

Comprehensive Union Peace & Ceasefire Agreement

Burma/Myanmar, 8 April 2013

CONCEPT DRAFT 1

(Confidential – Approved for Consultation only)

Based on the:

- *Ceasefire Agreements between the Government and Ethnic Armed Groups (Nov. 2011-Dec. 2012)*
- *Preliminary Framework Agreement (Dec. 2012),*
- *Statement of Ethnic Nationalities 2012 Conference,*
- *Consultations with EAG's leadership (Jan – April 2013),*
- *Statement from Civil Society Forum for Peace 2012.*

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PREAMBLE

This Comprehensive Union Peace and Ceasefire Agreement (“the Agreement”) marks the beginning of a comprehensive political dialogue, and consolidate commitments and agreements reached between us,

the Government of the Union of Myanmar (“the Government”), and
the Armed Groups Representing Ethnic Nationalities (“EAGs”).

The current parties agree in advance to consider any amendment of the agreement necessary to include other political parties.

We, the Parties to this Agreement (“the Parties”),

Deeply committed to an immediate end to the current armed conflict through peaceful means,

Aware that lasting peace requires the unity of Burma/Myanmar,

Fully cognizant of the need of just and genuine peace,

Hereby agree to abide by and implement this Agreement upon signing of the aforesaid agreement.

I. PRINCIPLES

The Parties agree to the following principles:

1. Commitment to Peace

The Parties agree to work together to create a harmonious, prosperous, just, peaceful and modern democratic nation.

2. Acknowledgment of the Panglong Agreement

The Parties recognize that the *Republic of the Union of Burma* gained independence speedily in 1948 because of the 12 February 1947 Panglong Agreement which fulfilled Article 8 (b) of the Aung San-Atlee Agreement signed in London on 27 January 1947.

3. Union of Burma

The Parties agree that as signatories of the Panglong Agreement, the peoples of Kachin Hills, Chin Hills, the Federated Shan States, together with Ministerial Burma, are co-founders of the nation, and jointly share the responsibility to safeguard the Union of Burma (also called Myanmar).

4. Respect, democracy and autonomy

The Parties agree that, as the Union of Burma/Myanmar is based on mutual respect, equality, democratic principles, and full autonomy in internal administration as agreed in the Panglong Agreement, there should be no reason for anyone to secede from the nation.

5. Protection of ethnic groups

The Parties agree that to protect the territorial integrity, to build national unity, to consolidate national unity, and to protect the sovereignty of the Union, it is necessary to acknowledge and legally protect all ethnic nationalities' – history, civilization, identity, culture, language and native territorial integrity – irrespective of whether or not they were signatories to the Panglong Agreement.

6. Equal rights

The Parties agree that all citizens of the Union of Burma/Myanmar must enjoy full and equal rights as citizens irrespective of their place of origin, ethnicity, religion and gender.

The parties agree that equality include the collective rights of all ethnic, religious, culture, and gender rights. Furthermore, the Parties recognize the collective land ownership rights of communities.

7. Acknowledgment of people's suffering

The Parties agree that over sixty years of conflict has resulted in untold sufferings for the people including the loss of livelihood, massive internal displacements, external migration and the exodus of refugee.

8. Acknowledgement of Ethnic Armed Groups Contributions

The Parties acknowledge the contributions of the Ethnic Armed Groups to the livelihoods, development and well-being of the peoples in their territories.

9. Inclusivity

The Parties agree that the conflict and all problems caused by the conflict must be addressed in consultation with all stakeholders in the peace process.

This includes:

- i. All branches of the Government of the Union of Myanmar including the Tatmadaw,
- ii. All ethnic nationalities organizations and their armies,
- iii. All political parties – democratic and ethnic-based,
- iv. Civil Society including women, youth, interest-groups such as environmentalists, farmers, workers, businessmen, scholars and experts.
- v. 30% of women participation in every process is recommended.

10. Consensus

The Parties commit to find a political solution that is acceptable to all in order to ensure that a permanent and sustainable peace is achieved.

