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Conflict and Survival: Self-protection in south-east Burma

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KEY POINTS

- People living in armed conflict-affected south-east Burma have a detailed and sophisticated understanding of threats to their safety, livelihood options and general well-being. For ethnic Karen civilians, protection and livelihood concerns are deeply interconnected.

- People contribute to their own protection through a number of often ingenious and brave activities. Vulnerable communities display high levels of solidarity and cohesion, with local leaders playing important roles in building trust and 'social capital'.

- The biggest contribution to people's protection stems from their own actions. The impacts of internationally-mandated protection and assistance agencies remain marginal for people in conflict areas. Limited amounts of international aid are delivered by community-based organizations and local NGOs which are often, but not always, associated with conflict actors.

- Assistance to refugees and internally displaced people is a significant factor in the political economy of armed conflict in south-east Burma. International agencies and donors should therefore exercise caution, and undertake continuous 'do no harm'[1] analysis, regarding the relationship between aid and conflict.

- Advocacy campaigns based on documenting and denouncing rights violations have a positive – if limited – impact on the safety and well-being of vulnerable people in south-east Burma. Such public advocacy is complemented by low-profile, persuasive advocacy, undertaken by community leaders on the ground.

- The primary threat to civilians in armed conflict-affected south-east Burma comes from the militarized government and its proxies. Armed opposition groups also represent threats to civilian populations (among other reasons because insurgent activities provoke reprisals against civilian populations). In some cases, armed opposition groups offer a degree of protection to displaced and other vulnerable people.

- A range of armed groups position themselves as protectors of the Karen nation. However, international humanitarian and human rights law do not recognize the protection roles of non-state armed groups. Whether civilian 'self-protection' or the activities of armed opposition groups are considered appropriate and worthy of support depends on the legitimacy accorded to these actors.

- The manner in which international aid actors understand and support local agency is likely to become increasingly significant, given the shifting global balance of power and associated decline in rights-based approaches to humanitarian intervention.
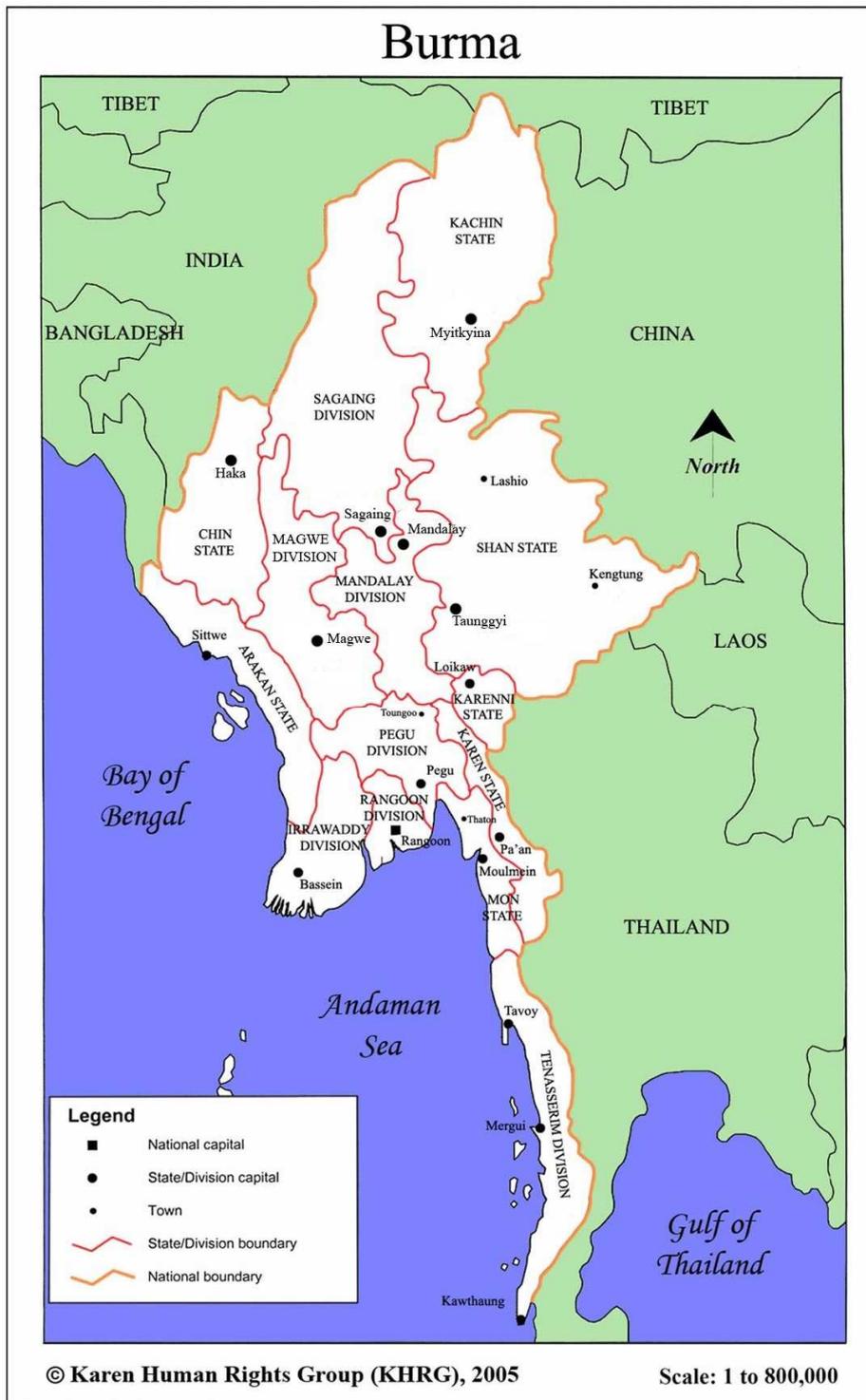
EXECUTIVE SUMMARY

The Local to Global Protection (L2GP) project explores how people living in areas affected by natural disaster and armed conflict understand the idea of 'protection'. The research also examines how affected populations view the roles of other stakeholders, including the state, non-state actors (armed and political groups), local NGOs and community-based organizations (CBOs), and national and international aid agencies. The L2GP project, implemented by a group of European aid agencies, is undertaking this research in three countries: Sudan, Zimbabwe, and a pilot study in Burma/Myanmar.[2]

Since the Rwanda crisis in 1994, and especially since the 2005 UN World Summit adopted the 'Responsibility to Protect' (R2P) doctrine as part of its Outcome Document, aid agencies have sought to incorporate protection in their work.

This case study raises questions of how to address protection concerns when access for internationally mandated protection actors is difficult or non-existent due to government restrictions and physical danger. Often, the only option available to vulnerable civilians is to contain, or try to manage, threats.

How did you protect yourself and your community?

We have to give taxes to [three different armed groups:] KNU, DKBA and the SPDC, whenever they asked for something. If we missed one group they could make trouble for us. KNU only asked for their food ration – but the BA asked us to grow paddy in the rainy season and to repair the road in the army camp. You have to pay for a person to go instead of you, if you could not work by yourself. The BA also asked villagers to guide between one village and another. If something happens on the way, the one who guided them must die. Although people didn't want to go with them, they had to go because the SPDC has authority and weapons.

23 year old Karen Buddhist man

Threats to civilian populations in south-east Burma include murder, rape, torture, looting, forced labour and arbitrary taxation, land confiscation, hunger (food insecurity) and the destruction of entire villages. Although the most serious violations are perpetrated by state agents and their proxies, armed opposition groups are also implicated in abuses (including violent resource extraction). People living in conflict zones are often subject to 'multiple masters', paying taxes (or other forms of 'tribute' – such as labour or the conscription of their sons) to two or more armed groups. The protection of livelihoods (including widespread

indebtedness) is also a major concern, together with maintenance of cultural and religious identities.

Since the Rwanda crisis in 1994, and especially since the 2005 UN World Summit adopted the 'Responsibility to Protect' (R2P) doctrine as part of its Outcome Document, aid agencies have sought to incorporate protection in their work. Humanitarian organizations tend to have their own ideas about what constitutes protection, usually based on international human rights, humanitarian and refugee law. In most cases, these notions are imported into situations of conflict or natural disaster when aid agencies intervene without examining the views or realities of affected populations or other local actors. Although humanitarian organizations may elicit local participation in implementing their projects, programme aims and objectives are usually designed to fit agency and donor requirements.

The prioritization of external agency may be an operational necessity, especially in emergency situations where addressing immediate needs and the effective distribution of large-scale assistance is a humanitarian priority. Nevertheless, opportunities exist to better understand and relate to people at risk and other 'non-system' actors (individuals, groups and networks operating beyond the security and humanitarian mainstream). Such local approaches to protection are particularly important in situations where international humanitarian actors have limited access and especially in cases where the state is one of the main agents threatening vulnerable populations.

The Burmese Context

Ethnic minority-populated parts of Burma have been affected by armed conflict since independence in 1948, and the country has been subject to military rule since 1962. Less well-known than the primarily urban-based struggle for democracy, Burma's long-running ethnic conflicts have disrupted the lives of millions of people, with at least 500,000 currently displaced in the south-east, plus about 140,000 people living in refugee camps in neighbouring Thailand and another two to three million working as (often highly vulnerable) migrant workers in the region. Many of these people are members of ethnic minorities (or 'nationalities' as political elites from these communities prefer to term themselves) including various sub-groups of Karen people.

Most previous research on the humanitarian impacts of – and responses to – armed conflict in Burma has been conducted in partnership with the humanitarian wings of Karen and other insurgent groups opposed to the military government. Published reports are reliable but tend to reflect the situation of internally displaced people (IDPs) who make themselves available to the Karen National Union (KNU – the main Karen armed opposition group). However, their experiences may not be representative of the larger Karen community. For example, much less is known about the situation of civilians living in areas controlled by the government or by several armed groups which split from the KNU in the 1990s. Local aid agencies working

cross-border from Thailand have only limited access to such communities. The L2GP project has undertaken research on both sides of the 'front-line' of armed conflict in Karen-populated areas in south-east Burma: in territory accessible to the KNU and its affiliates, in government and ceasefire group-controlled zones and in areas subject to multiple armed groups.

In the absence of protection by the state or international agencies, CBOs and local NGOs play important roles in providing limited amounts of assistance and protection to vulnerable communities. A range of local aid agencies working in zones of ongoing armed conflict operate cross-border from Thailand. These include the welfare wings of armed ethnic groups and other organizations that are more independent. These local agencies provide often life-saving assistance to IDPs in the south-east, and engage in a range of community development and advocacy activities. Indeed, cross-border aid is often the only way to help highly vulnerable communities, and agencies working in zones of ongoing armed conflict have little choice but to accept some form of relationship with insurgent groups.

Donor support for IDPs, and particularly refugee-assistance programmes in the border areas, while aimed at supporting civilians in dire need also helps to sustain the armed conflict. This occurs when, for instance, insurgent personnel receive shelter or supplies from refugee camps in Thailand, and are legitimized through their support by international agencies. This is a classical humanitarian dilemma witnessed in a number of other conflicts such as Rwanda, Democratic Republic of Congo, Sudan and Sri Lanka. In recent years, donors and NGOs have made considerable progress in ensuring that the refugee administration is more accountable to camp populations. Nevertheless, armed opposition groups in Burma still depend on the refugee camps for important resources.

A range of local NGOs and CBOs operate inside government-controlled Myanmar in areas inaccessible to international agencies. Several are engaged in low-profile, community-based responses to conflict. In some cases, faith-based leaders are able to create local zones of limited protection for civilians in their areas of influence, building community trust and 'social capital'.

Other important stakeholders in south-east Burma are armed non-state groups. International human rights and humanitarian law provide little recognition for the role of non-state armed groups as protection actors. Nevertheless, a variety of armed groups position themselves as defenders of Karen populations providing physical safety and security of livelihoods and protecting elements of culture and national identity. These claims are made, notwithstanding the widespread use of landmines by all armed groups and the reality of insurgent military operations launched against 'the enemy', which provoke army reprisals against civilians. Although bitterly opposed on the battlefield and in the political arena, leaders of the main Karen armed factions all regard themselves as legitimate representatives and guardians of the Karen peoples.

Ultimately, assessments of these different approaches to protection will depend on the legitimacy accorded to key actors. For many international donors and activists only the Western-oriented KNU, with its orientation towards state-building and its rights-based agenda, is considered legitimate. Such views fail to appreciate that the KNU is just one of several Karen actors and one that, over the past decade, has been largely restricted to a few patches of jungle (and refugee camps) along the Thailand-Burma border.

Karen civilians interviewed by the L2GP project expressed a range of opinions regarding different conflict actors. Many demonstrated some sympathy for the KNU and sometimes also for the Democratic Karen Buddhist Army (DKBA, which split from the KNU in 1994) as representing 'our people'. However, the same people often expressed dismay about the impacts of KNU and DKBA actions on villagers' safety, questioning the appropriateness of armed conflict as a strategy after sixty years of civil war in south-east Burma.

In this context, even under conditions of acute shock and vulnerability, Karen civilians find ingenious and often brave ways to protect themselves. International agencies should do more to understand local protection priorities and strategies and elicit beneficiary participation not just in project implementation and evaluation, but also in program design.

Donors and aid agencies should 'do no harm' taking care to examine the social, economic and political impacts of their interventions. This will not be a straightforward undertaking, particularly in cases such as conflict-affected south-east Burma, where the humanitarian agenda is highly politicized. Another set of complications involved the vulnerability to suppression of local NGOs and CBOs and the manner in which their priorities and activities can be distorted by engagement with the 'juggernaut' of international aid. Such caveats notwithstanding, local humanitarian activities *can* mobilize communities and help to build trust and capacities, and international donors *can* engage positively with such initiatives.

Global contexts

The manner in which international aid actors understand and support local agency is likely to become increasingly significant given the shifting global balance of power. The global financial crisis of 2008 has accelerated the shift in financial and ultimately political power away from Europe and North America. Since the end of the Cold War, these areas have been the sponsors of rights-based interventions in situations of humanitarian crisis and complex emergency. These global shifts, epitomized by the rise of China, are having significant impacts on many sectors including development and humanitarian activities.

The relative decline of the West means that in future less financial and political capital will be available to back external interventions based on notions of human rights. This is not to deny the legitimacy of liberal-democratic, rights-based values (derived ultimately from the European Enlightenment) but to recognize the declining capital of their Western sponsors. In an era that

is likely to be marked by increasingly frequent natural disasters, it seems probable that aid responses will become more regionalized with China (and perhaps India and other countries) playing prominent roles. In this scenario, interventions led by Western agencies may become less central to humanitarian action. In time, we may look back to the 2005 UN World Summit and its endorsement of the (still contested) 'Responsibility to Protect' vulnerable civilians as the high-water mark of humanitarian interventionism.

The future of humanitarian crisis in response, in South and East Asia at least, may be characterized by a 'humanitarianism with Asian values'. In this case, those engaged in the field of protection should pay closer attention to local realities.

INTRODUCTION

1.1 Humanitarian protection and local agency

The humanitarian enterprise has traditionally been guided by the twin principles of neutrality and impartiality and the axiom of operational independence. Following the end of the Cold War however, some aid agencies began to re-conceptualize their mission under the broad rubric of a 'new humanitarianism'. According to this position, humanitarian actors should address not only humanitarian needs (e.g. for food or medicine) but also the causes of vulnerability including socio-political and possibly economic structures of violence.

The 'new humanitarianism' involved aid agencies paying closer attention to international human rights and humanitarian law. In the 1990s, debates focused on the right of humanitarian actors to intervene in situations of large-scale and systematic human rights abuses. During the subsequent decade, the debate focused more on the responsibility of states to protect their citizens and on the international community's role in cases where states were unable or unwilling to do so. In these debates however, protective actions remained focused on the level of the sovereign nation-state, or failing this and by default, the international community (including professional humanitarian agencies).

The doctrine of sovereignty accords the state authority within its borders for securing the well-being of its citizens. Although the legitimacy of the state may be contested domestically, this has not traditionally affected its 'negative sovereignty' within the international system. Building on the work of the International Commission on Intervention and State Sovereignty[3], in 2005 the UN World Summit Outcome Document, endorsed the doctrine of the 'Responsibility to Protect' (R2P), according to which international actors may intervene in situations of acute crisis, in order to prevent, mitigate or otherwise respond to widespread rights violations.[4] This doctrine has been contested (especially by some non-Western states), and has not yet been universally accepted as part of international customary law. Indeed, recent developments – such as the government of Sri Lanka's invoking the language of protection, while restricting the rights of displaced people during and after its military victory over the LTTE 'Tamil Tigers' – indicate that states may be willing to subvert R2P to their own ends.[5]

The R2P doctrine relates solely to activities approved by the UN Security Council, and by extension to the actions of states and their agents the international humanitarian system (UN agencies and selected international NGOs). However, elements within the human rights and activist communities have sought to mobilize the R2P doctrine in order to encourage and justify a broad range of rights based interventions, including on the part of non-state actors, such as NGOs. However, protection remains an activity undertaken primarily by outsiders, on behalf of vulnerable communities, especially in cases where the state is unable or unwilling to act or is itself a perpetrator of abuse (including through violent resource extraction). International human rights and humanitarian law (including customary law, and doctrines such

as the R2P) provide little recognition for the protective activities of vulnerable communities the very people whose lack of protection is in question or other 'non system actors', such as civil society, political and armed groups.

To a significant degree, this prioritization of state and external agency has been an operational necessity especially in emergency situations where addressing immediate needs and the effective distribution of large-scale resources is a humanitarian priority. Nevertheless, opportunities exist to better understand and relate to the views and needs of a range of non-system actors, especially the affected communities themselves, in relation to assistance and protection concerns.

