

Lessons from the Field

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Engaging Local Officials to Support Community-led Natural Resource Management

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The community of Kaw Thay Ghu stewards 30,000 acres of some of the most biodiverse forest in South-East Asia. After years of civil conflict, the people of Kaw Thay Ghu, with support from the Karen Environmental and Social Action Network (KESAN), are revitalizing their customary land and forest governance systems. This Lessons from the Field shares strategies that KESAN is using to engage local officials to support communities' customary land management systems.



Community members and leaders in Kaw Thay Ghu discuss customary land management rules. (Jason Lubanski, 2015)

The indigenous Karen ethnic group of south-eastern Myanmar are forest-dwelling people who practice rotational hillside cultivation and rice paddy farming within the dense jungle and mountains between Myanmar and Thailand, some of the most biodiverse forests in Asia. Many Karen communities practice animist beliefs and customary land management traditions to sustainably manage their forests. However, many communities have seen their customary practices eroded by decades of violent conflict and displacement.

Many Karen communities recognize the Kawthoolei government, currently led by the Karen National Union (KNU), as their government (see textbox). Under KNU's official administrative structure, the central administration extends down through district governments and township-level officials. Many township officials are based in remote areas with limited connectivity, and

most are from the local area where they work. The most local form of land administration is the structure of local customary governance known as the 'Blaw' system (the name refers to the Blaw meeting halls in each village). Customary leaders and township officials do work together, but the roles are distinct and operate under different system of accountability: township officials report upwards to the district while customary leaders are downwardly accountable to community members.

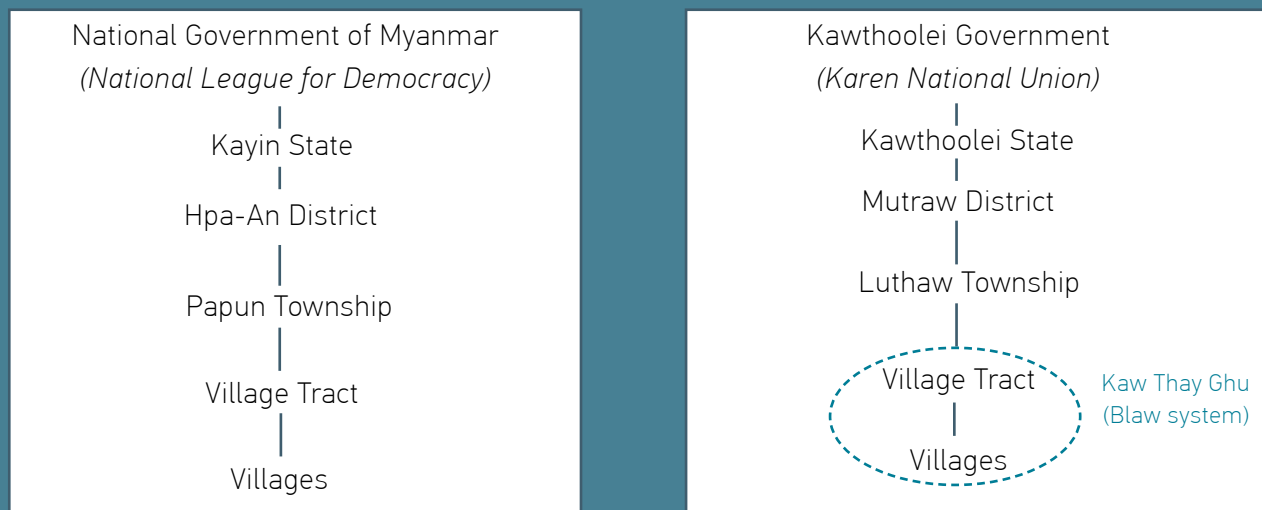
The Kawthoolei Land Policy recognizes three kinds of land: individual property, community forests, and customary communally-held lands called "Kaw" lands. The Kawthoolei government is actively registering and demarcating individual plots and community forests and has begun work on a way to register customary Kaw lands.

Contested Authority in Kayin/Kawthoolei State

For over 60 years, Karen organizations and other ethnic minority organizations have been fighting for greater autonomy from the central Burmese government. While the tensions stem from even before the British colonial rule of Burma, they increased during the Burmese independence movement. As explained by Charney (2009, p.67), “the Karen National Union (KNU) was formed in 1947 out of the remnants of the Karen Central Organization, founded in 1945, which in turn had succeeded the Karen National Association founded in 1881. The KNU’s purpose was to represent those Karens who saw no future for themselves in a united and independent Burma” (Charney, 2009, p.74).

