

Country/entity	Myanmar
Region	Asia and Pacific
Agreement name	Joint Monitoring Committee guideline for Each Level (Draft)
Date	15 Oct 2015
Agreement status	Multiparty signed/agreed
Interim arrangement	Yes
Agreement/conflict level	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 -)

Stage	Ceasefire/related
Conflict nature	Government/territory
Peace process	Myanmar ceasefires process with ethnic armed groups
Parties	Armed Ethnic Organisations, Myanmar Government.
Third parties	-
Description	Agreement establishes a Joint Monitoring Commission on the Union, State and Local levels, consisting of representatives from both the government and Armed Ethnic Organisations, in addition to civilians. Agreement outlines structure, protocol and jurisdiction of JMCs.

Agreement document

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Groups

Children/youth No specific mention.

Disabled persons No specific mention.

Elderly/age No specific mention.

Migrant workers No specific mention.

Racial/ethnic/national group Groups→Racial/ethnic/national group→Substantive
Page 6, Meetings and Resolutions of JMC-S
... 54. The regular meeting of JMC-S shall have a quorum if 3 representatives from the government, 3 from the EAOs and 1 from each civilian organization attend. The emergency of JMC-S shall have a quorum if 2 representatives from the government, 1 from the EAOs, and 1 from an ethnic organization from the JMC-S (a total of) attend.

Religious groups Groups→Religious groups→Rhetorical
Page 9-10, Chapter 6, Responsibility and Mandates
... (J) The JMC-L may obtain advice on conflicts resolution from political party members, religious leaders, village elders, activists, and CSO in areas where conflicts occur.

Indigenous people No specific mention.

Other groups No specific mention.

Refugees/displaced persons	<p>Groups→Refugees/displaced persons→Substantive Page 2, Chapter 3, Responsibilities of the JMC-U ... 7. The JMC-U shall facilitate the distribution of humanitarian aids to IDPs who fled either manmade or natural disasters, and to victims of conflicts.</p> <p>Page 3, Chapter 3, Mandate of the JMC-U ... 19. The JMC-U shall facilitate humanitarian aids provided by NGOs and INGOs for IDPs and victims of conflicts between government agencies, EAOs, and local organizations as permitted by the government.</p> <p>Page 3, Chapter 3, Mandate of the JMC-U ... 20. The JMC-U shall facilitate the voluntary return of IDPs to their original places. If the IDPs request the building of new villages in appropriate locations, the JMC-U shall negotiation such project and ensure a safe and dignified return of the IDPs.</p> <p>Page 3, Chapter 3, Mandate of the JMC-U ... 21. The JMC-U shall assess the IDPs and returning refugees and jointly facilitate the resettlement of the IDPs and refugees.</p> <p>Page 5, Chapter 4, Mandate of the JMC-S ... 48. The JMC-S shall cooperate in the safe and dignified return of the IDPs and refugees.</p> <p>Page 8, Chapter 5, Mandate of the JMC-L ... 68. The JMC-L shall cooperate with the JMC-S in facilitating the return of IDPs to ensure a safe and dignified return.</p>
Social class	No specific mention.

Gender

Women, girls and gender	<p>Page 4, Chapter 4, State Level Joint Ceasefire Monitoring Committee (JMC-S) Formation 34. The JMC-S shall be formed by the JMC-U as the following: ... (E) Both parties shall do their best to include the participation of women in the JMC-S.</p> <p>Page 7, Chapter 5, Local Level Joint Ceasefire Monitoring Committee (JMC-L) Formation 59. The JMC-L shall be formed as below to assist the JMC-S. ... (E) Both parties shall do their best to include women in the JMC-L.</p>
Men and boys	No specific mention.
LGBTI	No specific mention.
Family	No specific mention.

State definition

Nature of state (general) No specific mention.

State configuration No specific mention.

Self determination No specific mention.

Referendum No specific mention.

State symbols No specific mention.

Independence/secession No specific mention.

Accession/unification No specific mention.

Border delimitation No specific mention.

Cross-border provision No specific mention.

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

Page 3, Chapter 3, Mandate of the JMC-U

... 19. The JMC-U shall facilitate humanitarian aids provided by NGOs and INGOs for IDPs and victims of conflicts between government agencies, EAOs, and local organizations as permitted by the government.

Page 3, Chapter 3, Meetings and Resolutions of the JMC-U

... 30. The JMC-U shall make meeting decisions based on sufficient consensus. A sufficient consensus means the majority agreement of the representatives of the government, the EAOs, and every civilian organization who attend the meeting. At least 4 representatives from the civilian organizations must attend the meeting to have decision-making power.

