

<b>Country/entity</b>	Myanmar
<b>Region</b>	Asia and Pacific
<b>Agreement name</b>	Military Code of Conduct between the Government of Burma and Ethnic Armed Organisations (EAO) in Accordance with the National Ceasefire Agreement (NCA)
<b>Date</b>	18 Nov 2015
<b>Agreement status</b>	Multiparty signed/agreed
<b>Interim arrangement</b>	Yes
<b>Agreement/conflict level</b>	Intrastate/intrastate conflict

### Myanmar Conflict (1948 - )

Internal conflict, mostly along ethno-political fault lines, has been a constant feature of Myanmar since its independence in 1948. The conflict has two distinct dynamics. First a struggle between an authoritarian government and a pro-democracy opposition which has the characteristics of authoritarian conflicts; and second a struggle between the government and ethnic armed groups which has the characteristics of an identity conflict. The two oldest and strongest militias fighting the government are the Karen National Union (KNU), which has remained active since the late 1940s, and the Kachin Independence Organisation, which was formed in the early 1960s. In total, there are more than a dozen mostly ethnic-based guerrilla groups active throughout the country. Especially in the period of junta dictatorship that lasted until 2011 the government attempted to crush the rebellions, which led to numerous human rights violations. With the start of democratic reforms in the aftermath of the 2010 elections, peace negotiations have taken place and resulted in the signing of various agreements, although conflicts remain active.

Close  
Myanmar Conflict (1948 -  
)

<b>Stage</b>	Ceasefire/related
<b>Conflict nature</b>	Government/territory
<b>Peace process</b>	Myanmar ceasefires process with ethnic armed groups

<b>Parties</b>	<p>Government of Burma represented by Representatives of the Government</p> <ol style="list-style-type: none"> <li>1. Lt. Gen. Ya Pyit, Commander, No. 2 Special Operation</li> <li>2. U Khin Maung Soe, Union Minister</li> <li>3. Lt. Gen. Ye Aung, Chief, Military Law</li> <li>4. Maj. Gen. Tun Tun Naung, Commander, No. 1 Special Operation</li> <li>5. Maj. Gen. Aung Kyaw Zaw, Commander, No. 3 Special Operation</li> <li>6. Maj. Gen. Min Naung, Commander, No. 4 Special Operation</li> <li>7. U Myint Soe, Retired Lt. Gen.</li> <li>8. Maj. Gen. Aung Soe, Deputy Minister, Ministry of Interior</li> <li>9. Col. Wun Na Aung, Office of the Ministry of Defense (Army)</li> <li>10. Dr. Min Zaw Oo, Director, MPC</li> </ol> <p>Ethnic Armed Organizations, represented by;</p> <ol style="list-style-type: none"> <li>1. Maj. Gen. Saw Isaac Poe, Quartermaster General, KNLA and Permanent Central Committee, KNU</li> <li>2. Maj. Gen. Saw Nay Soe Mya, Adjutant General, KNU/KNLA (PC)</li> <li>3. Dr. Shwe Kah, Joint Secretary, CNF</li> <li>4. Col. Saw Kyaw Than Htay, Chief Liaison Officer, DKBA</li> <li>5. Lt. Col. Khun Aung Mang, PNLO</li> <li>6. Salai Yaw Aung, ABSDF</li> <li>7. Lt. Col Khine Myo Chit, ALP</li> <li>8. Col. Hsaung Han, RCSS</li> <li>9. Padoh Saw Ta Doh Moo, KNU</li> <li>10. Sai Liang, RCSS</li> </ol>
<b>Third parties</b>	-
<b>Description</b>	Agreement affirming commitment to the National Ceasefire Agreement and affirming the parametres of conduct between government and Ethnic Armed Organisation groups.
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<b>Agreement document</b>	<a href="#">MM_151118_Code of Conduct.pdf (opens in new tab)</a>   <a href="#">Download PDF</a>
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<b>Groups</b>	
<b>Children/youth</b>	<p>Groups→Children/youth→Substantive Page 2, Chapter 2, Code of Conduct Regarding the Civilians</p> <p>7. The Tamataw and EAOs agreed to comply and implement the following terms in order to protect the civilians.</p> <p>... (N) There shall be no killing of children or the mutilation of their body parts, or the recruitment of children into military services, or rape or other sexual violence, arrest and kidnapping against children.</p>
<b>Disabled persons</b>	No specific mention.
<b>Elderly/age</b>	No specific mention.

