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# Forestry management and peacebuilding in Karen areas of Myanmar



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# **Forestry management and peacebuilding in Karen areas of Myanmar**

Stephen Gray

**January 2019**

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# Abbreviations

<b>CSO</b>	Civil society organisation
<b>EAO</b>	Ethnic armed organisation
<b>IDP</b>	Internally displaced person
<b>INGO</b>	International non-governmental organisation
<b>KESAN</b>	Karen Environmental and Social Affairs Network
<b>KFD</b>	Kawthoolei Forestry Department
<b>KNU</b>	Karen National Union
<b>MPSI</b>	Myanmar Peace Support Initiative
<b>NCA</b>	Nationwide Ceasefire Agreement
<b>NGO</b>	Non-governmental organisation
<b>NLUP</b>	National Land Use Policy
<b>SPP</b>	Salween Peace Park
<b>WWF</b>	World Wide Fund for Nature

# Executive summary

The purpose of this report is to provide international donors, implementing organisations and Myanmar partners with practical strategies to support peacebuilding in Karen-inhabited areas in the southeast of Myanmar. The briefing is based upon primary field research in government- and non-government-controlled Karen-inhabited areas, secondary literature research, more than 30 key informant interviews, and a validation workshop involving 25 key stakeholders including Karen National Union (KNU) officials, retired Myanmar government officials, international non-governmental organisation (INGO) representatives and Karen civil society representatives.

Myanmar's peace process is a critical strategic peacebuilding investment for the international community, as it is the only mechanism available to seek solutions to more than half a century of devastating civil war in the country. International supporters of Myanmar cannot afford to let it be de-prioritised because of the faltering state of national-level negotiations in the peace process, or the (understandable) pull of international attention towards the Rohingya crisis.

Although continued support for national-level peace process negotiations and mechanisms must continue, the current impasse in national-level processes does provide impetus to maintain progress via complementary support to *sub-national* peacebuilding, which has received relatively less international attention.<sup>1</sup> These opportunities include implementing existing provisions of the 2015 Nationwide Ceasefire Agreement (NCA), strengthening sub-national administrative regimes and relationships and collaboration between state and non-state counterparts, promoting policies and laws that better reflect and protect the interests of communities rather than elites, and institutionalising multi-party consultative procedures with local people in conflict-affected areas. The strategies speak to the importance of improving 'vertical relationships' of accountable governance between political and military leaders and local populations, not just 'horizontal relationships' across political, military and identity divides. These transformations could and should serve to protect and expand the direct experience of peace that has been enjoyed by some communities in Myanmar since the current peace process began.

This report focuses on the southeast of Myanmar as these are the geographical areas primarily covered by Myanmar's 2012 bilateral ceasefires and 2015 NCA. It is here that Myanmar's fragile peace gains must be protected and built upon, to support the country's essential political transformation: beyond ceasefires and towards the agreement and implementation of a comprehensive peace agreement that can sustainably end the civil war. The KNU, as the (politically) leading ethnic armed organisation (EAO) in the country's peace process, should be a key focus of these efforts, as should its long and relatively well-established governance mechanisms, which provide modalities to explore essential questions concerning 'interim arrangements' and 'federalism'.<sup>2</sup>

Improved governance of natural resources should be a particular focus of peacebuilding initiatives because it offers the necessary means to 1) mitigate conflict risks that have undermined Myanmar's previous attempts to address the country's essential peacebuilding questions, 2) promote respect for pluralism through the recognition and reinforcement of the identities, rights and practices of ethnic minorities, and 3) support the devolution of governance (in this case forestry management) to sub-national authorities, including non-state actors, consistent with the peace process's stated goals of creating a democratic federal union.

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1 A. South et al, *Federalism: Exploring interim arrangements in the Myanmar Peace Process*, Myanmar Interim Arrangements Research Project, Yangon: Joint Peace Fund, 2018

2 *Interim Arrangements* refers to clauses in chapter 6 of the NCA, which formally recognise the governance functions of signatory EAOs, call for consultation and adherence to EITI procedures when projects may have major civilian impacts, and proposes that the Myanmar government and EAOs better coordinate in areas of EAO concern. Critically, parties to Myanmar's peace process have different understandings, prioritisation and prescriptions in regard to both interim arrangements and federalism.

The report focuses on peacebuilding via forestry management in particular because forests are a critical resource for Myanmar people, and for ethnic minorities in particular, including the Karen. Focusing on forestry management provides an opportunity to recognise the rights, practices and governance responsibility of ethnic minorities within a future democratic federal union. The peacebuilding value of improving forestry management also stems from the potential of peacebuilding interventions in the forestry sector to further essential debates in the country's peace process, including questions of state versus non-state administrative control, devolution of power and resource-sharing, self-determination and recognition of customary rights and land ownership, internally displaced person (IDP) and refugee return, gender and social inclusion, and environmental conservation. Neglecting forestry management in conflict-affected areas historically and contemporarily, conversely, is linked to increased conflict risks and highly adverse social and environmental impacts.

The challenge for the international community, in partnership with Myanmar and Karen partners, is to transform these historical 'resource curse' dynamics in the forestry sector into policies and practices that are more transparent, pro-poor, environmentally sustainable and supportive of peacebuilding.

This report presents Karen and non-Karen examples of forestry (and other natural resource) management practices that have already produced positive peacebuilding impacts in conflict-affected areas, which international donors and implementing organisations can learn from. These include shared state and non-state interests and potential for collaboration in support of community forestry initiatives; successful community interventions to prevent or respond to illegal logging; activities by international donors and implementing organisations that encourage state and non-state collaboration, gender-sensitivity, and participatory policy processes that better respect human rights and recognise customary practices; and policy formalisation of pro-peace customary forestry management practices.

Learning from these examples, and mindful of the dynamics of the national peace process and the fragile situation in the southeast, several *principles for effective peacebuilding* in the current context are elaborated in this report, which include:

- The value of 'middle-out' (civil society or non-governmental organisation (NGO)-led) peacebuilding strategies, alongside the relatively prevalent 'top-down' (government-, donor- or EAO-led) strategies of the peace process and internationally assisted development more generally;
- Respecting fragility of the southeast parts of Myanmar by promoting smaller, scalable and Karen-led natural resource management initiatives, rather than large-scale development or conservation projects undertaken by international stakeholders in sole partnership with the Myanmar government;
- Seeking wherever possible to recognise and strengthen what is already working (particularly in regard to EAO, grassroots and civil society initiatives) rather than initiating new projects;
- Seeking a 'triple green light plus' approach to consultation and consent in contested areas where possible, whereby the Myanmar government, local populations and EAOs at both central and district/brigade level are informed of, and ideally give their consent to, projects; and
- Promoting projects that support Myanmar's political transition towards federalism by encouraging the sub-national devolution of natural resource management.



The report ends with recommendations for a range of *practical peacebuilding strategies*, including:

- International assistance to strengthen administration capacities of the KNU's Forestry Department;
- University and vocational training programmes and scholarships that prepare the next generation of Karen forestry managers;
- Recognition of ethnic minority customary forestry practices and titling in national policies and laws;
- Dialogue events and collaborative forestry management activities between the Myanmar Forestry Department and KNU Forestry Department; and
- Piloting joint community forestry or conservation project in a mixed control area.

# 1. Introduction

The purpose of this report is to provide donors, implementing organisations and local partners with an assessment of possible strategies and risks of supporting peacebuilding in Karen-inhabited areas in the southeast of Myanmar via improved forestry management. The recommended principles and strategies for peacebuilding are based on an analysis of examples of responsible natural resource management that have already produced peace dividends, as learning and recommendations based upon positive examples are relatively rare compared to analyses of the conflict risks of irresponsible natural resource exploitation.

This report draws on primary field research and secondary research undertaken by the Kaw Lah Foundation, commissioned by International Alert. That research included more than 30 key informant interviews, primary field research using focus group discussions in 11 villages in Hpa-an and Kyain Seik Gyi Townships under Myanmar government, KNU, and mixed Myanmar government and KNU control,<sup>3</sup> and a one-day validation workshop involving 25 representatives of civil society organisations (CSOs), EAOs, community-based organisations, retired Myanmar government officials, INGOs and international donor organisations. The locations of this research are mapped in the Annex. While both state and non-state parties to Myanmar's civil war conflict were interviewed for this report, some sections focus in more depth on the policies and practices of non-state actors – namely the KNU – as this non-state actor controls the bulk of the forested territory in Myanmar's southeast, and has a governance responsibility that is critically underresourced, and not well understood by the international community. While the findings of this report may provide insights related to other natural resource sectors or geographies within Myanmar, issues, actors and conditions do vary widely by sector and geography, so care should be taken in extrapolating these findings too broadly.