Page 5, Chapter 4, Responsibility of JMC-S

... 38. The JMC-S shall facilitate humanitarian aids provided by NGOs and INGOs for IDPs and victims of conflicts and for the clearing of landmines and other explosives between government agencies, EAOs, and local organizations as permitted by the government. Local organizations are groups approved by both parties with prior negotiation.

Page 6, Meetings and Resolutions of JMC-S

... 54. The regular meeting of JMC-S shall have a quorum if 3 representatives from the government, 3 from the EAOs and 1 from each civilian organization attend. The emergency of JMC-S shall have a quorum if 2 representatives from the government, 1 from the EAOs, and 1 from an ethnic organization from the JMC-S (a total of) attend.

Page 6, Meetings and Resolutions of JMC-S

... 55. The JMC-S shall make meeting decisions based on sufficient consensus. A sufficient consensus means the majority agreement of the representatives of the government, the EAOs, and every civilian organization who attend the meeting. At least 3 representatives from the civilian organizations must attend the meeting to have decision-making power.

Page 7, Chapter 5, Local Level Joint Ceasefire Monitoring Committee (JMC-L) Formation

59. The JMC-L shall be formed as below to assist the JMC-S.

(B) The JMC-L shall be formed as below:

... 3. Vice Chairperson 2 (Civilian)

... 6. Member (Civilian)

Page 9, Chapter 6, Verification Teams Formation

77. Each level of the JMC shall form Verification Teams as follow:

... (C) The chairperson of a relevant JMC shall appoint the leader of the Verification Team from the civilian representatives.

Page 9-10, Chapter 6, Responsibility and Mandates

... (J) The JMC-L may obtain advice on conflicts resolution from political party members, religious leaders, village elders, activists, and CSO in areas where conflicts occur.

**Traditional/
religious leaders**

Page 8, Chapter 5, Responsibilities of JMC-L

... 65. The monitoring individuals shall submit their findings to the JMC-L and copy relevant sectional or village chief.

Page 9-10, Chapter 6, Responsibility and Mandates

... (J) The JMC-L may obtain advice on conflicts resolution from political party members, religious leaders, village elders, activists, and CSO in areas where conflicts occur.

**Public
administration**

No specific mention.

Constitution

No specific mention.

Power sharing

Political power sharing No specific mention.

Territorial power sharing No specific mention.

Economic power sharing No specific mention.

Military power sharing

Power sharing→Military power sharing→Proportionality

Page 3, Chapter 3, Meetings and Resolutions of the JMC-U

... 29. The JMC-U regular meeting shall have a quorum if seven representatives each from the government and the EAOs and one each from the civilian representatives attend the meeting. The JMC-U emergency meeting shall have a quorum if seven representatives each from the government and EAOs attend the meeting.

Page 4, Chapter 4, State Level Joint Ceasefire Monitoring Committee (JMC-S) Formation

34. The JMC-S shall be formed by the JMC-U as the following:

(A) State Level Joint Ceasefire Monitoring Committee shall be formed with representatives from the government and the EAOs with respectable and trustworthy individuals approved by both parties. The Committee shall be formed with 5 representatives from the government and 5 from the EAOs, and 2 respectable and trustworthy individuals selected by the government and 2 by the EAOs, a total of 14 members.

Page 6, Meetings and Resolutions of JMC-S

... 54. The regular meeting of JMC-S shall have a quorum if 3 representatives from the government, 3 from the EAOs and 1 from each civilian organization attend. The emergency of JMC-S shall have a quorum if 2 representatives from the government, 1 from the EAOs, and 1 from an ethnic organization from the JMC-S (a total of) attend.

Page 6, Chapter 5, Local Level Joint Ceasefire Monitoring Committee (JMC-L) Formation

59. The JMC-L shall be formed as below to assist the JMC-S.
(A) Local Level Joint Ceasefire Monitoring Committee (JMC-L) shall be formed with representatives from the government and the EAOs with respectable and trustworthy individuals approved by both parties. The Committee shall be formed with 3 representatives from the government and 3 from the EAOs, and 1 respectable and trustworthy individuals selected by the government and 1 by the EAOs.