According to the most widely accepted definition, humanitarian protection aims to limit or mitigate the impacts of abuses and 'encompasses all activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law (i.e. international human rights law, international humanitarian law and refugee law)'.[6] Although aid agencies may endeavour to elicit beneficiaries' participation in their programming (as articulated in various standard-setting exercises, e.g. the Humanitarian Accountability[7] and SPHERE projects[8]), aid interventions generally remain focused on international actors. There is however a growing awareness that such approaches are insufficient inasmuch as they do not empower communities and tend to ignore local agency (what people do to protect themselves).[9]

Affected communities and other non-system actors (e.g. civil society groups and affected communities) are rarely consulted regarding the overall design of projects, while the range of strategies they adopt, in order to cope with threats to their safety and dignity, is often overlooked. External interventions which fail to recognize and support indigenous efforts may inadvertently undermine existing coping mechanisms and disempower local communities. This is particularly unfortunate in situations where vulnerable populations are inaccessible to mainstream international actors. In such contexts, it is also important to examine the positions of civil society and other non-state actors, including armed state and non-state groups, particularly in situations where these are the only agencies 'on the ground' and when these agencies are involved in internationally-funded activities.[10]

This consideration is reinforced by the implications of the shifting geo-strategic balance of power. The global economic crisis has accelerated processes of change, whereby financial – and ultimately political – power is shifting away from the European and North American states which have dominated world politics for most of the past two centuries. These dramatic changes will have significant impacts in many sectors, including on development and humanitarian activities. The declining economic and strategic power of the West may mean that in the future less financial and political capital will be available to back international interventions based on notions of human rights (derived ultimately from the European enlightenment, and associated with Western state power). This is not to deny the legitimacy of

liberal-democratic values, but to recognize their historical contingency (and therefore limited universal applicability), and declining capital.

1.2 Methodology

The project conducted research on both sides of the 'front-line' of armed conflict in Karen-populated areas of south-east Burma. This part of the country has been subject to armed conflict since the late 1940s.

Most reports on armed conflict and its impact in Burma focus on vulnerable civilians as 'victims', without taking account of the agency of affected communities.[11] Reports and literatures on the humanitarian and political situation in south-east Burma tend to focus on the perspective of border-based communities and actors, aligned with armed and political opposition groups. The past decade has seen the production of large numbers of reports, denouncing human rights abuses and documenting the plight of Karen and other civilian populations, with a particular emphasis on the situation of internally displaced people (IDPs). Such research has done much to highlight the difficult situation faced by people in the remaining areas of Burma affected by armed conflict. However (with some exceptions), the existing literature fails to investigate the roles played by armed ethnic groups and the manner in which insurgent attacks (or even presence) provoke reprisals against civilian populations. Rather, the situation is framed as one in which civilian populations are systematically subjected to human rights violations by predatory Burmese state and army. While the Burma Army and its proxies constitute the main threat to civilians in south-east Burma, it takes two parties (or more) to conduct an armed conflict.

This 'selection bias' – as a result of which aid and advocacy organizations primarily have access to populations supporting armed opposition groups – has meant that information regarding the situation in south-east Burma is somewhat distorted, focusing almost exclusively on communities accessible to one party to the conflict: the Karen National Union (KNU). Much less is known about the situation of communities living in government- and ceasefire group-controlled areas.[12]

Research was undertaken on both sides of the 'front-line' in Karen State and Tenasserim Division – in government-controlled and ceasefire areas, as well as zones of ongoing armed conflict and regions subject to multiple armed groups (sometimes referred to as 'mixed administration areas'). More than 200 in-depth interviews and focus group discussions were conducted by the lead consultant, together with 30 research assistants, from six local NGOs (four based in Thailand and two in Yangon). As well as Karen civilians living in armed conflict-affected south-east Burma, interviewees included ICRC, INGO and UN staff, diplomats and donors, CBO and local NGO personnel, politicians, and members of non-state armed groups (with and without ceasefires).

This paper owes everything to the people who have participated and contributed in so many ways to the L2GP project – not all of whom will agree with all of our conclusions. Responsibility for the analysis and wording rests solely with the authors. While we have tried to be as inclusive and representative as possible, the findings and recommendations can only be suggestive, and limited to the specific contexts and circumstances covered in the research. More important than any particular conclusion is the continuation of frank and critical engagement with the people and communities most at risk, and open discussion of the difficult and complex issues raised in this paper.

1.3 The Karen conflict[13]

Karen-populated areas of Burma have been affected by armed conflict since 1949, the year after independence. For much of this period, the Karen National Union (KNU) operated as a *de facto* government, controlling large swathes of territory across Karen State, and adjacent areas. Although internationally un-recognized, the KNU established departments for health and education, civil administration etc, and made claims to a legitimate monopolization of violence, and rights to extract taxes from the population.

Karen Districts

©Karen Human Rights Group (KHRG), 2005

Scale: 1 cm to 22 km
1 in. to 35 miles

People and territory[14]

Since independence, successive Burmese governments have underestimated the size of minority communities, and the breakdown of population by ethnicity remains highly contested. Official demographic figures and indicators are particularly flawed in relation to border areas, many of which are still inaccessible to the government and international agencies. The1983 census records 69% of the population as belonging to the majority Burman (*Bama*) group, 8.5% as Shan (including various sub-nationalities), 6.2% as Karen, 4.5% as Rakhine, 2.4% as Mon, 2.2% as Chin, 1.4% as Kachin, and 1% as Wa.

An estimated 20% of the Karen population are Christian. There are some 12 Karen language dialects, of which the majority speak S'ghaw (particularly in hill areas, and among the Christian community) and Pwo (especially in the lowlands, and among the Buddhist community). The size of the Karen population is unknown, no reliable census having been undertaken since the colonial period. Estimates vary, from between three and eight million. Only a minority of the Karen population live within the borders of Karen State (established in 1952, with its capital at Pa'an). The majority live in Tenasserim (KNU Mergui-Tavoy District), eastern Pegu Division, Mon State, and the Yangon and Irrawaddy Divisions.

The government divides Kayin State into seven townships. The KNU meanwhile has organized the Karen free state of *Kaw Thoo Lei* into seven districts, each of which corresponds to a Karen National Liberation Army (KNLA) brigade area. In addition, the KNLA deploys a number of Special Battalions, based in economically important border areas, which tend to be personally loyal to local commanders.

By the 1990s the KNU had lost control of most of its once-extensive 'liberated zones' – although the organization still exerted varying degrees of influence over areas contested with government forces and proxy militias. This process was accompanied by a dramatic fall in revenues which the organization derived from taxing the black market, cross-border trade, and from logging deals. The decline of the KNU was exacerbated by the defection in late 1994 of several hundred battle-hardened soldiers who established the government-allied Democratic Karen Buddhist Army (DKBA) in protest against the Christian domination of the KNU and the failure of its long-term leader, the charismatic General Bo Mya (who died in 2006) to discipline adequately field commanders operating under his authority.

The DKBA lacks a coherent command-and-control structure and often acts as a proxy militia for the Burma Army (BA, or *Tatmadaw*). Like some of their counterparts in the KNLA, many DKBA commanders and soldiers are 'conflict entrepreneurs', for whom military and political status is a means to personal power and enrichment. However, DKBA leaders often also employ strong ethno-nationalist rhetoric and in some areas have implemented local infrastructure development projects. Despite its name, there are some Christians within the DKBA.

Ten years after its formation, the DKBA had displaced the KNU's armed wing (the KNLA) as the militarily and economically most powerful Karen non-state actor in Burma. Other ex-KNU/KNLA factions included the Karen Peace Force (KPF, established 1997), the 'P'doh Aung San Group' (1998) and KNU-KNLA Peace Council (2007), and two small ceasefire groups in northern Karen State (which split from the KNU in 1997), as well as various local militias. Whereas in previous years the KNU had been strong enough to demand at least symbolic loyalty from locally-based field commanders – many of whom operated under the umbrella of the Karen national movement – the collapse of the organization's fortunes in the 1990s led to the splintering of the old insurgent paradigm, and the reorientation of specialists in violence towards the military government and its networks of control.

Meanwhile, between 1989 and 1995, the military government negotiated ceasefire arrangements with some 25 insurgent organizations. In most cases, the ceasefire groups were allowed to retain their arms, and granted control of sometimes extensive blocks of territory, in recognition of the military situation on the ground. However – in a surprising and controversial move – in late April 2009, the government proposed that the ceasefire groups transform themselves into Border Guard Forces (BGF), under the direct control of the Burma Army.

While several ceasefire groups accepted this proposal, some of the strongest (including the main Wa, Kachin and Mon armed groups) refused to do so. In August 2009 the DKBA leadership agreed to transform their militia into a BGF. However, this decision remains controversial. In October 2009 the DKBA's founder and chief patron, the monk U Thuzana, met with KNU/KNLA leaders to discuss the possibility of an armistice between the two groups. Although these talks did not progress, they demonstrated the unwillingness of some in the DKBA to transform the organization into a militia directly controlled by the *Tatmadaw*. At the time of writing, it remains unclear whether the military government will allow non-BGF ceasefire groups to retain their current status – at least until after elections scheduled for November 2010. In the case of the DKBA, most units were officially re-organized into BGF battalions in August 2010. However, a few DKBA commanders resisted this transformation, and may yet reunite with the KNU.

In the meantime, it remains unclear how much support the DKBA enjoys within the wider Karen population, many of whom are unhappy with the organization's close relationship with the military government. In exchange for its compliance, Burma Army commanders have encouraged the DKBA (specifically 999 Special Battalion, led by Maung Chit Thu, based at Shwe Ko Ko) to increase its troop strength, and displace the KNLA from the remaining areas of insurgent control and influence in central Karen state. Thus in June 2009 the DKBA – with significant military and logistical support from its sponsor, the BA – overran a series of strategically important KNLA bases situated on the west (Burmese) bank of the Moei River (which constitutes the Thailand-Burma border). As a result, some 3,500 Karen civilians fled to Thailand, where they joined approximately 150,000 ethnic Karen (and also Karenni and other nationality groups) living as refugees.[15]

This latest round of fighting was initially perceived as another offensive in the interminable civil war. However, the loss of the remaining KNLA bases in Seventh Brigade (the 'mother brigade', operating in central Karen state) represented a particularly significant symbolic reversal for the beleaguered KNU, denying Burma's longest-established insurgent organization access to the Karen heartland. While these military setbacks did not represent the end of the KNU insurgency, they signalled that the endgame along the Thailand–Burma border was entering its final phase.

PROTECTION IN SOUTH-EAST BURMA

2.1: Protection threats[16]

> *Since I was a little girl, I grew up among the bullets.*
>
> Karen Buddhist female

In some cases, threats to the safety of affected populations resulted directly from fighting; more often however, threats related to the broader context of militarization, and the impunity of power-holders. Civilians living in conflict-affected areas are subject to a range of abuses, including murder, rape, torture, forced conscription (including of children) into armed groups and as porters, other forms of forced and child labour, looting and arbitrary taxation, confiscation of land and property, movement restrictions and other threats to economic, social and cultural rights, deprivation of healthcare and access to education and other services, restrictions on livelihoods etc.

For civilians in areas subject to more than one authority, the situation is particularly difficult as they generally have to pay taxes and other forms of tribute, including labour, to 'multiple masters'. Community leaders living and working in government-controlled 'Myanmar' – interviewed during Phase Two – reported that people experience different problems, and deploy different self-protection mechanisms, depending on whether they live nearer to town (and firm government rule), or in more rural areas (where they are subject to the authority of government forces, and armed non-state groups).

Conscription and 'fees'

The DKBA said I had to go to be a soldier, but my parents didn't want me to. My mother had to sell our house to a Burmese family, and now she lives with someone else. With the money she received, she paid 50,000 Baht to the DKBA. However, I still can't go home, because I might be taken as a porter… The real DKBA soldiers don't go to the frontline. Instead they send the new recruits and porters to the frontline, where they can be killed.

If you have good connections with the DKBA, you can sometimes negotiate regarding forced labour, conscription or portering, but only if you have the confidence to talk.

Karen Christian and Buddhist students male and female, ages 14-20

People interviewed in Phase One experienced many of the threats outlined above – including serious (and seemingly systematic) human rights abuses. In nearly all the interviews conducted by local researchers, the perpetrators of abuse were clearly identified as Burma Army and/or DKBA personnel. Some abuses perpetrated by KNU/KNLA personnel were reported (including arbitrary taxation, physical abuse, religious discrimination and killings). In general however, KNLA soldiers were implicated in less widespread and serious abuses.

For those Karen people remaining in areas of armed conflict, the BA and DKBA are identified as 'the enemy', while the KNU/KNLA are generally considered to be 'our boys'. In part, this finding represents a 'selection bias', inasmuch as those people remaining in the conflict zones are by definition likely to be sympathetic to the KNU cause; other explanations include the (perhaps unconscious) sympathies and inevitable bias of local researchers, combined with civilian populations' perceptions of researchers' affiliation with the KNU.

A particular threat to emerge in 2009 was forced conscription of older male children and young men into the DKBA, and/or conscription as porters, and/or very heavy fines and taxation in lieu of the above. These threats are closely related to the upsurge in recent conflict, which has also caused an increase in use of landmines, by all sides. For other informants, particularly those not coming from rural areas directly affected by armed conflict, the primary threat is a longer-term erosion of livelihoods and food security, in the context of economic scarcity, and wide-ranging (and often arbitrary) taxation (including forced labour), on the part of the state and various conflict parties.

The hill-dwelling population living in the eastern part of Karen State (the area accessed in Phase One) has historically been quite sparse, and thus able to subside using sustainable swidden (rotational) rice farming techniques. However, the Burma Army's destruction of villages, and the widespread planting of landmines targeted at farms and orchards, has forced people to flee (becoming internally displaced) – to government-controlled areas, to ceasefire zones, and into the KNU-controlled hills. In many cases, communities that had previously used wet-rice (irrigated) cultivation to meet their food requirements, and usually produced a surplus for sale in order to meet other needs, have been forced to adopt swidden rice cultivation on the hillsides.

One of the most striking findings was the manner in which communities living beyond areas of direct armed conflict, under the influence of multiple authorities (e.g. insurgent groups, armed ethnic ceasefire groups and government forces) are subject to multiple demands. Although the incidence of the most extreme human rights abuses outlined above (e.g. rape and murder) is limited in areas not subject to ongoing armed conflict, people living in government- and/or ceasefire group-which or influenced areas have to pay tax, and provide other forms of 'tribute' to 'multiple masters'.

'Lock-down'

Sometimes they [BA or DKBA] close all the roads, and access to food. You cannot buy anything then. You can't even buy salt… If they see you carry medicine, they arrest you. If a family member gets sick, the safest way to treat them is to find herbal medicines. If you need to bring medicine from the town, you have to hide it in your pants.

Karen male IDP

Participants at a Yangon workshop reported being caught between various armed groups. If the KNU initiates military activities, 'villagers are blamed (by the BA and/or DKBA) – community leaders especially are interrogated and beaten, including monks and pastors; if the villages name the local KNU people responsible, have to pay a fine.'

Voices from the Karen community inside government-controlled Myanmar [Central and southern Karen State]

The Burma Army often has money available to pay porters, but officers generally keep this for themselves. Also, BA personnel requisition carts, oxen, tractors etc. People and animals can die while portering. Conditions are worse working for BA; KNU and Peace Council soldiers don't pay us, but they commit fewer abuses.

Fighting and bomb explosions occur very frequently. Villagers are blamed by BA and DKBA commanders, if the KNU undertakes activities in the area. Villagers are forced to pay 'compensation' – including forced labour – if the KNU makes operations in the area. Two weeks ago, there was bomb explosion in one of our villages, so the authorities summoned leaders and asked who the culprits were. They tortured the village head, who then ran away, so the BA abducted five villages – who never returned. Now village is in 'lock-down', and villagers are not allowed to come and go, or return to their fields. The BA is demanding compensation for the bomb attack. Maybe they did it themselves, in order to extort money?

If the KNU causes trouble by launching operations, the BA cuts communications between the villages. Also, the KNU does this sometimes. For example, the KNU recently closed the road between Ka Maung Maung (near DKBA headquarters) and Papun, to stop the DKBA using it. Subsequently there were more landmines planted, and armed skirmishes. Villagers' livelihoods are affected, as they cannot carry food or buy things in the town. Also, the rice harvest is affected, and therefore people have to eat more rice soup. Their health is affected too, as people cannot carry medicines from the towns

[Community leader from Toungoo area] – There have been many very harsh BA retaliations, since the KNLA Second Brigade became more active in this area, in 1978. Our message to the KNLA Second Brigade commander is: 'if you cannot win – which you cannot – please do not launch the fighting – because villagers will suffer'.

[Northern Karen State] – We often face double demands for cash and labour – from the government and from the KNU. Our KNU is normally quite systematic: taxation depends on people's socio-economic status. The villagers feel that it is their duty and a voluntary gift. However, if the local BA finds out that we have helped the KNU, there will be problems for the villagers – which often happens. If either side knows that we are paying tax to the other, then there will be trouble. However, if you can't pay tax, you can't stay here. Still, this is better than some places, because we only have two authorities [BA and KNU – not DKBA].

We have to pay tax to the authorities for village defence militias – about 500-1000 Kyat per month. This group stays in the village. We often send local troublemakers to join the militia, which keeps them off our backs – but also gives them power to mess with folks. Sometimes troublemakers are also sent as recruits to KNU/KNLA – to give them some discipline.

Our old fields are abandoned. The place which used to feed us has become a graveyard.

[Tenasserim Division] – Our main problems are forced conscription, taxation (in cash, kind and forced labour – 'human tax'); forced cultivation of palm oil and physic nut – and lots of land confiscation. Problems are worse for people in remote areas, than for those living along the road – because in those places the BA acts with impunity, and also people have to pay double taxes. They pay taxes to KNU only once a year, but to BA every time the battalion rotates. If we don't pay taxes to KNU, they would attack BA, and stir up problems in our area. However, those nearer to the road have to pay more tax (including to police, for schools etc., and to people's militia).