## What is the relationship between peacebuilding and natural resource management?

Improved governance of natural resources can support peacebuilding in Myanmar by 1) mitigating conflict risks associated with natural resources that have blighted Myanmar's previous ceasefire periods, 2) promoting pluralism through the recognition and reinforcement of the identities, rights and practices of ethnic minorities, and 3) supporting the devolution of governance (in this case forestry management) to sub-national authorities, including non-state actors, consistent with the peace process's stated goals of creating a democratic federal union. Strengthening gender inclusion and community participation in natural resource management will also contribute towards a positive peace.

These peacebuilding goals can and should be pursued consistent with the goals and processes of the country's peace process. Myanmar's peace process is a set of national and sub-national negotiations, agreements and security mechanisms intended to end more than half a century of organised armed conflict between the Tatmadaw (Myanmar army) and approximately 20 non-state armed groups, known locally as EAOs. Despite the relatively high visibility of the Rohingya crisis since 2017, Myanmar's peace process remains an essential peacebuilding investment for the international community, as it is the only mechanism currently available to seek solutions to more than half a century of civil war. In the context of a challenging national political environment, this report makes the case that international support can yield high peacebuilding dividends if there is increased focus on sub-national governance of natural resources, a high leverage and relatively poorly supported theme.<sup>4</sup>

3 The village names, state, non-state or mixed administrative status, and KNU military brigade area included: Ya Khine Kaung, Wildlife sanctuary (mixed), Brigade 7; Taung Tee village (mixed), Brigade 6; Kyone Kone village (mixed), Brigade 6; Htee Hmu Htar (mixed), Brigade 6; Kah Hto Htar (mixed), Brigade 6; Lay Kay Kaw (mixed), Brigade 6; Kyun Taw (mixed), Brigade 6; Shwe Ko Ku village (Myanmar government), Brigade 6; Down Paya village (Myanmar government), Brigade 7; Noe Poe (KNU), Brigade 6; and Aw Lae (KNU), Brigade 6.

4 A. South et al, 2018, Op. cit.

Learning from history, improving natural resource management should be a key thematic concern in the current post-ceasefire era. Following the 1989–1995 ceasefire agreements, the Tatmadaw, Myanmar government entities, EAOs and private investors built new roads that improved access to natural resources in previously remote border areas. These developments came at a huge cost in natural resource depletion, environmental degradation, loss of livelihoods, disruptions to customary and conservation practices, and public grievance, and the maintenance of conflict economies that fuel violence.<sup>5</sup> Irresponsible exploitation of forest resources was a significant part of this problem, and still raises concerns about the adverse potential of ‘ceasefire capitalism’ in conflict-affected border areas.<sup>6</sup>

The EAOs that had signed the 1989–1995 ceasefires, most notably the Kachin Independence Organisation in the country’s north, were then ultimately unsuccessful in the ensuing attempt to achieve their political goals via the pre-2008 political dialogue process – the national convention – and since 2011 have found themselves at war again with the Tatmadaw.<sup>7</sup> Based upon this history, Myanmar’s ethnic communities, civil societies and EAOs have been sceptical about the potential for the current (post-2012) peace process to fulfil ethnic minority political goals.

The primary and secondary research underpinning this study reiterated these concerns, particularly among ethnic minority populations, that the historical pattern of irresponsible economic exploitation rather than comprehensive political solutions will be repeated in the current ceasefire period. These concerns are evident in civil society calls for ‘no development before peace’,<sup>8</sup> typically meaning that no large-scale development projects should occur in ceasefire or active conflict areas until a comprehensive peace agreement is reached and Myanmar’s 2008 Constitution is changed. However, it is not realistic to expect that development will or could wait for these political changes, which are long-term aspirations at best, but neither can the historical experience of unbridled, damaging natural resource extraction be allowed to reoccur. The challenge for local and international supporters of peacebuilding in Myanmar is to locate and carefully implement ‘middle ways’ of responsible development alongside improvements in natural resource management and broader governance arrangements, as further discussed below.

## Why focus on sub-national peacebuilding alongside the national peace process?

Moving beyond ceasefires to sustainable peace agreements in Myanmar requires support for and recognition of the roles and interests of non-state actors and CSOs. The KNU, a non-state actor that features heavily in this report, is the leading EAO in the country’s peace process, by virtue of its relative political power and as pre-eminent signatory to the country’s flagship 2015 NCA. Yet international supporters have provided relatively little direct support to non-state actors (compared to the assistance provided to the Myanmar government), which has forgone a range of peacebuilding opportunities. These include implementing existing provisions of existing peace agreements such as the NCA, strengthening sub-national relationships and collaboration between state and non-state administrative regimes, and institutionalising administrative and consultative procedures that provide peace dividends for people in conflict-affected areas.

Moving beyond ceasefires to sustainable peace agreements also requires support for peacebuilding processes in sub-national geographies within the country, not just the national-level peace process.<sup>9</sup> Compared to the

5 K. Woods, Forest governance, timber trade legality and ethnic conflict in Myanmar, Forest Trends presentation, Washington DC, 2015

6 See, for example, Murky timber deal raises doubts over Myanmar’s commitment to forestry reform, Environmental Investigation Agency, 19 September 2018, <https://eia-international.org/murky-timber-deal-raises-doubts-myanmars-commitment-forestry-reform/>

7 K. Woods, Ceasefire capitalism: Military–private partnerships, resource concessions and military–state building in the Burma–China borderlands, *The Journal of Peasant Studies*, 38(4), 2011, pp.747–70

8 This call rarely implies no development at all, but rather refraining from large-scale extractive, conservation or infrastructure projects, or any outsider-initiated developments that are undertaken without the free, prior informed consent of local populations.

9 A. South et al, 2018, Op. cit.

## Research locations for the primary study



support provided to advanced national-level peace process mechanisms, such as ceasefire monitoring or national-level dialogues, international actors have provided relatively limited assistance towards these kinds of sub-national opportunities. They should now be seen as a critical pathway to ensure ongoing momentum of the peace process, given the impasse in national-level negotiations. In October 2018, the KNU Central Standing Committee held an emergency meeting to address critical deadlocks, and pointed to the dire status of elite-level negotiations with the Myanmar government.<sup>10</sup> The scenario of the peace process breaking down engenders a range of highly undesirable scenarios, including the reversal of the peace dividends enjoyed by local communities in the southeast of Myanmar since 2012, renewed conflict between the Tatmadaw and opposition fighting forces, and loss of the best chance in half a century to resolve some of the country's vexing political questions. The apparent deadlock in negotiations between national leaders does not imply that the international community should give up on support for national-level peace process mechanisms, but does provide impetus to consider how complementary sub-national peacebuilding interventions can maintain the peace process's overall progress and protect against the undesirable consequences of its breaking down.

## Why focus on forestry management in particular?

Focusing on forestry management provides a peacebuilding opportunity because it is important to Myanmar in general, and to the Karen people in particular. Myanmar is famous for its high-value timber, especially teak. Many people in Myanmar, particularly in rural, upland, ethnic minority areas, rely on forests or forest products for their livelihoods, which are rapidly shrinking. The southeast is still largely forested, albeit degraded in places,

<sup>10</sup> KNU, Statement of the Central Standing Committee's 5th Emergency Meeting after the 16th Karen National Union Congress, 6 October 2018, <https://www.burmalink.org/statement-of-the-central-standing-committees-5th-emergency-meeting-after-the-16th-karen-national-union-congress/>

with variation between the states and divisions, including Bago (45%), Karen (74%), Tanintharyi (86%), Mon (38%) and Kayah (81%).<sup>11</sup>

Focusing on forestry management provides an opportunity to recognise the rights, practices and governance responsibility of ethnic minorities within a future democratic federal union. Padoh Mahn Ba Tun, of the KNU's Kawthoolei Forestry Department (KFD), described the importance of forests to Karen people:

*"We Karen people have lived in the forest for thousands of years. We know the forest. We have totally depended on the forest for our survival, and we have passed down a lot of knowledge from generation to generation...Before we had a governance system, we held this knowledge traditionally. Now we have terms like 'community forest management,' but even before that term was created, we had the customary practice."<sup>12</sup>*

Reform of management, ownership and use of rights related to forest resources is an opportunity to further essential debates in the country's peace process. These include land ownership, IDP and refugee return, state versus non-state territorial control, self-determination, recognition of ethnic minority identities and customary practices, resource sharing, and environmental conservation. These debates intertwine in the central question of peacebuilding in Myanmar: the extent to which rights, ownership and decision-making are either centralised or devolved sub-nationally in a future democratic federal union. The Tatmadaw's answer to this question, as epitomised in the 2008 Constitution, represents the former perspective, and has historically held sway at the expense of ethnic minority aspirations.

