



Karen Human Rights Group

Documenting the voices of villagers in rural Burma

Ceasefire Commentary
November 7, 2012 / KHRG #2012-C3

Steps towards peace: Local participation in the Karen ceasefire process

This commentary considers Karen villagers' perspectives on impacts of the ceasefire between the Karen National Union (KNU) and the Government of the Union of Myanmar. In light of their concerns, this commentary makes workable recommendations about what the most effective next steps could be for negotiating parties and for stakeholders in the ceasefire process. Building on KHRG's previous analysis in Safeguarding human rights in a post-ceasefire in eastern Burma, published in January 2012, this commentary brings to light new evidence of villagers' perspectives. Documentation received since the ceasefire reveals some positive changes, but also raises concerns about ongoing human rights abuses in the post-conflict environment, as a result of ingrained abusive practices and a lack of accountability, particularly in areas where there has been an increase in business, development, natural resource extraction, accompanied by a continued military presence. KHRG believes that the perpetration of abuses is exacerbated, and villagers' options to respond effectively limited, both by the lack of opportunities for genuine local input and a dearth of information-sharing concerning new developments. Analysis for this commentary was prepared based on a collaborative workshop held between all staff members at KHRG's administrative office, as well as field documentation and oral testimony received since January 2012 from villagers in all KHRG research areas, which incorporate all or parts of Kayah and Mon States, and Bago and Tanintharyi Regions.

During the ten months since a preliminary ceasefire agreement was reached between representatives of the Government of the Union of Myanmar and the Karen National Union (KNU),¹ negotiators from the two parties have met twice, most recently on September 3rd and 4th, aiming to build trust and progress towards a code of conduct that will set guidelines as to how the armed actors must operate towards each other.² As the details of this document have not yet been made public,³ this moment presents an opportunity to consider what impact the ceasefire has had for villagers in eastern Burma in the last ten months and, based on their perspectives, to suggest further steps that are still needed to ensure sustainable peace.

¹ "Govt, KNU sign ceasefire," *Myanmar Times*, January 16th-22nd 2012; "KNU, Govt Reach Historic Agreement," *The Irrawaddy*, January 12th 2012.

² The KNU described the purpose of this meeting as being to discuss the withdrawal of Tatmadaw troops and the ceasefire code of conduct, see: "KNU Delegations Departs for the Third Round Negotiation of Ceasefire with the Burmese Government," Karen National Union, September 1st 2012.

³ "Burma government, KNU agree to ceasefire code of conduct," *Mizzima News*, September 5th 2012; KNU and "Govt need more time to finalize ceasefire code of conduct," *Karen News*, September 7th 2012.

In January, KHRG wrote that the ceasefire presented an unprecedented opportunity to establish peace and improve human rights conditions for local people in eastern Burma.⁴ It was suggested that the incorporation of treatment standards for civilians into a ceasefire code of conduct could provide a human rights standard to which villagers could hold soldiers to account, in the continued absence of rule of law.⁵ Writing in January, the expectation was that, with a ceasefire, conflict-related abuses would diminish but that human rights violations related to continued militarisation, unilateral resource extraction and externally imposed development might increase given new opportunities for access inside ‘the last frontier where big money can be made’.⁶

Positive changes

Community members working with KHRG to document human rights abuses⁷ have indeed documented a number of changes on the ground since the initial January ceasefire.⁸ Villagers note that they have been able to resume their livelihoods in stability and freedom, at least to some degree, in a number of areas. In Papun District, for example, villagers describe seeing long-abandoned fields renewed and cultivated.⁹ In Pa’an and Nyaunglebin, villagers noted that they have been able to travel and work in their fields more freely than before the ceasefire.¹⁰

“I don’t understand politics, so what I understand is I can work in my hill farm and on my livelihoods properly and I can travel freely. Now, in 2012, because our leaders have arranged it, we can work properly. But in the future, we hope that the fighting will not

⁴ See: “Safeguarding human rights in a post-ceasefire eastern Burma,” KHRG, January 20th 2012