11. Collaboration

The Parties commit to jointly finding workable solutions and agree to avoid blaming or accusing the other party when disagreements or obstacles arise. The Parties agree not to issue self-serving statements to discredit the other parties.

12. Transparency and accountability

The Parties commit to the principles of transparency and accountability to the citizen and agree to keep the public informed at every stage of negotiations through joint-communicues.

13. Separation of forces and cessation of hostilities

The Parties commit to a separation of forces and a cessation of hostilities to enable political solutions.

14. Prohibition of the use of force

The Parties commit to refrain from using force to resolve problems; and commit to joint problem-solving and creating joint mechanism of decision-making.

15. Just and equitable outcome

The Parties commit to finding peaceful solution base on justice, equality, respect and dignity for ALL people.

II. NATION-WIDE CEASEFIRE ACCORD

1. Nation-wide ceasefire

The Parties agree to a nation-wide end of armed hostilities.

The ceasefire takes immediate effect with the signing of this agreement.

This agreement reaffirm all ceasefire and other agreements signed from 2011 to date between the parties.

All ceasefire clauses and transitional arrangements in this agreement are drawn from the existing agreements between the Parties (**see Annex 4**).

2. Establishment of Military Code of Conduct

- a) The Parties agree to a mutually-binding joint-Military Code of Conduct to guarantee livelihood and security of the people.
- b) The Code of Conduct is annexed to the Agreement (**see Annex 3**).

3. Joint Ceasefire Committee

- a) A Joint Ceasefire Committee (JCC) will be established to oversees the implementation of the ceasefire, adherence to the Code of Conduct, and settles dispute arising from the implementation of the Agreement.
- b) The Joint Ceasefire Committee is based on the Union level. It support, serves and coordinates with regional/state-based joint peace and monitoring committees and structures. The JCC will be responsible to collectively draft its TOR and establish needed implementation mechanisms.
- c) The Joint Ceasefire Committee consists of representatives to this Agreement (**see Annex 1**), and the chairpersons of the Dialogue management Committee and Joint Peace Secretariat.
- d) Decisions of the Joint Ceasefire Committee are made by consensus.
- e) The ceasefire monitoring include international observers appointed by the Committee.

4. Joint Peace Secretariat

- a) A Joint Peace Secretariat (JPS) is tasked with overseeing the peace process and the overall implementation of the components of this agreement related to the peace process. The Secretariat also takes responsibility of humanitarian and development issues, conflict prevention and resolution, and creating a conducive environment for dialogue and political transformation.
- b) The JPS is based on the Union level and support, serve and collaborate with regional/state-based peace and monitoring committees, and other peace initiatives.
- c) The JPS consists of representatives to this Agreement (**see Annex 1**), civil society, Parliamentary Peace Committee, the Myanmar Peace Center and the chairpersons of the JCC and Dialogue Management Committee.
- d) Decisions of the JPS are made by consensus.
- e) The JPS identifies mutually-acceptable monitors and facilitators to support the peace process in Burma.
- f) The JPS supports and assist in the establishment of joint regional and state-level committees for development, humanitarian, education, and healthcare between the EAG's, State Governments and other relevant institutions and organizations.

5. Location of armed contingents

- a) Under this ceasefire, armed groups will retain in their position within their designated areas.
- b) Ensuring that ceasefire agreement is implemented, Government troops in EAGs areas are reduced and abstain from new militarization or military deployment.

6. Freedom of movement

- a) The freedom of movement is guaranteed for unarmed groups.
- b) Travels with weapons is only allowed in designated areas.
- c) Travels with weapons outside of designated areas, requires coordination with the Joint Ceasefire Committee.

7. Military cooperation

- a) Armed groups cooperate with national defense forces through the JCC.
- b) Food, clothing and shelter for armed groups are managed jointly in collaboration with the JCC.
- c) The conduction of military exercises by armed groups and Myanmar Army within their designated territories requires a prior consent by the Joint Ceasefire Committee.

8. Liaison offices

Armed groups can open liaison offices with the consent of Joint Ceasefire Committee.