Mismanagement of forests, conversely, has historically created insecurity, conflict, and social and environmental damage. Illegal logging, combined with conversion of forested lands for agribusiness projects, have been sources of rapid deforestation, lost livelihoods, forced relocation from customary lands, environmental degradation and public grievance. Illegal logging is sometimes used as a pretext for Tatmadaw offensives against EAOs (in the more active conflict areas of armed conflict in the country's northeast).<sup>13</sup> Historically, the Tatmadaw and the KNU (among other EAOs) have also at times used timber as a source of finance, though more recently both the KNU and the Myanmar government have put temporary logging bans in place to protect against further deforestation in Myanmar's southeast.<sup>14,15</sup>

The challenge for the international community, in collaboration with Myanmar and Karen partners, is to transform these historical 'resource curse' dynamics in the forestry sector into policies and practices that are more transparent, pro-poor, environmentally sustainable and supportive of peacebuilding.

Part of the effort required by the international community is to recognise, legitimise and strengthen policies and processes of responsible forestry management that are already in place, particularly those of EAOs, which the international community has typically been less aware of. In addition, there is scope for new interventions that are cognisant of and calibrated to the current fragile political and security conditions, and learn from historical experience (see sections 3 and 4 below).

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11 Ecodev in consortium with other technical agencies, Forest Cover Change 2002–2014, Yangon, 2016

12 K. Jolliffe, Ceasefires, governance and development: The Karen National Union in times of change, San Francisco: Asia Foundation, 2016

13 See, for example, Myanmar army seizes rebel camps, kills insurgents in Kachin state, Radio Free Asia, 5 January 2018, <https://www.rfa.org/english/news/myanmar/myanmar-army-seizes-rebel-camps-kills-insurgents-in-kachin-state-01052018161739.html>

14 Kaw Lah Foundation, Role of forest governance in peacebuilding in ceasefire Karen areas of Myanmar, International Alert, 2018 (unpublished)

15 The Myanmar government's nationwide logging ban covered the financial year 2016–2017 and has since been lifted, except in Bago Yoma where it has been extended for 10 years due to the extent of forest cover damage.

## The sub-national context in the southeast of Myanmar

The southeast of Myanmar, which includes Bago and Tanintharyi divisions, and Mon, Karen, Kayah and southern Shan, has undergone dramatic changes since the 2012 bilateral ceasefire between the KNU and the Myanmar government, and the KNU's subsequent signing of the 2015 NCA.<sup>16</sup> These agreements initiated both positive impacts and development challenges. Positive impacts have included improvements in conflict and human rights transparency, increased freedom of movement, reductions in violent armed conflict, reduced civilian abuse by security forces, increased civic engagement of local populations, improved social service provision, and tentative opportunities for long-term IDP and refugee resettlement.<sup>17</sup>

Relatively peaceful conditions have also enabled the development of new telecommunications and transport infrastructure, greater access to natural resources, and increased external (central Myanmar and foreign) investment and activity in agribusinesses, natural resource extraction, factories, hydropower and coal power plants, among others. Although these developments are welcomed by some, when combined with weak governance and rule of law, these also contribute to a range of new risks, including land grabbing, environmental damage, loss of livelihoods, failures to consult or gain consent from local populations, and threats to the viability of IDP and refugee return to their places of origin.<sup>18</sup> These risks threaten the peace process insofar as they stoke aforementioned fears that ceasefires can generate adverse impacts for local communities, without guarantees of a comprehensive peace agreement that might deliver upon long-term ethnic minority political goals. Communities in mixed control areas must also contend with parallel state and non-state administrative regimes, which can incur double taxation or burdensome dual compliance requirements regarding tenure and access to natural resources.<sup>19</sup>

This dynamic and fragile situation in the southeast is commonly understood as an 'interim period', although the definition of the term 'interim' is contested by the parties to the conflict.<sup>20</sup> 'Interim' in a general sense refers to the period between the signing of the NCA and the eventual achievement and implementation of a comprehensive peace agreement, which would be known in Myanmar as the *Pyidaungsu* Accord. 'Interim' also refers to the *Interim Arrangements* clauses in chapter 6 of the NCA, which formally recognises the governance functions of signatory EAOs, calls for consultation and adherence to Extractives Industries Transparency Initiative (EITI) procedures when projects may have major civilian impacts, and proposes that the Myanmar government and EAOs better coordinate in areas of EAO concern.<sup>21</sup> The suggested strategies presented later in this report reflect the fragility of the current context and the need to explore and seek further implementation of interim arrangements provisions of Myanmar's NCA.<sup>22</sup>

For the purposes of this report, the opportunities and challenges of peacebuilding in the current Myanmar context can be understood in relation to the model of conflict transformation in Figure 1, which is relevant to Myanmar insofar as both horizontal and vertical relationships between stakeholders are important to understand the causes of violence, or creation of peace.<sup>23</sup>

16 Though other Karen (and non-Karen) EAOs have also signed bilateral agreements and the NCA, they do not have well-developed governance systems and exert less influence over territory and local populations, and therefore do not figure as prominently in this report.

17 Myanmar Information Management Unit (MIMU) and Peace Support Fund, Situation analysis of southeastern Myanmar, Yangon: MIMU, 2016

18 Ibid.

19 K. Jolliffe, Ethnic conflict and social services in Myanmar's contested regions, San Francisco: Asia Foundation, 2014

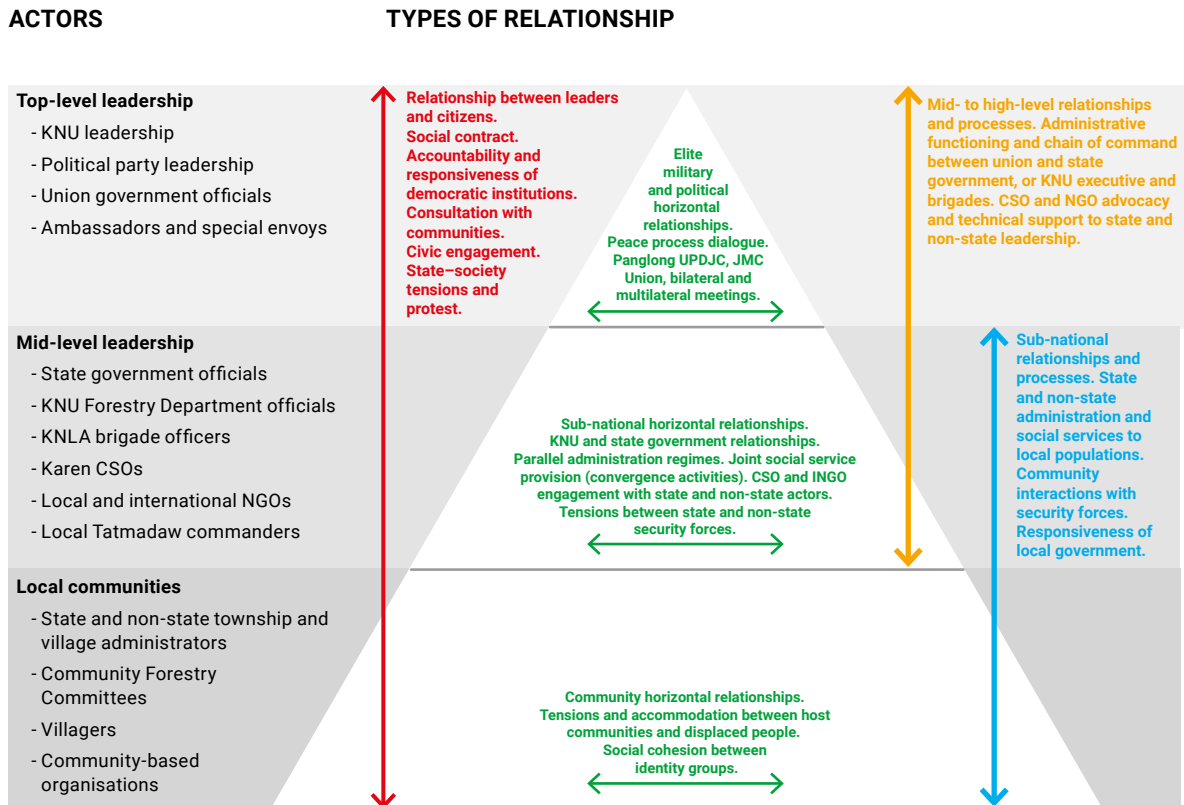
20 A. South et al, 2018, Op. cit.