⁵ Human rights training for military actors has played an important role in other ceasefire contexts; such training was included as part of broader efforts to support security sector reform in a ceasefire context was in the mandate of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), see United Nations Security Council Resolution 1856 (2008), Adopted by the Security Council on 22 December 2008. At the request of the NSAGs in the Philippines, Geneva Call organised international humanitarian law and human rights training of trainers for NSAG military and political officers in November 2005. See Training of Trainers Workshop, Camp Darapanan, Sultan Kudarat Maguindanao, The Philippines, 2005. The need for all local actors to develop an understanding of human rights is also exemplified in the emergence of the ‘New Generation School’, which encourages younger generations to attend as an alternative to joining an armed group and included human rights and United Nations studies in its curriculum, see: “Global Post: Guerrilla economics in Myanmar’s ‘black zone,’” Patrick Winn, August 29th 2012.

⁶ “Myanmar’s new frontiers come with striking business challenges,” Global Times, August 1st 2012.

⁷ KHRG trains and equips villagers to gather testimony and document human rights abuses in their communities. For more information on KHRG research methodology, see “All the information I’ve given you, I faced it myself: Rural testimony on abuse in eastern Burma since November 2010,” KHRG, December 2011, pp. 9 – 12.

⁸ See statement issued by KNU on January 13th 2012, the day after a 19-member KNU delegation, which included military representatives from all KNLA Brigades except 5th Brigade, attended initial ceasefire talks in the Zwegapin Hotel in Pa’an Town. “Statement on the Initial Agreement between KNU and Burmese Government,” Karen National Union, January 13th 2012.

⁹ “Sustained Tatmadaw resupply operations in Thaton, Nyaunglebin and Papun during ceasefire,” KHRG, May 31st 2012

¹⁰ “Villagers return home four months after DKBA and Border Guard clash, killing one civilian, injuring two in Pa’an,” KHRG, June 27 2012

happen again. We want to live and work in our country properly and we want to travel freely.”

Saw Aw---, (male, 40), Hk--- village, Ler Doh Township, Nyaunglebin District
(July 2012)¹¹

In other areas, villagers describe decreased demands for forced labour and encounters with Tatmadaw soldiers who have sought to cooperate with villagers¹² and with the KNU.¹³ Elsewhere still, villagers claim that the ceasefire has made them less fearful and given them more confidence to assert their rights and engage with armed soldiers.

“After the ceasefire talks between the KNU [Karen National Union] and the Burma Government in 2012, the situation started to become more flexible and the villagers became more confident in talking to local Tatmadaw officers.”

Situation Update written by a community member, Tantabin Township, Toungoo District
(Published May 2012)¹⁴

“Starting from the beginning of 2012 until now, the Burma Military and the Border Guard don’t come into the village and they also don’t demand things and food because the KNLA [Karen National Liberation Army] and the KNU [Karen National Union] come and are really active in our region.”

Situation Update written by a community member, Bu Tho Township, Papun District
(Received June 2012)¹⁵

Negative changes

The ceasefire clearly provides opportunities for many, but testimony received from villagers also expresses serious concerns. KHRG has not recorded a military attack on a village during 2012,¹⁶ but there have nonetheless been sporadic incidents of indiscriminate fire¹⁷ and of villagers being shot-on-sight.¹⁸

¹¹ This is an excerpt from an as-yet-unpublished interview conducted in July 2012 by a community member trained by KHRG to document human rights abuses.

¹² See for example: “Papun Situation Update: Northern Lu Thaw Township, March to June 2012,” KHRG, September 2012.

¹³ See for example: “Pa'an Situation Update: T'Nay Hsah Township, September 2011 to April 2012” which describes KNLA Battalion #101 and Border Guard Battalion #3 working together following an order to remove the landmines in February 2012.

¹⁴ For the full published report, see: “Toungoo Situation Update: Tantabin Township, January to March 2012,” KHRG, May 2012.

¹⁵ This is an excerpt from as yet-unpublished notes accompanying a set of photos taken by a community member in Papun District and received by KHRG in June 2012.

