

Joint Monitoring Committee Guideline for Each Level (Draft)

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.

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.

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.

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

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|-----------------------|---------------|
| 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.

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.

6. To be responsible in the implementation of ceasefire and monitoring process, and to report to the JICM if necessary.

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.

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

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. 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 case accordingly with its laws.

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.

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.
18. The JMC-U shall form Verification Teams when necessary, provide them with guidelines, and send them to respective areas to implement their tasks.
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.
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.
21. The JMC-U shall assess the IDPs and returning refugees and jointly facilitate the resettlement of the IDPs and refugees.
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.
23. The JMC-U shall have to right to organize meeting anywhere in the country with the approval of the committee members.
24. The JMC-U shall ensure that no organization shall directly or indirectly prohibit, delay or limit the works of the Verification Teams.
25. The JMC-U shall approve the budget submitted by the JMC-S.
26. The JMC-U shall confirm the cost of joint implementation activities and shall secure funding from the government and donor organizations.
27. If international experts are to be invited as technical advisors and observers, both parties shall review and set the credentials/qualification of the individuals and invite them as necessary. If the JMC-S request international experts as technical advisors and observers, such individuals shall be invited with the approval of the JMC-U.

Meetings and Resolutions of the JMC-U

28. The JMC-U shall hold meetings every two months and shall call for emergency meeting as necessary.
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.
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 form the civilian organizations must attend the meeting to have decision-making power.

Tenure and the Review of JMC-U

31. The tenure of JMC-U shall as decided by the JICM.
32. The JMC-U shall review its activities and structure six months after its formation and afterwards conduct yearly review.
33. This guideline can be amended at a JMC-U meeting in accordance with its Article 30.

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.
- (B) The JMC-S shall be formed as follow:
 1. Chairperson (Government)
Focal – Divisional Commander
 2. Vice Chairperson 1 (EAOs)
A brigadier general or a regional commander appointed by a central committee
 3. Vice Chairperson 2 (Civilian)
 4. Members
 - (aa) Minister, Ministry of Security and Border Affairs
 - (bb) Chief Minister, State/Division
 - (cc) Police Chief, State/Division
 - (dd) EAOs
 - (ee) EAOs
 - (ff) EAOs
 - (gg) 3 Civilians
 5. Secretary 1 (EAOs)
Appointed by a central committee
 6. Secretary 2 (Government)
General Staff (first class)
- (C) In order to practically implement joint ceasefire monitoring works, the JMC-S can amend the numbers of its members, their responsibilities and mandate after agreement by both parties and approved by JMC-U.
- (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.
- (E) Both parties shall do their best to include the participation of women in the JMC-S.

Responsibility of JMC-S

35. The JMC-S has to the responsibility to monitor the compliance of the terms of NCA concerning the armed forces, ceasefire rules and regulations and military code of conduct at the State/Division level, and shall investigate and resolve disputes.

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.

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.

39. The JMC-S shall implement the occasional instruction of the JMC-U on tasks concerning joint monitoring.

40. The JMC-S shall provide guideline for Local Level Joint Ceasefire Monitoring Committee (JMC-L) and shall resolve matters that JMC-L is unable to resolve.

41. The JMC-S shall provide information and report if requested by the JMC-U.

42. The JMC-S shall prepare bi-monthly (every 2 months) financial and activity reports on its monitoring works, and shall submit them to the nearest JMC-U meeting.

Mandate of the JMC-S

43. The JMC-S shall confirm the structure, task guidelines, and implementation boundaries for the Local Level Joint Ceasefire Monitoring Committee (JMC-L) in accordance with the structure, responsibilities, mandate, and basic principles approved by the JICM by obtaining the approval of the JMC-U.

44. In the event that a signatory party violates terms of the NCA that are relevant to the JMC, the JMC-S shall resolve the issues to the best of its ability. If issues that are beyond the capacity of the JMC-S arise, the JMC-S shall pass such matters to the JMC-U.

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 parties meet.

46. Based on the focal point representatives in JMC-S from the government and the EAOs, each JMC-S shall form Verification Team as needed and assign them with tasks and send them to relevant areas. The Verification Team shall function as a part of the Joint Ceasefire Monitoring mechanism.

47. The JMC-S shall approve list, submitted by the JMC-L, of individuals at village level who have been accepted by both parties to perform monitoring tasks.

48. The JMC-S shall cooperate in the safe and dignified return of the IDPs and refugees.

49. The JMC-S shall have the right to hold meeting at any location in the State/Division with the approval of the committee members.

50. The JMC-S shall ensure that no party or group directly or indirectly prohibits, delays, or limits the works of the Verification Team.

51. The JMC-S shall prepare budget for both itself and JMC-L and submit it to the JMC-U.

52. The JMC-S may request the JMC-U in advance to invite international experts accepted by both parties as technical advisors on monitoring matters so long as such invitation does not harm the sovereignty of the country and the implementation of the NCA.

Meetings and Resolutions of JMC-S

53. The JMC-S shall have a regular monthly meeting and shall call for emergency meeting when necessary.

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.

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.

Tenure and the Review of JMC-S

56. The tenure of JMC-S shall be determined by the JMC-U.

57. The JMC-S shall review its activities and structure 3 months after its formation and afterwards conduct yearly review.

58. This guideline can be amended at a JMC-S meeting in accordance with its Article 30 (60 in the original Burmese version).

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, a total of 8 members.