21 The Nationwide Ceasefire Agreement between the Government of the Union of Myanmar and Ethnic Armed Organisations, 15 October 2015

22 A. South et al, 2018, Op. cit.

23 J.P. Lederach, Building peace: Sustainable reconciliation in divided societies, Washington DC: United States Institute for Peace Press, 1997

**Figure 1: Relationships and processes between stakeholders linked to forestry in Karen areas**



Derived from J.P. Lederach, *Building peace: Sustainable reconciliation in divided societies*, Washington DC: United States Institute of Peace, 1997, p.39

## 2. Findings: Building on positive examples of natural resource management and peacebuilding

This section presents evidence from the literature review, primary field research, key informant interviews and the validation workshop, with particular attention on examples of forestry management (and other natural resource) practices that have already produced social and political improvements in conflict-affected areas. These examples reveal the hidden peacebuilding potential of well-thought-through forestry management interventions, and reflect the perspective of many participants surveyed for this report who felt that the international community is not well apprised of existing forestry management regimes, Karen customary practices, civil society initiatives, or KNU policies and administrative functions in Karen areas.<sup>24</sup>

The KNU's KFD officials interviewed during this study and present at the validation workshop detailed the land and forestry policies and administrative practices that function in KNU-controlled and mixed control areas of southeast Myanmar, for example, which trace back to the founding of the KFD in 1949.<sup>25</sup> Karen Environmental and Social Affairs Network (KESAN) representatives, meanwhile, emphasised the value of indigenous Karen conservation practices, which they have worked to incorporate into the KNU's 2018 forestry policy.<sup>26</sup>

Focusing attention on what has worked or is currently working is beneficial because the situation in the southeast is highly complex, dynamic and risky for intervention. International donors and implementing organisations can create, and have created, harmful unintended consequences when rolling out new programmes that do not appreciate the political and cultural complexities of local operating environments, which can unintentionally undermine the rights and agency of local people, organisations and processes that are already active in those spaces. Concern from Karen stakeholders interviewed for this study was especially apparent when international organisations have partnered with the Myanmar government (and not Karen political or civil society stakeholders) for activities that would take place in Karen areas, especially those areas controlled or influenced by the KNU, or when they have failed to undertake consultations to the satisfaction of potentially affected communities.

As one respondent noted, "International organisations are rolling out big projects. It has caused big problems. Communities are losing their lands and livelihoods".<sup>27</sup> Well-intentioned INGOs implementing conservation projects, for example, have faced push-back from local communities and CSOs when they have (allegedly) failed to incorporate local concerns, which include the interests of people hoping to return to the new project areas from which they were displaced during the preceding years of war.<sup>28</sup> While it is important to acknowledge the validity of these criticisms, they are not the focus of the current report. Instead of reiterating what is not working well, this report asks what we can learn from natural resource management projects that are already mitigating conflict risks or producing positive peacebuilding impacts.

24 Kaw Lah Foundation validation workshop, 18 August 2018

25 Interview with Padoh Mahn Ba Tun, head of the KNU Forestry Department, April 2018. Statements on KNU Forestry Department representative at the Kaw Lah Foundation validation workshop, 18 August 2018

26 Statements from KESAN at the Kaw Lah Foundation validation workshop, 18 August 2018

27 Personal correspondence, KNU official, 18 July 2018

28 J. Carroll, Displaced villagers in Myanmar at odds with UK charity over land conservation, The Guardian, 2 November 2018, <https://www.theguardian.com/global-development/2018/nov/02/displaced-villagers-myanmar-at-odds-with-uk-charity-over-land-conservation-tanintharyi>



## Participatory policy processes that respect rights and recognise customary practices

Historically, policy processes in Myanmar have been top-down and highly exclusive of the concerns of stakeholders (i.e. non-military, ethnic minority and civil society) that are not represented by the Tatamdaw or the Myanmar government. During the 2010s, there has been a slow shift to more participatory processes, which bodes well for pro-peace and pro-poor policies and practices. An example is the Myanmar government's 2016 National Land Use Policy (NLUP), which has been lauded by international observers and Myanmar civil society as one of the most transparent and participatory policy processes in Myanmar's history. The NLUP process included public consultations in all 14 states and regions and resulted in progressive provisions that recognise ethnic customary and women's land rights, although the current government is reportedly being lobbied to excise these provisions, which might not be carried through into a National Land Use Law unless local and international supporters actively defend them.<sup>29</sup> The 2018 Amendment to the Vacant, Fallow and Virgin Land Law was widely criticised by civil society as countering NLUP and NCA commitment and presenting a risk to the peace process.<sup>30</sup>

The KNU utilised a participatory approach to develop its own (2014) land policy, which is a parallel non-state policy, and not linked to the Myanmar government's NLUP. The KNU policy is more progressive from a peacebuilding perspective, insofar as communities operating in KNU areas can actually own land (unlike under Myanmar's 2008 Constitution, which decrees that all land and the resources above or below it belong to the Union of Myanmar), in the recognition of Karen customary practices (the *Kaw* system), and in its mandating of requirements for women's inheritance, tenure and access rights, and participation in land governance.<sup>31</sup> The KNU has also redeveloped its forestry policy, which focuses on protecting villagers' rights to use forests for essential livelihoods, to protect customary practices, to preserve biodiversity, to strengthen community participation and to ensure sustainable development.

The NLUP and KNU policy processes described here strengthen the accountability of state and non-state administration systems to local populations, with the support of local and international organisations that act as intermediaries and technical assistance providers. In both examples, the production of pro-peace policies was enabled by a state or non-state governing entity that desired international engagement and legitimisation, and was receptive to international and national civil society technical assistance and its accompanying norms.

The Burma Environmental Working Group, a civil society coalition, has produced a 'Roadmap for decentralised governance of natural heritage', which provides a further example of a highly participatory policy development process based on deep consultation with grassroots communities throughout Myanmar's ethnic minority areas.<sup>32</sup> Its strength, including in the forestry section, is in proposing policies for how natural resource management can be devolved in a manner that is consistent with the country's stated goal of transitioning to a democratic federal union, as in its recognition, for example, of customary practices and tenure regimes that are indigenous and distinct to different geographies within Myanmar.<sup>33,34</sup> These recognitions mirror aspirations for the recognition of Karen customary practices of forestry management and use that were evident in this study's interviews and surveys of Karen CSOs and local villages.<sup>35</sup>

29 G. Kissinger, *Towards sustainability in forestry and land use in Myanmar: An assessment of key actors, opportunities and risks*, 2017 (unpublished)

30 J. Gelbort, *Implementation of Burma's vacant, fallow and virgin land management law: At odds with the Nationwide Ceasefire Agreement and peace negotiations*, Transnational Institute, 10 December 2018, <https://www.tni.org/en/article/implementation-of-burmas-vacant-fallow-and-virgin-land-management-law>

31 KESAN, *Kawthoolei Land Policy Briefer: Land to the Native People*, Chiang Mai: KESAN, 2017

32 Burma Environmental Working Group (BEWG), *Resource federalism: A roadmap for decentralised governance of Burma's natural heritage*, BEWG, 2017

33 A significant challenge, however, is that policy prescriptions produced by civil society often lack visibility and recognition among donors and the Myanmar government. Outside of the peace process, there needs to be means of reconciling and harmonising parallel state and non-state policy prescriptions and processes.