9. Humanitarian issues

- a) Basic humanitarian services for all people in all regions are provided in collaboration with the Joint Peace Secretariat.
- b) This includes humanitarian aid (e.g. food, shelter), education and health services, transportation and infrastructure support, water and electricity, and other.
- c) Humanitarian aid from non-governmental organizations and the international community by affected areas is permitted after prior permission by the Joint Peace Secretariat.

10. Political prisoners

- a) All political prisoners have to be released; all charges to be dropped against political prisoners and combatants – based on criteria to be determined by the JCC.
- b) The armed groups submit names of prisoners who have been arbitrarily arrested and imprisoned for suspicion of subversion and communication with unlawful organizations to the JCC for approval.

11. Freedom of NGOs and INGOs

NGOs and INGO's can operate freely in accordance with existing laws.

12. Land issues

Disputes related to land issues are reported to the State Minister until appropriate laws on land rights are adopted (**see also IV.8. under Transitional Arrangements**).

13. Human Rights issues

- a) Regional independent Human Rights Committees are established according to TOR's to be determined in each state.
- b) The committees reports, monitors, and reports human rights violations as well as violations of humanitarian law to the National Human Rights Commission, the local State Government, political parties, and Joint Peace Secretariat.

14. Legal status of ethnic armed groups

It is agreed that no reprisals be made against anyone for being involved in any and all activities related to engagement between the EAG and the public during the period of the cease-fire agreement, invoking either the political party registration act or the Unlawful Association Act.

g)

III. FRAMEWORK AGREEMENT FOR POLITICAL DIALOGUE

1. Goal

- a) The goal of the peace and dialogue process is to find a sustainable and just solution for the long-term needs of the people of Burma/ Myanmar.
- b) The peace and dialogue process shall address matters of power-sharing, security sector reform, constitutional issues, economic development, humanitarian issues, judicial reform, land reform and national reconciliation, finding consensus on common interests and needs.

2. Process principles

- a) The peace and dialogue process has to be inclusive and ensure the legitimacy of the representatives involved in the negotiations.
- b) The peace and dialogue process is held at the union- and state-level.
- c) The peace and dialogue process requires clear roles for outside assistants supporting the peace process.
- d) Principles in Chapter I form part of the core dialogue principles.

4. Mechanisms

- a) Panglong Union Conference:
 - i. Panglong Union Conference is the central body of the peace and dialogue process. It is in charge of adopting the final agreement ("Union Accord").
 - ii. In this course, the Conference adopts the topics of the dialogue agenda as well as process principles, and nominates technical task groups.
 - iii. The Panglong Union Conference guarantees wide participation (**see Annex 1**).
 - iv. Decisions of the Panglong Union Conference are made by vote.
 - v. Composition: 900 members – 300 each from Government/Army; Ethnic Nationalities and Armed Groups; Democratic Forces and Opposition.
- b) National Dialogue Steering Committee
 - i. National Dialogue Steering Committee focuses on preparation of decisions. It is in charge of consolidating proposals, which are submitted to the Panglong Union Conference for approval.

- ii. In this course, the National Dialogue Steering Committee also holds consultations and discussions, considering proposal drafts provided by the Technical Task Groups.
 - iii. The National Dialogue Steering Committee guarantees limited participation allowing effective consultations (**see Annex 1**).
 - iv. Decisions of the National Dialogue Forum are made by consensus.
 - v. The National Dialogue Steering Committee is appointed by the High Level Joint Peace Committee.
 - vi. The committee comprises of 20 senior members each from Government/Army; Ethnic Nationalities and Armed Groups; Democratic Forces and Opposition.
- c) Task Forces & Thematic Committees:
- i. Task Forces (TF) and Thematic Committees (TC) are in charge of providing technical expertise on the topics of the dialogue agenda. They prepare proposal drafts with options and background analysis which are send to the National Dialogue Steering Committee for approval and then submitted to the Panglong Union Conference for adoption.
 - ii. In this course, the Thematic Committees and Task Forces conduct background studies and comparative analysis, and draft consensual proposals.
 - iii. Each of the proposed Thematic Committees and Task Forces are comprised of 10 members each from Government/Army; Ethnic Nationalities and Armed Groups; Democratic Forces and Opposition; and civil society. Members should be knowledgeable on the subject of the Group and technical experts on a working level (**see Annex 1**).
 - iv. Decisions in the Thematic Committees and Task Forces are made by consensus.
 - v. 10 Task Forces will be established to address constitutional and reform issues; 9 Thematic Committees will be formed to deal with concerns, essential issues and other policy matters (**see Annex 2, dialogue agenda issues of Panglong Union Conference**)
- d) Joint Dialogue Management Committee and Secretariat:
- i. A Joint Dialogue Management Committee takes care of logistical and managerial issues of the Panglong National Dialogue Conference, the National Dialogue Steering Committee and the Thematic Task Groups.
 - ii. The Joint Management Committee is supported by a Secretariat.
 - iii. Members of the Joint Management Committee are appointed by the National Dialogue Steering Committee.