<b>Migrant workers</b>	No specific mention.
<b>Racial/ethnic/ national group</b>	No specific mention.
<b>Religious groups</b>	<p>Groups→Religious groups→Substantive</p> <p>Page 2, Chapter 2, Code of Conduct Regarding the Civilians</p> <p>7. The Tamataw and EAOs agreed to comply and implement the following terms in order to protect the civilians.</p> <p>... (K) There shall be no destruction of schools, healthcare facilities, and religious infrastructures without a reason nor shall there be any stationing of military units in such places.</p> <p>Page 2, Chapter 2, Code of Conduct Regarding the Civilians</p> <p>7. The Tamataw and EAOs agreed to comply and implement the following terms in order to protect the civilians.</p> <p>... (L) There shall be no direct or indirect activities that hinder or harm the dignity of the preservation of people’s religions, literature, and traditions</p> <p>Page 3, Chapter 3, Military Code of Conduct during a Ceasefire</p> <p>(8) The government and EAOs agreed to comply with the following provisions regarding military matters.</p> <p>... (E) No military base or camp shall be set up in religious buildings, schools, hospitals, clinics, cultural sites, and public places.</p>
<b>Indigenous people</b>	No specific mention.
<b>Other groups</b>	No specific mention.
<b>Refugees/displaced persons</b>	<p>Groups→Refugees/displaced persons→Rhetorical</p> <p>Page 2, Chapter 2, Code of Conduct Regarding the Civilians</p> <p>7. The Tamataw and EAOs agreed to comply and implement the following terms in order to protect the civilians.</p> <p>... (C) No civilians shall be forcefully relocated.</p>
<b>Social class</b>	No specific mention.

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## Gender

<b>Women, girls and gender</b>	Page 2, Chapter 2, Code of Conduct Regarding the Civilians 7. The Tamataw and EAOs agreed to comply and implement the following terms in order to protect the civilians. ... (M) There shall be no sexual harassment, sexual violence, and rape or sexual slavery against women. (N) There shall be no killing of children or the mutilation of their body parts, or the recruitment of children into military services, or rape or other sexual violence, arrest and kidnapping against children.
<b>Men and boys</b>	No specific mention.
<b>LGBTI</b>	No specific mention.
<b>Family</b>	No specific mention.

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## State definition

<b>Nature of state (general)</b>	No specific mention.
<b>State configuration</b>	Page 1, Objectives 3. By upholding this Code of Conduct, both parties aim to prevent burden on the public, reduce hostility between troops of both parties, and build trust and stability. Subsequently, a federal union shall be established in accordance with the results of political dialogues.
<b>Self determination</b>	No specific mention.
<b>Referendum</b>	No specific mention.
<b>State symbols</b>	No specific mention.
<b>Independence/ secession</b>	No specific mention.
<b>Accession/ unification</b>	No specific mention.
<b>Border delimitation</b>	No specific mention.
<b>Cross-border provision</b>	No specific mention.

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## **Governance**

**Political institutions (new or reformed)** No specific mention.

**Elections** No specific mention.

**Electoral commission** No specific mention.

**Political parties reform** No specific mention.

**Civil society** No specific mention.

**Traditional/religious leaders** No specific mention.

**Public administration** No specific mention.

**Constitution** No specific mention.

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## **Power sharing**

**Political power sharing** No specific mention.

**Territorial power sharing** No specific mention.

**Economic power sharing** No specific mention.

**Military power sharing** No specific mention.

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## **Human rights and equality**

**Human rights/RoL general** No specific mention.

**Bill of rights/similar** pages 2-3, Chapter 2 Code of Conduct Regarding the Civilians 7. The Tamataw and EAOs agreed to comply and implement the following terms in order to protect the civilians. ...