34 BEWG, 2017, Op. cit.

35 Kaw Lah Foundation, 2018, Op. cit.



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## Building on joint interest to increase protection of forests through community forestry initiatives

Both the Myanmar government and the KNU have prioritised establishing community forests in recent years with the aim of improving conservation and community access to forests. From 2012 to 2016 the Karen state government placed 4,686 acres under community forestry, and plans to add an additional 9,881 acres from 2017 to 2026, although their efforts are limited because, unlike the KNU, the Karen state government does not have much forested area under its control. As of early 2018, the KNU Forestry Department had established 147 community forests, with 115 already registered and totalling 116,949 areas.<sup>36</sup> The benefits of improving community access to forests include improved livelihoods, social cohesion, conservation, and more effective administrative processes between local communities and local administrators.<sup>37</sup>

The seven villages surveyed by the Kaw Lah Foundation during the primary study of this report in mixed Myanmar government/KNU-controlled areas showed a preference for the KNU's approach to community forestry. The KNU policy's recognition of Karen customary practices, focus on conservation rather than logging, and inclusion of women were highlighted as factors underpinning this preference.<sup>38</sup> The presence of parallel state and non-state systems to administer land and access to forests was identified as a burden by the majority of villagers surveyed in mixed control areas, however, who often feel a need to title their land with both sets of authorities, for example, to maximise the protection of tenure rights. In the words of one village informant, "If it is one country, it should be one policy. It is hard for us to stay in the middle."<sup>39</sup>

Community forestry in other parts of the country, most notably in Kachin, has provided benefits and improved relationships under difficult security conditions. Although progress in awarding community forestry certificates

36 Kaw Lah Foundation, 2018, Op. cit.

37 M. Jarapratprueang, J. Lubanski and M. Brinkhurst, Lessons from the field: Engaging local officials to support community-led natural resource management, Namati and KESAN, 2017

38 Kaw Lah Foundation, 2018, Op. cit.

39 Ibid.

has been slowed by bureaucratic inefficiencies, benefits have included allowing communities to protect lands that they have otherwise struggled to register, preserving their access to forest and water resources, and building community unity and relationships with local administrators.<sup>40</sup>

## Improving gender equity in forestry management

The primary research conducted for this study suggested that women have historically had less of a role in forestry management in conflict areas of the southeast, particularly due to the fact that forests were relatively unsafe for women during periods of open conflict.<sup>41</sup> Women's roles have expanded due to the improved security conditions enabled by the post-2012 ceasefires, and also because supporting local NGOs and INGOs have strongly advocated for gender-sensitivity in their support to reform policies and practices. In the Myanmar government-controlled community forestry initiatives that were surveyed for this study, approximately 10% of the management committee roles were held by women. In KNU-controlled community forests surveyed for this study, 25% of management committee roles were held by women, and included financial management responsibilities.<sup>42</sup> The sample size for this study is too small to make a reliable comparison between women's equitable participation in forestry management more broadly between KNU- and Myanmar government-controlled areas, though it is notable that the KNU's land and forestry policies are relatively gender-sensitive compared to their Myanmar government counterparts, and contain detailed provisions with respect to gender equality.<sup>43</sup> Beyond purely normative considerations, increasing women's participation has been shown to increase the efficacy of forestry management, including improved conservation outcomes and expedited regeneration of degraded forests.<sup>44</sup>

## Community monitoring of illegal logging

Illegal logging drives environmental degradation and can be a source of income for armed groups in Myanmar, particularly border guard forces and splinter groups that, unlike EAOs, typically have economic interests rather than long-term political agendas. Concerned citizens, particularly those who manage community forests, have taken it upon themselves to monitor and protect local forests from illegal logging, given that both state and non-state actors have difficulty enforcing logging bans, particularly in remote areas. Karen villagers, CSOs and political leaders surveyed or interviewed during this study were almost unanimous in their opposition to large-scale and illegal logging.<sup>45</sup>

Experience from Karen and non-Karen areas illustrates that communities and local state and non-state authorities can work together to prevent illegal logging. In Magway region, a monitoring checkpoint was established by a political party member, supported by CSOs and local Myanmar government administrators. The checkpoint was informed by a network of local contacts, who seized illicit materials and reached out to the police and the Myanmar government forestry department when illegal logs were found. It was critical for them to keep a local member of parliament informed to ensure that local authorities took action.<sup>46</sup>

Similar examples are evident in Karen state. In 2015, businessmen approached community leaders in Hpa-pun (Mutraw) district asking to harvest trees. Although the local community's traditional rules restrict harvesting, some local KNU township officials granted permission without community or central KNU approval. The local community called a meeting, referring to the 'Emergency Rules' section of their community land protection

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40 J. Naujoks and R. Barclay, *Forest law enforcement governance and trade in Myanmar: A conflict-sensitivity analysis*, International Alert, 2017

41 Kaw Lah Foundation, 2018, Op. cit.

42 Ibid.

43 M. Jarapatprueang, J. Lubanski and M. Brinkhurst, 2017, Op. cit.

44 B. Agarwal, *Gender and forest conservation: The impact of women's participation in community forestry governance*, *Ecological Economics*, 68, 2009, pp.2785–99

45 Kaw Lah Foundation, 2018, Op. cit.

46 J. Naujoks and R. Barclay, 2017, Op. cit.

process, and declared the logging illegal. When township officials refused to recognise the community's rules, the community appealed to the CSO KESAN, which reported the logging to the responsible KNU district official, explaining the community opposition and the logging's illegality under KNU policy. The KNU district official sent directives halting the illegal logging.<sup>47</sup> Both examples illustrate how citizens can help create more responsive local governance mechanisms, with the necessary support and authority of powerful leaders and intermediaries.

## Collaboration between state, non-state and international organisations

The KNU and the Myanmar government do not collaborate formally at a state level in forestry management, which is complicated by a lack of formal agreements at the national political level. This study revealed that there is some informal collaboration on an ad hoc basis, for example in the sharing of staff assigned to public protected forests.<sup>48</sup> The KNU and the Myanmar government have begun to realise a range of shared interests, including conservation, supporting community forestry and wildlife conservation,<sup>49</sup> which has been enabled to a large extent by the constructive facilitative and financial roles played by INGOs and foreign donors.

KNU interviewees for this study reported a desire for greater cooperation on issues such as the legal recognition of KNU community forests, joint demarcation of reserve forests, determining the legality of villages living within forests, improving environmental and social impact procedures, and managing the impacts on villagers and forests from development projects.<sup>50</sup> There remain various barriers to further collaboration, however, including KNU unwillingness for Myanmar government encroachment into their areas of influence, a lack of mutual understanding of each other's land and forestry policies, differences in policy and practice between the KNU's military brigades,<sup>51</sup> and the lack of formal mandates for sub-national cooperation by union-level government and KNU leadership.<sup>52</sup> Myanmar government interviewees for this study reinforced these challenges in working more closely with the KNU, and bemoaned the lack of a consolidated KNU administrative system, whereby possibilities and procedures for collaboration could be more uniform and reliable across KNU administrative districts and military brigades.<sup>53</sup>

Despite these complexities, local and international organisations can take advantage of increased political space since 2012 to foster positive collaboration between former adversaries. The World Wide Fund for Nature (WWF), for example, has signed memorandums of understanding with both the Myanmar government and the KNU to support wildlife conservation in Karen forested areas. When interviewed, the WWF reported that this has improved the working relationship with the KNU as it demonstrated that the WWF is pursuing a shared agenda in mixed control areas, rather than going solely under the Myanmar government's umbrella, which other INGOs have been criticised for.<sup>54</sup> While the KNU remains cautious that international conservation efforts might encroach on their sovereignty or the rights of Karen people in KNU areas of control, such shared agreements are at least a step in the right direction from a peacebuilding perspective.<sup>55</sup>

47 It should be noted that this approach may not have worked in other KNU-controlled areas, as the relationship between local KNU brigades and administrators and central KNU leadership varies between brigades.

48 Kaw Lah Foundation, 2018, Op. cit.

49 Ibid.

50 Ibid.

51 The KNU's armed wing – the Karen National Liberation Army – has seven semi-autonomous military brigades, which vary in strength, geographic focus, and informal policies and practices in regard to natural resource management.