[Tenasserim Division – with many other areas sharing this experience] – Most villages and relocation sites have one leader for dealing with the government and BA, and another for dealing with the KNU. The latter can cause problems, if they get drunk and show off – which can have repercussions for all the village.

'The four cuts' and forced relocation

The Burma Army's 'four cuts' counter-insurgent strategy has been highly successful, denying insurgent groups access to food, money, intelligence, and recruits. The process usually begins with a *Tatmadaw* column issuing a relocation order. Previously, this was likely to have been a written document – constituting evidence of state-sanctioned abuse. However – as these documents provide clear evidence of state-sanctioned abuses – relocations orders are now more likely to be issued verbally, often at a meeting of village headmen. (This is one example of how public denunciation can alter state/military policy/practice in Burma.) Villagers are usually given up to seven days warning to leave their homes. Sometimes they are told to move to a designated relocation site, but sometimes villagers are not told where to go – just to vacate their homes.

Often, the relocation area is declared a 'free-fire zone'. Houses, animals and crops are looted and destroyed, people are raped or shot, etc. In some cases, it is claimed that the *Tatmadaw* purposefully launches offensives just prior to the harvest, in order to steal villagers' crops. This is an effective military strategy

Tatmadaw columns often return repeatedly to cleared areas, to ensure that they are not re-settled: many villages are serially displaced. They often search for and destroy IDPs' temporary settlements and rice fields and storage barns in the jungle. Displaced villagers 'in hiding' are targeted and subjected to human rights abuses (including extra-judicial killing) on suspicion of being rebel supporters.

2.2: Self-protection strategies

Individuals, families and communities seek to protect themselves in various ways, often under very difficult circumstances. In many cases, bare survival is the most which can be achieved – and sometimes people do not survive.

How people living in areas affected by armed conflict understand protection, and seek to protect themselves and their communities

Many civilians remaining in areas of ongoing armed conflict do so – at least in part – by choice. Although access to asylum in Thailand has in recent years become much more difficult, for many of those in conflict zones, the option of moving to refugee camp in the neighbouring country has been considered over the years, and rejected – because these communities feel strong ties to their land, and refuse to be forced out. This spirit of solidarity and resistance is striking, and indeed inspiring. Often, villagers go out of their way to protect each other and their community, when in some circumstances it might be easier to seek individualistic self-survival.

Typology of self-protection strategies

There is a tension between the need to develop a typology of survival and coping strategies – in order to navigate the rich variety of examples – and the danger that doing so will distort people's actual experiences, by trying to fit these into a (seemingly arbitrary) framework. The following typology is offered as a provisional framework, intended to assist in the organization of diverse material. It is based on an analysis of the primary research findings, and a systematic survey of secondary literatures.

When faced with a range of threats, villagers may choose to:

1. Contain or manage the threat

   - complying with demands, and attempting to limit damage, e.g. by paying-off power-holders, providing labour and/or recruits

- turning for assistance to local authorities, including religious and community leaders, and/or appealing to the good will of power-holders [local advocacy and leadership/trust]

- using various strategies and subterfuges

- 'making do' and staying quiet

2. Avoid the threat

- fleeing, either temporarily or more permanent migration (internal displacement, or seeking refuge in Thailand)

3. Confront the threat

- public advocacy

- active resistance

Each of these strategies involves trade-offs, and often exposure of individuals, families and communities to new threats. For example, complying with demands for forced labour (and particularly portering for the military) exposes individuals to the risk of serious abuse, and even death – as does misreporting to authorities and other forms of subterfuge. Likewise, the choice to migrate exposes individuals, families and extended groups to a range of new dangers, including those associated with human trafficking, and the difficulties experienced by migrant workers in Thailand. Similar dilemmas are faced by farmers who enter landmine-infested fields, in order to tend their crops. Under such circumstances, people are forced to balance the protection threats they face with the need to secure other benefits, such as livelihoods for themselves and their families.

When we go to our plantation, we have no idea where the landmines could be planted. So we have to take the risk to pick the fruits and vegetable. In order to be safe we have been thinking to move to a safe place.

50-year-old Christian man

Containing or managing the threat

The use of money to buy protection (as in a 'protection racket', where 'tribute' is paid to predatory local power-holders) is often individuals and communities' first line of defence. It is in power-holders' interest not to make demands which are unsustainable, and would drive away the civilian population. However, in 2009, demands for money (and/or personnel), particularly on the part of the DKBA (e.g. in the Pa'an area, under 999 Special Battalion),

became so extensive that they were no longer bearable by most villagers. Families are able to sell their house or farmland, in order to make a one-off payment, but this is not something that can be repeated.

Several informants described how villagers use traditional medicines, when western drugs are unavailable, or in combination with these. Although many ingredients are becoming scarce (e.g. parts of some wild animals), the continuing use of this traditional knowledge demonstrates the importance and resilience of indigenous cultures under stress. Other informants described the use of amulets and tattoos.

Massage as protection

In my village I am the only one who can give massage to others, so by doing this I can protect my fellow villagers [from aches and pains].

80-year-old female animist

For many faith-based communities, prayer and the fellowship of worship were reported as solidarity and survival practices. In fact, many Christian informants in particular explained that their faith was the most important element in keeping themselves, their families and their communities in good spirit, i.e. in helping them to cope.

Another very common strategy of protection is to stay quiet. By 'keeping their heads down', villagers are able to avoid unwanted attention, and hope not to antagonize power-holders.

Doing nothing

If I try to do something to protect myself, it will affect 40-50 households in the village and they will face problems because of me. When someone from [DKBA] is drunk and call me Kar Lar [dark-skinned foreigner], I have to accept it. If I cannot accept it, there will be problems for me. If they come when we are drinking, we just leave.

Burman Buddhist male

Sometimes the safest way to stay safe from government forces is to pretend to be a happy idiot.

Karen Buddhist businesswoman and community leader, Yangon

Patronage and protection

For centuries, monasteries in Burma have functioned as havens of peace and refuge, and Karen monks have long provided assistance to vulnerable members of the laity. In recent years in Karen State, this has especially been the case at the DKBA's Myaing Gyi Ngu headquarters (north of the Karen State capital, Pa'an) – and most famously at the Thamanya monastery near Pa'an. The late *sayadaw* of this large monastic complex (an ethnic PaO) oversaw a feeding program of more than 10,000 people a day, supported mainly by the donations of pilgrims. These displaced villagers were protected from forced portering and other abuses on the part of the BA and DKBA. Although the venerable, 93-year-old monk passed away in December 2003, his successors continued his work – albeit on a reduced scale. The Thamanya monastery is a prime example of localized relative autonomy, dependent upon the charismatic power of an ascendant civilian patron.

One of the most prominent of a younger generation of Karen monks is the abbot of a monastery just north of Pa'an. A highly perceptive and charismatic individual, this *sayadaw* has been able to mobilize the community around agricultural and other local development projects. He has played a leading role in inter-faith dialogue with Karen Christian leaders. His influence extends throughout central Karen State, where he is regarded as a 'democracy monk', and something of a competitor to U Thuzana, patron monk of the DKBA.

A number of informants reported that if family members are associated with the KNU-KNLA Peace Council (PC), they do not have to do forced labour or pay taxes to DKBA or BA. With the upsurge in intra-Karen conflict in 2009, villagers moved into the PC area, which assumed characteristics of a traditional Karen 'zone of tranquillity' (such as the Thamanya monastery).[17] Peace Council leaders insist that they do not demand taxes or forced labour from villagers in areas under the influence. However, the PC's decision not to transform into a Border Guard Force, or to participate in the June 2009 DKBA-led offensive against the KNU, has placed this organization under greater pressure, and will probably possibly result in a decrease in its ability to provide limited protection to some people in its areas of influence. Indeed, PC leaders are concerned that the BA may move against their organization militarily – a development that could displace large numbers of civilians.

Some informants reported that – at least prior to 2009 – they preferred to have DKBA in the vicinity, than either KNU or BA. This is because if KNU are present, there is likelihood of retaliation by the BA and/or DKBA (and also because KNU personnel also make various demands). There seems to be a perception, at least among some informants, that the DKBA can offer some protection against the BA, inasmuch as DKBA units generally demand less taxation than does the BA, and behave less aggressively, i.e. given that forced labour and taxation are considered inevitable, at least the DKBA keeps the BA off villagers' backs. However, with the upsurge of fighting in 2009, and hugely increased demands for personnel and – often extremely large amounts of – money from DKBA, such self-protection mechanisms are beginning to break down. Villagers often purchase some protection by

providing their sons as conscripts for one or more armed groups. In such cases, the rights of particular individuals are 'sacrificed' by their families and/or communities, in order to safeguard the larger unit's well-being.

Karen villagers are often able to avoid or deflect various demands made by BA personnel, due to these outsiders' (often Burmese) lack of familiarity with local realities. However, in the case of the DKBA, such strategies may be unsuccessful, as this group (being Karen) is more alert to the local context, and less easily deceived.

A Christian Karen informant reported preferring to travel in the company of her Buddhist brethren, and especially with monks. This is because, at checkpoints and other occasions of potential abuse, the company of Buddhist monks was likely to provide some protection to fellow-travellers.

Joining an armed group

If you join a ceasefire group, you can avoid portering. You need to have information and be able to understand which groups have more power in relation to the government. Many people therefore join the DKBA or PC. If you give a son as a soldier, you can move to their area – but not otherwise… If you give a son to the KNU – or if you already have connections in that group – you can join their area of control and protection.

Karen Christian community leader, male

In both government- and KNU-controlled or influenced areas, having a connection with a local commander or other authority figure means villagers are more likely to receive the appropriate travel permissions, required to make journeys beyond the local area. When traversing longer distances, it is often necessary for villagers to make arrangements with more than one patron – often coming from more than one organization. In such circumstances, villagers may cultivate patrons in both the KNU and DKBA (for example, and/or other armed group) in order to ensure their protection on the road. With the declining influence of the KNU over the past decade-plus, contacts with other Karen armed groups have become particularly important.

Subterfuge, complicity and coping

Most of the time, the majority of people are obliged to comply with demands for taxation, and forced conscription, portering, and labour. In some cases, resourceful and brave individuals and community leaders are able to engage with power-holders, in order to limit or mitigate the impacts of abuse.

Often, the position of village leader rotates frequently, as villagers are reluctant to adopt this difficult and dangerous role. In particular, hard-pressed civilian leaders find it stressful to be put in a position where they are asked to allocate forced labour duties, and collect taxation from their fellow villagers.

Villagers sometimes select women to represent them in discussions with BA and/or DKBA personnel, in the expectation that such respected members of the community are less likely to be abused. According to the KNU's Karen Women Organization (KWO[18]):

> Despite all the abuses that the women chiefs are forced to endure, their testimonies are not merely those of passive victims. On the contrary, the women frequently display a remarkable degree of strength and determination to protect the rights of their communities, regardless of all the risks and personal sacrifices.

The KWO report documents many brave personal experiences, including women leaders complaining to BA personnel, and sometimes being able to redress injustices. Examples include successfully demanding compensation from soldiers, and preventing military relocations. Such agency on the part of Karen female village chiefs may be changing gender attitudes, at least locally.

In many cases, local leaders (particularly those seen as strongly representing the community, and thus suspected of contact with opposition groups) have been killed, or otherwise abused. Often, village leaders have to flee – becoming IDPs, refugees or migrant workers.

Other strategies adopted in order to limit the impacts of abuse include various forms of subterfuge – for example, under-reporting the number of people in the household, or households in the village, in order to minimize demands for forced labour, taxes etc. Lying can often work too: one man reported pretending to be a schoolteacher, in order to avoid being forced to undertake unpaid work.

Agriculture and livelihoods

Armed conflict and Karen State, and particularly the Burma Army's campaign of land confiscation, have increased population density by displacing communities into the hills, while limiting access to land for frontier cultivation (including through landmine pollution: see below). In consequence, 'swidden' cycles have been reduced, from an ideal of 12–14 years (between initial 'slash-and-burn' cultivation of a hillside rice plot, and return to the same site) to a gap of 6–8 years, or less. Under such circumstances, soil fertility rapidly decreases (along with increased erosion and other forms of environmental degradation, including deforestation), with the result that harvest yields decline. In consequence, many farmers living in the hills are unable to provide more than six months' rice for their families.

Karen families in the northern hills are increasingly subject to malnutrition, and many may eventually be forced to seek refuge in Thailand (or beyond). Most villagers strongly desire to remain in their homeland, and demonstrate great tenacity and courage in doing so. However, recent reports suggest that many villages in the food-insecure hills of northern Karen State will find it difficult to survive for another year inside Burma.

Civilians living 'in hiding' in the jungles also adopt 'fugitive' forms of swidden agriculture, in order to evade detection, and the confiscation or destruction of their crops. These strategies include cultivating several small rice fields, and keeping these hidden from military patrols. Particularly for people who have fled lowland areas, and previously practiced irrigated ('paddy') rice cultivation, taking up new forms of agriculture can be a difficult adaptation.

Interviewees – and local researchers – also reported a number of ways in which communities traditionally protect their crops from pests. The findings indicate that the protection of livelihoods is an important aspect of security.

Protecting crops

In the hills, both ground and air animals threaten the paddy and other crops. People use traps to protect the rice, and put seeds like popcorn in the trees, to distract birds from crops. Sometimes, they hang bells in the trees, or make scarecrows by hanging clothes from bamboo in the field.

Engaging in agricultural (including paid labour) activities can often expose people to dangers. For example, farmers may enter landmine-infested fields, in order to harvest crops, to feed hungry families – and thus face the risk of losing a leg, or worse. Those who migrate to seek work may also encounter new dangers, including in relation to trafficking. Under such conditions, people have to balance protection risks with the need to secure livelihoods.

How Karen communities 'inside' Myanmar try to contain or manage threats, using a number of strategies

Fatalism and acquiescence: *'this is our life ... it is God's will ... kama … These kinds of attitudes can lead to alcohol abuse and other forms of escapism.'*

'Many people accept their present situation, and survive by staying quiet… We cannot speak badly of the DKBA, so we have to shut our mouths.'

Sharing: *'better-off villagers share food, or lend food or money to the less fortunate. The village elders encourage them to do this. The better-off may not be happy about this, but there is social pressure to share. Often, people ask help from their friends and relatives.'*

Income sources: *'some people receive remittances – from Thailand, and also from the US and elsewhere [e.g. if they are family resettled as refugees in America]. Otherwise, people have to borrow money, to pay fines and bribes, and at checkpoints. Interest is generally charged at*

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about 20% per month. Villagers also 'mortgage' their crops, to get money in the short-term, and then have to sell cheaply at harvest time.'

<u>Foraging</u>: *'especially for people living in hiding, they forage in the jungle for food, and to gather temporary shelter materials.'*

<u>Alliances</u>: *'For us Buddhists, we can protect our families if we join the PC, or the DKBA. Of course, that means giving them our sons, which is very difficult.'*

<u>Dealing with authorities</u>: *'most villages have two sets of leaders: one for contacting the BA and government, and one for the KNU; some villages have three heads, including one for dealing with the DKBA. If village leaders are good, they can sometimes talk to soldiers from the BA, DKBA and KNU. However, any benefit from this talking depends on the local military commanders' personalities. It is good if we can give them a present (e.g. a bottle of whiskey).'*

<u>Travel restrictions – and ways around them</u>: *'for people living in relocation sites, it can be difficult to travel back to their farms. If we do travel back to our farms, we have to pay a bribe (about 1000 Kyat) at each checkpoint along the way – and/or give the soldiers farm produce on our return journey. Sometimes, having promised to give produce at the gate when we return, when we get to the checkpoint on the way back home, we pretend to have an argument among ourselves about who should be providing this – and sometimes they get fed up, and just let us go without demanding anything!'*

Avoiding the threat

Forced migration

In the conflict and political-economic context of the borderlands of south-east Burma, migration in its various forms is a multifaceted set of phenomena. Whether due to chronic livelihoods insecurity, or more acute concerns, migration is adopted by many people as a coping mechanism. This protection strategy exposes them to various new risks, as well as providing some new opportunities.

In response to threats, IDPs may adopt one or more of the following strategies – plus the increasingly difficult and dangerous option of seeking refuge in a neighbouring country, as a refugee or migrant worker.

Displaced villagers may choose to:

- Hide in – or close to – zones of on-going armed conflict and forced relocation, with the hope of returning home soon (although often remaining mobile for years)

- Move to a government- or ceasefire group-controlled relocation site (if one is provided)

- Enter a ceasefire area

- Move to relatively more secure villages, towns or peri-urban areas, including 'behind the front lines' in war zones, in ceasefire zones, and in government-controlled locations

- Cross an international border, to seek refuge – either as a migrant worker, or in a refugee camp.

Civilians from the same community, subject to the same migration pressure (e.g. a relocation order, confiscation of their land, or unbearable demand for taxation etc) adopt a variety of different responses. Such strategies often involve splitting families, sending some members to government-controlled areas (including towns and relocation sites), others to adjacent villages, while some people go into hiding in the forest, and others flee to insurgent-controlled territory, or cross the border to Thailand (as migrants and/or refugees). In some cases, different individual members of particular families may move into areas controlled or influenced by different non-state armed groups, in order to diversify the family's protection strategies, and maximize opportunities to secure livelihoods (e.g. through gaining work in local logging or other extractive industries).

A number of interviewees mentioned that, in order to move into towns or peri-urban areas, significant sums of money were required, to purchase land, established livelihoods, and pay-off the authorities. Again, people use money – and thereby deplete their resources – as a key self-protection mechanism.

The choices made in terms of responding to migratory pressures depend upon their networks and relationships. Those with family or friends in government- or ceasefire group-controlled zones (including relocation sites) may choose to move into these areas. For those with family and other contacts to the KNU, the choice is more likely to involve the flight to IDP temporary settlement, and/or across the border to Thailand.

Types of forced migration: Three broad, 'ideal types' of forced migration can be identified in Burma.[19] These are defined according to the types of threats experienced, and root causes of population movement.