¹⁶ This stands in stark contrast to the same time period in the previous year 2011, during which villages in Papun, Mergui-Tavoy and Toungoo were attacked, houses and rice barns burnt and food materials destroyed. See for example: “Incident Report: Forced labour and killing in Toungoo District, July 2011,” KHRG, March 2012; “Nyaunglebin Situation Update: Ler Doh Township, September to October 2011,” KHRG, January 2012; “Incident Report: Three villages fined after fighting between Tatmadaw and NSAGs, two villagers arrested, one killed,” KHRG, February 2011. For information detailing the scope of attacks occurring in 2011, see 'All the information

Throughout 2012, villagers continued to describe serious abuses related not to armed conflict, but to the continued militarization of the region. These have included forced labour,¹⁹ arbitrary taxation and extortion, violence or threats of violence to enforce orders,²⁰ as well as land confiscation, destruction of villagers' livelihoods,²¹ development-induced displacement and forced relocation.²²

"For us, we have listened to our leaders' orders. In their [Tatmadaw] case, if they don't respect the ceasefire then it causes great difficulties for us civilians and we can't trust the ceasefire, which is bad for the future of our country [Burma]."

Saw E---, (male, 36), T--- village, Bu Tho Township, Papun District
(June 2012)²³

Villagers cite ongoing military activities or the presence of large numbers of soldiers from different armed groups as a source of concern. KHRG has already published several detailed reports of army camps resupplying rations, ammunitions and troops, as well as rebuilding or establishing new camps and roads.²⁴ In some cases, villagers have been forced to contribute labour, equipment or building materials for these resupply operations.

"The whole community is concerned that the situation will get worse again, as they still have to do work for Tatmadaw soldiers and they still see more Tatmadaw troops being deployed in their area."

Situation Update written by a community member, Tantabin Township, Toungoo District
(Published May 2012)²⁵

"To be able to repair our places, we don't want the Burma Military to [stay] close to us. If they live closely, we dare not go back and repair our places. ... For us, even if they stay closely, [we have to] to go back and work. But because they are close to us, we dare not go back and live."

I've given you, I faced it myself: Rural testimony on abuse in eastern Burma since November 2010," KHRG, December 2011, pg 12

¹⁷ In an incident of civilians being caught in crossfire during an armed post-ceasefire skirmish, see: "Villagers return home four months after DKBA and Border Guard clash, killing one civilian, injuring two in Pa'an," KHRG, June 2012

¹⁸ See for example: "Tatmadaw soldiers fire at four villagers carrying rice, order forced labour in Toungoo District," KHRG, July 2012; "Villager shot and killed in Papun District," KHRG, October 2012

¹⁹ See for example: "Forced labour and extortion in Pa'an District," KHRG, June 2012.

²⁰ See for example: "Abuses since the DKBA and KNLA ceasefires: Forced labour and arbitrary detention in Dooplaya," KHRG, May 2012.

²¹ See for example: "Toungoo Situation Update: Tantabin Township, January to March 2012," KHRG, May 2012.

²² See for example: "Papun Situation Update: Dwe Lo Township, February to June 2012," KHRG, September 2012; see also Photo Set: Villagers register concerns about proposed Hatgyi Dam," KHRG June 2012.

²³ For the full published report, see: "Papun Interview: Saw E---, June 2012," September 2012.

²⁴ See for example: "Dooplaya Situation Update: Kawkareik Township and Kya In Township, April to June 2012," KHRG, September 2012; and "Papun Situation Update: Dwe Lo Township, February to June 2012," KHRG, September 2012.

²⁵ For the full published report, see: "Toungoo Situation Update: Tantabin Township, January to March 2012," KHRG, May 2012.

Saw K---, (male, 54), Ky--- village, Hkay Dar village tract, Ler Doh Township,
Nyaunglebin District (July 2012)²⁶

Ongoing military activities fuel fears that the Tatmadaw is using the process to prepare for renewed attacks on civilians hiding in upland areas.²⁷ This was the case in 2005, when a temporary lull in fighting due to a ‘gentleman’s agreement’ paved the way for the Tatmadaw’s largest offensive in a decade. Some villagers have expressed a reluctance to return to land proximate to Tatmadaw military camps. As one man in Nyaunglebin said:

“Nephew, I don’t believe in the ceasefire because in our area, I don’t see the two armed groups sit and drink tea together... Their situation is like two bulls that look at each other before they start fighting. For our villagers, we can breathe a little before they start fighting. If they fight each other, we will have to face the same thing as in the past.”