Page 7, Chapter 5, Local Level Joint Ceasefire Monitoring Committee (JMC-L) Formation

59. The JMC-L shall be formed as below to assist the JMC-S.

- (B) The JMC-L shall be formed as below:
1. Chairperson (Government) A representative from the Tamataw
 2. Vice Chairperson 1 (EAOs)
 3. Vice Chairperson 2 (Civilian)
 4. Member (Government) A representative from Township General Administration
 5. Member (EAOs)
 6. Member (Civilian)
 7. Secretary 1 (EAOs)
 8. Secretary 2 (Government) A representative from the Tamataw

Page 9, Chapter 5, Meetings and Resolutions of JMC-L

... 72. The regular meeting of JMC-S shall have a quorum if 2 representatives each from the government the EAOs and 1 from each civilian organization attend. The emergency of JMCS shall have a quorum if 2 representatives each from the government and the EAOs.

Page 9, Chapter 6, Verification Teams Formation

77. Each level of the JMC shall form Verification Teams as follow:

(A) Each JMC-U and JMC-S shall have a Verification Team comprised with 2 representatives each from the government and the EAOs and 1 civilian representative each from the government and the EAOs, a total of 6 members.

The Verification Team at JMC-L shall be comprised with 1 representative each from the government and the EAOs and 1 civilian representative each from the government and

Human rights and equality

Human rights/RoL general Page 10, Chapter 8, Dispute Resolution and Taking Action
82. The action taken by the JMC shall not violate the citizen's rights protected by the law.

Bill of rights/similar No specific mention.

Treaty incorporation No specific mention.

Civil and political rights Human rights and equality→Civil and political rights→Freedom of association
Page 3, Chapter 3, Mandate of the JMC-U
... 23. The JMC-U shall have to right to organize meeting anywhere in the country with the approval of the committee members.

Socio-economic rights No specific mention.

Rights related issues

Citizenship No specific mention.

Democracy No specific mention.

Detention procedures No specific mention.

Media and communication No specific mention.

Mobility/access No specific mention.

Protection measures No specific mention.

Other No specific mention.

Rights institutions

NHRI No specific mention.

Regional or international human rights institutions No specific mention.

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.

Socio-economic reconstruction

Development or socio-economic reconstruction	<p>Socio-economic reconstruction→Development or socio-economic reconstruction→Humanitarian assistance</p> <p>Page 2, Chapter 3, Responsibilities of the JMC-U</p> <p>... 7. The JMC-U shall facilitate the distribution of humanitarian aids to IDPs who fled either manmade or natural disasters, and to victims of conflicts.</p> <p>Page 3, Chapter 3, Mandate of the JMC-U</p> <p>... 19. The JMC-U shall facilitate humanitarian aids provided by NGOs and INGOs for IDPs and victims of conflicts between government agencies, EAOs, and local organizations as permitted by the government.</p>
National economic plan	No specific mention.
Natural resources	No specific mention.
International funds	<p>Page 2:</p> <p>11. The JMC-U shall prepare its financial and activities report for every 6 months and submit it to the nearest JICM. Additionally, the JMC-U shall release its progress report to the public, relevant organizations and the International Community.</p> <p>Page 3:</p> <p>26. The JMC-U shall confirm the cost of joint implementation activities and shall secure funding from the government and donor organizations.</p>
Business	No specific mention.
Taxation	No specific mention.
Banks	No specific mention.

Land, property and environment

Land reform/rights No specific mention.

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

Cultural heritage No specific mention.

Environment Page 2, Chapter 3, Responsibilities of the JMC-U
... 7. The JMC-U shall facilitate the distribution of humanitarian aids to IDPs who fled either manmade or natural disasters, and to victims of conflicts.

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

Security sector

**Security
Guarantees**

Page 5, Chapter 4, Responsibility of JMC-S

... 38. The JMC-S shall facilitate humanitarian aids provided by NGOs and INGOs for IDPs and victims of conflicts and for the clearing of landmines and other explosives between government agencies, EAOs, and local organizations as permitted by the government. Local organizations are groups approved by both parties with prior negotiation.

Ceasefire

Security sector→Ceasefire→Ceasefire provision

Page 1, Introduction

1. The government and EAOs signed the Nationwide Ceasefire Agreement (NCA) in Naypyitaw on October 15, 2015. Subsequently, different levels of Ceasefire Joint Monitoring Committee will be formed according to this guideline as agreed in the NCA. With the implementation of the committee at different level, the goal is to reduce and cease armed conflicts and support the process for political dialogues.

Page 1, Chapter 1, Objectives

2. To support the peace process by monitoring the nationwide ceasefire situation, matters concerning the armed forces of this Agreement, compliance of the code of conduct and other ceasefire rules and regulations, and to ensure fairness and transparency in the solution of disputes.

Page 1, Chapter 2, Basic Principles

3. Each level of Ceasefire Joint Monitoring Committee agreed to perform in accordance with the following principles.

(A) The implementation of its task shall be fair, transparent, just, equal, and dignified.

