



BRIEFING PAPER NO.19

NOVEMBER 2013

THE LAIZA AGREEMENT

STATING THE TERMS FOR NATIONWIDE CEASEFIRE AND STRENGTHENING ETHNIC UNITY



From 30 October to 2 November 2013, an unprecedented meeting took place at the Kachin Independence Organisation headquarters in Laiza. For the first time, representatives of 17 armed ethnic opposition groups were able to meet in Burma with the consent of the Government.¹ The meeting came at a time when ethnic unity was questionable and the Government's armed forces continued to fight with armed ethnic groups in Kachin and Shan States.

The Laiza meeting came at a time when factionalism and rivalries within the armed ethnic movement were at their strongest. The United Nationalities Federal Council (UNFC) and the Working Group for Ethnic Coordination (WGEC) had jointly created a Framework agreement for peace that would outline the composition, the mandate, the structure, transitional arrangements, and core principles.² However, concerns in relation to who would take control of the overall process soon emerged and the UNFC decided to pursue its own agenda (see Briefing Paper 16 - The UNFC and the Peace Process).

For its part, the WGEC, through the RCSS and KNU, presented its framework to the Government on 31 August 2013 and prepared, in opposition to the UNFC at that time, to sign a nationwide ceasefire agreement. With concerns mounting over disagreements within the armed ethnic opposition, the KIO arranged for a conference that would bring all sides together. The main aim of the conference was to discuss the way forward in relation to not only a nationwide ceasefire but also to the Government's assurance of political dialogue in the future.

The KNU and RCSS had already outlined what they wished to see prior to the conference in an 8-point statement:

1. In order to begin a political dialogue, the Government of Myanmar has invited ethnic armed groups to sign a nation-wide ceasefire.
2. To prepare for the political dialogue, the KIO has invited ethnic armed group leaders to an Ethnic Armed Group Conference.

3. On 31 August 2013, the KNU and the RCSS proposed a Framework for a Political Dialogue, developed jointly by the armed groups, to the Union Peacemaking Work Committee.
4. KNU and RCSS leaders will participate in this Conference to brief KIO and other ethnic leaders about the Framework, to build understanding and consolidate ethnic unity.
5. The Framework for a Political Dialogue calls for :
 - All stakeholders including all armed groups, political parties, civil society, Parliament, the Burma Army, the government, etc. to participate in the political dialogue,
 - Joint management by all stakeholders of the political process,
 - A legal mechanism to ensure that the political dialogue process will continue after the 2015 elections,
 - The Political Dialogue will deal with constitutional and other important issues such as power-sharing, security sector reform, land reform, revenue sharing, judicial reform, etc.
6. The nation-wide ceasefire Agreement includes:
 - Ratification of previously signed ceasefires at the State and Union-level,
 - A joint military Code of Conduct with regard to the nation-wide ceasefire,
 - A joint mechanism to monitor the nation-wide ceasefire,
 - A joint mechanism to manage problems that arise from implementing the ceasefire.
7. The nation-wide ceasefire agreement calls for discussions on the Framework for a Political Dialogue within 2 months of the signing. It also calls for the political dialogue to begin within 4 months of the signing.
8. The nation-wide ceasefire agreement will have a provision for those groups that are not yet ready, to sign later.³

The statement ended:

We are optimistic that the Conference [will] lead to a political dialogue.

While there was still major trust building to be done involving all parties, the conference would give armed ethnic groups the opportunity to strengthen their collective negotiating power. Although a number of parties had sought to control the peace process, and thus weakened it considerably, the Laiza meeting could provide the opportunity for all ethnic groups to find a common ground.