Situation Update written by a community member, T’Nay Hsah Township, Pa’an District
(May to July 2012)²⁸

“We need lasting peace for our new generation in the future. Currently, there is [only a] ceasefire and our villagers don’t feel there is enough peace, so we hope to gain lasting peace in our country.”

Situation update written by a community member, Ler Doh Township, Nyaunglebin District (Received July 2012)²⁹

The cessation of hostilities has also created space for commercial interests to move in and pursue unilateral resource extraction, development and state-building projects. Villagers have described an influx of business and development projects carried out by ‘rich people’,³⁰ implying a ‘top-down’ approach which is neither inclusive nor consultative and which exposes them to different kinds of threats. In and around project sites, there are increased human rights violations specifically relating to land access, destructive impacts on villagers’ livelihoods and food insecurity, as well as the environmental and social impacts of natural resource extraction

²⁶ This is an excerpt from an unpublished interview conducted in July 2012 in Ler Doh Township, Nyaunglebin District by a community member trained by KHRG to monitor human rights conditions.

²⁷ Villagers continue to frame their situation in the context of historical experience, specifically the Northern Offensive 2005 – 2008, when Tatmadaw units began widespread attacks on villages in mountain areas of Toungoo, Nyaunglebin and Papun districts in northern Karen State, beyond the sphere of Tatmadaw control; see for example: “Toungoo Situation Update: Than Daung Township”, KHRG, April 2012. For further information regarding the Northern Offensive, see: “KHRG Photo Gallery 2006: The Northern Offensive,” KHRG, March 2007 and Less than Human: Convict Porters in the 2005 - 2006 Northern Karen State Offensive, KHRG, August 2006.

²⁸ This is an excerpt from an as-yet-unpublished situation update from T’Nay Hsah Township, Pa’an District received in July 2012 from a community member trained by KHRG to document human rights abuses.

²⁹ This is an excerpt from an unpublished interview conducted in July 2012 Ler Doh Township, Nyaunglebin District by a community member trained by KHRG to document human rights abuses.

³⁰ For published references by villagers to ‘rich people’ initiating business and development projects and confiscating land in villagers’ testimony gathered by KHRG in 2012, see: “Papun Situation Update: Dwe Lo Township, February to June 2012,” KHRG, September 2012; “Mergui/Tavoy Interview: Saw K---, April 2012,” KHRG, July 2012; and “Toungoo Situation Update: November 2011 to January 2012,” KHRG, March 2012.

projects.³¹ The absence of enforceable project governance standards allows for the continuance of human rights abuses, while a wholesale lack of information available to villagers narrows their options for response.³²

"A villager from D--- said, "Now, the companies come in and work, and the land of the civilians is being destroyed." The same villager said, "Why don't the Karen leaders forbid them? ... Now, there are only the rights for the companies [to come] and there are no rights for the villagers." ... If I look at the arrival and gold mining of the companies, if the leaders from the headquarters, from the districts and the townships prohibited them, it would be best. ... The E--- villagers ... heard that the companies will come and do gold mining ... so they shouted in front of the [KNU] leaders not to allow the companies to come and do gold mining. They asked the leaders to prohibit [the companies] as much as they can. [They said:] "If the leaders give permission, our villagers will face many difficulties."

Situation update written by a community member, Dwe Loh Township, Papun District
(Published September 2012)³³

Villagers have also raised concerns about incursions on their cultural and religious freedoms during 'top-down' state-building initiatives. A 40-year-old hillfield farmer from Kheh Der village tract told KHRG that, in being provided an ID card to travel freely, his traditional animist religion was ignored and he was listed as 'Buddhist' on the ID card.

"They just provided us with the ID card. ... We are traditional animist but when we went to the government, they said that we are Buddhist. They put us into Buddhist group but we are not Buddhist. We are just traditional animist. We have lived like this for a long time and our religion has been passed down from the ancient time. ... Because they want to put us in the Buddhist, they write in the ID cards that we are just Buddhist, not traditional animist. ... Therefore, if we look at the way they sabotage us like that, it affects our religion, our rights, our religious rights and our ethnicity's rights."