After the assassination of Aung San, Burma’s charismatic independence leader, in 1947, the tensions between the Burmese ethnic majority and ethnic minorities who felt inadequately represented in the new government, escalated into armed conflict. The armed branch of the KNU officially joined the conflict in early 1949. Despite fluctuations in the strength and geographic spread of the KNU, today the KNU controls and administers large areas of south-western Myanmar, primarily in the area called Kayin state by the Burmese government and Kawthoolei by the KNU.

The KNU acts as the *de facto* government in areas that it controls. Many Karen call this government the Kawthoolei government, and recognize the KNU as the ruling political party of the Kawthoolei government. The Kawthoolei government has a structure of ministries that govern various branches of administration, including Lands and Forests. The Kawthoolei government provides public services to areas under its control, which it divides into Districts and Townships. The Burmese also use an administrative structure of Districts, Townships, and Village Tracts but the names and boundaries of these generally do not align with those of the Kawthoolei government.



The Burmese government and the Kawthoolei government have been engaged in peace negotiations since a ceasefire in 2012. In the meantime, contested areas function under an *ad hoc* system of ‘mixed administration’ where both Burmese and Kawthoolei officials and rules often function in parallel, depending on who is perceived to be effectively in control at the time. It is a complicated and confusing situation of overlap and contestation, but amidst the confusion of contested authority, daily life and local administration goes on.

Charney, Michael W. 2009. *A History of Modern Burma*. Cambridge: Cambridge University Press. pp 67, 74.

To inform development of the Kaw registration system, KESAN is piloting an adapted version of Namati's community land protection approach in a large community named Kaw Thay Ghu in a remote part of Kawthoolei State within Luthaw township, Mutraw district.¹ Kaw Thay Ghu is comprised of 31,190 acres and 13 original villages with an estimated population of over 10,000 people.²

Revitalizing Customary Land Management in Kaw Thay Ghu

Despite decades of civil conflict and attacks by the Burmese military, the people of Kaw Thay Ghu maintain a strong connection to their ancestors and traditions, and have been able to preserve many of their customs. Since the start of the civil conflict in Myanmar, the Burmese military has attempted to undermine armed ethnic organizations like the KNU by targeting civilians in ethnic communities. The Karen allege that campaigns by the Burmese army also had the goal of eliminating Karen customs and cultural identity by destroying sacred areas and cultural artifacts and by suppressing traditional ceremonies and practices. Over the course of the conflict, virtually every physical structure in Kaw Thay Ghu was destroyed and most people were displaced from their homes on multiple occasions. Civilians were killed, maimed, subject to forced labor, and used as human shields for soldiers and army assets. Community leaders were targeted and meeting houses were destroyed.

Despite a 2012 ceasefire, three active Burmese military camps remain within Kaw Thay Ghu, even though the area is largely under KNU control and administration. People in Kaw Thay Ghu and other Karen communities remain deeply afraid and suspicious of Burmese soldiers; villages are afraid to rebuild the blaws and people are afraid to use paddy land, forest, and sacred areas near to the Burmese army camps, even to conduct important seasonal farming ceremonies. While the customary land governance structure still



Rotational cultivation in Kaw Thay Ghu. (Jason Lubanksi, 2015)

exists and functions, the decades of conflict have weakened it.

Given the damage done to Karen communities and their customary governance systems, KESAN's work with Kaw Thay Ghu has two primary goals: first, to strengthen official protections for customary land rights and community-based land management practices; second, to support the people of Kaw Thay Ghu to revitalize customary land governance structures and practices.

The traditional governance structure in Kaw Thay Ghu has three levels: a central council, village level councils, and families. The central and village level councils include male and female elders, youth representatives, and multiple management bodies made up of representatives selected by the community based on personal merit. 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.

As a core component of this work, KESAN is supporting Kaw Thay Ghu to write and approve a formal 'code' that documents the community's rules ('by-laws') for governance and management of land and natural resources, both those currently practiced and those that the community wants to revive. The formal code will organize the rules so that they can be shared and used

¹ The Burmese administrative system names this area Hpa-An district and Papun township.