e) High Level Joint Peace Committee:

- i. This Committee is comprised of the 7 top leadership each from the Government/Army; Ethnic Nationalities and Armed Groups; Democratic Forces and Opposition (total: 21).
- ii. The Committee will appoint the National Dialogue Steering Committee.
- iii. The Committee will mandate the Panglong Union Conference through the signing of this agreement.
- iv. The members of the Committee will provide the names of the members to be included in the Panglong Union Conference.
- v. The Committee will ensure the legalization and constitutional path of the final Union Accord agreed to by the Panglong Union Conference;
- vi. The Committee will assist in deadlock-breaking.

5. Outcome and timing

- a) The Panglong Union Conference concludes with the implementation of the final Union Accord that settles relevant issues to the peace and dialogue process.
- b) The Union Accord is approved by vote in the Panglong Union Conference.
- c) The objective is to end deliberations of the first Panglong II phase at least 6 months before the next general election by 2015; and continue with Panglong III after the elections.
- d) The implementation of the final Union Accord will continue after the 2015 elections.

6. Public participation

Public consultations are held with civil society and political parties throughout the peace process on union- and state-level.

8. Role of media

Throughout the peace processes, all media has to provide accurate and balanced information on the peace and dialogue process. The state-run media and non-state media is encouraged to collaborate and promote responsible coverage in the spirit of creating a joint new vision for country. A forum consisting of senior editors and media managers will be established to consult and meet regularly with the JCC, Peace Secretariat and Joint Dialogue Management Committee.

IV. TRANSITIONAL ARRANGEMENTS

1. Purpose

The purpose of the following transitional arrangements is to enable EAGs to operate during the transition period of the peace process in order to enable them to take on a strong role in a future Union of Burma/Myanmar.

2. Time frame

These transitional arrangements are agreed on for the period from the signing of this agreement and the implementation of the Final Union Accord – subject to review by the High Level Joint Peace Committee.

3. Political power-sharing

- a) EAGs are granted access to resources, either through
 - i. Tax collection,
 - ii. Engaging in business activity,
 - iii. Receiving aid from the Government or international donors, or
 - iv. Revenue sharing from mega-projects in the territory of EAGs.
- b) EAGs participate in the decision-making on internal migration, resettlement of displaced persons and refugees, and the future reintegration and rehabilitation of combatants.
- c) This includes training and capacity building programs for EAGs to carry out this arrangement of power-sharing.

4. Empowerment of vulnerable groups

During the peace processes women, youth and disenfranchised communities have to be particularly empowered to participate in the peace process.

5. Economic power-sharing

EAGs participate in the adoption of economic development projects that affect the well-being of their populations.

6. Judicial issues

EAGS can continue the practice of their judicial system in their controlled areas.

7. Cultural and environmental issues

- a) EAGs protect their cultural values, traditional and religious practices.
- b) EAGs can voice and address environmental concerns of their communities.
- c) Prior consent has to be obtained from EAGs for any environmental impacts.

8. Land reform issues

- a) EAGs can protect communal lands and forests and fauna and flora.
- b) All confiscation of land has to be stopped.
- d) EAGs and the Government form joint commission to review on confiscated land without the consent of the community.