Typology of forced migration

Type 1: Armed Conflict-Induced Displacement – either as a direct consequence of fighting and counter-insurgency operations, or because armed conflict has directly undermined human and food security. Linked to severe human rights abuses across Karen State, in eastern Tenasserim Division, southern Mon State, southern and eastern Karenni State, southern Shan

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State, and parts of Chin State and Sagaing Division. This type of forced migration is most commonly prescribed by people interviewed during Phase One of the Karen Area Study.

Type 2: Military Occupation- and 'Development'-induced (State-Society Conflict-induced) Displacement – generally caused, post-armed conflict, by land confiscation by the Burma Army or other armed groups, including in the context of natural resource extraction (e.g. logging and mining); displacement due to infrastructure construction (e.g. roads, bridges, airports); also forced migration as product of predatory taxation, forced labour and other abuses. This form of displacement is related to the use of force, but does not occur in the context of outright armed conflict. All of the border states and divisions are affected by militarization and/or 'development'-induced displacement, including Arakan (Rakhine) and Kachin States, as well as a number of urban areas (including in the context of tourism development and 'urban renewal').

Both of the above two types of displacement are products of conflict: Type 1 is directly caused by armed conflict; Type 2 is caused by latent conflict, or the threat of the use of force. As such, they constitute forced migration, and cause internal displacement, as defined in the 1999 UN *Guiding Principles on Internal Displacement.*[20] A further type of forced migration is more widespread, and difficult to define.

Type 3: Livelihoods Vulnerability-induced Displacement – is the primary form of internal and external migration in and from Burma (and many other developing countries). The main causes are inappropriate government policies and practices, limited availability of productive land, and poor access to markets, resulting in food insecurity; lack of education and health services; plus stresses associated with transition to a cash economy. Such people constitute a particularly vulnerable sub-group of economic migrants, livelihoods, related concerns were reported by large numbers of informants, particularly those not fleeing directly from areas of armed conflict.

TABLE 1: Typology of Forced Migration

Forced Migrants			
Internally Displace Persons		Other Force Migrants	
Type 1 Armed Conflict Induced	**Type 2** Military occupation- and 'development'-induced (post armed conflict: typical of areas where ceasefires have been agreed	**Type 3** Livelihoods vulnerability-induced (common in remote and under-developed areas in general)	

between the government and armed groups)	

Cyclic displacement: Most studies of forced migration in and from Burma (cited above) focus on peoples' often traumatic experiences, occurring over a relatively short period of time. While important from a rights-based perspective, this approach tends to obscure longer-term patterns of displacement.

Existing data fails to capture a complex context in which many individuals, families and communities have fled numerous times. For many people – including the recently displaced, those attempting to rehabilitate their lives, and host communities – the most pressing concerns relate to protection from a range of abuses, and to issues of return, restitution and or compensation. With villagers constantly being forced to move, in order to escape violence and a predatory government army, as well as to access new farmland, the phenomena of 'secondary settlement' is widespread. As well as BA occupation of their previous settlements, many people are aware that other civilians (often IDPs themselves) have moved onto their land, and are attempting to maintain precarious livelihoods there. Furthermore, when families have moved so many times, over such a long period, it is no longer clear where 'home' may be, and to where (or even whether) they might wish to return, given the opportunity.

Armed conflict-induced displacement (Type 1) often occurs among communities which periodically shift their location for socio-cultural reasons and to access agricultural land. However, the scale of displacement in Karen and other areas over the past 50 years has been out of proportion to any traditional patterns of migration. Furthermore, forced migration among significant segments of the Karen and other ethnic nationality communities is not a 'one-off' phenomenon. It is rarely the case that an individual, family or community used to live in 'Place A', fled to 'Place B' (as an IDP, or as a refugee to Thailand), and can thus return in a simple manner to 'Place A'. The original 'Place A' may have been occupied by the *Tatmadaw* or other hostile groups, and/or re-settled by other displaced people, and/or planted with landmines. Thus it is not unlikely that 'Place A' is in fact a multitude of different places, settled on various occasions.

In-depth interviews, conducted in 2003–04 with a group of 36 IDPs in northern Karen State, reveal that these people had experienced more than 1,000 migration episodes. Five had been forcibly displaced more than 100 times, sometimes dating back to the 1940s. For example one old woman first fled to the jungle during World War II, when Japanese soldiers came to her village. The great majority of migration episodes were undertaken as a direct result of fighting, because of severe human rights abuse (including forced labour), or because armed conflict had directly undermined sustainable forms of agriculture.

Repeated displacement (and food insecurity): Karen village experience, northern Karen State

Our village used to be down there [pointing into the far distance, beyond the hills] – in the lowland plains. However, the BA kept coming to demand forced labour and porters, and take money from us. They abused many people, accusing them of being rebel supporters.

Therefore – eventually they forced us to become rebel supporters! We moved our village up into the foothills, and lived happily for some time there. We planted orchards, and started doing swidden ['slash-and-burn'] rice cultivation – in addition to the irrigated rice we had grown before (but which for now we could find only limited amounts of suitable land).

Eventually however, the BA found us again, when they built a base nearby. They started making many demands again, and eventually we had to move up here, into the hills.

We've been living in these hills for a few years now – relying on the KNU for security, and for assistance on occasional visits from [border-based aid] groups. We have to keep alert, and be ready to move at any time.

Life is much more difficult than it used to be for us. Our food security is much poorer than before, as we cannot grow irrigated rice any longer, and also there is not enough land available because of constant BA activities. Therefore, we have to return to old swidden fields much sooner than we would like to, which means that the rice yield becomes less each year. How much longer can we continue like this?

<div align="right">December 2008; group discussion</div>

Life 'in hiding': Several stories have emerged of the ways in which IDPs cope while 'living in hiding'. Many communities live – often for months or years at a time – under very difficult circumstances, in temporary shelters, constructed in inaccessible areas, often remote from their preferred/original settlements. Researchers in southern Karen State reported that they themselves could not sleep at night in the area where they interviewed IDPs, because of the prevalence of mosquitoes, but that the displaced people had been forced to learn how to do so. In such a difficult situation, with constant sickness, IDPs nevertheless managed to farm small plots, and forage the vegetables, often hiding food in the jungle. Despite so many difficulties, one of the recurring themes of the research findings was the resilient spirit of villages in the conflict areas, and their refusal to flee their homeland.

When Burma army came, we prepared our belongings, we took some with us to jungle and hid some food and prepare to find a safe place. We went together as a whole village and help each other. We met up and discuss and advice each other. During this time, we listen to each other more. We have to stop our kids crying by stuff clothes into their mouths.

<div align="right">Female villager, northern Karen State</div>

Stories of community solidarity and self-protection included the sharing food and other scarce resources. Interviewees reported a range of strategies undertaken to ensure a minimum degree of food security while 'in hiding'. These included cultivating several, geographically dispersed fields, in order to be able to move around in times of crisis, and still have access to some crops, and also so that not all of the crop would be destroyed, if the BA or DKBA targeted their farms. Many respondents also described preparing a package of emergency supplies, ready for flight at short notice should this prove necessary. They also described hiding food and other essentials in the forest, for use in such circumstances.

Knowledge of where landmines are placed, and the whereabouts of various armed groups, was also reported as important to survival in the conflict areas. The importance of local knowledge was repeatedly stressed.

Flight beyond the warzone; refuge in Thailand: Since the first Karen refugee camps in Thailand where established in the early 1980s, flight across the border to seek asylum in the kingdom has been a protection option for civilians fleeing the armed conflict in Burma. During the 1990s, an 'aid industry'[21] developed along the border, to cater to the growing refugee population. However, since the late-1990s, the Thai authorities have restricted access to the refugee camps – especially for those who are not directly displaced by fighting, but rather have fled due to a combination of human rights abuses and livelihood insecurity. Since the introduction in 2006 of large-scale resettlement, away from the refugee camps in Thailand to third countries (especially the United States), camp demographics have changed dramatically, with many non-Karen (e.g. Muslim, Kachin etc) people seeking access to resettlement, if they have the resources to buy their way onto the camp lists. During this period of resettlement opportunity (which was drawing to a close in 2010), new refugees have also continued to arrive, fleeing directly from armed conflict and associated human rights abuses across the border.

Several Karen new arrivals in Thailand interviewed for this report (who have fled due to a 'well-founded fear of persecution' entered the migrant labour pool, rather than seeking refuge in the camps. Often, villagers fleeing the chaos in Burma have been obliged to return across the border – either forcibly by the Thai authorities, or because they were denied access to refugee camps.[22] There is a perception – shared by at least some in the Karen community – that the refugee camps are only accessible to those with resources (money), and/or the right contacts.

The variable nature of access to asylum in Thailand illustrates the importance of networks, in relation to protection strategies. Individuals and families with connections to the KNU, and/or family members in the camps, may be more likely to seek protection under the official refugee regime.

This observation has been strongly contested by several local and international actors working in or around the camps. They argue that the population in the camps show a high degree of diversity and that access is not dependent on political affinities.

Limited access to asylum

Regular villagers cannot go to the refugee camps, especially if they are Buddhists, and have no contacts in the KNU. The camps are for Christians. They get preferences in the camps, and more opportunities for resettlement.

Karen Buddhist leader, female

Migrant workers here don't go to the refugee camps because we don't know people there – we don't have any connection … people go to places where they have connections … those who enter the refugee camps have money, or family in the camps … perhaps they want to go to America.

Karen Buddhist migrant worker, male

Some people who flee to the border areas do not cross into Thailand, but rather choose to remain at IDPs, settling in camp-like settlements just inside Burma, under the control of the KNU. Although the existence of IDP camps such as Ei Du Hta (on the west/Burma bank of the Salween River) is a product of increasing Thai restrictions is on access to asylum in Thailand, some families nevertheless prefer to settle here than in the refugee camps proper, as the former gives them more options to possibly return to their home areas, if the local situation changes to allow this. (Remaining on the Burma side of the border allows families to remain more mobile, and provides better access to information regarding the situation in Karen State.)

Through to the late 1990s, the KNU dominated the refugee settlements in Thailand. However, in recent years, donors and NGOs have made considerable progress in ensuring that the refugee administration (the KNU-orientated Karen Refugee Committee) is more accountable to camp populations. Nevertheless, personnel of the KNU/KNLA, and/or their families, continue to receive shelter in and supplies from the camps. While this may not be the purpose behind assisting the refugees in the camps, access to such resources supports the KNLA's continued operations across the border. This is a classic humanitarian dilemma, known from a number of other conflicts the world over (Rwanda, Democratic Republic of Congo, Sudan, Sri Lanka etc.).

Monastic protection

When I was a young boy, living in central Karen State, my parents sent me to the monastery, to prevent the KNU from recruiting me.

Karen community worker, male Buddhist

Flight beyond the warzone; government- and ceasefire group-controlled areas:

The demarcation of insurgent-, government- and/or ceasefire group-controlled/influenced areas designates general trends (or 'ideal types'), rather than fixed boundaries. The reality on the ground is that zones of authority and influence shade into to each other, with their frontiers shifting.

Civilians faced with relocation orders, or otherwise forced to flee, face limited options. Designated relocation sites are not always specified by government forces. In cases where specific relocation sites are identified, the 'choice' to follow the order to relocate often depends on whether the villagers enjoy non-threatening relations with the authorities in question.

Resilience of the relocated

In 1998 our village was told by the BA to move to a relocation site. The villagers didn't want to move, but couldn't avoid it. Therefore, when they moved to the new site, they left one family member behind in the village to keep watch. When the BA departed, they sent word for the others to return; if the BA returned, they would flee to the jungle. The villagers hid food in the forest for this purpose. For those living in the relocation sites, if their children were sick they returned to their home village, to access traditional medicines.

Karen community worker

At the beginning of the DKBA, people in my village were forced by the BA to enter a relocation sites. Therefore, my mother fled to Th-. After the village became more peaceful, she returned home. Now she has two houses: one at Th- and one in their home village. She moves between the two, depending on the situation.

Karen migrant worker(previously farmer), Buddhist male

People who move (are moved) to relocation sites are generally kept under very close scrutiny, particularly in the first phase of resettlement. If they are able to leave the relocation site, it is only on condition that they buy a pass (normally restricted to one or a few days only) from the camp authorities. In some cases, relocation site residents are required to give their food supplies to the camp authorities, who then distribute daily rations. In many cases, particularly in the early phases of relocation, residents suffer various health and other problems associated with food insecurity. Often, once the relocation sites have served their purpose of 'pacifying' insurgent activity, the settlements begin to wind down, with residents being allowed (often unofficially, as authorities 'turned a blind eye') to return to their previous villages.

Confronting the threat

Local agency

A groundbreaking 2008 report by the Karen Human Rights Group (KHRG)[23] represents the first systematic attempt to analyse local agency in the context of humanitarian protection in Burma.[24] It states that:

> Villagers in both SPDC-controlled and non-SPDC-controlled areas have actively and persistently sought to resist abuses and claim their rights to physical security, an adequate level of subsistence, a productive means of livelihood and a life of dignity for themselves and their families. Villagers' resistance strategies have been diverse and contextually conceived. In SPDC-controlled areas, these strategies have largely functioned to reduce or wholly avoid compliance with exploitative demands and the restrictions which facilitate them. To these ends, villagers have employed techniques including negotiation, bribery, lying, outright refusal, confrontation, various forms of discrete false compliance, jokes and counter-narratives and temporarily evasion'. In non-SPDC-controlled areas, the KHRG argues that: 'displacement into hiding comprises a form of resistance to military rule aimed at retaining control over land, livelihoods and personal dignity… subsistence measures and other efforts which displaced communities at hiding sites employ to support themselves are more than just coping strategies. These are overtly political *resistance* strategies.

Resistance of the elderly

My parents said that, as they were born in this country, they will live in this country, until the end of their lives. People there commonly say that it is their luck to born in that place, so they will stay with that luck until the end of their lives.

Karen IDP male

The approach adopted by the L2GP project frames local strategies as forms of 'self-protection', rather than examples of 'resistance' per se. This report (and KHRG's) describes various ways in which vulnerable communities engage with and respond to power-holders. It is important to recognize that such local agency is innately political. However, the use of 'resistance' to characterize local agency risks making assumptions regarding which authorities are perceived as legitimate by villagers. The strategies used to deny resources to predatory power-holders (be they state or non-state authorities), who seek to extract these through violence, should be understood primarily as a form of protecting villagers' assets, rather than

as implicit challenges to the legitimacy of power-holders. It may be that villagers regard government forces and/or the DKBA as illegitimate – but the strategies they use to protect themselves and their communities are just that (*protection* strategies), rather than forms of political resistance.

In areas where villagers do take an active part in resistance, this is often in collaboration with armed conflict groups, such as the KNU. Indeed, in many areas local village militias are on the 'front-line' of conflict. Especially in areas with strong support for/presence of the KNU, civilians organise local *gher der* village defence networks. Although these are overseen, and generally armed, by the KNU's 'home guard' – the Karen National Defence Organization (KNDO) – they nevertheless appear to be voluntary in nature, and to operate relatively independently of KNLA command structures. Indeed, there is some tension between communities' intentions to organize autonomously and attempts by the KNU to (further) penetrate Karen society at village level. (For more on KNU mobilization of the civilian population, see below.)

Complaints and local advocacy

A number of informants describe and comment on the various ways in which communities have organized to make complaints to the authorities. Examples of such local agency come from across Burma.

Local leadership

We really don't want to have to move again. Although this village was originally a relocation site, it is our home now. Therefore, we were very unhappy when the BA told us we would have to move again, if the KNU caused any trouble in the area. Some of the elders from nearby villages met together, following which one of them approached the local BA commander, and told him that we would rather die than move again. The village elder said therefore that the BA should just kill us, rather than force us to move again. After this, the BA commander stopped talking about us having to move, and has been a bit more lenient towards the villagers.

Karen villager, Christian male

Examples include cases of brave and resourceful local leaders approaching the authorities (particularly BA field commanders), in order to persuade them to change their practices – and also to complain against abuses committed by troops under their control. In some cases, local leaders had been appealed 'above the heads' of low-to-middle ranking military officers, in order to achieve locally appropriate solutions.

Complementarity of public and private advocacy

In one large, conflict-affected village, the local priest described a conversation with a BA commander, in which the latter confided that – unlike in previous dry seasons – he would be unable to use force labour to repair the local roads this year (2006). This was because he knew that his 'friend', the priest, would ensure that news of any forced labour was communicated with media and advocacy groups outside the country. Any such publicity would bring problems for the commander. Therefore, this year, they would have to pay the workers.

This pastor is able to talk to the authorities on both sides of the armed conflict – BA and KNU – and negotiate some limited protected space for his community. For example, he has been able to persuade local KNU units not to launch military operations in the vicinity of villages under his influence, in order to protect civilians from the inevitable retaliation of the BA.

Story told by Karen pastor

Protection perceptions

The research asked how people living in areas affected by armed conflict view the roles of local, national and international actors. In general, interviewees living in areas of armed conflict tend to regard to KNU/KNLA as a protection actor. As discussed above, it should be noted that communities accessed in Phase One of the Karen Area Study are likely to be sympathetic to the KNU (as indicated by their continued residence in areas affected by ongoing armed conflict). Many certainly regard the KNLA as primarily responsible for their physical security – despite the KNU's actions inviting retaliation against villagers, against which the KNLA is unable to defend civilians.

Several informants mentioned receiving assistance from the KNU or affiliated local organizations (see below). None reported contacts with international organizations – or with state agencies, other than as agents of threat.

2.3: The politics of protection in south-east Burma

This section considers the following stakeholders' understandings and practices of protection:

- The government and Burma Army

- Karen armed groups

- Cross-border aid organizations

- Local groups working 'inside Myanmar'

- International agencies in Yangon, and beyond – and advocacy issues

For the KNU, 'security' means security to live, and freedom to pursue happiness and progress in all areas of human endeavour, for the Karen people and all the fellow oppressed people in the country… For Protection, we must have a government based on democratic principles and human rights, to make laws and oversee enforcement of the laws. Security covers food, shelter, identity, tradition and culture, livelihood, finance, health, communication, transportation, relationship, environmental, land, economics, education.