Saw Aw---, (male, 40), Hk--- village, Ler Doh Township, Nyaunglebin District
(July 2012)³⁴

Summary and recommendations

This analysis of villagers' testimony reveals a general uncertainty about what to expect and how to react to negative developments, even where there is acknowledgement of positive changes.

³¹ Field surveys recently conducted by Physicians for Human Rights (PHR) 'found a strong correlation between development projects and incidence of human rights abuse: "Bitter Wounds and Lost Dreams: Human rights under assault in Karen State, Burma," PHR, August 2012. See for example: "Papun Situation Update: Dwe Lo Township, February to June 2012," KHRG, September 2012.

³² For previous examples of lack of information limiting villagers' options to protect their rights, see: "Toungoo Interview: Saw H---, April 2011," KHRG, September 2012

³³ This is an excerpt from an interview conducted by a community member trained by KHRG, see: "Papun Situation Update: Dwe Lo Township, February to June 2012", KHRG, September 2012

³⁴ This is an excerpt from an unpublished interview conducted in July 2012 Ler Doh Township, Nyaunglebin District by a community member trained by KHRG to document human rights abuses.

Villagers raise specific concerns about a lack of comprehensive information available publicly and the lack of clear rules that all parties are following. Underlying these concerns is a fundamental lack of trust that this ceasefire is authentic and has the potential to hold where others have failed.

“If it [the ceasefire] is true and going well, it would benefit us. Now, there is no assurance so, we dare not go and come back freely. We dare not go as we want to go like we want to go and see our place carefully because they are next to the places. We dare not go as we want. We need to listen first [about their activities].”

Saw K---, (male, 54), Ky--- village, Hkay Dar village tract, Ler Doh Township, Nyaunglebin District (July 2012)³⁵

Significantly, the dearth of information received by local communities about the ceasefire feeds their lack of trust in the process. People expressed more willingness to believe in the current ceasefire, in contrast with previous ones, because it was signed and news about it was made publically available. This highlights an area where positive steps can be taken to ensure transparency and disseminate information about the process widely.

“Some people told [me] that it is difficult for us to believe or not believe [in the ceasefire]. We would believe it if we see it in reality. Some people told [me] that: “The reason why we do not believe it is because we saw in the past there were many periods of ceasefire agreements, but later fighting happened again,” or “the reason why we believe now is because in the past we never saw them sign a detailed agreement and publish the news like now.”

Situation update written by a community member, Mergui-Tavoy District
(Received by KHRG in July 2012)³⁶

In the face of ongoing human rights violations, and lack of access to remedy for villagers, gains achieved thus far need to be bolstered by clear and enforceable standards for the treatment of civilians. Concerns raised by villagers’ at the grassroots level need to be addressed directly and immediately if the ceasefire process is to benefit communities. Even if the current ceasefire holds, the disenfranchisement and marginalisation of rural communities, especially through their exclusion from externally-imposed development and resource extraction, has the potential to create new forms of conflict and inequality.³⁷

³⁵ This is an excerpt from a different unpublished interview conducted in July 2012 in Ler Doh Township, Nyaunglebin District by a community member trained by KHRG to monitor human rights conditions.

³⁶ This is an excerpt from an unpublished situation update received by KHRG from a community member in Mergui-Tavoy District in July 2012.

³⁷ A prominent economist has also pointed out that there are ‘three fundamental truths about conflicts today: they are mostly borne out of competition for control of resources; they are predominantly a feature of poorer economies; and they are increasingly internal conflicts.’ Dambisa Moyo, *Dead Aid: Why aid is not working and how there is a better way for Africa*, Farrar Straus and Giroux, New York, p. 59. In the context of Burma, see also: *Not Open for business: Despite elections, investor risk remains high in Burma*, Conflict Risk Network (CRN): A Project of United to End Genocide, April 2012.