**Treaty  
incorporation**

Page 3, Chapter 3, Military Code of Conduct during a Ceasefire  
(8) The government and EAOs agreed to comply with the following provisions regarding military matters.  
... (M) Both parties shall treat military personnel who are captured or who surrender during an accidental encounter in accordance with the 3 common articles of the 4 Geneva Conventions.

**Civil and political  
rights**

Human rights and equality→Civil and political rights→Torture  
Page 2, Chapter 2, Code of Conduct Regarding the Civilians  
7. The Tamataw and EAOs agreed to comply and implement the following terms in order to protect the civilians.  
... (B) No violence, arbitrary arrest, kidnapping, torture, inhumane treatment, imprisonment, killing, disappearance of a person, and act that will harm the dignity of a person shall be conducted.  
Human rights and equality→Civil and political rights→Slavery  
Page 2, Chapter 2, Code of Conduct Regarding the Civilians  
7. The Tamataw and EAOs agreed to comply and implement the following terms in order to protect the civilians.  
... (M) There shall be no sexual harassment, sexual violence, and rape or sexual slavery against women.  
(N) There shall be no killing of children or the mutilation of their body parts, or the recruitment of children into military services, or rape or other sexual violence, arrest and kidnapping against children.

Page 2, Chapter 2, Code of Conduct Regarding the Civilians  
7. The Tamataw and EAOs agreed to comply and implement the following terms in order to protect the civilians.  
... (O) There shall be no slavery or force labor on the people.  
Human rights and equality→Civil and political rights→Liberty and security of person  
Page 2, Chapter 2, Code of Conduct Regarding the Civilians  
7. The Tamataw and EAOs agreed to comply and implement the following terms in order to protect the civilians.  
... (N) There shall be no killing of children or the mutilation of their body parts, or the recruitment of children into military services, or rape or other sexual violence, arrest and kidnapping against children.

Human rights and equality→Civil and political rights→Humane treatment in detention  
Page 3, Chapter 3, Military Code of Conduct during a Ceasefire  
(8) The government and EAOs agreed to comply with the following provisions regarding military matters.  
... (M) Both parties shall treat military personnel who are captured or who surrender during an accidental encounter in accordance with the 3 common articles of the 4 Geneva Conventions.

Human rights and equality→Civil and political rights→Fair trial  
Page 2, Chapter 2, Code of Conduct Regarding the Civilians  
7. The Tamataw and EAOs agreed to comply and implement the following terms in order to protect the civilians.  
... (E) No arrest and punishment of civilians shall be done arbitrarily or done through a set up. Should there be reasons for arrest, it must be done accordingly with the law.

**Socio-economic rights**      No specific mention.

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## **Rights related issues**

<b>Citizenship</b>	No specific mention.
<b>Democracy</b>	No specific mention.
<b>Detention procedures</b>	Page 2, Chapter 2, Code of Conduct Regarding the Civilians 7. The Tamataw and EAOs agreed to comply and implement the following terms in order to protect the civilians. ... (E) No arrest and punishment of civilians shall be done arbitrarily or done through a set up. Should there be reasons for arrest, it must be done accordingly with the law.
<b>Media and communication</b>	Rights related issues→Media and communication→Media roles Page 3, Chapter 3, Military Code of Conduct during a Ceasefire (8) The government and EAOs agreed to comply with the following provisions regarding military matters. ... (G) No hostile propaganda, statements that are false or that harm the dignity of either party shall be issued either domestically or abroad.
<b>Mobility/access</b>	Page 2, Chapter 2, Code of Conduct Regarding the Civilians 7. The Tamataw and EAOs agreed to comply and implement the following terms in order to protect the civilians. ... (I) The right of individual to health shall not be harmed, nor shall the transportation of medical supplies and drug and the services of medical personnel be hindered.  Page 2, Chapter 2, Code of Conduct Regarding the Civilians 7. The Tamataw and EAOs agreed to comply and implement the following terms in order to protect the civilians. ... (J) There shall be no interference in the civilians' storage of food items, or the transporting or trading of their goods and crops.  Page 2, Chapter 2, Code of Conduct Regarding the Civilians 7. The Tamataw and EAOs agreed to comply and implement the following terms in order to protect the civilians. ... (Q) Civilians shall be allowed to travel freely in ceasefire areas without fear.  Page 4, Movement of the Troops (10) Tamataw and the EAOs agreed to the following terms concerning the movement of their troops. (A) Except in areas restricted for security purpose, members of the armed forces of both parties shall be allowed to travel freely in civilian clothes, without arms.
<b>Protection measures</b>	No specific mention.
<b>Other</b>	No specific mention.