52 Kaw Lah Foundation, 2018, Op. cit.

53 Ibid.

54 Ibid. Various examples were raised during the course of this research.

55 Personal correspondence, KNU expert analyst, November 2018

## Formalisation of customary conservation practices

Interviewees for this study praised the work of Karen CSOs, such as KESAN, which have been working with remote Karen communities to document and strengthen protection for customary land rights and community-based land management practices, and have had these officially recognised by the KNU.<sup>56</sup> The KNU land and forestry policies acknowledge the Karen indigenous *Kaw* system of natural resource management, which (practised in most if not all Karen areas) upholds collective land ownership, recognises the decision-making authority of customary leaders and councils, promotes women's involvement in decision-making and strengthens governance relationships between community and elite political levels, with the support of CSO intermediaries.<sup>57,58</sup> As with community forestry initiatives, the formalisation of *Kaw* forestry management is seen by Karen communities as a meaningful step to devolve ownership and decision-making in Myanmar. This approach stands in contrast to internationally driven conservation efforts that are solely in alignment with the Myanmar government, which were criticised during this study for ignoring and undermining the rights of indigenous ethnic minorities,<sup>59</sup> despite global evidence regarding the effectiveness of indigenous conservation practices.<sup>60</sup>

The Salween Peace Park (SPP) represents a large-scale, Karen-driven effort to recognise and strengthen customary conservation practices and improve local governance of natural resources. KESAN describes the SPP as "a space that promotes peace, cooperation, cultural preservation, and environmental and natural resources conservation through a bottom-up, people-centred approach...The long-term aim for the Salween Peace Park is to demonstrate what truly good governance could be for the Salween River Basin, and provide a people-centred alternative to the top-down, militarized development that has been pushed in the region".<sup>61</sup> KESAN's approach to developing the SPP has been highly participatory, gender-sensitive, and inclusive of the roles and concerns of local communities.

These examples demonstrate the effective peacebuilding roles that individuals and organisations can play, as well as the relationship transformation strategies with high potential to deliver peacebuilding benefits in the near to mid term, given current security, political, economic, social and environmental conditions in Myanmar. Most of these examples, including inclusive policy processes, community monitoring of illegal logging, community forestry and formalisation of customary practices, serve to create or strengthen local and national governance regimes to be more reflective of and accountable to the interests of local populations. Interventions of these types produce peacebuilding dividends in the form of improved relationships (social contract) between leadership and citizens, contributions to the experience of peace for local communities (i.e. livelihoods and rights improvements), and protections against conflict, social or environmental risks.

The blue line in Figure 2 depicts these 'vertical' relationship improvements. They are often facilitated by local or international organisations playing 'middle-out' roles (green lines), insofar as they 'listen downwards' to local communities so that they can 'speak up' to leaders. In addition to facilitation and advocacy roles, international and

56 Kaw Lah Foundation, 2018, Op. cit.

57 M. Jarapatprueang, J. Lubanski and M. Brinkhurst, 2017, Op. cit.

58 The central and village-level councils of the customary *Kaw* governance system for land and natural resources include male and female elders, youth representatives, and multiple management bodies made up of elected representatives. Women are integrally involved in *Kaw* governance and most governance bodies include both men and women. The entire governance system is based on community participation in decision-making.

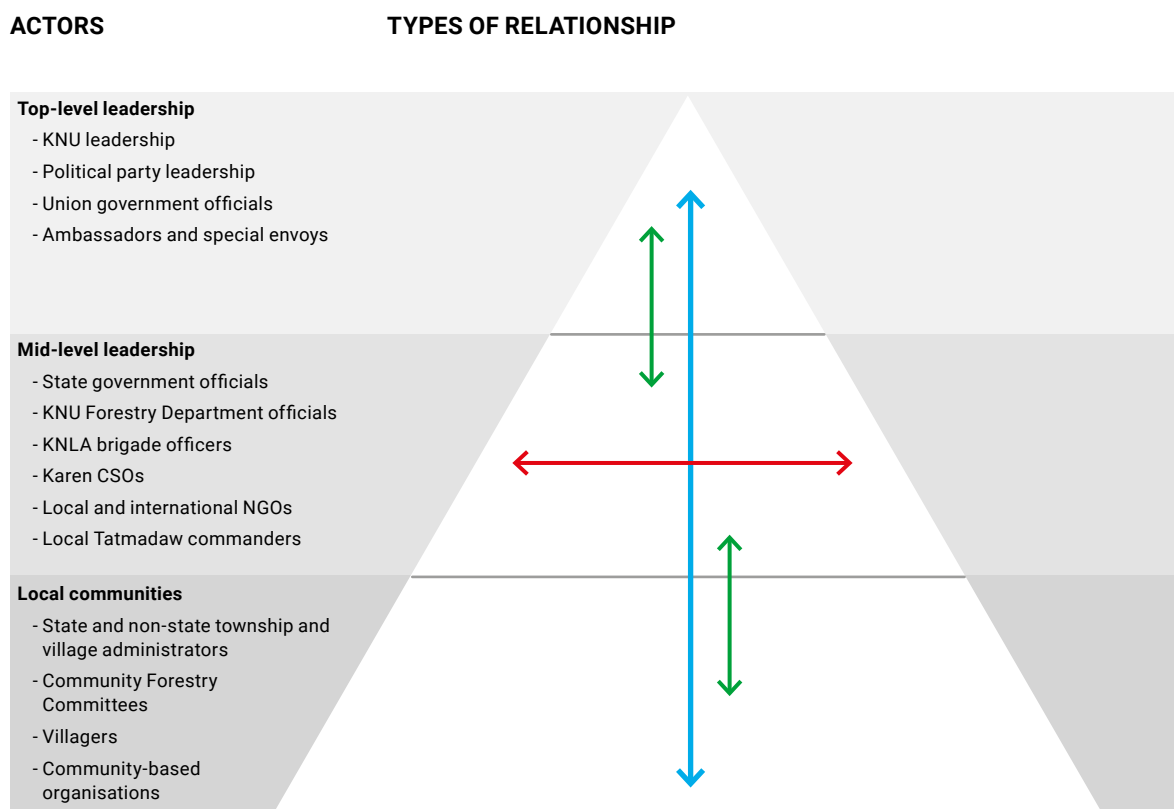
59 The KNU has, for example, formally complained to the United Nations Development Programme and the World Bank's Global Environmental Facility regarding the 'Ridge to Reef' environmental conservation project, which they allege has failed to recognise the KNU's forestry administration, take account of the fragile dynamics of the post-ceasefire period, or adequately consult with potentially affected people and displaced populations. Private correspondence with KNU official, 23 July 2018

60 The United Nations Inter-Agency Support Group on Indigenous Issues, *The knowledge of indigenous peoples and policies for sustainable development: Updates and trends in the second decade of the world's indigenous people*, 2014; or see for example D. Sheil, M. Bissiere and G. Beaudoin, *Unseen sentinels: Local monitoring and control in conservation's blind spots*, *Ecology and Society* 20(2), 2014, p.39.

61 H. Moo, *The Salween Peace Park: A radical, grassroots alternative to development in Karen state*, *The Irrawaddy*, 13 January 2017, <https://www.irrawaddy.com/opinion/guest-column/the-salween-peace-park-a-radical-grassroots-alternative-to-development-in-karen-state.html>

local organisations also provide technical assistance (e.g. expert input to policy processes), promote gender- and conflict-sensitive programming, or provide convening power to enable vertical dialogue (e.g. public consultation) or horizontal dialogue and cooperation (i.e. between Myanmar state government officials and KNU officials). The latter strategy, depicted by the red line in Figure 2, also has high peacebuilding potential based on the case studies identified during this research. This potential is likely to be realised in improved trust and collaboration between Myanmar government and non-state actors at a sub-national level, or convergence or harmonisation in governance regimes and administrative procedures in regard to forestry and other natural resources.

**Figure 2: Relationships and processes between stakeholders linked to forestry in Karen areas**



Derived from J.P. Lederach, *Building peace: Sustainable reconciliation in divided societies*, Washington DC: United States Institute of Peace, 1997, p.39



### 3. Principles of effective peacebuilding via forestry in the interim period

Based on learning from the case studies of interventions that are already producing peace dividends, we can identify principles for forestry management (and other related peacebuilding interventions) that are aligned with the needs and constraints of the current context. These principles reflect the policy and programming options that are feasible given the limited political space, capacity limits of key local interlocutors at various organisational levels, and the various dynamics of fragility in Karen areas of the southeast of Myanmar.

