

Military Code of Conduct Between the Government of Burma and Ethnic Armed Organizations in Accordance with the NCA

November 18, 2015

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.
2. Both parties agreed to implement the military code of conduct on the principles of honesty, transparency, and accountability.

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.

**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.
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.
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.

**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.
 - (A) Cooperation to assist in the livelihood, health, education, and regional development of the people.

(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.

(C) No civilians shall be forcefully relocated.

(D) No money, properties, foods, labor, and services shall be demanded from 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.

(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.

(H) No one shall interfere with the right to education, destroy academic facilities, and prevent educators from working and students from learning.

(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.

(J) There shall be no interference in the civilians' storage of food items, or the transporting or trading of their goods and crops.

(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.

(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.

(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.

(O) There shall be no slavery or force labor on the people.

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

(Q) Civilians shall be allowed to travel freely in ceasefire areas without fear.

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 NCA and the contents of the NCA shall be explained within 5 days.

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

(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.

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.

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

Chapter 4 General Matters

(11) This mutual agreement shall be legally binding during the period of the implementation of the ceasefire between government and the EAOs. Should amendments to the agreement are necessary during the said period, both parties shall negotiate and obtain the approval of JICM.

(12) This agreement was signed in Naypyitaw on November 18, 2015 at the second meeting of the implementation of the NCA.

Representatives of the Government

1. Lt. Gen. Ya Pyit
Commander, No. 2 Special Operation
2. U Khin Maung Soe
Union Minister
3. Lt. Gen. Ye Aung
Chief, Military Law
4. Maj. Gen. Tun Tun Naung
Commander, No. 1 Special Operation
5. Maj. Gen. Aung Kyaw Zaw
Commander, No. 3 Special Operation
6. Maj. Gen. Min Naung
Commander, No. 4 Special Operation
7. U Myint Soe
Retired Lt. Gen.
8. Maj. Gen. Aung Soe
Deputy Minister, Ministry of Interior
9. Col. Wun Na Aung
Office of the Ministry of Defense (Army)
10. Dr. Min Zaw Oo
Director, MPC

EAOs

1. Maj. Gen. Saw Isaac Poe
Quartermaster General, KNLA
Permanent Central Committee, KNU
2. Maj. Gen. Saw Nay Soe Mya
Adjutant General, KNU/KNLA (PC)
3. Dr. Shwe Kah
Joint Secretary, CNF
4. Col. Saw Kyaw Than Htay
Chief Liaison Officer, DKBA
5. Lt. Col. Khun Aung Mang
PNLO
6. Salai Yaw Aung
ABSDF

7. Lt. Col Khine Myo Chit
ALP
8. Col. Hsaung Han
RCSS
9. Padoh Saw Ta Doh Moo
KNU
10. Sai Liang
RCSS