Senior KNU official

Legitimacy and the political economy of conflict and assistance

The military government understands protection as an aspect of 'national security'. All of the villagers interviewed in both phases of the research regarded the BA as the primary threat to their protection (sometimes together with the DKBA).

The two main armed ethnic groups investigated (the KNU/KNLA and DKBA) also tend to view protection through the lens of the (Karen) nation. The KNU presents its main role as defending the Karen people, their culture and national and physical integrity. Several DKBA personnel likewise viewed their role as protecting the Karen people (including *from* the KNU) – and in particular securing access for Karen communities to development (viewed primarily in terms of economics and infrastructure, with minimum participation from the 'subjects of development').

International agencies do not have access to those areas where the most acutely vulnerable Karen populations live. International NGOs and donors therefore work by proxy, through local partners. These include local NGOs and CBOs working out of government- and ceasefire group-controlled areas (which have only limited access to areas of ongoing armed conflict), and groups working cross-border from Thailand (which have access to many areas of ongoing armed conflict, but only limited access to government- and ceasefire group-controlled zones). These two modes of humanitarian access are broadly complementary. However, there is distrust, and only very limited coordination, between the two sets of actors (and their donors).

Local organizations working in the conflict-affected south-east of Burma undertake extremely valuable and life-saving work. The personnel of both cross-border groups and those working 'inside' the country are dedicated and brave people, struggling to help their communities. In the absence of appropriate state and international responses, such local agencies represent the only viable way of reaching extremely vulnerable populations.

Cross-border agencies working from Thailand are more-or-less closely affiliated with opposition groups. All cross-border agencies rely on armed groups for security and coordination. While some CBOs in the border areas demonstrate fairly high levels of

independence – and strive not to be unduly influenced by the agendas of opposition groups – others are more accurately described as the humanitarian wings of armed organizations.

As the personnel of cross-border groups generally subscribe to the same broad aims as the armed opposition, they cannot be described as neutral. Indeed, many would argue that in this conflict situation, humanitarian neutrality is not an appropriate stance. Nevertheless, cross-border groups (and those operating inside Myanmar) strive for impartiality in implementation, inasmuch as their assistance is directed towards beneficiaries according to need, rather than due to ethnic, religious or political orientation.

However, most international donors require their clients to be formally neutral. A 'legal fiction' is therefore maintained, according to which cross-border aid agencies are framed as separate to conflict actors, although in practice their activities support armed opposition groups. This is not to argue that cross-border assistance materially supports the armed opposition. Indeed, most local agencies have developed impressive monitoring and evaluation capabilities, and there is very little 'aid leakage' (i.e. armed groups rarely receive direct material support from cross-border aid agencies). Rather, the delivery of large-scale relief assistance to IDPs, through the humanitarian wings of armed ethnic groups, risks serving to legitimise the latter in the perception of recipients. Similarly, assistance provided to civil society networks 'inside' the country will tend to legitimize these, and in some cases reinforce the positions of local leaders.

Some Thailand-based organizations and donors explicitly support the armed struggle of the KNU and its allies, which they consider legitimate 'resistance groups' and agents of political change in Burma. According to this framing, the KNU can be regarded as actively protecting the civilian population in areas under its influence or control. In partnership with other organizations other international NGOs and donors prefer not to examine the impact of their assistance on the conflict across the border in Burma. It should be noted that this reluctance to acknowledge the relationship between assistance and conflict – and the manner in which humanitarian aid becomes part of the political economy of war – itself constitutes a protection strategy on the part of aid agencies. Agencies would rather not discuss such issues, fearing they would alienate donors (and the Thai authorities) and reduce funding for their operations and services to beneficiaries. As noted earlier, this is a classical humanitarian dilemma: striking a balance between serving the needs of population at risk and reducing the inherent risk of also lending support and legitimacy to particular political/military actors.

Most cross-border groups' approach to protection is in the first instance directed towards securing the subsistence needs of those sub-sections of the conflict-effective civilian population which make themselves available to armed ethnic groups. They focus especially on food security, health and education activities. Cross-border groups are also involved in a range of advocacy activities, most of which involve the documentation of human rights abuses (perpetrated by the BA and DKBA – but generally not by the KNU/KNLA), and the denunciation of these to the 'international community'. There is a deep-set – but largely

unexamined – assumption that such public advocacy activities in themselves help to protect vulnerable communities.

Many cross-border groups, and their patrons and supporters among human rights and advocacy networks in Thailand and beyond, tend to regard protection as an 'all-or-nothing' activity. There is an (often implicit) assumption that only with 'regime change' in Burma can substantial progress towards protection be achieved. Thus, in the advocacy arena, 'idealist' approaches tend to dominate with rather simplistic messages, focusing on calls to isolate Burma/Myanmar and promote regime change. More pragmatic approaches to incrementally expanding humanitarian and political space in Burma tend to be under-represented in terms of 'voice' in the advocacy arena.

Public advocacy campaigns are often based on simplistic assumptions regarding the nature of conflict in Burma, which tend to be mediated through the positions of key stakeholders. These include elements of the Burmese opposition-in-exile, who enjoy considerable leverage in Washington and London – although they are often quite marginalized in relation to the situation on the ground in Burma. Other key players in the framing of international understandings regarding Burma include the leaders of armed ethnic groups – or at least those who position themselves favourably vis-à-vis Western-oriented discourses of democracy and human rights. These include relatively well-educated elites, who historically have mobilized ethnic nationality communities in the name of essentialized notions of ethnicity. Among the Karen, these tend to be Christian KNU leaders, who present themselves as unproblematically representing what is in fact a linguistically and religiously diverse community, many members of which do not identify with the insurgency.

Although their positions are rarely taken into account in the framing of discourse and policy regarding Burma, various armed factions, civil society groups and 'above ground' political actors compete with the KNU for leadership of the diverse Karen community. These non-KNU stakeholders are less likely to be linked to international networks (in part due to lack of English language skills, and their non-Christian faiths), or to reproduce the liberal-democratic, rights-oriented discourse favoured by international NGOs and donors. Therefore, although they enjoy considerable influence at the community level, and sometimes in relation to the government (of Myanmar), such stakeholders tend to be marginalized in international discourse and practice, including by donors and diplomats.

Many aid workers and activists – and in consequence the international media, governments and donors – continue to regard the KNU as synonymous with 'the Karen'. By providing assistance in the south-eastern borderlands exclusively via one party to the conflict (the KNU, which seeks undisputed leadership over the diverse Karen community), aid agencies (particularly those working in the refugee camps) provide material, and – perhaps more importantly – legitimization support to one conflict actor among several.

The military government and Burma Army

Since the late 1990s (and especially after 1998), *Tatmadaw* battalions have been required to be more-or-less self-sufficient in rice and other basic supplies. This objective is achieved by appropriating resources (including land to grow crops) from the civilian population.

In addition to the abuses outlined above, government and proxy forces are responsible for forcible population resettlement, including to relocation sites, as part of the 'four cuts' counter-insurgency strategy. This approach to consolidating 'national security' has been adopted by the Burma Army in Karen State in 1975, and is highly effective, at least in military terms. It depopulates ethnic-nationality populated homelands, and denies insurgents a civilian support base.[25]

In relocation sites, the state sometimes provides limited education and health services, as it does across much of rural Burma. Also, residence provides 'protection' from further bouts of relocation. It is noteworthy that, under such circumstances, relocation site residents sometimes decide to stay *in situ* (i.e. in the relocation sites) because they may enjoy better access to markets and other resources in the new area. Also, relocation site residents generally have to pay tax to only one authority (BA or DKBA).

Government aid to displaced populations has been provided to re-settled ceasefire group soldiers and their family members, and (occasionally) to civilians displaced by the armed conflict. Assistance consists mostly of local infrastructure development projects undertaken by the *Na Ta La* (ministry of border affairs).[26]

In the run-up to elections scheduled for 2010, government agents are reportedly busy in Karen-populated and other areas, gauging local sentiment and making various promises to communities regarding benefits to be delivered post-election, if villagers vote as instructed. Contacts are also reportedly being made with a number of Karen community leaders (civil society actors, and active and retired civil servants), whom the government is hoping to persuade to stand, and/or to deliver local 'vote banks'.

Karen villagers from Tenasserim Division

The government has primary responsibility for our village and family's safety. However, they did not take any responsibilities, but rather have oppressed us since the beginning. We did not see any help provided.

Don't talk about protecting others – we could not because we, ourselves, always have to live in fear and dare not say a word. They are full of unfairness.

The most important thing for us is to live in peace and earn our living peacefully. It would be good if the government is not the military. I sometimes thought about it, I could just dare to say this to you now. I dared not to say to anyone that will. We like General Aung San's daughter –

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we love her. I have seen her picture. I would like to speak to her. I sometimes talk to my children … about Aung San Suu Kyi and asked my children to pray for her.

The DKBA

This year is very difficult, because the DKBA is doing so much fighting and recruiting and taxation. Every two months we all have to pay 100,000 Kyat. Even those who are really poor have to pay 50,000 Kyat. Therefore villagers do not have enough money, or enough rice to eat. If you can't pay, you have to go to the front-line, where many people die. They have started taking lots of students too, as soldiers and porters.

Anybody who goes with DKBA this year is likely to die. Therefore, many people have fled.

If a family member joins the PC, we do not have to pay tax to DKBA, or go to fight or become porters. In the past, we only needed to associate with the PC, and could continue to stay in our original village. Now many people are worried, because PC soldiers are being pulled back to their base area.

Karen Christian female

The KNU/KNLA is one of half-a-dozen Karen armed groups – the rest of which enjoy (often uneasy) cooperative relationships with the military government. Among its rivals, the DKBA is the most powerful, militarily and economically. However, in 2010 it was deeply divided by the prospect of being transformed into a government-controlled Border Guard Force. With most – but not all – DKBA units becoming BGF battalions in August, it remained unclear how much autonomy the organization would retain.

There is no religious conflict in my village. The SPDC asked the DKBA to burn down the church, but the local monks said 'no – if you do so, you must also burn down the monastery!'

In this village we have DKBA, BA – and sometimes a few KNU. If DKBA and/or KNU see each other coming, they avoid each other.

Karen Buddhist female; nephew is PC soldier; brother-in-law in DKBA

Members of the Karen Peace Force (KPF) and KNU-KNLA Peace Council (PC) interviewed for this report regard themselves still as part of the 'KNU family', and look to the 'mother organization' as retaining some legitimacy. Both of these groups complain of their limited abilities to protect Karen villagers – although in the case of the PC, in 2008-09 the organization was able to extend its (albeit limited) 'umbrella of protective patronage' to a

significant number of Karen civilians in the zones of ongoing conflict. Some DKBA members also retain an underlying sympathy for the KNU.

> *We can't do much to protect the villagers – but if we are present, we can try to make sure that abuses are not too serious.*
>
> Karen Peace Force soldier

The DKBA consists of a number of, often loosely-affiliated, militias operating more-or-less under the control of the Burma Army. DKBA personnel have significant economic agendas, especially at the leadership level (of course, economic and military self-interest also motivates the KNU/KNLA). Several DKBA leaders make claims to legitimization based on their patronage of the Buddhist religion and status as charismatic strong-men. As such, the DKBA has been a clear rival to the KNU – with its rational-bureaucratic and rights-based appeals to legitimacy. However, it remains unclear how much support the DKBA enjoys within the wider Karen population – many of whom are disappointed by the organization's inability to promote a Karen nationalist agenda.[27]

> *The KNU do development and politics their way, and for 15 years we have been doing it our way. We are misunderstood by the international community. We don't want to be a 'black page' in the history of the Karen people. Despite all the bad publicity, we are actually building roads, schools, pagodas, hospitals and churches. In areas where there are no government schools, we provide these, as well as teachers.*
>
> DKBA Colonel

Three senior DKBA leaders (interviewed separately) positioned themselves as protectors of the Karen community. They see the KNU, with its western-oriented state-making project, as having failed. The DKBA agenda is one of (top-down) economic development, and the (at least rhetorical) 'protection' of the Karen nation.

> *Our role is to protect the Karen people. If villagers [or Karen residents of this small border town] want to build a house, or buy a car or land, they need government documentation. Often this is difficult for them, particularly if they don't have ID papers. The DKBA can help with this, and keep the authorities off their backs. Also, we can issue travel permission documents for them.*
>
> *We protect Karen culture also – for example, by celebrating Karen New Year and the annual wrist-tying ceremony; these are outlawed in non-DKBA areas, but where we have authority, we can hold these festivals.*
>
> *We also protect Karen language and literature. Teaching the Karen language is not allowed in government schools, but across the DKBA areas, Karen literature and culture associations can provide culture and history resources to the community. They also conduct Karen*

> *language training activities, during school summer vacations. This is only possible because of our protection.*
>
> DKBA officer, Christian

DKBA personnel demonstrated three inter-related approaches to protection. Initially, there was often a reluctance to acknowledge the DKBA as a protection threat. For many civilians interviewed in Phase One however, the DKBA was viewed as 'the enemy' and a serious threat.

On being pressed, one DKBA commander acknowledged that at least some units in his organization were involved in human rights abuses, but claimed (with some justification) that

these practices were learned from the KNU. He suggested that the DKBA is less abusive than the *Tatmadaw*.

> *Yes, some of our units do commit human rights abuses – although we are trying to limit this. You have to remember that we learned these things from our days in the KNU. All armed groups in Burma behave like this.*
>
> *We do forcibly conscript troops – but only for a period of three years.*
>
> *There are many IDPs in the northern Karen hills. This situation is caused by the KNU, and is a demonstration of the failure of the KNU, after 60 years of armed conflict. Our job is to get up there, and rescue these people from the KNU – bringing them economic development and security.*
>
> *For 60 years the KNU tried to build the Karen nation, but they failed. Now it's our turn. Of course some villages will suffer in the nation-building effort – but the country cannot be built without some sweat and tears.*
>
> *If they want to help Karen people, the international community should stop supporting the KNU, and let the refugees come home, rather than keeping them captive in Thailand.*
>
> *The KNU can only protect Karen people in the refugee camps; DKBA can protect people in their own country.*
>
> Senior DKBA commander

Such arguments involve appeals to ends, over means. The third element of this DKBA commander's appeal to protection ideals relates these to social, economic and cultural development. According to this argument, the DKBA has brought political-military security to the areas under its control – or at least to the 999 Special Battalion headquarters area at Shwe Ko Ko, just north of Myawaddy, on the Thailand border (which is not necessarily typical other DKBA-controlled areas). He argued that the 'Shwe Ko Ko' model can be reproduced in

other areas, once the KNU has been eliminated. Therefore, in order to protect the longer-term interests of the Karen population, he argued that it is necessary to engage in some unpleasant short-term practices.

In southern Karen State, DKBA units sometimes just pretend to engage with the KNU/KNLA – for example by firing their guns into jungle, and reporting the occurrence of a 'firefight' to local BA commanders – in order to maintain a fiction of antagonism. On other occasions, DKBA soldiers are said to have set fire to undergrowth on the edge of villages, and reported that the settlement in question had been destroyed. However, such local arrangements are highly unstable – and usually based on vested economic and political interests.

<div align="right">

Karen community leader, female
</div>

My nephew became a PC soldier in order to protect the family. If you do not have someone in the PC, no one in the family can travel around. As someone connected to the PC, we can travel freely, and get no trouble at checkpoints. Without the PC, villagers would have to be afraid of the BA.

Before making this trip, I prepared lots of money to pay the checkpoints. However, at the 'gate' the BA soldiers didn't ask any questions or search me, because they know my nephew who is in the PC.

<div align="right">

Karen Buddhist female; nephew is PC soldier; brother-in-law in DKBA
</div>

Government authorities have also conscripted villagers into the para-military *Sorn Arr Shin*, as well as village-level militias (*Pyithusit*). For example, in Pa'an Township in 2007, Village Peace and Development Councils were reportedly instructed to send 20 to 30 trainees each, to be inducted into local pro-government militias. Villagers were forced to contribute towards the costs of the training.[28] Elsewhere, the Myanmar Women's Affair Association has compelled young women to join its ranks, and extorted funds from villagers.[29]

The KNU

The rural Karen folks need the most protection, because they are under the constant threat of being eliminated physically… the military regimes past and present use a scorched-earth policy, either to drive away or make the Karen in rural areas impossible to survive. The enemy is engaged in 'total war', attacking and destroying all villages… This is the combination of extreme racism, militarism and feudalism. The KNU has to protect people against this. The role of the KNU is one of resistance.

The KNU provides early warning. After an attack, villagers hide in the jungle… KNU tactics are based on guerrilla principles – the villagers are like the water, and we are the fish; therefore the BA try to drain the water.

Senior KNU leader

The KNU positions itself as the sole legitimate political authority in Karen areas. The organization does often attempt to address the needs of civilians, in the context of extremely limited resources and capacities – e.g. through health and education, and social welfare departments. In many Karen-populated areas, the KNU has for decades been the sole provider of social and welfare services. Indeed, cross-border aid agencies are highly reliant on the administrative structures of armed opposition groups.

We are the protectors of the villagers, against the BA. We do this through physical protection against Tatmadaw incursions, in the form of armed interventions and use of landmines, and by local KNLA units providing 'early warning' to villagers, regarding the approach of 'enemy' patrols. Villagers also regularly access KNU health services, and schools, where these are available.

KNLA soldier

All KNU, KNLA and KNDO[30] personnel interviewed conceived of security and protection in physical-military terms. According to this view, security/protection consists of physical safety from incursions by the BA. However, KNU members often fail to acknowledge that KNLA attacks on the Burma Army units invite retaliation against the civilian population from which the insurgents are largely powerless to defend them.