9: Natural resource management

Environmental impacts assessments shall be conducted in regards to all development projects in ethnic areas. To facilitate such a process, it is agreed that an independent committee shall be formed made up of independent experts.

The principle of free prior consent of concern communities will be obtained for extraction of natural resources from above and underground within ethnic states.

ANNEX 1: SCOPE OF PARTICIPATION

Mechanism	Participants
Joint Ceasefire Committee	1 x Each EAG = 21 (?) 1 x Regional state commands = 10 1 x Chairperson of Peace Committee 1 x Chairperson of Dialogue Management Committee 3 x War Office <u>TOTAL: 36</u> + international observers
Joint Peace Secretariat	1 x each EAG = 21 (?) 1 x regional states = 10 1 x Chairperson of Joint Dialogue Management Committee 8 x Parliamentary Peace Committee (?) (Chairperson and one reps from each state) CBOs (The number to be considered) 3 x War Office <u>TOTAL: 28+</u>
Human Rights Committees	TBC
Panglong Union Conference	300 x 3 <u>TOTAL: 900</u>
National Dialogue Steering Committee	<u>TOTAL: 60</u>
Thematic Committees & Task Forces	TBC (see Annex 6, Panglong Graphic 1)
Joint Dialogue Management Committee and Secretariat	TBC

ANNEX 2: DIALOGUE ISSUES

The following list mentioned some, though not exclusively all, of the relevant dialogue issues which shall be addressed during the National Dialogue:

1. Constitutional reforms (TF)

- a) Powers of the Union Government,
- b) Exclusive powers of the regional authorities,
- c) Concurrent powers shared by the National and the regional authorities,
- d) The role of National and the regional authorities,
- e) The nature of national and the regional authorities.

2. Security reforms (TF)

Review of security laws, including questions about:

- i. the role of security forces at the national and State/regional levels,
- ii. the level of civilian control of the armed forces, and
- iii. the definition/interpretation of a state of emergency and a threat to national security.

3. Economical questions (TF)

- a) Ownership of resources in States/Regions,
- b) Regional development plans,
- c) Sharing regional generated revenues,
- d) Regional co-management of projects impacting on the regions,
- e) Sharing of resources between the National and regional authorities,
- f) Questions about the establishment of Special Economic Zones,
- g) Questions about sustainable economic development.

4. Humanitarian issues (TC)

- a) Access of the regional authorities to humanitarian assistance,
- b) Right of the regional authorities to development their own civilian emergency preparedness plans in coordination with other State/Regional and national governments,
- c) Sharing of humanitarian aid between the National and State/Regional Governments

5. Judicial reforms (TF)

- a) Review the judicial system,
- b) Questions about the judicial system at the National and regional level,
- c) Right of the regional authorities to develop their own legal system based on local customary laws,
- d) Strengthening of the rule of law.

6. Land issues (TF)

- a) Ownership of land in the regions,
- b) Questions about the land tenure system in according with customary laws,
- c) Review farmland laws.

7. National reconciliation (TC)

Creation of mechanism to address and readdress historical injustices against ethnic nationalities.

8. Drug eradication (TC)

Questions of drug eradication, including: the prevention of narcotics, illegal poppy cultivation, drug business and drug smuggling.

9. Infrastructure development (TC)

Questions about infrastructure development, including: the construction of regional airports in an appropriate location, the development of a national highway, and collaboration in ensuring public receive basic services such as water and electricity, food security, health and education.

10. IDP/refugee issues (TC)

Questions about IDP/refugee issues including: resettlement program to restore normal livelihoods for IDPs, systematic relocation, reparation, and resettlement of refugees, customary land ownership and other land rights issues for IDPs, and related questions concerning disputed land ownership.

11. Labor issues (TC)

Questions about labor issues, including: an abolishment of forced labor, unlawful monetary contribution, donations, and other monetary demands, and the enhancement of labor rights.