The ceasefire agreement remains the best opportunity to improve relationships between groups and to develop a strong framework for military actors to abide by and implement on the ground. An agreement between the Government and the KNU could increase the options that villagers have to assert their rights by introducing standards that they can hold powerful actors accountable to, and will be in force before democratic or legislative reforms from Naypyidaw reach ethnic areas. In addition, it could provide a mechanism to increase options for accountability and participation in protective frameworks at the local level. Communities could engage in the process in a number of ways, including by playing a crucial role in monitoring and reporting violations.

The ceasefire agreement must stipulate a specific and clearly defined code of conduct which includes standards not only for the ways in which armed actors must operate amongst themselves, but crucially also in relation to villagers. These standards should be built on detailed input from villagers so as to accurately address the human rights concerns of local communities. Wide dissemination of the text of the agreement itself would expand villagers' options for self-protection by providing them with the tools to engage soldiers and address their concerns on the basis of a common undertaking.

Because the ceasefire code of conduct should be formulated in accordance with international human rights norms, it also presents a unique opportunity to incorporate norms for business and development projects into a framework that all armed actors undertake to recognise.³⁸ It is imperative that villagers' concerns about increased abuses related to business and development be addressed, given the militarisation of the environment and the inclusion of security forces from all parties to the ceasefire in a variety of commercial projects in eastern Burma. It could also be a tool by which communities could be engaged in *bona fide* consultation processes with external business and development actors, ensuring that the benefits of such projects reflect local needs and are indeed felt locally.³⁹

³⁸ See for example, "Open Letter from Mary Robinson and John Ruggie to EU Foreign Ministers and EU High Representative," Institute for Human Rights and Business, 19 April 2012 and "Ruggie advises caution over Burma/Myanmar," Ethical Trade Initiative, April 2012.

³⁹ Free, Prior and Informed Consent (FPIC) is clearly established as a right of indigenous peoples in international human rights instruments like the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), in international financial governance norms and has judicial precedent, for example in the decisions of bodies like the Inter-American Court of Human Rights. See, "The Right to Development: From Policy to Practice," The North-South Institute presentation to UN Human Rights Council, Geneva, September 2011. 'As a principle, and as a consequence of rights to self-determination, property, health, and others, FPIC is also recognized as best practice for other, non-indigenous peoples and communities.' FPIC is the principle that a community has the right to give or withhold its consent to proposed projects that may affect the lands they customarily own, occupy or otherwise use.

A ceasefire agreement and code of conduct that encompasses the rights of villagers, and not only a military framework, could present vast new opportunities for communities to assert their rights in relation to military and other actors. The inclusion of a clearly defined mechanism for addressing violations of the agreement would counteract impunity, creating an unprecedented standard to which armed actors could be held to account. Human rights training for all armed actors based on such a code of conduct would foster an understanding of their obligations, not only amongst themselves, but also towards civilians.

For meaningful changes that support the expansion of villagers' options at the community level, it is essential that communities have the necessary knowledge and institutional support to take advantage of the new opportunities to claim rights. For this reason, the code of conduct must be transparent and readily available in local languages, and widely-publicised by strong awareness-raising activities and media campaigns.

Furthermore, it is standard practice for a ceasefire agreement to define a monitoring process that is open to independent observation and a complaints and verification mechanism to deal with violations reported. This is necessary to deter violations and, where violations do occur, to enable quick action to ensure that they do not trigger new or renewed conflict.

For this monitoring to be most effective, it must be a process in which not just independent third parties and international monitors agreed upon by both sides, but most importantly local communities, can all participate. Villagers themselves have the deepest understanding of the situation within which they live and they are best placed to assess the options open to them for raising, reporting and responding to ceasefire breaches. A ceasefire monitoring system that is built on widely-publicised ceasefire terms, clearly defined standards of treatment, and a right to lodge complaints regarding violations, will nurture and facilitate inclusive local-level participation and villagers' ability to assert their rights.

In the absence of an agreement, villagers should be given improved access to knowledge about relevant options for raising complaints and having these addressed, and at the very minimum, they should have detailed and clear information relating to the processes that affect them, whether these are incoming development projects, land tenure and land registration laws, inter-party Liaison Offices, or international mechanisms monitoring particular abuses. Knowledge about relevant national or international protective frameworks, as well as the opportunity to give input on ceasefire processes that affect them, will provide additional chances for villagers to exert their own agency and put them in a better position to support their own causes. For example, knowledge of the undertaking to end forced labour by the Government and the

International Labour Organisation (ILO) complaints mechanism can give villagers a moral boost and mobilize them to reject demands for forced labour.