The KNU and affiliated Karen organizations are developing a 'Care for Communities at Risk' programme (previously, Population Protection Program). This is designed to provide early warning of BA and DKBA incursions (through training, and the provision of complications equipment), to facilitate village evacuation, to pre-position humanitarian supplies, support livelihoods in conflict zones etc. This program may be presented as a way of support existing self-protection mechanisms, and 'local resistance strategies'. However, it also allows the KNU and affiliates to more fully penetrate civilian populations in the conflict zone, and thus control population movement. Therefore, any assessment of this approach will depend on the legitimacy accorded to the KNU.

As noted above, the KNU does attempt to implement systems of (semi-)civilian administration in the remaining areas under its control or influence, including a skeletal justice system. The quality of local administration and judicial decision-making varies considerably, depending on the capacities and personal characteristics of individual power-holders (local or district KNU and/or KNLA officials).

Evacuation (and population control)

Our village chief gathers the villagers together and advises us how to live and what to do. If there is any problem in our village, we tell our children not to go anywhere, and if you hear shooting jump into the hole [especially dug for this purpose]. For us adults, we have to prepare

food and take care of other things, and at the same time we have to take care of our children and make sure they are near the safety trench. When they start shooting, everyone has to flee and live in a small group in the jungle.

Karen animist female

Soldiers from the KNU advise us to hide rice in the forest.

Karen Christian male

The KNU direct the way, and we follow the way that they direct us. Without their help we cannot go.

38-year-old Karen female Buddhist

If they tell us to move to hide ourselves, we must go... They can't give us full protection.

They get food from us villagers. They can't provide their own rations. They said if there are no villagers, they will starve to death. So they can't let all the villagers go to the refugee camps.

Sometimes I lay down and sigh.

Karen IDP female

The most widespread reading of the Karen conflict (particularly prevalent on the Thailand border, and among exiled communities, e.g. in the United Kingdom and United States) frames the insurgency as a force resisting the military government that is seeking to change the nature of the political regime in Burma. Several KNU personnel (and also members of their expatriate support networks) expressed frustration at the international humanitarian and diplomatic communities' failure to recognize the legitimacy of the organization and its struggle for ethnic rights and justice in Burma. Several informants criticized the tendency of well-protected foreigners to dismiss the role of 'resistance groups' in protecting villagers. One prominent (ex-)KNU leader expressed it thus: 'international organizations come with their pre-established approach to protection, and try to fit us into this framework. Those who are themselves well-protected are trying to impose their notions on us.'

The KNU … provides protection in different ways: armed protection, protection for survival of farms and food security, farming and agriculture and livelihoods protection, protecting the right to education. The life of the people is not only one thing, but many things need to be protected – including the environment: villagers live in the forest and depend for their food on environmental sustainability, the KNU needs to protect the forests. KNU also protects against human rights violations, to women etc.

Sometimes of course there are a few rogue KNU soldiers. We have rules about how to relate to civilians and behave in villages. Abuses can happen, but if so soldiers are punished.

> *The KNLA uses landmines only to prevent enemy incursion. They mostly use homemade landmines, and inform villages where these are planted, and when enemy has retreated, they try to remove landmines.*
>
> *The KNU protects Karen culture and national identity… The goal of the KNU is to protect Karen people from oppression, to be free and get equal rights.*
>
> *In contrast, humanitarian agencies have a narrower understanding of protection. For example, UN agencies may criticize Karen practices of child discipline (corporal punishment), and using children as young as 12 to carry rice and work part-time in agriculture. However, international agencies need to understand that these are culturally acceptable practices, and that under very difficult conditions families need to secure livelihoods, which can include children doing their bit.*
>
> Senior KNU leader

Landmines: The issue of landmine pollution illustrates some of the complexities and ambiguities of protection strategies. As noted, the KNU regards itself as protecting the Karen civilian population. One of the ways it does this is by laying landmines in order to protect the territory under its influence. The use of landmines in rural Burma is an effective military strategy, used by all parties to the conflict. It denies strategically important territory to 'the enemy', and provides a level of security to insurgent base areas. Indeed, it seems unlikely that the KNU/KNLA insurgency could continue in anything like its present form without the use of landmines. Thus, attempting to ban landmines could be regarded as a distraction from the more important issue of resolving the armed conflict. Working to ban landmines in Burma would thus be considered a 'level of analysis' error – addressing the proximate problem (landmine use) instead of the structural/root cause (armed conflict itself).

The use of landmines by all parties (the BA, and KNLA[31] and DKBA) is a clear threat to safety and human security: victims include members of armed groups, and also large numbers of civilians – who are crippled for life, or even killed in landmine explosions (including when tending rice fields, in order to secure their livelihoods). According to a database assembled by CBOs in the south-eastern borderlands, between 2004 and 2008, 58% (64 people) of mine victims interviewed in Karen State were civilians at the time of the incident; the remaining 42% (47 people) where in the insurgent armed forces. For those landmine victims who were able to specify the kind of landmines which had caused the explosion, 59% (44 people) stated that it was a homemade mine (mostly laid by DKBA or KNLA) and 41% (30 persons) that it was a factory made mine (mostly laid by BA). The majority of the landmine victims are adult men.

The KNU's defence for using landmines is two-fold: firstly KNLA units attempt to inform villagers of the whereabouts of landmines (a claim backed by the findings presented here); secondly, that unlike the BA, most KNLA (and often DKBA) landmines are home-made

'bamboo-and-battery' devices, which rarely last more than six months (due to deterioration of the battery life, especially in the rainy season – although some can last up to three years). Landmines are perceived – by both KNU personnel and many of the civilians interviewed for this report – as a form of protection, as well as an obvious threat.

This ambiguity is reinforced by the fact that, in some cases at least, civilians themselves use landmines (and sometimes factory-made Claymore mines) to defend their villages against 'enemy' incursion. When villagers are warned by the KNLA or local militia that a belligerent patrol (e.g. BA and/or DKBA) is in the vicinity, they sometimes put out landmines, usually together with warning signals. Often, when the immediate crisis has passed, the mines are retrieved, and returned to storage. In general, such activities are supervised by the KNU (specifically, the KNDO). Landmines are thus both a protection threat, and a way of dealing with acute insecurity.

In 2009, International Campaign to Ban Landmines[32] stated that landmine incidents had increased dramatically in Burma, which was now the second worst-affected country in the world (after Afghanistan). This statement was released before the DKBA took over parts of Pa'an district from KNU in June 2009, in an offensive which saw the widespread blame of landmines by both sides. In late 2009, the KNU announced a new strategy, according to which they would stop using landmines per se, and switch to using remote-controlled explosives, like Claymore mines. However, it is yet to be seen whether and how this new policy will be enacted by front-line units. Facing an enemy with great numerical and other strategic advantages, it may be difficult for KNLA units to forsake the use of landmines, especially as remote-controlled explosives are much more expensive.

Local actors and networks[33]

Cross-border actors

As Burma's ethnic insurgent groups lost control of most of their remaining 'liberated zones' in 1990s, the number of people displaced and otherwise made vulnerable by the conflict increased substantially. What had been a largely 'silent humanitarian crisis', emerged into the domain of public ('international community') awareness. Donors and NGOs which had for a decade been supporting the refugees in Thailand, began helping displaced people inside Burma too.

However, international agencies and donors had no direct access to conflict-affected parts of south-east Burma. Therefore assistance was delivered by proxy, through local partner organizations, many of which were, in practice, the relief wings of armed groups. Indeed, many cross-border personnel are members (or affiliates) of insurgent organizations.

> *International organizations have very little understanding of the Karen situation. The ICRC are better – but the UN has little knowledge. Refugee INGOs mostly care about funding, and don't know the situation well. Most international NGOs are only interested in setting up their projects not supporting or understanding local communities.*
>
> Senior KNU leader

For many cross-border actors and donors (including Thailand-based international NGOs), protection is about meeting basic needs, especially in the fields of health, education and food security. Protection is also considered to include working with communities, to help them prepare to flee, or otherwise cope with BA and/or DKBA incursions.

In 1993 the KNU established a semi-independent relief organization, to provide short-term humanitarian assistance (and where possible, community development support) to internally displaced Karen communities. Five years later, a second KNU-orientated humanitarian arm was established. These two organizations are the largest providers of cross-border assistance from Thailand. Over the past decade-and-a-half they have undoubtedly saved many lives. Furthermore, in partnership with the administrative wings of armed ethnic groups, cross-border agencies have been able to extend limited assistance in the fields of health, education and community development to often desperate and marginalized communities.

By April 2002, the cross-border aid budget had grown to $1mn annually, distributed through these two main Karen groups, as well as groups representing Karenni, Mon and Shan. By 2009, with the injection of significant new American funds, the annual cross-border aid budget had grown to some $8 mn.

Short-term humanitarian food assistance delivered cross-border from Thailand is intended to supplement villagers' existing rice-sharing and other self-protection mechanisms. Several groups also engage in advocacy activities. In most cases, these are geared towards documenting and denouncing human rights abuses – almost exclusively those perpetrated by the BA and DKBA personnel, with very little attention to violations committed by KNU/KNLA or allied groups.

The majority of cross-border aid is delivered to 'Type 1 IDPs in-hiding' in the conflict zones – i.e. to people accessible to armed ethnic groups. Due to the problems associated with distributing aid in a war zone, in partnership with parties to the conflict, donors have required that cross-border groups develop sophisticated and systematic needs assessment, monitoring and evaluation, and information collection and dissemination systems.

Cross-border aid is often the only way to help highly vulnerable communities. Agencies working in zones of ongoing armed conflict have little choice but to accept some form of relationship with insurgent groups.[34]

Other initiatives: In some conflict-affected areas, low-profile health services protect civilians' right to health. Several clinics and medical outreach teams are run by the military and administrative/civilian wings of armed opposition groups. Others are run by more independent local NGOs and CBOs.

A network of more than 900 community schools, teaching some 58,000 pupils, exists across Karen areas of Burma, including (in 2009) ten high schools. Several schools are linked to both the government and KNU education systems. In many areas, IDP schools consist of little more than bamboo benches under trees which can be moved repeatedly as villagers are displaced by armed conflict. In the face of such difficulties, communities attempted to provide their children with some form of basic education.

In partnership with local teachers, the KNU's Education Department (KED) attempts to coordinate this under-funded system. The main local NGO supporting education in areas of on-going armed conflict was the Karen Teacher Working Group (KTWG), which provided students with basic school materials, and teachers with stipends and training.

Other cross-border and Thailand-based agencies are involved in a range of advocacy and campaigning issues, many of which can be framed as protection activities. For example, several CBO and local and international NGOs have campaigned on environmental issues.[35] This is an area also addressed by some civil society groups and networks which regard the natural environment as a crucially important sector working 'inside' the country, and one which is not overly politicized and therefore offers possibilities for at least some engagement with power-holders.

Civil society inside Myanmar

In contrast to opposition-orientated actors' mobilization of international support, various less well-documented groupings within the Karen (and other) ethnic minority/nationality communities have adopted different strategies in order to protect their communities, including promoting ideas of ethnic/national identity. Their strategies have included forms of accommodation with state and non-state authorities, and/or more incremental attempts to work within the confines of (and even gradually transform) the militarized state.

Although non-state actors in government-controlled Burma have often been suppressed by the militarized state, restricted forms of civil society continue to operate, especially within and between ethnic minority communities. Although they have received much less material support than their cross-border counterparts, these local NGOs and CBOs often have access to vulnerable communities beyond the reach of international agencies and their cross-border partners. Civil society actors working 'inside' the country strive to provide relief aid, capacity building and community development assistance, and some forms of protection, under extremely difficult conditions.

Community mobilization

We need projects that address livelihoods issues, in order to mobilize communities. It's difficult to discuss trafficking when you're hungry!

During the mid/late-1990s, a variety of civil society networks began to re-emerge within and between ethnic nationality communities in Burma. These included various religious groups and traditional village associations, as well as more formally established organizations.

According to a survey conducted by the INGO Save the Children in 2005, there were calculated to be some 214,000 CBOs throughout Burma, and 270 local NGOs. Of these, 51.5% were affiliated with religious groups, 20.7% were parent-teacher associations and 17.2% 'social organizations' (secular local NGOs).[36]

These local community and faith-based networks often have access to remote, conflict-affected parts of the country that were beyond the reach of international organizations. Their relief and development activities take the form of self-help initiatives, undertaken by extended family and clan networks, as well as more systematic programmes. They are implemented by CBOs and local NGOs, which have established low-profile aid programs in government-controlled areas, and in some relocation sites and ceasefire areas in south-east (and other parts of) Burma. These local organizations are sometimes also able to work in zones of on-going armed conflict, although their access has tended to fluctuate, depending on the local situation.

Contact with IDP and other vulnerable populations is generally negotiated with BA (and/ or ceasefire groups) commanders and by local or national religious leaders. Most of the limited amounts of assistance provided from 'inside' Burma is distributed by faith-based groups, which have generally attempted to ensure that aid is extended to all needy people in the areas accessed, and not just to co-religionists i.e. they strive for impartiality, although in practice the church (or for that matter, Buddhist) groups are most likely to come in contact with their own brethren. These local NGOs and CBOs are helping to build community networks and develop 'human capital' in ways which contribute towards peace-making and conflict-transformation, at least at the local level. Furthermore, by providing community-based development support, local groups are often able to empower community leaders (especially monks and pastors), and thus expand local 'protected space'.

Between 2004 and 2007, Karen groups working inside Myanmar enhanced their capacities to assess the needs of, and deliver assistance to, IDPs and other vulnerable communities (e.g. flood victims). Relief aid usually consisted of food, medical supplies (including mobile outreach teams) and community rehabilitation and local development activities. In addition to direct assistance, some of the more strategically-oriented organizations have developed nationwide

networking and training activities and demonstrated sophisticated documentation and analysis of the situation, vulnerabilities and needs of vulnerable populations.

Local NGOs and CBOs operating in areas of ongoing armed conflict face dangers in their daily life – including threats from landmines, and the dire consequences of being killed or captured by the BA or DKBA. Meanwhile, civil society networks 'inside' remain liable to suppression by the militarized state.

Other more subtle threats include the possibilities that elites within Burmese civil society may seek to use their positions for personal gain (corruption), or to achieve power and professional advantage by exploiting their contacts with communities. 'Local civil society leaders' may in fact originate from outside the communities in which they exercise influence, and can be quite 'top-down' in their approach. Indeed, Burmese civil society tends to reflect the imbalances and inequities of power in the larger society (e.g. patriarchal attitudes and structures).

Other problems involve possible mismatches in culture and priorities between local and international actors. Often, international agencies seek out 'westernized' CBOs which are able to reproduce the frames of reference (e.g. proposals for funding, needs analysis formats etc) with which donors are familiar. By fostering such a 'professionalized' civil society sector, Western NGOs and donors risk inadvertently distorting local realities – or at least failing to engage with strategically important sectors of indigenous (traditionally-rooted and organized) civil society in Burma.

Furthermore, most internationally-funded projects tend to be short-term in duration (with a maximum three-five year project cycle). In contrast, faith-based approaches to community mobilization tend to be more sustainable, with longer time-frames. However, such local initiatives do not always follow the criteria favoured by international donors – especially those implemented by traditionally-oriented communities and leaders (e.g. faith-based initiatives). Under such circumstances, there is a danger that external funding can distort local decision-making processes and priorities, monetising existing activities, and negatively influencing people's motivations for participation. Other potential problems include the difficulties experienced by local agencies in monitoring projects. This can be due to villagers' reluctance to acknowledging receipt of outside assistance for fear of reprisal, among other reasons.

Local protection networks

Mark Duffield[37] states that the most important factor in relation to humanitarian activity in Myanmar is the protection provided to vulnerable communities by the presence of UN agencies and international NGOs – and also by local NGOs and CBOs:

> regarding work at the community level, protection works according to the
> proximity of an external organization or person that has – or is thought to
> have – the ability to witness and report. The more international the

organization or its representatives (for example a UN agency or INGO), the stronger the protection; however, LNGO personnel, INGO national staff, or even educated town dwellers, have a similar effect. If a village-based CBO, for example, is supported by an LNGO, INGO or religious network, the fact that outsiders are able to come and ask questions has a tempering effect.

In terms of presence, international organizations can usually provide greater degrees of protection than can local agencies. However, the more 'international' the organization or its representatives are, the greater the likelihood that the government will impose restrictions on access to vulnerable communities. Therefore, the most powerful combination is a 'protective partnership' between international and local organizations, international and local staff.

Organizations working inside Myanmar cannot afford to be as bold in their advocacy roles as those in Thailand and overseas. However, the presence of local and international agency personnel in conflict-affected areas does in some places help to create the humanitarian space in which to engage in behind-the-scenes advocacy with national, state and local authorities.

Important protective work has been undertaken by local community leaders who are able to engage with power-holders (e.g. BA, insurgent and ceasefire group commanders), to improve conditions for vulnerable communities. Such interventions sometimes involve persuading authorities not to relocate civilians, to demand forced labour from a village, or perhaps to allow humanitarian access for international or – more often – local NGOs and CBOs.

Civil society actors also sometimes mobilize agencies operating outside Burma by passing on human rights information to contacts in Yangon or Thailand. Such informal 'protection and advocacy networks' help to reduce the incidence of human rights abuses. For example, BA commanders are sometimes reluctant to use forced labour in areas where this information is likely to be passed on to advocacy groups in Thailand. Potentially, public denunciation would reflect poorly on the officer in question, and in particular expose him to criticism from his seniors.

Elsewhere, Duffield[38] analyses the relationship between local and international actors:

> international agencies are able to protect to some extent local NGOs and these, in turn, are able to protect CBOs, and so on… Using the community-based project as the starting point, arbitrary personal power is disarmed and neutralized through its engagement and cooption. Local commanders, township authorities and ceasefire groups, for example, are kept informed, invited to launch ceremonies and, if appropriate, drafted onto committees. Through such networking and alliance building protection is extended to local communities… this expansion of local level protection has been a major if fragile achievement.

