hold are all deepening the country's crisis and pushing the country into a protracted conflict.**

Every Constitution is a compact between the people and the government. When the government demonstrates a clear intent to violate the compact in a sustained and severe way, the government has materially breached the compact, which is then no longer binding on the parties. Since the two sides are no longer bound, the military has lost its legal legitimacy due to these actions, regardless of whether it had legal legitimacy before. Thus, it reinforces the NCA's void and reveals the military's abandonment of peaceful means of resolution.

A military coup is a violation of the NCA and nullifies the commitments made under the NCA:

- Chapter 1 outlines the basic principles of the whole agreement. The military coup is a flagrant violation of the basic principles of the agreement and destroys the NCA;
- The military coup destroyed the new political culture that solving political problems politically by negotiation;
- The military coup shows a lack of desire for peace, and the Military Junta only uses force to overcome ideological differences. They breach the mutual commitments of the NCA without accountability and responsibility.
- During the implementation of the NCA, the military continuously violated Chapters 3 and 4; constantly limited and manipulated the agenda and participation of the political dialogue in accordance with Chapter 5; and did not allow the implementation of Chapter 6 of the NCA;
- The deadlock-breaking Union Accord III in 2020 on the 3 steps and 3 stages to establishing a union based on democracy and federalism could not be implemented because of the coup;
- Since there is no longer an official parliament because of the coup, the NCA cannot be implemented because the parliament has the mandate to ratify the Union Accords in the NCA process.
- Every Constitution is a compact between the people and the government, the legitimacy of governments derives from their constitutions. The military clearly demonstrates that they breached the compact (the constitution) with the intention of maintaining their power. Therefore, the compact is null and void, and the military has lost its legal legitimacy. As the military is an illegal organization, it does not have the authority to implement the NCA.
- The activities of PPST's 7 members and the military under the pretext of NCA only lead to the destruction of the country.

Common Political Objectives

ABSDF, CNF, and KNU, the revolutionary organizations, have laid down the following common political objectives and common political positions on the establishment of a federal democratic union to achieve sustainable peace:

- To remove the military coup and end the military's involvement in politics.
- To transform the military and place it fully under the administration of elected civilian government.
- To draft and ratify a new constitution based on a federal and democratic system acceptable to all stakeholders.
- To implement a process of transitional justice and seek justice for victims of conflict.
- To agree on international participation as facilitator and observers, technical support, monitoring, financial support, etc. at all stages of the implementation of the process.


Common Political Positions

- Dialogue will not be held without SAC ending the violence against the people, release political prisoners, and accepting the above common political objectives.
- We desire a system change, not just a regime change. Changing one military regime to another or even an authoritarian civilian regime is not acceptable.
- Power-sharing between politically privileged groups at the expense of the people will not be accepted.
- Resolution of the Myanmar crisis will require a constitution and an electoral system that will create future governments of Myanmar that are based on a 'national unity' model.
- SAC is not the transitional authority but the main conflict partner. A transition period requires a genuine transitional authority agreed upon by all stakeholders.
- New elections can be held in Myanmar only after all the above steps are successful.

Joint Call

As the military leaders are destroying the country, harming our people, and violate International Humanitarian Law, we encourage and request credible and respected officers from the military not to implement orders from senior command.

We urge the international governments and the entire people of the country, including the other NCA signatories, to support the implementation process of our proposed political objectives without participating in the activities of SAC that prolong the military dictatorship and the suffering of our people.



Ye Baw Than Khe
Chairman

All Burma Students' Democratic Front



Dr Suikhar
Vice Chairman 3
Chin National Front



Saw Kwe Htoo Win
Chairman
Karen National Union

Contacts:

1. Ye Baw Sonny (ABSDF) (+66 8 4808 7725)
2. Salai Htet Ni (CNF) (+91 92330 12890)
3. P'doh Saw Taw Nee (KNU) (+66 6 3020 2411)