12. Education standards (TF)

Questions about education standards, including: enhancing educational standards, the promotion of information technology and computer skills, facilitating ease of travels and promoting the social and educational development of the ethnic people residing outside of local states (e.g. aim to gradually building 'local state guest houses').

13. Language and cultural rights (TF)

Questions about language and cultural rights, including: teaching and learning of ethnic languages at the primary education level in schools, and the establishment of cultural and traditional music schools in appropriate places for exchanging, preserving and promoting the ethnic cultures and traditions.

14. Religious rights (TF)

Questions about religious rights, including: the freedom of writing and printing religious texts, the right to own land for religious purposes for both Christians and other religions, the right to freely construct churches and other religious buildings, the right to freely work and communicate with international organizations, and the right to freely proselytize and of freedom of movement and to freely engage in humanitarian works.

15. Non-discrimination (TC)

Questions about non-discrimination, including: the appointment or promotion in civil service position without discrimination on the basis ethnicity, religion or gender.

16. Health standards (TF)

Questions about health standards.

17. Tourism (TC)

Questions about tourism, including: the promotion of tourism in the regions, ensuring that international tourists can travel freely.

18. Media issues (TC)

Questions about media issues, including: the establishment of a community radio broadcast program for each dialectal group with the view of facilitating better interactions in ethnic groups, and the issuing of licenses for registration and production of newspapers, journals, magazines, newsletters, radio, internet and television programs and other works relating to community-based organizations in accordance with the law.

19. Participation of NGOs and role of civil society (TC)

Questions about the participation of NGOs and the role of civil society in Burma.

ANNEX 3: MILITARY CODE OF CONDUCT

**ANNEX 4: CEASEFIRE AGREEMENTS BETWEEN THE GOVERNMENT AND
ETHNIC ARMED GROUPS (NOV. 2011-DEC. 2012)**

DATE	AGREEMENT
Nov. 19, 2011	1. RCSS (SSA-SOUTH) NEGOTIATIONS
Dec. 11, 2011	2. RCSS (SSA-SOUTH) NEGOTIATIONS (LT GEN YAWD SERK)
Dec. 11, 2011	3. DKBA BREAKAWAY (KALO HTOO BAW, SAW LAH PWE)
Jan. 4, 2011	4. WA (SR2) (U PAUK YU CHANG) & MONGLA (UNK)
Jan. 6, 2012	5. CNF NEGOTIATIONS
Jan. 28, 2012	6. KNU NEGOTIATIONS
Jan. 28, 2012	7. SSPP (SSA-N) PRELIMINARY AGREEMENT
Feb. 1, 2012	8. NMSP
Feb. 7, 2012	9. KNU/KNLA-PC NEGOTIATIONS
March 1, 2012	10. NMSP (VICE CHAIRMAN NAI RAO SA)
March 7, 2012	11. KNPP NEGOTIATIONS
April 5, 2012	12. ALP NEGOTIATIONS (KHAI SOE NAING)
April 6, 2012	13. KNU NEGOTIATIONS
April 09, 2012	14. NSCN-K
June 27, 2012	15. PA'O NATIONAL LIBERATION ORGANIZATION (PNLO)
Aug. 26, 2012	16. PA'O NATIONAL LIBERATION ORGANIZATION (PNLO)
Aug. 28, 2012	17. PA'O NATIONAL LIBERATION ORGANIZATION (PNLO)
Dec. 9, 2012	18. CNF NEGOTIATIONS

ANNEX 5: OTHER DOCUMENTS

DATE	AGREEMENT
2012	1. PRELIMINARY FRAMEWORK AGREEMENT (DEC. 2012)
2012	2. STATEMENT OF ETHNIC NATIONALITIES 2012 CONFERENCE
2012	3. STATEMENT FROM CIVIL SOCIETY FORUM FOR PEACE 2012
2013	4. CONSULTATIONS WITH EAG'S LEADERSHIP (JAN.-APRIL 2013)

ANNEX 6: GRAPHICS

1. PANGLONG GRAPHIC 1 (PARTICIPATION)
2. PANGLONG GRAPHIC 2 (PROCESS)