#### Combine ‘bottom-up’ and ‘middle-out’ with ‘top-down’ strategies

Interventions to improve forestry management in Karen areas and elsewhere in the country have been better aligned to opportunities and risks in the local context, and easier to implement, when they have enabled local communities to shape the content and process of these interventions. Often NGOs or CSOs play intermediary (‘middle-out’) roles, connecting and harmonising local people and processes with political leaders and processes, while providing technical assistance to strengthen and formalise responsible forestry management procedures. Bottom-up and middle-out approaches are in contrast to the top-down (and centre-out) approaches that are the primary strategy of the Myanmar government and army (Tatmadaw), often in concert with bilateral donors and multilateral institutions. Particularly in contested areas where the international community and government have less experience and influence, top-down approaches tend to neglect or misunderstand sub-national concerns, and undermine the agency of local people and processes, reinforcing historical patterns of exclusion that drive grievance and perpetual insurgency against the state.<sup>62</sup>

Myanmar’s peace process, while vital, is also a largely top-down process that does not readily incorporate the concerns and aspirations of citizens in ceasefire and conflict-affected areas.<sup>63</sup> The current impasses of the peace process should not imply that the lived experience of conflict-affected communities cannot improve, however, or that forestry management cannot be strengthened, only that bottom-up and middle-out strategies arguably offer better opportunities for positive change in the current context, particularly when they carry norms of public consultation and gender-sensitivity. The entry points for these strategies tend to be less urban and more rural, less governmental and more non-state and civil society, and more responsive to local needs rather than external agendas.

#### International support that better recognises and respects the fragilities of the ceasefire period

Like many places in Myanmar, the southeast is not yet a post-conflict context. Like other areas of Myanmar, historically and contemporarily, the social, political and environmental wellbeing of this geography is at risk from outsider-initiated (central Myanmar or foreign) ‘business for peace’ initiatives, as earlier referred to in Myanmar’s 1989–1995 ceasefires. Various interviewees in this study reported that conditions remain highly fragile, dynamic

62 Myanmar Peace Support Initiative (MPSI), *Lessons learned from MPSI’s work supporting the peace process in Myanmar, 2014*; K. Jolliffe, 2014, *Op. cit.*

63 See, for example, Centre for Peace and Conflict Studies (CPCS), *We want our communities back, no more fighting and violence: Voices of communities from Myanmar’s ceasefire areas from 2017–18*, CPCS, 2018; or Karen Peace Support Network, *Burma’s dead-end peace negotiation process: A case study of the land sector*, Karen Peace Support Network, 2018

and subject to uncertain political and security conditions.<sup>64</sup> Their perspectives suggest a range of good practices for international support that respect this fragility. These include: 1) a preference for smaller-scale, Karen-led natural resource management initiatives rather than large-scale development or conservation projects undertaken by international stakeholders in partnership with the Myanmar government, 2) using smaller-scale piloting and learning-oriented projects that can be scaled up or phased out depending on how well they work in uncertain contexts, and 3) recognising that IDPs and refugees have legitimate (if not formalised) claims to forested areas and need to be consulted and included in processes that plan and implement forestry management, as evident in the KNU's land and forestry policies.<sup>65</sup>

### **Ensure a social licence to operate with the appropriate configurations of stakeholders in contested contexts**

The Myanmar Peace Support Initiative (MPSI), which piloted projects in the southeast and advised international donors between 2012 and 2015, operated under a 'triple green light' engagement principle, which stipulated that projects undertaken in contested areas could not proceed unless they had the consent of the Myanmar government, the relevant EAO and potentially affected local populations.<sup>66</sup> This provided a useful rule of thumb for donors and implementing organisations working in the southeast, particularly in areas that are under mixed state and non-state control. Failure to gain EAO or local community buy-in has been a weak feature of some interventions in the southeast, as has the misconstrual of government approval in itself as a social licence to operate, which has jeopardised the viability of development projects and undermined trust between state and non-state actors. One should assume that consent from EAOs is at least desirable in mixed control areas, and is mandatory in areas that they control. The gold standard of consent from the Myanmar government and EAOs is official permission, sometimes in the form of memorandums of understanding, as has been the case with the WWF's conservation efforts in Tanintharyi. Free, prior, informed consent is the gold standard for community endorsement of interventions, which may take different procedural forms and proofs depending upon the nature and scale of intervention. These efforts take time and cost resources, but are necessary to avoid short-term harm and/or to achieve long-term peacebuilding impact.

Complicated relationships between top-level and mid-level political and military leaders creates difficulties for partnering and consent. For the Myanmar government, sub-national administrators have limited powers under the 2008 Constitution to partner or grant consent without union-level approval. This dynamic in regard to hierarchical lines of accountability applies differently to the KNU, insofar as KNU districts/brigades operate semi-autonomously and sometimes have divergent interests from KNU leadership, despite recent regulatory advances intended to improve consistency and adherence to organisational rules and procedures.<sup>67</sup> For international partners, the gold standard might be considered a 'triple green light plus' approach, whereby international partners obtain the consent of the Myanmar government, EAOs and potentially affected communities, as well as endorsement from local-level military and administrative officials. In practice, this would require more time and resources for consultation and relationship building, but would probably be expedited by local CSOs or foreign advisers, provided that their neutrality and expertise is ensured.

### **Recognise, protect and strengthen what is already working rather than reinventing the wheel**

The aforementioned examples of improving support to forestry management emphasise the peacebuilding value and gender-sensitivity of customary practices, and the differing degree to which the Myanmar government and the KNU have incorporated these into land and forestry policy. International support to forestry management,

64 Kaw Lah Foundation, 2018, Op. cit.

65 KESAN, 2017, Op. cit.

66 MPSI, 2014, Op. cit.

67 Personal correspondence, KNU expert analyst, November 2018



consistent with the aims of consolidating peace, stability and prosperity in southeast Myanmar, should recognise the legitimacy and peacebuilding utility of non-state land and forestry policies. While there are opportunities to harmonise the land and forestry policies and administrative practices of non-state and state actors, it is more realistic to expect that parallel regimes will prevail in contested areas for the foreseeable future. In the meantime, international attention should prioritise the implementation of the *interim arrangements* provisions of the NCA, which would recognise the hitherto described non-state governance functions of the KNU (and other NCA-signatory EAOs).

## **Encourage inclusive policy and development processes that support Myanmar's political transition towards federalism**

Myanmar government policy processes such as the NLUP included recognition of the customary rights of Myanmar's ethnic nationalities. Policies such as the KNU's land and forestry policies recognise not only customary practices, but also *ownership rights* of local landholders (including those of women), which are consistent with the right to self-determination that is demanded by ethnic nationalities and their civil society and EAO leaders. The choice of what and how to support parallel and sometimes competing state and non-state policies and administrative regimes is no doubt difficult for international supporters to negotiate. One strategy that might serve as a guide is to recognise and support the policies and regimes that are recognised as the most legitimate by the local people that live under them, which were those of the KNU in the mixed control areas surveyed during this study.<sup>68</sup> A second is to convene relationships and support programming that renders parallel regimes interoperable, in the longer-term interests of a future democratic federal union. International supporters can support both the Myanmar government and EAOs during the interim period to formulate clearer divisions of powers between central, state and sub-state governments as they relate to the ownership, control, management and revenues of natural resources.<sup>69</sup> For example, the process initiated by the National Land Use Council to develop a new National Land Law is enabling opportunities to move towards 'federal laws', without requiring amendment of the 2008 Constitution.<sup>70</sup>

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68 Kaw Lah Foundation, 2018, Op. cit.

69 BEWG, 2017, Op. cit.

70 Personal correspondence, land policy expert analyst, November 2018

## 4. Recommended strategies for peacebuilding via forestry management

Drawing upon literature research, field research with Karen communities and key informant interviews, a range of practical recommended strategies are presented here that can support improved forestry management in Karen areas, in ways that strengthen peaceful relationships and processes, respect the fragility of the interim period, and support broader institutional and political progress in the southeast. These strategies are consistent with the principles for effective and responsible peacebuilding interventions outlined previously. They are also grounded in the peacebuilding theories of change identified in section 2 above, which focus on creating or strengthening local and national governance regimes to be more reflective of and accountable to the interests of local populations, and/or promoting horizontal dialogue and collaboration between the Myanmar government and the KNU.

### **Prioritise international assistance to strengthen administration capacities of the KNU's Forestry Department<sup>71</sup>**

Strengthening the KNU's ability to administer resources in its areas of control supports peacebuilding by contributing to the operationalisation and implementation of *interim arrangements* provisions of the NCA, concurrently supporting progress towards a democratic federal union. The KNU's KFD now presides over the most high-value conservation forests in southeast Asia, which the Myanmar government does not have access to.<sup>72</sup> The KNU's responsibility in stewarding these resources, while responsibly administering services to people in the areas that they administer, requires a step-change in KNU administrative capacities.<sup>73</sup>

The KFD requires additional resources and technical assistance to further develop rules and regulations and implement provisions of the new Karen forestry policy across its diverse districts, consult with local communities, ensure age and gender inclusion, engage in policy dialogue and awareness-raising with Karen and non-Karen stakeholders, uphold the 2009 logging ban, and manage an increasing number of community forests, protected forests and wildlife sanctuaries.<sup>74</sup> Additional resources and support for the KFD would also enable them to play more active roles in national debates and processes, including thematic working groups of the peace process, EITI, Forest Law Enforcement, Governance and Trade (FLEGT) and Reducing emissions from deforestation and forest degradation (REDD+). Doing so could support these processes to be more inclusive of ethnic minority perspectives, rather than perpetuating patterns of exclusion that have driven Myanmar's conflicts for decades.