Another theorist and practitioner of protection, Liam Mahony[39], has noted in his work on 'protective presence' that 'some of the most impressive cases of standing up to terror … come from well-organized, cohesive communities. In contrast, disorganized and unsupported communities are much more vulnerable to manipulation through fear and violence.' Important protective outcomes can result from capacity building activities which may not be specifically 'protection'-orientated. Building local capacities can help community leaders and local organizations to engage with local military and political actors on a range of issues. This type of local, trust-based capacity has been referred to in other contexts as 'social (or human) capital'.[40]

It should be noted that local organizations working in the highly repressive environment of military-controlled Myanmar are liable to suppression, with disastrous consequences for the people involved. This is particularly the case in the run-up to elections scheduled for 2010, as during the campaigning period the authorities are likely to be particularly jealous of autonomous efforts to mobilize and work with communities. Indeed, several CBOs are planning to reduce their activities during this sensitive time, in order not to antagonize the authorities. Similarly, international organizations working 'inside' the country are concerned about possible restrictions on their access to project sites and vulnerable communities during the election period.

International Agencies

With few exceptions, international donors and agencies do not have access to armed conflict-affected parts of Burma. Therefore donors have provided aid in partnership with local agencies, working cross-border from Thailand, or out of government-controlled areas.

Following the violent suppression of the 1988 democracy uprising, most donors terminated assistance to the new SLORC military regime. The World Bank and Asian Development Bank have not provided any loans to the government since 1987.

Against this backdrop, between 1991-93 MSFHolland and World Vision became the first INGOs to (re-)establish official programs in Burma. Since the mid-1990s, the number of international organizations working in the country has gradually increased. By late 2007 (on the eve of Cyclone Nargis), there were over 50 registered INGOs in Yangon, with Memoranda of Understanding with the Government (mainly the Ministry of Health, and also with Border Affairs Ministry, Home Office and Ministry of Education) – with several studies others hoping to negotiate agreements, plus the two branches of the International Red Cross.

Through to September 2004, international organizations in Burma experienced an opening humanitarian space, and were able to begin to access some previously out-of-bounds areas, including regions affected by armed conflict. Under a dynamic UN Resident Coordinator (who in 2006 was designated Humanitarian Coordinator), INGOs and UN agencies working inside

Myanmar began to access greater levels of funding – although some Thailand and overseas-based activist and lobbying groups opposed to engagement with the SPDC regime argued against supporting aid agencies working inside country.

Due to lack of funding, and also government restrictions, in 2010 international relief and development projects in Burma are still spread very thinly on the ground. Yangon-based INGOs and UN agencies generally take a long-term, incremental approach to expanding access into conflict-affected parts of the country. They tend to start programs in areas adjacent to state capitals, and gradually move into more remote locations. Several agencies work in relatively remote parts of Chin, northern Arakan, Shan, and Kachin States, and in some villages in Karenni State and Tenasserim Division. Some are also active in parts of Karen and Mon States – but have not been given permission to work in the most severely conflict-affected areas.

However, some international NGOs and donors have been able to access conflict-affected communities in partnership with local NGOs and CBOs. Since the early 1990s, such mechanisms have allowed a small number of international agencies to provide fairly substantial amounts of assistance to displaced people in the south-east. Such developments have helped aid agencies and donors working inside Myanmar to realize the benefits of working in partnership with civil society.

In general, international agencies are wary of antagonizing the government by being seen to establish relations with ceasefire groups. (The exception being parts of Shan State, where the UN Office for Drugs and Crime, WFP and other international agencies engaged with ceasefire groups, in the context of opium eradication).

Very few international organizations operating inside government-controlled Burma implement programmes specifically targeted at IDPs. In part, this is due to the sensitivity of the issue, but it also reflects the difficulty of distinguishing between displaced and other vulnerable populations. However, in 2006 the Resident Coordinator did oversee the creation, within the UN Country Team, of a Population Movement Working Group. This group took some tentative steps towards addressing the gaps in responding to the assistance and protection needs of displaced and other vulnerable communities in the conflict-affected south-eastern borderlands.

Unfortunately, the UN Resident Representative/Humanitarian Representative was expelled from Myanmar in September 2007, following his suggestion that the government needed to address the deteriorating social and humanitarian condition in the country. This principled demand was made in the context of the widespread protests of August and September that year, when monks led large numbers of ordinary people on the streets of Yangon to protest against degenerating standards of living. In the two years since, the UN system in Burma has been cautious in its advocacy positions, seeking to cultivate a constructive relationship with the military government. Nevertheless, in 2009 international agencies in Yangon established a nationwide Protection Working Group, which has set about the task of mapping effective

strategies.[41] In 2010, the UN Country Team in Myanmar was re-formed as a Humanitarian Country Team, composed of a core group of six NGOs and six UN agencies, plus OCHA, ICRC and a NGO liaison officer.

Access to the armed conflict-affected south-eastern borderlands remains a prize for the professional humanitarian community in Yangon, the attainment of which would be a significant career boost to those involved. Therefore, a number of international (particularly UN) agencies have sought to engage with local NGOs in Karen and other conflict-affected areas of Burma. Such partnerships represent a mixed blessing for civil society actors in these sensitive areas, who can be exposed to danger through contact with high visibility international agencies. Nevertheless, by mid-2010, some progress had been made by UN agencies and their partners, seeking to access conflict affected parts of central Karen State.

The relationship between the UN and Burma is complex and largely beyond the scope of the present study. At a minimum, analysis needs to distinguish between 'line agencies' (e.g. UNHCR, UNICEF, UNDP etc.) present in the country and activities directed at the headquarters level. At the country level, it should be noted that several UN agencies in Myanmar (most notably, the UNDP) operate under restricted mandates –acting in response to vociferous exile lobbies at the insistence of donors (particularly the US government). At the global level, the UN human rights mechanisms have appointed a series of Special Rapporteurs, to whom the government has often denied access to the country. In addition, the Secretary-General has appointed a series of Special Representatives, tasked with promoting reconciliation between the government and key opposition groups (especially the NLD, and its leader, Daw Aung San Suu Kyi).[42]

International (and particularly UN) agencies working in Myanmar generally accept the legitimacy of the state. Although for most, its forms of governance are deeply problematic. They therefore subscribe to varieties of the 'Human Security' agenda, according to which the state, or by default in cases where the government is unable or unwilling to act, the international community has responsibility for securing citizens' access to rights and services.

Humanitarian politics

International agencies working inside Myanmar report several successes in terms of engagement with the government and improving the situation on the ground for vulnerable groups. In addition to those outlined above, positive examples include engagement with the Ministry of Health to develop HIV protocols, approaches to community forestry activities in various ethnic nationality-populated areas, and some developments in the education sector (particularly non-formal and ethnic nationality schools).

Despite these partial successes, the extent and quality of political and humanitarian space in Burma began to decline following the October 2004 purge of Prime Minister Khin Nyunt and

his military intelligence apparatus. In August 2005 the Global Fund for HIV/AIDS, Malaria and Tuberculosis ceased operation in the country – although in this case, there were additional, politically-driven considerations behind the decision to leave.[43] In February 2006 MSF-France also withdrew from Burma, claiming that increased government restrictions imposed since 2005 had made its operations in Mon and Karen States untenable. A further consequence of the restrictive operating context was that most international agencies had very limited access to the upper echelons of the SPDC, and were thus unable to engage in policy dialogue with, or communicate advocacy messages to, the regime.

The situation regarding international (and indeed, local) humanitarian access changed dramatically following the devastation of Cyclone Nargis, which struck Burma on the night of 2 May 2008, killing at least 140,000 people and displacing two million more. A future report from the L2GP project will focus on the nature and scope of humanitarian action following this natural disaster, particularly in the field of protection, with special attention to local agency. Unfortunately, the much improved international access in the cyclone-affected Irrawaddy Delta (after an initial period, during which the government blocked agencies' efforts to intervene) was not reflected in similar progress in the conflict-affected south-east.

Humanitarian coordination – needs and responses: In the aftermath of Cyclone Nargis, the balance of international funding and attention to humanitarian crises in Burma shifted from the conflict-affected south-eastern border regions to the natural disaster-affected Irrawaddy Delta (and to a lesser degree, the rest of the country). Although many civilians in the south-east remained acutely vulnerable, this re-focusing of attention represented an important correction in the targeting of aid to Burma. Previously, the majority of needs analyses, advocacy materials and funding concentrated on the highly vulnerable, but hardly representative, sub-group of IDPs and refugees living in the south-east. Much of what the international/donor community knew about humanitarian issues in Burma was refracted through the lens of the refugee camps along the Thailand border, the small collection of activist and political organizations, and local and international NGOs based in the border town of Mae Sot. Post-Nargis however, the humanitarian focus shifted to the vulnerabilities and needs of those people (perhaps 99% of the overall population, of some 55 million people) not accessible cross-border from Thailand.

However, as funding for post-Nargis recovery begins to wind down, attention may shift again to the south-east. This process is likely to be exacerbated if the military government suppresses the work of local and international agencies working 'inside' the country in the run-up to scheduled elections.

In south-east Burma cross-border aid agencies' assistance is mostly directed to those sub-groups of displaced people who make themselves available to armed conflict actors. Their counterparts are local agencies working inside the country, which provide relief and

community development assistance mostly in government and ceasefire group-controlled areas. In addition, a small number of international NGOs provide low-profile aid to displaced and vulnerable populations in the south-east.

At present, there is little overlap in the beneficiary populations reached by these two modes of assistance. There is potential for much more convergence, if armed conflicts can be resolved. In principle, it is appropriate for these two sets of actors to share information regarding humanitarian needs and (current and prospective) activities in the conflict-affected south-east, in order to identify gaps in assistance and other unmet needs. However, it is important that such information sharing processes are driven (or 'owned') by the local agencies concerned rather than imposed by well-meaning international donors and patrons.

Advocacy

The 'isolation-and-disengagement' campaign waged by the military government's opponents over the past two decades has served to limit the availability of humanitarian assistance and protection in areas controlled by the government, and/or its proxies (the vast majority of the country). Well-intended activities, aimed at promoting assistance and protection for particular groups in the border regions have had some positive impacts on groups of displaced people. However, anti-government advocacy campaigns have served to limit the amount of aid reaching populations living under military rule, with (no doubt unintended) negative consequences for large parts of the Burmese population.

Given such dilemmas, it is worth unpacking the notion of 'advocacy' in the Burmese context. This is often taken to be synonymous with documenting and denouncing human rights abuses. Indeed, over the past decade or so, an industry has grown up along Thailand-Burma border – and beyond – producing regular reports on the human rights situation. Much of the international understanding of humanitarian vulnerability in the south-eastern borderlands, and ethnic issues in Burma more generally, has come to be refracted primarily through the lens of Mae Sot and the experiences of a relatively small group of highly vulnerable Karen people. However, little is known or published regarding other inaccessible parts of the country.

Such 'document-and-denounce' advocacy, based on the public exposure of human rights violations, appears to work in instances where power-holders have limited the extent of their abuses, out of a desire not to be publicly criticized. Furthermore, in the context of the ongoing national and international political debate in and on Burma, the documentation of abuses is important in terms of holding those responsible to account. It may also provide crucial documentation in the future, for instance in the context of transitional justice arrangements. Public advocacy work is also plays an important role in fundraising for aid agencies, as documentation of human rights abuses helps to ensure funding for humanitarian activities targeted at the victims of abuses.

However, looking at the very dire situation of most civilians in conflict-affected parts of Burma, there is little evidence that years of public advocacy campaigns have achieved much to improve the lives of the victims of abuse, whose experiences are documented in these reports. Therefore, the Burma advocacy community may need to re-examine its efforts and impacts.

2.4: Stakeholders' perceptions and strategies

Ultimately, assessments of the protection strategies described in this report depend on the legitimacy accorded to key actors. Much depends on how issues and actors are 'framed'. Those who regard state sovereignty to be of paramount importance are unlikely to regard non-state actors' interventions in the field of protection as legitimate. This does not *necessarily* mean that legitimacy is accorded to the Burmese military government, and it's often brutal counter-insurgency strategies. Advocates of the Responsibility to Protect doctrine may argue that international intervention is required, in a situation where the state is unable – or more accurately, unwilling – to protect its own citizens. In this case, legitimate protection actors are by default international aid (and possibly military) agencies.

In contrast, to the extent that the aims and practices of the KNU or other non-state groups may be considered legitimate, their activities in the field of protection may be worthy of support. Another way to frame the issues is to examine how people affected by armed conflict view their situation, and the possibilities of action, and build upon this.

People living in areas of ongoing or recent armed conflict include civilians who make themselves available to armed ethnic groups (e.g. the KNU/KNLA) and support the insurgency, either actively or implicitly. These people are determined to resist incursions by the Burma Army and/or its proxies, and regard the KNU as a legitimate authority, with a responsibility to protect them – albeit a role that cannot usually be carried out satisfactorily due to the limited resources available. For such people, the local protection mechanisms described in Part 2 of this report may be framed as 'resistance strategies'.

Other communities 'in hiding' may be less supportive of the insurgency. For them, trying to cope involves managing or avoiding threats from a variety of power-holders; at times, this includes the KNU.

People living in areas controlled and/or influenced by ex-KNLA armed factions (primarily the DKBA and Peace Council) may subscribe to some of the values espoused by the KNU but generally do not regard the 'mother organization' as representing or protecting them. Caught between different local power-holders, civilians in non-KNU-controlled areas look instead to other armed groups for protection.

People living on the edges of armed conflict zones, in towns and villages indirectly affected by hostilities, and/or in areas influenced by various non-state groups and government forces, probably represent the majority of the Karen civilian population in the south-east. (Karen

populations in the Irrawaddy Delta are firmly under government control, although CBOs and local and international NGOs, do operate in these areas.) Such communities are often subject to 'multiple masters', and thus must pay taxes or other forms of 'tribute' to a variety of power-holders. Under such circumstances, people have mixed feelings regarding various conflict actors. Their primary experience seems to be one of great difficulty in achieving the basics of day-to-day survival.

Different armed conflict actors position themselves as defenders of civilian populations – in terms of physical safety and the security of livelihoods, as well as protecting elements of culture and national identity. Both KNU and DKBA leaders regard themselves as legitimate representatives and guardians of the Karen peoples – their physical safety, livelihood security and national/cultural identity. Assessments of their 'protection strategies' (e.g. armed intervention and village evacuation, or the implementation top-down forms of development) depend on how observers regard these groups' political legitimacy and humanitarian integrity.

Some CBOs and local NGOs share (at least some of) the opinions and values espoused by armed opposition groups. Most of those working cross-border from Thailand regard the KNU as a legitimate political representative of the Karen peoples – or at a minimum, as a necessary evil. They are opposed to the Burmese military government, which they regard as illegitimate. Civil society groups working 'inside' the country are more circumspect in their judgements regarding various conflict actors. Some display considerable sympathy to the KNU and PC (less so for the DKBA, at least among Christians). Many are deeply opposed to the military regime – but continue working in government-controlled areas, in order to assist their communities, and protect them where and when possible. Particularly influential have been various – often charismatic and brave – religious (especially Buddhist) leaders, who are able to create zones of relative peace and protection in areas under their influence.

Clearly, the state of Myanmar regards non-ceasefire groups and their affiliates as entirely illegitimate. Government attitudes towards the DKBA and other ex-KNU factions are more difficult to gauge and seem to be shifting in the context of scheduled elections and other developments (such as the Border Guard Force transformation).

Most international agencies and donors supporting cross-border work purport to be neutral. However, in their support for the welfare wings of armed ethnic groups, their assistance becomes part of the political economy of the armed conflict, legitimating particular actors. This remains the case despite the outstanding work done by many opposition activists and CBO workers in armed conflict-affected parts of south-east Burma. At least implicitly, most Thailand- and overseas-based agencies supporting work in the south-eastern borderlands regard the KNU, and its allies and affiliates, as having some legitimacy as political and protection actors. Their attitudes towards other armed groups, such as the DKBA, are very different. This may or may not be an appropriate stance. Unfortunately, aid agencies and donors rarely confront such issues openly or transparently, and there appears to be limited

interest in looking for partnerships beyond the range of professionalized, cross-border aid agencies that present themselves to major donors.

International agencies working inside Myanmar value contacts with Karen civil society networks, in order to gain access to vulnerable communities. This relationship can be quite instrumental inasmuch as local agency is not always valued for its own sake. Adopting the role of neutral humanitarians, international agencies working officially in the country generally do not accept armed (ceasefire or non-ceasefire) groups as either appropriate partners or legitimate political actors. In contrast to the situation along the border, there is a tendency to focus on the illegal nature of all non-state armed groups and their economic motives for action. – at the expense of overlooking such organizations' genuinely held grievances, and their (albeit often contested) legitimacy, within at least some elements of the communities they seek to represent.

CONCLUSION

Survival in the absence of state or international protection

Threats to civilian populations in south-east Burma include murder, rape, torture, looting, forced labour and arbitrary taxation, hunger, land confiscation, and the destruction of entire villages. People living in conflict zones are often subject to 'multiple masters', paying taxes (or other forms of 'tribute' – such as labour, or the conscription of their sons) to two or more armed groups. Protection against hunger is also a major concern. For vulnerable communities, the distinction between livelihoods and other forms of security is minimal.

People manage or avoid these risks through a variety of strategies, including trade-offs, some of which may appear very negative. Often, people have to balance risks against each other, and choose the 'least-worst option'. Individuals, families and communities' limited self-protection options depend on the resources available, including money, relationships, and information. The standing and quality of community leaders also appear to be crucial. Particularly important is the development of protective 'social capital'.