(B) Negotiation rather than force shall be used to resolve disputes.

(C) The principles, goals and objectives of the NCA shall be implemented.

(D) To adhere to the commitment stated in the NCA, and to implement the peace process with transparency, responsibility, and accountability.

(E) To resolve the differences between negotiating parties with the objective to obtain sustainable peace.

(F) To recognize and observe international humanitarian and human rights laws.

Page 1-2, Chapter 3, Union Level Joint Ceasefire Monitoring Committee (JMC-U) Formation

4. The meeting to implement NCA shall form a Union Level Joint Ceasefire Monitoring Committee as follow:

... (B) The JMC-U shall be formed as follow:

1. Chairperson (government)

2. Vice Chairperson 1 (EAOs)

3. Vice Chairperson 2 (Individuals)

4. Members

5. Secretary 1 (EAOs)

6. Secretary 2 (Government)

(C) If the numbers of or the tasks of the Committee members need to be changed approval may be obtained from the JICM.

Page 2, Chapter 3, Responsibilities of the JMC-U

[Summary] provisions coded elsewhere where appropriate.

Page 2, Chapter 3, Responsibilities of the JMC-U

... 9. To monitor the nationwide ceasefire situation, matters concerning the armed forces of this Agreement, and compliance of the code of conduct and other ceasefire rules and regulations.

Page 2, Chapter 3, Responsibilities of the JMC-U

To resolve any dispute as it occurs.

10. The JMC-U shall provide information upon request by JICM.

11. The JMC-U shall prepare its financial and activities report for every 6 months and submit it to the nearest JICM. Additionally, the JMC-U shall release its progress report to the public, relevant organizations and the International Community.

12. Any issue that JMC-U is unable to resolve shall be submitted to the JICM.

13. In the event of a serious violation, the JMC-U shall investigate and confirm the case.

The JMC-U shall submit its finding to the respective organization, which shall handle the

Police

No specific mention.

Armed forces

Page 2, Chapter 3, Responsibilities of the JMC-U

5. The JMC-U has to the responsibility to cooperate, negotiate and implement the terms of NCA concerning the armed forces. The terms stated in the agreement of ceasefire rules and regulations and the military code of conduct are applicable to the JMC. The JMC-U has the key responsibility to monitor the implementation and violation of those terms.

Page 2, Chapter 3, Responsibilities of the JMC-U

... 8. To monitor the redeployment of troops as agreed between the two parties.

Page 3, Chapter 3, Mandate of the JMC-U

17. In the negotiation on the number of military bases to avoid clashes in areas where troops of both parities meet, the JMC-U shall make decision based on the report of JMC-S.

Page 3, Chapter 3, Mandate of the JMC-U

... 22. The NCA Chapter 4, Article 13 (c) states that each level of the JMC shall monitor the redeployment of troops in areas agreed by both parties.

Page 4, Chapter 4, State Level Joint Ceasefire Monitoring Committee (JMC-S) Formation

34. The JMC-S shall be formed by the JMC-U as the following:

... (D) In addition to the divisional commander and the minister for Security and Border Affairs (the focal points), other relevant military officers shall be invited to the JMC-S to resolve matters.

Page 5, Chapter 4, Responsibility of JMC-S

... 36. The JMC-S shall monitor the implementation of troops redeployment agreed between the two parties as stated in Chapter 4, Article (13)(c) of the NCA.

37. If disputes arise between troops of the two parties, the JMC-S shall meet with relevant joint ceasefire monitoring committee as soon as possible and resolve the matters through negotiation.

Page 5, Chapter 4, Mandate of the JMC-S

... 45. The JMC-S shall submit report to the JMC-U regarding the negotiation on the number of military bases to avoid clashes in areas where troops of both parities meet.

[Summary] Throughout agreement, government representatives in monitoring commissions are likely military [Tamataw] personnel.

Page 7, Chapter 5, Local Level Joint Ceasefire Monitoring Committee (JMC-L) Formation

59. The JMC-L shall be formed as below to assist the JMC-S.

(B) The JMC-L shall be formed as below:

1. Chairperson (Government) A representative from the Tamataw

...8. Secretary 2 (Government) A representative from the Tamataw

DDR

No specific mention.

Intelligence services

No specific mention.