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## **Rights institutions**

**NHRI** No specific mention.

**Regional or international human rights institutions** No specific mention.

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## **Justice sector reform**

**Criminal justice and emergency law** No specific mention.

**State of emergency provisions** No specific mention.

**Judiciary and courts** No specific mention.

**Prisons and detention** No specific mention.

**Traditional Laws** No specific mention.

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## Socio-economic reconstruction

<b>Development or socio-economic reconstruction</b>	<p>Socio-economic reconstruction→Development or socio-economic reconstruction→Socio-economic development</p> <p>Page 1, Chapter 2, Code of Conduct Regarding the Civilians</p> <p>7. The Tamataw and EAOs agreed to comply and implement the following terms in order to protect the civilians.</p> <p>(A) Cooperation to assist in the livelihood, health, education, and regional development of the people.</p> <p>Page 2, Chapter 2, Code of Conduct Regarding the Civilians</p> <p>7. The Tamataw and EAOs agreed to comply and implement the following terms in order to protect the civilians.</p> <p>... (H) No one shall interfere with the right to education, destroy academic facilities, and prevent educators from working and students from learning.</p> <p>Page 2, Chapter 2, Code of Conduct Regarding the Civilians</p> <p>7. The Tamataw and EAOs agreed to comply and implement the following terms in order to protect the civilians.</p> <p>... (I) The right of individual to health shall not be harmed, nor shall the transportation of medical supplies and drug and the services of medical personnel be hindered.</p> <p>Page 2, Chapter 2, Code of Conduct Regarding the Civilians</p> <p>7. The Tamataw and EAOs agreed to comply and implement the following terms in order to protect the civilians.</p> <p>... (K) There shall be no destruction of schools, healthcare facilities, and religious infrastructures without a reason nor shall there be any stationing of military units in such places.</p>
<b>National economic plan</b>	No specific mention.
<b>Natural resources</b>	No specific mention.
<b>International funds</b>	No specific mention.
<b>Business</b>	No specific mention.
<b>Taxation</b>	No specific mention.
<b>Banks</b>	No specific mention.

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## **Land, property and environment**

**Land reform/rights** Land, property and environment→Land reform/rights→Property return and restitution  
Page 2, Chapter 2, Code of Conduct Regarding the Civilians  
7. The Tamataw and EAOs agreed to comply and implement the following terms in order to protect the civilians.  
... (D) No money, properties, foods, labor, and services shall be demanded from the civilians.  
... (F) There shall be no force confiscation or transfer of the lands of civilians.  
... (G) No public property shall be destroyed, stolen, looted, and taken without permission.

**Pastoralist/  
nomadism rights** No specific mention.

**Cultural heritage** Land, property and environment→Cultural heritage→Tangible  
Page 2, Chapter 2, Code of Conduct Regarding the Civilians  
7. The Tamataw and EAOs agreed to comply and implement the following terms in order to protect the civilians.  
... (K) There shall be no destruction of schools, healthcare facilities, and religious infrastructures without a reason nor shall there be any stationing of military units in such places.

Page 3, Chapter 3, Military Code of Conduct during a Ceasefire  
(8) The government and EAOs agreed to comply with the following provisions regarding military matters.

... (E) No military base or camp shall be set up in religious buildings, schools, hospitals, clinics, cultural sites, and public places.