In the absence of protection by the state or international agencies, community-based organizations play important roles in providing limited amounts of assistance to vulnerable communities in south-east Burma. Civil society networks operating cross-border from Thailand include a range of CBOs, some of which can be characterized as the welfare wings of armed ethnic groups. These organizations provide often life-saving assistance to IDPs and other vulnerable civilians, with funds provided by many of the same donors who also support the refugee regime along the border. Monitoring of these relief activities is very tight and little, if any, cross-border aid is diverted to insurgent organizations. However, the close association between several of the more prominent cross-border aid groups and the armed conflict actors with which they work serves to legitimize the latter, who are involved in the distribution of internationally funded relief supplies.[44]

Humanitarian donors and organizations must ensure that their interventions 'do no harm' to intended beneficiaries. Discussion of the relationships between aid and conflict has not been prominent within humanitarian networks along the Thailand-Burma border.[45]

Such caveats notwithstanding, locally designed and led humanitarian activities can help to mobilize communities. Local (especially faith-based) leaders do often help to build trust and 'social capital'. International donors can and should do more to engage positively with such initiatives.

Recommendations

- Assistance and associated protection activities undertaken by CBOs and local NGOs working cross-border from Thailand, and those operating in government-controlled and ceasefire areas inside the country, are vital – and complementary. They should continue to be supported by donors and international agencies.

- Local aid agencies working cross-border and inside Myanmar should be supported to enhance their collaboration and co-ordination activities in a safe and secure manner at a pace determined by themselves.

- Given the limitations of local self-protection strategies, approaches based on international humanitarian and human rights law remain vitally important. These should include engaging with state and non-state actors regarding their obligations and commitments.

- If international humanitarian agencies are serious about gaining access to the conflict-affected south-east to protect civilians, an international presence will be necessary. By directly accessing these areas, UN and other agencies can gain a foothold and begin to expand their 'protective presence'. In time, it should be possible to develop partnerships with appropriate local NGOs and CBOs, without exposing these to unacceptable danger.

- In-depth analysis of local realities must be an ongoing and integral part of the design and implementation of all humanitarian activities. Representatives of affected communities should participate in all stages of programme design and implementation.[46]

- Civil society leaders are necessary providers of local access for aid agencies. However, 'local leaders' often originate from outside the community, and can be quite 'top-down' in approach. It is therefore necessary to consult directly with community members, as well as leaders.

- Humanitarian interventions designed in partnership with local communities should include livelihoods and food security support.

- Local development activities in conflict-affected south-east Burma can help to mobilize communities and build trust and capacities, empowering protective leaders and enhancing social capital.

- Several specific self-protection strategies described in this report may be worthy of support. However, local NGOs working from inside Myanmar can be exposed to danger through contact with international – and especially high-visibility UN – agencies. Preliminary discussions should be held in safe locations, before initiating contact in the field.

The need for flexible and sustainable programming

Internationally funded projects tend to be short-term in duration and are sometimes not sustainable in the middle to long-term. Community and faith-based approaches to grass-roots mobilization are often more sustainable, especially in remote and/or conflict-affected areas, which international agencies find difficult to reach. However, such initiatives cannot always follow the indentation and reporting criteria and mechanisms favoured by international donors.

Recommendations

- Donors and international agencies should develop mechanisms for supporting indigenous initiatives creatively, flexibly and with accountability to target communities. Donors should recognize that, under some circumstances, it is difficult for local agencies to monitor projects according to usually established standards and norms.

- It is important that local aid agencies (whether working cross-border or from 'inside' the country) have a sense of ownership of programmes, and are involved in setting aims and objectives, not just evaluation and monitoring exercises.

Humanitarian politics and advocacy

Ultimately, assessments of the different approaches to protection described in this report will depend on the legitimacy accorded to key actors. Historically and currently, many international donors, agencies and activists have favoured some armed non-state groups, and their associated welfare agencies, over other non-state actors. In part, this 'access bias' has been an unavoidable result of operational constraints on the ground. As a result, much of the international understanding of humanitarian vulnerability in the south-eastern borderlands - and ethnic issues in Burma more generally - has primarily been refracted through the lens of Mae Sot and the experiences and perspectives of a relatively small group of opposition activists and vulnerable communities. In its support for local NGOs associated with specific

armed ethnic groups, outside assistance has become an integral part of the political economy of the armed conflict, legitimating particular actors.

Public 'document-and-denounce' advocacy appears to work in some instances, where power-holders have limited the extent of their abuses, out of a desire not to be publicly criticized. However, anti-government advocacy campaigns may have served to limit the amount of aid reaching populations living inside Myanmar, in areas under military rule (the great majority of the country). While Thailand-based and cross-border agencies can be forthright in their data collection and advocacy activities, groups working inside the country must be more cautious. Nevertheless, individuals and groups working in government-controlled and ceasefire areas can often engage in behind-the-scenes (persuasive) advocacy, whereas public advocacy activities are much more difficult and dangerous.

Recommendations

- International agencies should carefully assess the likely impacts of their interventions on the social, political, economic and conflict environments – including implications for the safety and well-being of potential beneficiaries and partner groups.[47]

- External agencies must ensure that their interventions do not inadvertently undermine communities' existing self-protection mechanisms ('do no harm'). In-depth analysis should be undertaken before engaging with non-state actors and CBOs, whether these are working cross-border from Thailand or inside Myanmar.

- Donors should undertake Peace and Conflict Impact Assessments before designing or implementing programmes. Where appropriate, these can be carried out in partnership with local agencies.

- Where appropriate, international agencies wishing to gain access to the conflict-affected south-east should consider liaising with a wider range of non-state armed groups, including ceasefire groups.

- Actors working in a sensitive and highly polarized environment must be explicit about the limitations of their interventions and possible biases. They should therefore undertake continuous dialogue with stakeholders on these issues.

- Humanitarian actors engaging in advocacy and public information activities should ensure that statements and recommendations are based on a wide range of perspectives and sources. They should not promote the rights and well-being of

particular groups at the possible expense of other vulnerable parts of the population.

ABOUT THE AUTHOR

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1 Mary Anderson, Do No Harm: Supporting Local Capacities for Peace through Aid (Local Capacities for Peace Project, The Collaborative for Development Action, Cambridge, CUP 1996).

2 In 1989 the then SLORC (State Law and Order Restoration Council) military junta renamed the country 'Myanmar Naing-ngan'. This paper follows the usage of most informants, in retaining 'Burma' in most instances. However, 'Myanmar' is used to refer to the government's jurisdiction. Likewise, 'Yangon' is preferred to 'Rangoon'. (In 1997 the SLORC was re-formed as the State Peace and Development Council.)

3 ICISS, The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty (December 2001).

4 The R2P doctrine endorses intervention (i.e. the violation of state sovereignty) in four instances: 1) threat and/or acts of genocide; 2) war crimes; 3) crimes against humanity; and 4) ethnic cleansing: Gareth Evans, The Responsibility to Protect: ending mass atrocity crimes once and for all (Washington, D.C.: Brookings Institution Press, 2008).

5 Ranesh Venugopal (ed.), Civilian protection in Sri Lanka under threat (Oxford University, Refugee Studies Centre, Working Paper No.58).

6 ICRC/Sylvie Caverzasio (ed), Strengthening Protection in War: A Search for Professional Standards (ICRC Geneva 2001).

7 The Steering Committee for Humanitarian Response's peer review of 'Accountability to Disaster-affected Persons' (2009) calls for "acknowledging, making visible and diminishing the power imbalance between organizations and disaster-affected persons; involving affected persons meaningfully in key decisions and processes that influence their lives; building relationships with affected persons that are characterized by dignity and respect": Forced Migration Review (Refugee Studies Centre, Oxford University, No.35 – June 2010: 50-52).

8 The SPHERE Project, Minimum Agency Standards for Incorporating Protection into Humanitarian Response (2008 Field Testing Version).

9 Recent developments in community-based protection are discussed in Humanitarian Practice Network (Overseas Development Institute), Humanitarian Exchange (No.26, March 2010). See especially Kate Berry and Sherryl Reddys' article on ActionAid's community-based protection manual. This approach starts in a critique of mainstream humanitarian protection, which "often fails to recognize and respond to protection problems that exist at individual, family, social network and community levels; frequently fails to involve the community – beyond initial assessment – in the design, development and evaluation of humanitarian response." ActionAid seeks to involve communities, not simply as informants and beneficiaries, but in the analysis of need and program design, recognising that local people are usually already involved in a range of practices that can be labelled protection. (Safety with Dignity: integrating community-based protection into humanitarian programming – HPN/ODI Network Paper No.68 March 2010.)

10 In 1991 Mark Vincent and Birgitte Refslund Sorensen argued that "too frequently overlooked is the ability to internally displaced people to adapt to the experience of displacement. This oversight robs the displaced of their voice and belittles the substantial contributions they make in shaping their own lives. It also reinforces the incorrect perception that the international stage is the only venue for action": Caught between Borders: response strategies of the internally displaced (London & Sterling, Virginia; Pluto Press & Norwegian Refugee Council 2001: 1).

11 An important exception is the Karen Human Rights Group (KHRG) report, Village Agency: rural rights and resistance in a militarized Karen State (November 2008), the first systematic examination of local protective agency to have been undertaken in Burma. Also worthy of attention is Chirs Cusano's wide-ranging study of Karen IDPs' responses to displacement (in Vincent & Sorensen 2001).

12 Although this paper refers to insurgent-controlled, government-controlled and ceasefire group-controlled – or influenced – areas, the situation on the ground is rarely so clear. These are 'ideal types'; in reality, areas of (disputed) authority and influence shade into to each other, with frontiers shifting over time, in accordance with the season, and the dynamics of armed and state-society conflict.

13 On the history and politics of ethnic conflict in Burma, see Martin Smith, Burma: insurgency and the politics of ethnicity (London, Zed books 1999; second edition) and Ashley South, Ethnic Politics in Burma: states of conflict (Routledge 2008).

14 Adapted from Ashley South, Governance and Legitimacy in Karen State, in Nick Cheesman, Monique Skidmore and Trevor Wilson (eds), 'Ruling Myanmar: from cyclone Nargis to national elections' (Singapore, ISEAS 2010).

15 In May 2010 the Thai authorities repatriated many of these civilians to Burma.

16 In order to protect participants and respondents, the names of people and places interviewed and visited have been omitted and/or changed.

17 Similar phenomena of charismatic monks presiding over local zones of protection, and thus attracting IDPs to settle in their areas of authority, are reported from elsewhere in Burma, including Mon State.

18 Karen Women Organization, Walking Amongst Sharp Knives: The unsung courage of Karen women village chiefs in conflict areas of Eastern Burma (February 2010: 19).

19 Ashley South, Burma: the changing nature of displacement crises (Refugee Studies Centre, Oxford University, Working Paper No.39 February 2007).

20 UN Commission on Human Rights, The Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2).

21 The term is coined by Mark Duffield, Global Governance and the New Wars: The Merging of Development and Security (London, Zed Books 2001: 191). The concept is similar to deWaal's 'humanitarian international': the cosmopolitan "transnational elite of relief workers, aid-dispensing civil servants, academics, journalists and others, and the institutes they work for": Alex de Waal, Famine Crimes (Bloomington, Indiana University Press 1997: xv).
22 Entrepreneurial new arrivals may actively choose to work in Thailand, and thus earn money to send remittances home, rather than languishing in the official refugee camps.
23 KHRG, Village Agency (2008: 6).
24 As noted by Stephen Hull, "conventional IDP protection frameworks are biased towards a top-down model of politically-averse intervention which marginalizes local initiatives to resist abuse and hinders local control over protection efforts." He seeks to challenge conventional notions of IDP protection that prioritise a form of state-centric 'neutrality' and marginalise the 'everyday politics' through which local villagers continue to resist abuse and claim their rights: The "Everyday Politics" of IDP Protection in Karen State, in 'Journal of Current South-east Asian Affairs' (2009, 28, 2: 7-21).
25 A recent report by the Ethnic Nationalities Council (ENC, an alliance of ethnic nationalist opposition organizations) "identifies three types of site created by the military regime. The first, roughly translated from Burmese as 'model' villages, are some of the most recent examples and have been created under the guise of development; the second type, initiated in 1979, are primarily security driven and have resulted in highland villages being relocated to the plains; the third, which are also security initiated and mainly located in Taungoo, consists of villages cleared from areas of military infrastructure. Villagers in this latter type, unlike the previous two, have been given no provision for relocation; rather, the population was told to vacate the area with little regard as to where they would go": Paul Keenan, Life in Burma's Relocation Sites (ENC Digital Mapping and Database Program 2009).
26 According to the Humanitarian Research Project, "the Relief and Resettlement Department of the Ministry of Social Welfare, Relief, and Resettlement has reportedly provided aid to relocated villagers…. For example, a government publication states that the department had met the 'basic needs of victims from reassembled villages who had to move away from original villages due to insurgency' in Chin State. The same document claims that the department provided 'necessary assistance including rice and construction materials to victims of insurgency' from Langkher Township in southern Shan State and Phasaung Township in Karenni (Kayah) State": Humanitarian Research Project (authors: Gary Riser, Oum Kher and Sein Htun), Running the Gauntlet: the impact of internal displacement in southern Shan State (Chulalongkorn University, Bangkok December 2003).
27 For example, although there are schools in DKBA-controlled areas, these – with a few exceptions – do not teach Karen language, but rather follow the government (Burmese language) curriculum.
28 Independent Mon News Agency (31-5-2007).
29 IMNA (3-4-2007).
30 On the occasion of 'KNDO Day' 2010, the KNU Chairman stated that the Karen National Defence Organization was formed in 1947 "to prepare the Karen people for self-defense as they are likely to come under armed attack … to protect the Karen people's lives and properties" (KNU Office of the Supreme Headquarters, July 15 2010).
31 The KNU/KNLA has been willing to engage with the International Campaign to Ban Landmines and Geneva Call on the landmines issue.
32 ICBL, Landmine Monitor: 2009 Myanmar/Burma Country Report (Bangkok, November 2009).
33 For reasons of safety, specific organizations are generally not identified.
34 Free Burma Rangers: Established in 1997, FBR is a unique organization in Burma – and perhaps globally. Led and inspired by an ex-US Special Forces officer, and with a small handful of Western members, the Rangers have many characteristics of a local relief organization. A Christian-oriented body of men and women, the FBR teams nevertheless include about 20% non-Christians. Assistance is provided to beneficiaries in an impartial manner, according to need. In 2009 about 50 FBR teams operated in partnership with armed opposition groups in Karen, Karenni, Shan and Arakan States. Members of FBR relief teams are mostly selected by insurgent authorities, and include soldiers, teachers, administrators, medics and human rights workers. Some are armed, but not by the FBR; if they feel the necessity of carrying weapons, Rangers must provide their own. The FBR teams are instructed not to engage the Tatmadaw, unless IDPs are under direct attack, and then only as a last resort.
35 E.g. Burma Environmental Working Group, Accessible Alternatives: Ethnic Communities' Contribution to Social Development and Environmental Conservation in Burma (Chiang Mai, October 2009), which describes CBOs and local communities' efforts to preserve their native environment (as well as documenting ongoing environmental degradation and abuses perpetrated by the military government and its cronies, in ethnic nationality-populated areas).
36 Brian Heidel, The Growth of Civil Society in Myanmar (Bangalore: Books for Change 2006).
37 Mark Duffield, On the Edge of 'No Man's Land': Chronic Emergency in Myanmar (independent report commissioned by the Office of the UN RC/HC, Yangon and UNOCHA, New York; published by Centre for Governance and International Affairs, University of Bristol, Working Paper No. 01-08 2008: 37).
38 Mark Duffield, Development, Security and Unending War: governing the world of peoples (Cambridge: Polity Press 2007).
39 Liam Mahony, Proactive Presence: field strategies for civilian protection (Geneva, Centre for Humanitarian Dialogue 2006: 73).
40 Robert Putnam uses the term 'social capital' to refer "to features of social organization, such as trust, norms, and networks, that can improve the efficiency of society by facilitating coordinated actions" (167). He stresses that "trust is an essential component of social capital… [and] is not blind", but relies on expectations of reciprocity, and "networks of civic engagement" (171): Making Democracy Work: Civic Traditions in Modern Italy (Princeton, Princeton University Press 1993).
41 Yangon-based international agencies aim initially to identify protection issues regarding which there is some likelihood of constructive engagement with the government (or other) authorities – hopefully, moving on later to address more 'hard-core' issues. Therefore, topics such as the protection of women and children (e.g. trafficking) are prioritised for the discussion. As with other cluster meetings, such discussions tend to focus mostly on international agency coordination. Little consideration is given to the roles played by affected communities, CBOs or local NGOs. The instrumental attitude displayed regarding community-based protection is perhaps best illustrated by a quote from

one UN agency representative: "we need to identify which local actors and CBOs are present on the ground, so that we can use them to gain access to the community."

42 In August 2010 an international campaign to convene a Commission of Inquiry, to try junta leaders on charges of crimes against humanity, gained momentum, when it was endorsed by the White House.

43 Following the withdrawal of the Global Fund, donors established a Three Diseases Fund, under which local government, national and international agencies had access to $98M (over five years), as part of a coordinated campaign against HIV/AIDS, malaria and tuberculosis. In November 2009 the Global Fund announced its return to Myanmar.

44 As Alex de Waal observes, "Where there is a protracted war, relief assistance rapidly becomes integrated into the dynamic of violence" (1997: 146).

45 According to deWaal, 'International responsibility for the alleviation of suffering is one of the most noble of all human goals. Nobility of aim does not confer immunity from sociological analysis or ethical critique… Much of history consists of the study of unintended consequences, and humanitarian action is replete with results that might surprise many of its protagonists'. (1997: 65).

46 The NGOs and Humanitarian Reform Project, Review of the engagement of NGOs with the humanitarian reform process (October 2009) identifies a need for international agencies to involve local NGOs in all stages of their programs: "the original focus of [humanitarian] reform on the international community was to the detriment of national and local actors… Local and national NGOs continue to have difficulties in accessing funds or meaningfully participating in coordination mechanisms."

47 The SPHERE Project Minimum Agency Standards for Incorporating Protection into Humanitarian Response, Common Standard 2, requires that "humanitarian response programmes are based on a comprehensive analysis of the context that includes analysis of protection risks".