² Kaw Thay Ghu also currently contains twenty-two settlements of Internally Displaced Persons.

by community members as well as authorities outside the community (for example by-laws, see next page). Traditionally, enforcement of rules was based on respect for animist beliefs. For example, clearing sacred forest areas or protected corridors is thought to bring harm, since these areas are considered to be the dwelling places of forest spirits. However, Kaw Thay Ghu and other communities now include Buddhists and Christians and not all traditional taboos are as strong as in the past. KESAN is supporting the community to consider ways to strengthen their rules to match their current reality – for example, adding enforcement mechanisms such as fines that can be respected by people of all religious beliefs.

Linking the Customary and Formal Governance Systems³

Within the formal governance system, KESAN is working with the Kawthoolei government to establish official recognition for customary governance, including support for the enforcement of customary rules. Significant progress has already been achieved – the Kawthoolei Land Policy and Kawthoolei Forest Policy acknowledge the traditional Kaw system of governance, uphold collective land ownership by Kaw members, and recognize the decision-making authority of customary leaders and councils.

Kawthoolei laws and policies are generally very

progressive about empowering community-led management of land and natural resources. However, putting these policies into practice is still a work in progress. KESAN is supporting implementation of the new policies by helping communities and customary leaders inform the creation of Kawthoolei policies and understand how policies interact with local customary practices of natural resource management.

Almost all the district-level officials within Mutraw District are familiar with the latest Kawthoolei laws and policies, and are supportive of decentralization and community empowerment. However because of the remoteness of some townships and limited communications infrastructure, there is often a lag between the passage of a new law and retraining of township officials. Even after learning of legal changes, some township officials disagree with a new law or policy and deny or obstruct its local implementation. KESAN is therefore working with central and district Kawthoolei leadership to proactively engage township officials to help them understand and implement new laws. KESAN believes that opposition by some township officials is rooted in concerns about the effectiveness of the new rules, or a lack of clarity about how decision-making authority is to be shared between communities and local officials. Other times, opposition may stem from corruption or fear that community-based resource management will prevent the outside investment

Sample Kaw Governance Rules

Kaw Thay Ghu's draft Customary Code has six sections: General Rules (13 by-laws), Environment (7 by-laws), The Land (7 by-laws), Infrastructure and Construction (4 by-laws), Justice (4 by-laws), and Emergency by-laws. Examples of by-laws include:

- The people of Kaw Thay Ghu shall work together to improve the rules of the Kaw step by step, in order that these rules might become established in the communities of the Kaw. (General Rules, By-Law 8)
- The support of at least 75% of the people 18 years old and older at a community meeting or Blaw shall be required in order to amend and approve the rules of Kaw Thay Ghu. In addition, a balance of support from both men and women shall be required. (General Rules, By-Law 9)
- The value of Kaw Thay Ghu is its environment since the environment is the livelihood security of the people of Kaw Thay Ghu, and it is what we depend on for our survival. (Environment, By-Law 6)
- Kaw Thay Ghu belongs to the people of Kaw Thay Ghu. (The Land, By-Law 2)

that they feel is needed to stimulate the local economy. As communities begin to reassert themselves as the stewards of their customary lands and reorganize themselves, some township officials see this as a threat to their authority and interests.

The township officials who oppose efforts to revitalize customary governance typically do not voice their opposition directly. While a majority of the township officials who KESAN staff have met with have expressed support for revitalizing the Kaw management system, some officials then gone on to criticize the process privately and others have refused to attend community meetings when invited. Community members and leaders have reported to KESAN that certain township officials have told them that efforts to revitalize the Kaw system are wrong and that the community cannot create or use their own rules because only Kawthoolei officials have authority to make decisions about land and natural resource management. These rumors and allegations create confusion in the community and cause delays in Kaw revitalization efforts until KESAN can visit and confirm that they are correctly following Kawthoolei law.

While there are challenges with implementation of Kawthoolei's new land and natural resource management laws, there are positive signs that officials and communities are now collaborating on solutions, as illustrated in the following section.

Commercial Interests Test Governance

Before the ceasefire with the Burmese military in 2012, the area around Kaw Thay Ghu had seen very little commercial resource extraction. As communications and transportation infrastructure improves, there is growing commercial interest in the wealth of natural resources in the region: timber, minerals, gemstones, and a concentrated diversity of exotic plants and animals. Villagers report an increasing number of visits and inquiries by 'businessmen' from other parts of Myanmar, many of whom claim to have permission from



Damage from illegal mining near Kaw Thay Ghu. (KESAN, 2012)

the Burmese government or military. Concerned by these activities, communities and KESAN have mobilized to prevent environmentally damaging activities and proactively engage with local officials.