Land, property and environment→Cultural heritage→Intangible

Page 2, Chapter 2, Code of Conduct Regarding the Civilians

7. The Tamataw and EAOs agreed to comply and implement the following terms in order to protect the civilians.

... (L) There shall be no direct or indirect activities that hinder or harm the dignity of the preservation of people's religions, literature, and traditions

**Environment** Page 3, Chapter 3, Military Code of Conduct during a Ceasefire  
(8) The government and EAOs agreed to comply with the following provisions regarding military matters.  
... (H) In the event of a natural disaster in a ceasefire area, both parties shall cooperate in relief efforts.

**Water or riparian  
rights or access** No specific mention.

**Security sector**

**Security  
Guarantees**

Page 2, Chapter 2, Code of Conduct Regarding the Civilians

7. The Tamataw and EAOs agreed to comply and implement the following terms in order to protect the civilians.

... (P) Security and development for the public shall be guaranteed in the ceasefire areas.

Page 3, Chapter 3, Military Code of Conduct during a Ceasefire

(8) The government and EAOs agreed to comply with the following provisions regarding military matters.

... (F) Landmines laid by both parties shall be cleared in accordance with the progress of the peace process, and such activity shall be conducted in consultation and cooperation with the government step by step.

## Ceasefire

Security sector→Ceasefire→Ceasefire provision

Page 1, Introduction

1. The military personnel of the Government of Burma and EAOs agreed to uphold and precisely implement the terms of the NCA. In the event when terms of the agreement are violated or when disputes arise, both parties agreed to abide by the ruling of the Joint Monitoring Committee.

Page 1, Chapter 1, Basic Principles

4. By signing the NCA, both Tamataw and the EAOs have ceased all activities that incite hostility either directly or indirectly, or activities that imply hostility. Furthermore, both parties also agreed to cease all military activities against the public and prevent illegal activities that harm the public in ceasefire areas.

Page 1, Chapter 1, Basic Principles

... 6. While NCA between the government and the EAOs is being implemented, the code of conduct shall apply to all involved in the ceasefire areas.

Page 2, Chapter 2, Code of Conduct Regarding the Civilians

7. The Tamataw and EAOs agreed to comply and implement the following terms in order to protect the civilians.

... (N) There shall be no killing of children or the mutilation of their body parts, or the recruitment of children into military services, or rape or other sexual violence, arrest and kidnapping against children.

Page 3, Chapter 3, Military Code of Conduct during a Ceasefire

(8) The government and EAOs agreed to comply with the following provisions regarding military matters.

(A) All activities concerning territorial control, patrolling, reinforcement of troops, armed attacks, planting of landmines, terrorist attacks, destruction of properties, and military offensives shall be ceased in the ceasefire areas.

(B) No activity that directly or indirectly incites hostility between the two parties, or activity that insults the other party, shall be allowed.

(C) Except for the administrative assistance needed with the deployment of troops, emergency medical treatments, and the activities regarding the rotation of troops, there shall be no troops reinforcement, construction of new military posts besides the current ones agreed upon between the two parties, and addition of arms and ammunition in the ceasefire areas. For matters concerning the defense of the country or in the event that the country is under a foreign threat, both parties in ceasefire areas shall cooperate for the defense of the country.

(D) Troops recruitment of the EAOs shall be negotiated and implemented in accordance with the implementation of the NCA and the procedure of Security Sectors Reforms.

(E) No military base or camp shall be set up in religious buildings, schools, hospitals, clinics, cultural sites, and public places.

(F) Landmines laid by both parties shall be cleared in accordance with the progress of the peace process, and such activity shall be conducted in consultation and cooperation with the government step by step.

(G) No hostile propaganda, statements that are false or that harm the dignity of either party shall be issued either domestically or abroad.

(H) In the event of a natural disaster in a ceasefire area, both parties shall cooperate in relief efforts.

(I) Both parties shall cooperate in matters concerning the rule of law in the ceasefire area and consult with each other to prosecute any suspect in accordance with the law.

(J) Both parties shall negotiate in the matters concerning the administration of their armed forces.