The UNFC's secretary 2, Khun Okker, when asked whether there was likely to be confrontation at the meeting stated that:

I don't think there's any confrontation emerging. The RCSS or KNU, or whatever the group is, we are all ethnic groups. We have been working together for a long time . . . If everybody else agrees, they will also agree . . . Especially the KNU, who is the leading member of the UNFC. The KNU has continuously led the coalition forces and they are also leading at the moment. Therefore, the KNU's desires seriously reflect our coalition forces . . . The RCSS is not a member of the coalition forces. But we have to value their desires. Therefore, I think we have no big differences. We can settle if there are any.⁴

Although there had been numerous concerns prior to the conference, it appeared that such worries could be addressed. General Mutu Say Poe, Chairman of the KNU, noted during the conference that:

Different things may come out of this conference. Unity is of great importance, to meet the wishes and aspirations of all of our ethnic organisations . . . Understanding is also a key factor. We must build unity only through rich diversity of opinion. We KNU believe this.⁵

This Laiza conference finally resulted in the creation of a 13 member Nationwide Ceasefire Coordinating Team (NCCT) and the signing of an ‘**11-Point Common Position of Ethnic Resistance Organisations on Nationwide Ceasefire**’ or Laiza agreement. The agreement was made to discuss the following points with the Union Peacemaking Work Committee (UPWC) at the next meeting in Myitkyina:

1. Basic Principles
 - 1.1 Commitment to Peace;
 - 1.2 Recognition of Panglong Agreement;
 - 1.3 Genuine Federal Union System;
 - 1.4 Formation of Federal Union Armed Forces;
 - 1.5 Protection of the basic rights of the ethnic nationalities;
 - 1.6 Equality;
 - 1.7 Inclusivity;
 - 1.8 Achieving agreement by consensus;
 - 1.9 Cooperation and Coordination;
 - 1.10 Transparency and Accountability;
2. Aims & Objectives
 - 2.1 Building mutual trust;
 - 2.2 Cessation of confrontation and hostilities;
 - 2.3 Respect for and implementation of ceasefire rules agreed to by all;
 - 2.4 Reaffirming and sustaining the agreements and promises between the Government and the ethnic armed organizations, and starting political dialogues leading to durable and just peace;
 - 2.5 Meaningful political dialogues leading to establishment of the Federal Union comprised of ethnic-based member states;
3. Laying Down a Political Road Map Acceptable to Both Sides
 - 3.1 Achieving agreement on all-inclusive "Framework for National Political Dialogue";
 - 3.2 Signing nationwide ceasefire accord;
 - 3.3 Holding national level political dialogues;
 - 3.4 Holding the union level conference, based on Panglong spirit and principles and signing Pyidaungsu Accord (Union Accord), relating to the ethnic nationalities;
 - 3.5 Ratification of the Pyidaungsu Accord, relating to the ethnic Nationalities;
 - 3.6 Implementing the terms of the Pyidaungsu Accord, relating to the ethnic nationalities;
4. Main Terms that shall be Included in the Nationwide Ceasefire Accord
 - 4.1 Issues relating to armed forces;
 - 4.2 Issues relating to liaison offices;
 - 4.3 Promising to hold political dialogues;
 - 4.4 Drafting and adopting of framework for political dialogue;
 - 4.5 Protection of civilians;

- 4.6 Agreeing to military code of conduct;
- 5. Implementation
 - 5.1 Implementing, in practice, the joint monitoring system;
 - 5.2 Forming a joint committee, which will continue to implement the convening of political dialogues;
 - 5.3 Forming independent human rights watch committee;
 - 5.4 Defining a time line and implementing in accordance with it;
- 6. Principles for trust building activities
 - 6.1 Good faith;
 - 6.2 Freedom of movement;
- 7. Removal of organizations from Illegal Associations Acts, and related issues
- 8. Transitional Programs for the Period between the Negotiations and the Political Dialogues
 - 8.1 Sharing of administrative powers and exercising those powers;
 - 8.2 Division/Sharing of economic powers and implementation
 - 8.3 Issues relating to law reform;
 - 8.4 Issues relating to culture and environment;
 - 8.5 Issues relating to land reform;
 - 8.6 Issues relating to management of natural resources;
 - 8.7 Issues relating to border, territory, immigration and trade;
 - 8.8 Issues relating to mega-economic projects;
 - 8.9 Issues relating to narcotic drugs eradication;
- 9. Signing
- 10. Ratification
- 11. Miscellaneous

Although news reports suggested there were still disagreements over the priorities in relation to which was the more important the nationwide ceasefire or political dialogue, the outcome of the meeting was considered extremely positive.