Because the Kawthoolei government has not yet established a comprehensive system for approving and regulating resource extraction proposals, investors are approaching local officials and community leaders directly to seek their approval and permission for resource extraction. Enticed by stories of revenue and 'development' in neighboring districts, some local officials have made informal, illegal agreements with the investors without approval from the central or district Kawthoolei authorities or from local communities.

In 2015, several businessmen approached community leaders and local officials in Mutraw District asking to harvest *Aquilaria* trees, the source of agarwood. Resin from agarwood is used to make expensive incense and is very valuable.⁴ There are many very old *Aquilaria* trees within Kaw Thay Ghu because traditionally the Karen have not cut these trees and Kaw Thay Ghu's traditional rules restrict the harvesting of trees. However, the customary rules were not made with commercial pressures in mind and the taboo-based enforcement of these restrictions

³ This section describes the Kawthoolei administrative system, which is separate from, and not recognized by, the Burmese government's administrative system.

⁴ KESAN has heard reports of resin from a single tree being sold for 1.5 million kyat (almost \$1,100 USD).

was failing to prevent illegal logging. Certain areas of Kaw Thay Ghu's forest had already been degraded, prompting members to agree on the need to strengthen existing rules about logging.

While the community was refining their rules, a few township officials illegally granted permission to cut *Aquilaria* trees within Kaw Thay Ghu to several businessmen. They did not inform the community of these deals and did not get approval from the district or central Kawthoolei authorities. When people began cutting *Aquilaria* trees in late 2015, the entire community of Kaw Thay Ghu called an urgent meeting to investigate. At a Blaw meeting, Kaw Thay Ghu's customary land managers agreed that rules about commercial logging do apply to *Aquilaria* trees, recording the agreement within the 'Emergency Rules' section of the rules recently recorded in their community land protection process. They declared the logging illegal and met with the local township officials to explain their decision. However, several township officials refused to recognize Kaw Thay Ghu's rules as legitimate. The officials questioned why the community was writing "new" rules to regulate trees that did not "belong" to them.

The community appealed to KESAN for advice and assistance in reporting the logging to the district government. KESAN often acts as a link between remote communities and the district government, using their network of community members and field staff to bridge gaps in communication infrastructure. After investigating the situation in early 2016, KESAN reported it to the district official responsible for Luthaw township. KESAN explained the community opposition, the customary rules that the community had adopted as formal land management by-laws, and how the logging was illegal under Kawthoolei law. The district official agreed that the logging should be prohibited and sent directives to the township authorities and communities explaining that anyone caught cutting *Aquilaria* trees would be arrested. Community members have not found any evidence of further illegal harvesting.

Strategies to Engage Local Officials

While commercial resource extraction activities have caused damage in parts of Kaw Thay Ghu, KESAN applauds the community's response to these threats. Kaw Thay Ghu has repeatedly and quickly organized a united stance against damaging activities and has been able to use the Kawthoolei governance system to hold local officials accountable. With KESAN's support, communities feel confident in appealing to district authorities, and district and central Kawthoolei authorities seem to be upholding their support for community-based natural resource governance. However, the experiences have prompted KESAN to identify ways to proactively address governance gaps and conflicts of interest with township officials.

KESAN now uses multiple strategies to educate township officials about Kawthoolei laws and customary land management practices, empower them to practically use this knowledge, and hold them accountable for doing so. KESAN is finding the following strategies to be effective:

Invite participation by local officials. For almost every community meeting, KESAN invites the local township and district officials to attend so that they can stay up to date with the Kaw revitalization process and related issues and share their knowledge and expertise. KESAN also encourages communities to extend invitations to local officials when they organize their own meetings and not be discouraged if officials do not always attend. KESAN also recommends that community members travel to meet with local officials, especially if officials might have concerns or questions that they are not comfortable sharing in large public meetings. KESAN is encouraged by a growing sense of partnership and solidarity between communities and officials when they have more direct interaction.

Help local officials understand customary rules. Often township and district officials do not have much knowledge of the Kaw management

system, in part because it was driven underground during the decades of conflict. Communities need to explain what their rules mean and how they function in practice, or, if they are in the process of revitalizing them, how the community wants them to function. Without this understanding, officials may inadvertently contradict Kaw rules. KESAN urges communities to have patience with this – the Kaw management system takes time to explain and understand, and they will likely need to regularly explain details of the system to officials. KESAN has also arranged meetings where district and township officials who have more understanding of customary governance systems can help to explain them to other officials.