(K) Each level of the armed forces shall be notified within 24 hours of the signing of the

**Police** No specific mention.

**Armed forces** No specific mention.

**DDR** No specific mention.

**Intelligence services** No specific mention.

**Parastatal/rebel  
and opposition  
group forces**

Page 1, Chapter 1, Basic Principles

... 5. By complying with the Code of Conduct, mutual trust can be established between the troops of both parties, or between the troops of both parties and the public, so that the implementation the peace process will be more successful.

Page 3, Chapter 3, Military Code of Conduct during a Ceasefire

(8) The government and EAOs agreed to comply with the following provisions regarding military matters.

... (C) Except for the administrative assistance needed with the deployment of troops, emergency medical treatments, and the activities regarding the rotation of troops, there shall be no troops reinforcement, construction of new military posts besides the current ones agreed upon between the two parties, and addition of arms and ammunition in the ceasefire areas. For matters concerning the defense of the country or in the event that the country is under a foreign threat, both parties in ceasefire areas shall cooperate for the defense of the country.

Page 3, Chapter 3, Military Code of Conduct during a Ceasefire

(8) The government and EAOs agreed to comply with the following provisions regarding military matters.

... (D) Troops recruitment of the EAOs shall be negotiated and implemented in accordance with the implementation of the NCA and the procedure of Security Sectors Reforms.

Page 3, Chapter 3, Military Code of Conduct during a Ceasefire

(8) The government and EAOs agreed to comply with the following provisions regarding military matters.

... (L) No force shall be used to resolve disputes occur at the lower level of the armed forces.

Page 4, The Deployment of Armed Forces to Avoid Clashes

(9) To avoid clashes, Tamataw and the EAOs agreed to the following terms regarding the deployment of their troops.

(A) To avoid clashes in areas where forces of both parities meet, communication in the forms of radio, land and others shall be established.

(B) Both parties shall negotiate the deployments for their troops to avoid clashes.

(C) In the event when negotiation is ongoing and the location for troops deployment is undecided, officers from both sides shall maintain regular communication and negotiation.

(D) Both Tamataw and the EAOs shall keep their troops in the designated areas only.

(E) To avoid clashes in areas where both parties meet, the numbers of outposts shall be negotiated.

(F) For the security of communication routes between outposts and bases, both parties shall negotiate based on the terms of the NCA.

Page 4, Movement of the Troops

(10) Tamataw and the EAOs agreed to the following terms concerning the movement of their troops.

... (B) Should traveling with arms in the controlled area of a party is necessary, both parties shall negotiate the terms for such travelling.



<b>Withdrawal of foreign forces</b>	No specific mention.
<b>Corruption</b>	No specific mention.
<b>Crime/organised crime</b>	No specific mention.
<b>Drugs</b>	No specific mention.
<b>Terrorism</b>	Page 3, Chapter 3, Military Code of Conduct during a Ceasefire (8) The government and EAOs agreed to comply with the following provisions regarding military matters. (A) All activities concerning territorial control, patrolling, reinforcement of troops, armed attacks, planting of landmines, terrorist attacks, destruction of properties, and military offensives shall be ceased in the ceasefire areas.

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## **Transitional justice**

<b>Transitional justice general</b>	No specific mention.
<b>Amnesty/pardon</b>	No specific mention.
<b>Courts</b>	No specific mention.
<b>Mechanism</b>	No specific mention.
<b>Prisoner release</b>	No specific mention.
<b>Vetting</b>	No specific mention.
<b>Victims</b>	No specific mention.
<b>Missing persons</b>	No specific mention.
<b>Reparations</b>	No specific mention.
<b>Reconciliation</b>	No specific mention.

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## **Implementation**

**UN signatory** No specific mention.

**Other international signatory** No specific mention.

**Referendum for agreement** No specific mention.

**International mission/force/similar** No specific mention.

**Enforcement mechanism** Page 1, Introduction  
1. The military personnel of the Government of Burma and EAOs agreed to uphold and precisely implement the terms of the NCA. In the event when terms of the agreement are violated or when disputes arise, both parties agreed to abide by the ruling of the Joint Monitoring Committee.

**Related cases** No specific mention.

**Source** Copy on file with author.

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