Conclusion

Increasing villagers' options for engagement will counteract their exclusion from the wider peace process and counteract their perception, in some cases, that the ceasefire negotiations are an opaque top-down affair to be resolved by the 'leaders.' Empowering communities to promote peace and human rights in their own communities is an actionable effort to which stakeholders can contribute and so augment international endeavors to achieve lasting peace in eastern Burma.

Protracted ceasefire negotiations have stirred expectations of peace and launched a slew of new enterprises but have yet to establish clear guidelines for conduct or accountability. Political negotiations are going slower and less transparently than the new economic development projects that are rushing in, posing a serious concern for communities as well as for the ethnic armed groups negotiating ceasefires.⁴⁰ Without a concerted effort to ensure that relevant human rights and governance standards are actionable terms in the ceasefire and to inform and engage local communities about their role to play in the process, the current process will not address the root causes of abuse and so will fail to deliver the lasting peace and stability that villagers are asking for.

⁴⁰ In a statement released to commemorate Karen martyrs' day, KNU Chairman Tamla Baw said "Though the government claims to be building peace with armed ethnic nationality forces, it is my analysis that, in practice, it is working with an emphasis only on business matters, rather than dialogue for peace with a political essence," August 8th, 2012, "KNU Doubts Govt Peace Efforts," *The Irrawaddy*, August 9th, 2012

KNU and Government of the Union of Myanmar Code of Conduct: Karen Human Rights Group (KHRG) Recommendations

Below are some points that KHRG believes could and should be addressed and incorporated into a code of conduct agreed to between negotiating parties in the ceasefire. These are neither intended nor should be read as an exhaustive list of points to address; they are intended only to provide a concrete starting point for basic human rights recommendations. All points below aim to address human rights concerns frequently expressed by local communities to KHRG, and thereby to expand villagers' options for self-protection. However, detailed conduct standards must be formulated in accordance with substantial input from villagers so as to address accurately their own human rights concerns, as well as in accordance with international human rights norms, supported by informed stakeholders.

1. At a bare minimum, conduct standards should affirm all armed actors' respect for the principle of distinction between civilians and combatants, and for villagers' basic rights to health, education and livelihoods.
2. At a bare minimum, conduct standards must expressly prohibit the following human rights concerns frequently expressed to KHRG:
 - a. Forced labour and taxation ordered by armed actors;
 - b. Forced recruitment by armed actors;
 - c. Arbitrary arrest, detention, extrajudicial interrogation, torture and execution;
 - d. Land confiscation by armed actors;
 - e. Forced relocation by armed actors;
 - f. All forms of coercion and threats by armed actors
 - g. Rape and sexual violence perpetrated by soldiers;
 - h. Looting and theft perpetrated by soldiers;
 - i. Indiscriminate firing of weapons;
 - j. Planting of landmines;
 - k. Exercise of counter-insurgency tactics, such as:
 - i. Attacks on homes, agriculture and religious buildings
 - ii. Destruction of food and livelihoods
 - iii. Shoot-on-sight practices
3. All armed actors should commit that they will not provide security or otherwise support business and development actors who fail to abide by certain standards of operation, commonly agreed to by both parties and formulated in accordance with international human rights norms.
4. All armed actors' should affirm their recognition of the right of all communities to be consulted vis-à-vis business and development projects affecting them and to give their free, prior and informed consent to the project.
5. As a basic rule, if the following conditions have not been met by project developers, then the military or armed groups should commit that they will not support or take security for that project:
 - a. Local villagers informed about all of the negative impacts of the project, both by the project developers and by independent actors;
 - b. Local villagers given the chance to participate in decision-making processes, both before and during all stages of business or development project;
 - c. Local villagers given the chance to negotiate for improved compensation, alternative land and benefits to their community from the project;

- d. Local villagers given the chance to provide their informed consent to the project, without being subject to any forms of pressure, coercion or threat of military retribution during decision-making processes or during negotiation for compensation.