Build capacity of local officials. Many Kawthoolei township officials work in remote areas with limited resources from the central government. Information and implementation supports for new policies are often slow to reach some remote officials. For example, when the central government ordered township officials to demarcate customary boundaries of communities most township officials were unable to comply because they did not know how and lacked the necessary tools and resources. Meanwhile, KESAN had trained communities on the new policy and provided them with GPS devices and training to conduct their own mapping. In several cases, township officials told communities they were not allowed to do their own demarcation, which was not true. KESAN now invests significant time and resources in working with local officials to update them on policy changes and support their development of skills needed to fulfill their evolving mandates. By building the capacity of local officials, KESAN hopes that they will feel less threatened when communities have the knowledge and ability to undertake land and natural resource management tasks for themselves.

Educate about impacts of resource exaction activities. Many local officials feel responsible to create jobs and prosperity in their jurisdictions,

and see natural resource extraction as one of the few options available to do this. KESAN is not against all natural resource extraction projects and recognizes that communities may choose to allow some projects. KESAN's approach is to provide information about the consequences of different types of natural resource extraction activities like pit mining or clear-cutting so that officials and communities can make informed decisions and create appropriate rules and regulations. In particular, KESAN shares stories from other districts or townships that have experienced unanticipated negative impacts from natural resource projects, such as mines that brought pollution and new settlers without creating any jobs for local people.

Collaborate to overcome communication barriers. In many parts of Kawthoolei there is very limited communications infrastructure. KESAN has observed that communication barriers and delays are often an underlying cause of miscommunication, rumors, and disputes between communities and township officials. For example, when KESAN or a community organize a meeting, they may have to invite their township and district officials by written letter if they have no phone network access. These letters take up to a week to reach the recipients and may arrive too late for the official to reach the community in time for the meeting. KESAN is exploring creative solutions with district governments, such as using military infrastructure to send simple



A traditional forest ceremony in Kaw Thay Ghu. (KESAN, 2017)

messages about meeting dates and locations. These strategies have so far shown some signs of improving participation by township officials. But not all communication barriers are logistical; in Karen culture there is often a reluctance to disagree in public meetings, so it is common for communities and local officials to misunderstand each other's positions. KESAN is fostering more open communication by encouraging community members and officials to listen carefully to each other, ask clarifying questions to understand each other's perspectives, and share concerns and questions in person during meetings.

Build individual relationships. KESAN has realized that it is vital for staff to listen closely to the concerns, needs, fears, and aspirations of local officials. While KESAN's own analysis of situations is still vital, KESAN has embraced the value of asking and listening directly to individual officials to hear their perspectives directly. Developing relationships based on trust and respect between KESAN and local officials has enabled much more compromise and effective problem-solving.

Engage with officials at all levels. KESAN invests significant staff time in building and maintaining relationships with officials in district governments and national ministries and keeping them up to date on KESAN's activities with communities. By developing relationships of trust with local officials and listening to their concerns, while also maintaining collaborative relationships with higher authorities, KESAN is able to feed up perspectives and ideas from grassroots officials into national governance processes. KESAN's positive relationships with district and national officials also mean that if a disagreement arises, KESAN can call upon support from the appropriate level of government. When a community wants to appeal to a higher authority to hold a lower official accountable to their mandate or complain about an official's conduct, KESAN is able to facilitate delivery of the request and help to ensure that the appropriate authorities respond. For example, the

head of Mutraw district is an active supporter of the Kaw revitalization efforts and often reinforces the message that the efforts are not just a KESAN project but rather an inclusive process supported by all levels of the Kawthoolei government.

Conclusion

KESAN's years of relationship building with township and district officials are showing results. The majority of township officials that KESAN has engaged with are now supporting efforts to decentralize authority over land and natural resource management to communities and to revitalize customary Kaw management systems. KESAN has watched local officials change their stance as they learn more about how customary systems work and how new policies about land and natural resources will function in practice to protect communities' lands and foster local prosperity. Supportive township officials have often become active participants in communities' efforts - contributing ideas and technical knowledge and doing what they can to help efforts move forward.

To other communities and organizations, KESAN encourages perseverance and patience - working with local officials will often be challenging, frustrating, and slow. Some officials will resist change and struggle with sharing power. KESAN's experiences show that in many cases, resistance comes from a lack of understanding and fear about what changes will mean for them personally. While techniques such as appealing to higher authorities to hold local officials accountable are important to address specific situations of conflict, organizations can also play a powerful bridging role between communities and local officials and help them to build relationships of trust, mutual understanding, and cooperation.



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