(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*

- (C) The formation and tasks of JMC-L can be amended in response to the needs at local levels with the agreement by both parties and by obtaining the approval of the JMC-S.
- (D) The JMC-L may invite responsible persons from both parties to attend its meeting when necessary.
- (E) Both parties shall do their best to include women in the JMC-L.

Responsibilities of JMC-L

60. In addition to assisting the JMC-S, the JMC-L shall perform monitoring, verification, and disputes resolution through negotiation.

61. Disputes beyond the capacity of JMC-L shall be passed to JMC-S in a timely manner.

62. The JMC-L shall submit monthly activities and financial report to the JMC-S.

63. The JMC-L shall provide information requested by different level of JMC.

64. The JMC-L shall freely select individuals agreed by both parties at village level to perform tasks of monitoring, and shall submit its selection to the JMC-S for approval. The approved monitoring individuals shall perform their tasks as prescribed in the guideline.

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

Mandate of the JMC-L

66. The formation, responsibility guidelines, and implementation boundaries of the JMC-L shall be submitted to the JMC-U for approval.

67. Each JMC-L shall form its Verification Team if necessary after agreement by both parties, and shall send them for tasks to relevant areas.

68. The JMC-L shall cooperate with the JMC-S in facilitating the return of IDPs to ensure a safe and dignified return.

69. The JMC-L shall have the right to hold meeting at any location in the local level with the approval of the committee members.

70. The JMC-L shall ensure that no party or group directly or indirectly prohibits, delays, or limits the works of the Verification Team.

Meetings and Resolutions of JMC-L

71. The JMC-L shall have regular monthly meeting and shall call for emergency as necessary.

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 JMC-S shall have a quorum if 2 representatives each from the government and the EAOs.

73. The JMC-S shall make meeting decisions through negotiation.

Tenure and Review of JMC-L

74. The JMC-U shall determine the tenure of the JMC-L.

75. The JMC-S shall review its activities and structure 3 months after its formation and afterwards conduct yearly review.

76. If the guideline needs amendments at local level, amendment proposal shall be submitted to a respective JMC-S for approval.

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 the EAOs, a total of 4 members.
- (B) The Verification Team's civilian representatives at JMC-U and JMC-S shall be members of respective JMC, and 1 representative each from the government and the EAOs shall be members of respective JMC. The Verification Team's civilian members at JMC-L level do not have to be members of any JMC.
- (C) The chairperson of a relevant JMC shall appoint the leader of the Verification Team from the civilian representatives.
- (D) The Verification Teams can be reformed as necessary.

Responsibility and Mandates

78. The Verification Team shall collect information within a given period in order to decide on complains and disputes. In doing so, the Verification Team shall:

- (A) The Verification Team shall connect with relevant JMC offices and shall be ready at all time.
- (B) The verification tasks shall be performed only with the permission of a relevant JMC.

- (C) When an investigation is needed, the Verification Team may request assistance from both parties, and the parties shall provide such assistance.
- (D) The Verification Team may request assistance and information related to its investigation from anyone.
- (E) The Verification Team shall report any direct or indirect act that prohibits, delays, and limits its works to a relevant JMC immediately.
- (F) The JMC shall be responsible for the administration and financial cost of the Verification Team.
- (G) The Verification Team shall safeguard all the evidence and information it obtains and present all of it to the relevant JMC within the designated time.
- (H) The relevant organizations and departments shall be responsible for the safety and protection of members involved in the verification process and individuals providing information.
- (I) All team members of a Verification Team shall sign the Team's report.
- (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.

Chapter 7 Complain Mechanism

79. Complains on violations of the NCA terms concerning troops, military code of conduct, and ceasefire rules and regulations shall be made as follow:

- (A) At the JMC-L offices.
- (B) At the JMC-S offices. (Note: In the event when complains are brought to the EAOs liaison offices, village, township, or provincial general administration office, each level of relevant JMC shall accept the complains and take action.)

Chapter 8 Dispute Resolution and Taking Action

80. If the Verification Team determines that a violation has been committed and reports such violation, relevant JMC shall take the following actions within a time frame.

- (A) For a Minor Violation, action shall be taken against the violator by his/her superiors in accordance with their organization's procedure and laws.
- (B) For a Serious Violation, the JMC send an official letter to the relevant organization, confirming a violation has been committed.
- (C) For an extremely Serious Violation, the JMC-U shall verify it, and send its investigation result to relevant organization, which shall take action in accordance with its own procedure and laws.

81. Each organization shall send its report on the action take to the relevant JMC. Moreover, if the complain comes from neither organization, the relevant JMC shall also inform the complaining party on how action has been taken on the complained violation. The relevant JMC has the responsibility to make sure that the violator or the complainer completely understands the action taken.

82. The action taken by the JMC shall not violate the citizen's rights protected by the law.

Chapter 9
General Provision

83. Members and staff of the JMC shall not disclose any information concerning monitoring to any organization or individuals not related to the JMC without the permission of the JMC.

84. Documents and information at each level of JMC shall be kept confidential and all involved in the monitoring shall abide by that confidential rule.

85. Only the spokesperson at each level of the JMC shall have the right to speak to media or the public.

86. If the provisions in the JMC guidelines need to be amended, amendments can be proposed with the agreement of the JMC members, and the proposed amendment shall be submitted to the JICM for its approval.

87. Both parties are responsible for the safety and protection of witness, informants, and complainer.

88. Representatives of both the government and the EAOs agreed to successfully implement the joint ceasefire monitoring mechanism.