Parastatal/rebel and opposition group forces

Page 1, Chapter 3, Union Level Joint Ceasefire Monitoring Committee (JMC-U) Formation
4. The meeting to implement NCA shall form a Union Level Joint Ceasefire Monitoring Committee as follow:

(A) A Union Level Joint Ceasefire Monitoring Committee (JMC-U) shall be formed with representatives from the government and the EAOs with respectable and trustworthy individuals approved by both parties. The Committee shall be formed with 10 representatives from the government and 10 from the EAOs, and 3 respectable and trustworthy individuals selected by the government and 3 by the EAOs, a total of 26 members.

Page 2, Chapter 3, Responsibilities of the JMC-U
... 8. To monitor the redeployment of troops as agreed between the two parties.

Page 3, Chapter 3, Mandate of the JMC-U
... 22. The NCA Chapter 4, Article 13 (c) states that each level of the JMC shall monitor the redeployment of troops in areas agreed by both parties.

Page 3, Chapter 3, Meetings and Resolutions of the JMC-U
... 29. The JMC-U regular meeting shall have a quorum if seven representatives each from the government and the EAOs and one each from the civilian representatives attend the meeting. The JMC-U emergency meeting shall have a quorum if seven representatives each from the government and EAOs attend the meeting.

Page 5, Chapter 4, Responsibility of JMC-S
... 36. The JMC-S shall monitor the implementation of troops redeployment agreed between the two parties as stated in Chapter 4, Article (13)(c) of the NCA.
37. If disputes arise between troops of the two parties, the JMC-S shall meet with relevant joint ceasefire monitoring committee as soon as possible and resolve the matters through negotiation.

Page 6, Chapter 5, Local Level Joint Ceasefire Monitoring Committee (JMC-L) Formation
59. The JMC-L shall be formed as below to assist the JMC-S.
(A) Local Level Joint Ceasefire Monitoring Committee (JMC-L) shall be formed with representatives from the government and the EAOs with respectable and trustworthy individuals approved by both parties. The Committee shall be formed with 3 representatives from the government and 3 from the EAOs, and 1 respectable and trustworthy individuals selected by the government and 1 by the

Page 7, Chapter 5, Local Level Joint Ceasefire Monitoring Committee (JMC-L) Formation
59. The JMC-L shall be formed as below to assist the JMC-S.
(B) The JMC-L shall be formed as below:
... 2. Vice Chairperson 1 (EAOs)
... 5. Member (EAOs)
... 7. Secretary 1 (EAOs)

Withdrawal of foreign forces No specific mention.

Corruption No specific mention.

Crime/organised crime No specific mention.

Drugs No specific mention.

Terrorism No specific mention.

Transitional justice

Transitional justice general No specific mention.

Amnesty/pardon No specific mention.

Courts No specific mention.

Mechanism No specific mention.

Prisoner release No specific mention.

Vetting No specific mention.

Victims

Page 2, Chapter 3, Responsibilities of the JMC-U
... 7. The JMC-U shall facilitate the distribution of humanitarian aids to IDPs who fled either manmade or natural disasters, and to victims of conflicts.

Page 3, Chapter 3, Mandate of the JMC-U
... 19. The JMC-U shall facilitate humanitarian aids provided by NGOs and INGOs for IDPs and victims of conflicts between government agencies, EAOs, and local organizations as permitted by the government.

Page 5, Chapter 4, Responsibility of JMC-S
... 38. The JMC-S shall facilitate humanitarian aids provided by NGOs and INGOs for IDPs and victims of conflicts and for the clearing of landmines and other explosives between government agencies, EAOs, and local organizations as permitted by the government. Local organizations are groups approved by both parties with prior negotiation.

Missing persons No specific mention.

Reparations No specific mention.

Reconciliation No specific mention.

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 2, Chapter 3, Responsibilities of the JMC-U
... 6. To be responsible in the implementation of ceasefire and monitoring process, and to report to the JICM if necessary.

Page 2, Chapter 3, Mandate of the JMC-U
14. The JMC-U shall confirm the structure, task guidelines, and implementation boundaries for the State Level Joint Ceasefire Monitoring Committee (JMC-S) in accordance with the structure, responsibilities, mandate, and basic principles approved by the JICM.
15. The JMC-U shall review and confirm the formation of Local Level Joint Ceasefire Monitoring Committee (JMC-L) when deemed necessary and submitted by the JMC-S.
16. In the event that the JMC-S is unable to resolve a violation relevant to the JMC, the JMC-U shall review and resolve such cases submitted by the JMC-S.

Page 3, Chapter 3, Mandate of the JMC-U
... 18. The JMC-U shall form Verification Teams when necessary, provide them with guidelines, and send them to respective areas to implement their tasks.

Related cases No specific mention.

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