According to Khun Okker, there were a number of successful outcomes at the meeting. He cited one case relating to the relationship between the Karen Peace Council, the Klo Htoo Baw Battalion and the Karen National Union. Previously the two former groups had not held the same position in relation to the KNU's perceived conciliatory stance towards the Government. However, at the Laiza meeting, the two had been able to reconcile any differences they previously had.⁶

Despite the success of the meeting and the creation of the NCCT, the RCSS did not sign the Laiza agreement, stressing that although they were “completely in agreement in principle”:

. . . Concerning the signing of the [ceasefire] agreement, however, the RCSS will make a decision after approval by the Committee for Shan State Unity (CSSU) and the upcoming meeting between the Nationwide Ceasefire Coordination Team (NCCT) and the Union Peacemaking Work Committee (UPWC), over the 14-point Nationwide Ceasefire Agreement proposed by the Myanmar government, to be held at Hpa-an in Karen State in December 2013,

The Laiza agreement was presented to the Union Peacemaking Work Committee (UPWC) in Myitkyina, the Kachin State Capital, on 4 November 2013. It was here that major concerns were raised in relation to the role of the Burma Army in the talks. Lt-Gen Myint Soe, commander of the government's bureau of special operations for Kachin State and Lt-Gen Thet Naing Win, Burma's minister of border affairs were present at the meeting and presented their own 15 Chapter agreement. The main issue of contention between the two sides was in relation to the creation of a Federal Union Army. Consequently, the nationwide ceasefire, which had originally been scheduled to be signed in November was postponed until after a further meeting to be held in Pa-an, Karen State, in December 2013.

To prepare for the Pa-an meeting, the NCCT met to discuss the army's proposal from 26-28 November in Chiang Mai. The NCCT led by Kwe Htoo Win (KNU), Nai Han Tha (NMSP/UNFC) and General Gun Maw (KIO) concluded that many of the military provisions included in the proposal were unacceptable. According to Nai Han Tha:

The ceasefire draft called for us to surrender our arms and stay within the 'existing law,' which are terms that we cannot accept . . . We thusly voided the facts that prohibit us from recruiting, extending new camps, gathering arms, and collecting taxes from our people.⁷

General Gun Maw concurred noting that:

The government has shown [in this draft] what they want, but they will not get all of it . . . We have to continue negotiating several items, beginning with the point that the KIO and the rest of the armed organizations cannot consent to [the government's] disarmament terms. We need to stand up for our rights.

While the Burma Army's agreement did not specifically state that armed groups had to surrender their weapons, ethnic leaders believed that the terminology used implied such an outcome was unavoidable in the future.⁸

In addition to such concerns, participants at the Myitkyina meeting have suggested that terms included in the proposal presented by the Burma Army were unexpected and caught U Aung Min, the Government's negotiator, by surprise. As a result of the Burma Army's proposal, the process has been delayed while armed ethnic groups reassess their position. Although the follow-up meeting in Pa-an was originally planned for the middle of December it has since been cancelled and further meetings are not expected to take place until January 2014.

While the Laiza meeting was extremely successful in reinforcing ethnic unity, the Burma Army's involvement in the process has raised numerous questions in relation to any forthcoming political dialogue. Although the Thein Sein government remains ostensibly in charge of the peace process, and the military's participation in designing a nationwide ceasefire is essential, any direct army involvement in political dialogue should be a major concern for all the actors involved.

¹ Neither the UWSA nor the NDAA-ESS attended

² Deciphering Myanmar's Peace Process, BNI, January 2013

³ 'Joint Statement KNU and RCSS', 26 October 2013

⁴ 'Major disagreements unlikely at Laiza peace talks, says UNFC', Eleven Media Group, 31 October 2013

⁵ 'Ethnic armed groups conference makes progress in Laiza', Eleven Media Group, 31 October 2013

⁶ Personal conversation with Khun Okker, 21 November 2013

⁷ 'NCCT Rescinds elements of Ceasefire Agreement', Phanida, Mizzima, 28 November 2013

⁸ Personal conversations with ethnic leaders who had attended the Mytikyina meetings.