International support to the KNU in regard to forestry management could conceivably produce tensions with other stakeholders in the peace process who have different policies and processes in this sector. It is necessary that international supporters investigate and support management of these tensions, to the extent possible, which could be reduced by accompanying processes of dialogue and collaboration, as further elaborated below.

71 A. South et al, 2018, Op. cit.

72 Conservation Alliance of Tanawthari (CAT), Our forest, our life: Protected areas in Tanintharyi region must respect the rights of indigenous peoples, CAT, 2018

73 A. South et al, 2018, Op. cit.; CAT, 2018, Op. cit.

74 Feedback from key informant interviews and the validation workshop



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## Invest in university and vocational training programmes and scholarships that prepare the next generation of Karen forestry managers

Training in forestry management can support peacebuilding if the providers and content of forestry education in Myanmar is 'federalised' so that it recognises and incorporates the roles, rights and practices of ethnic minority stakeholders. To achieve this, the certification programmes currently offered by the KNU's KFD could be strengthened, or Karen forestry management customs and procedures could be integrated into or provided alongside courses offered by Myanmar universities.<sup>75</sup> International donors and implementing organisations could support university scholarships for Karen people specifically for forestry qualifications. Furthermore, vocational training programmes at the state or village level alongside the KFD and Karen CSOs could provide the practical skills required for community forestry, conservation, customary practices and sustainable forestry.

University and vocational training with a distinct Karen identity also supports long-term peacebuilding objectives by preparing the next generation of forestry managers that can serve as officials in a future federal government. These goals are most sustainable if the KNU can simultaneously reform its internal system of human resource management, taxation and public financial management, so that the recruitment and retention of the next generation of KNU forestry officials can be sustained without ongoing donor support.<sup>76</sup>

Vocational training programmes can also support peacebuilding by providing potential alternative livelihood opportunities for members of militia groups, the KNU or other EAOs in Karen areas that sometimes otherwise engage in illegal logging.

75 Personal correspondence, Karen civil society representative, 2 October 2018

76 Personal correspondence, KNU expert, November 2018

## Call for the recognition of ethnic minority customary forestry practices and titling in national policies and laws

Recognition of ethnic minority identities supports peacebuilding by contributing to an acceptance of plural identities in Myanmar, and upholding the rights of people to continue their traditional practices. International supporters should promote and protect the recognition of customary land use practices in the 2016 NLUP, which are reportedly under threat of being excised before the policy is enshrined in law.<sup>77</sup> The window unfortunately now appears closed in regard to the recently passed Myanmar Government Forestry Law, which failed to include recognition of customary practices.<sup>78</sup>

In addition to advocating for recognition of customary practices in Myanmar government policy and law, the international community should also recognise and promote the legitimacy of non-state policies. The KNU and its civil society partners have documented the relatively gender-sensitive and environmentally conscious customary forestry management practices of the *Kaw* system, and integrated them into the KNU's forestry policy. With the right support, the KNU and Karen CSOs would be in a better position to elaborate and promote these policies with donors, the Myanmar government and the private sector, and advocate for harmonisation or future integration with Myanmar government policy, consistent with the requirements of a future federal democratic union. For its part, the KNU should also prioritise funds to these ends, in fulfilment of its aspirations as a semi-autonomous governing entity.

## Facilitate dialogue events and collaborative forestry management activities between the Myanmar Forestry Department and KNU Forestry Department

Officials from the Karen state government and the KNU's KFD have shared interests, including a focus on conservation rather than logging, increasing community access to forests and better regulating economic development in conflict-affected forested areas.<sup>79</sup> Peacebuilding interventions should capitalise on these shared interests by providing resources and opening political space that overcomes barriers to dialogue and collaboration,<sup>80</sup> and enables trust building and improved working relationships. The KNU's KFD has expressed willingness to work with the Myanmar government to get legal recognition for Karen community forests, to demarcate reserve forests together, to clarify the legality of villagers living within forests, and to better manage the impact on villagers from development projects in forested areas.<sup>81</sup> Sub-national dialogues on forestry management could serve to raise awareness about each other's policies and procedures, if not to explore opportunities for collaboration, or address existing complications in mixed control areas associated with parallel land and forestry administrative procedures. These dialogues could also serve as formal or informal spaces where *interim arrangements* could be further elaborated, consistent with the progress of national-level dialogue. In addition to 'horizontal' dialogue between further adversaries, there would be peacebuilding value in mixed control areas of engaging in separate (or shared) public consultations or awareness-raising exercises to advise local populations how to navigate parallel administration systems regarding land and forestry.

77 J. Naujoks and R. Barclay, 2017, Op. cit.

78 Personal correspondence, Myanmar natural resource management expert, November 2018

79 Kaw Lah Foundation, 2018, Op. cit.

80 Barriers to cooperation include but are not limited to the difficulties of Myanmar government representatives entering KNU-controlled areas, and the need for mid-level collaboration to be authorised by political leadership on both sides.

81 Kaw Lah Foundation, 2018, Op. cit.

## **Pilot joint community forestry or conservation project in a mixed control area**

Karen stakeholders involved in the development of this report proposed a joint KNU/Myanmar government/community pilot project in an area of mixed Myanmar government/KNU control. The thematic focus of the pilot could include but need not be limited to community forestry, vocational training, environmental conservation activities, tripartite dialogue (including affected communities), recognition of Karen customary practices and exploration of possible solutions to the challenges of parallel administrative regimes. The value of a pilot project like this, while small in scale, is its potential to inform broader policy questions concerning these focus areas. A dedicated focus on capturing learning and disseminating findings would be needed to ensure that any small-scale pilot produces sufficient evidence to know if the strategic premise was no longer worth supporting, or, alternatively, if there was value in scaling up the project's most beneficial aspects or mainstreaming them into broader policy and peacebuilding processes.

## 5. Conclusions

Forests are a critical resource for Myanmar people and are closely tied to the country's essential political, peacebuilding questions. Improving forestry management has the potential to support peacebuilding by mitigating conflict risks that have undermined Myanmar's previous peace processes, promoting recognition and respect for ethnic minority identities and practices, and supporting the devolution of governance (in this case forestry management) to sub-national authorities, consistent with the peace process's stated goals of creating a democratic federal union. While peacebuilding and improved forestry management are imperatives nationwide, there is particular peacebuilding value in improving forestry management in Karen areas of the southeast, given the leading role of Karen stakeholders in the country's peace process, and the opportunities through forestry management to further implement existing peace agreements, and protect and advance peace dividends for local communities in the areas affected by them. The value of sub-national peacebuilding strategies that deliver these benefits also stems from their ability to provide complementary and alternative pathways to move the peace process as a whole forward, at a time when national-level negotiations are particularly fraught.

The strategies presented here for peacebuilding via forestry management are evidenced by examples of what is already working well, and are calibrated to work effectively in a challenging national political environment, and fragile security, political and social conditions in the southeast. They should be understood as hypotheses for further elaboration in consultation with local partners and communities. Implementing them will require international supporters to expand upon purely state-centric bilateral relationships with the Myanmar government, and to seek also to support community-led (bottom-up) and NGO and civil society (middle-out) peacebuilding strategies. Working with a broader array of stakeholders helps international supporters better understand the detailed and dynamic local context, and ensure that their assistance builds upon and does not undermine people and processes that already have legitimacy and value for local people. Working with a broader array of stakeholders does require additional investment in time and resources to build trust and gain consent, but, over a longer time period, it reduces the risks of intervention in such a fragile context.



**International Alert**

071/072, Building C, Shwe Pyi Aye Condo  
Shwe Pyi Aye Street, Sanchaung township  
Yangon, Myanmar

**Tel** +95 (0)1 230 4781

myanmar@international-alert.org

**www.international-alert.org**



/InternationalAlert



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