



## Report Briefer

May 2014

# Truce or Transition?

## Trends in human rights abuse and local response in Southeast Myanmar since the 2012 ceasefire

*“The situation is getting better. The leaders are trying to build relationships with each other. There is a change. Villagers can travel freely. Before the ceasefire, [Tatmadaw soldiers] were coming and going from the village, and the villagers were afraid. They did not dare to travel. For now, we can travel freely.”*

Saw S--- (male, 46), Toungoo District, April 2012

*“[Some] villagers believe that the ceasefire is not a stable process for them because the Burmese army is rebuilding their camps and sending more rations during the ceasefire. The villagers are not satisfied. They always have to worry and also have to deal with land confiscation and extortion by the Burmese army after the ceasefire. Instead of removing their camps, the army has returned and rebuilt their camps in the mountains, close to the working areas of the villagers, who do not show themselves to the army.”*

Situation Update written by a KHRG researcher, Hpapun District, January 2013

In January 2012, the Myanmar government and the Karen National Union (KNU) signed a preliminary ceasefire agreement, bringing to a halt what is often referred to as the world’s longest-running civil war. This conflict engendered severe human rights abuse of civilians at the hands of a range of armed actors, primarily at those of the Myanmar Armed Forces (Tatmadaw). The ceasefire and other recent political developments in Myanmar have altered the ways in which human rights abuse is experienced by Karen people in the Southeast, and transformed the context within which these abuses can be addressed. This report aims to demonstrate how trends in human rights abuse have changed during the post-ceasefire period.

KHRG has drawn on 388 pieces of documentation and 162 sets of images collected by KHRG researchers between January 2012 and November 2013 from across the seven locally-defined Karen districts, which spread across Kayin and Mon states and Bago and Tanintharyi regions.

This report focuses on three main sets of trends that were identified from this data. The first category, “Trends in

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Myanmar government and KNU officials commence the transfer of authority of the Kyaukkyi Liaison Office to the KNU in September 2012. The office will be used to facilitate communication between government and KNU officials and soldiers. [Photo: KHRG]

human rights abuse and local response”, consists of nine human rights issues, namely, attacks on civilians and extrajudicial killing; arbitrary arrest and detention; torture and violent abuse; rape and sexual assault; forced labour; forced recruitment; anti-personnel and other mines; restrictions on freedom of movement; and arbitrary taxation and demands.

The second category includes two emerging issues related to “Resource management”, namely, land confiscation; and negative consequences of infrastructure and commercial development. The third category includes five emerging issues related to “Security, peacebuilding and social cohesion”, namely, ongoing militarisation and resulting perceptions of insecurity; the impacts of peacebuilding efforts; access to health and education; religious and ethnic discrimination; and drug production, use and related social impacts.

## Rationale for the report

Since 2011, the Myanmar government has undertaken a rapid liberalisation process. It has passed new laws that allow greater space for peaceful assembly, improved labour rights and broader political participation and made new commitments to international agencies to address a number of human rights related issues in rural ethnic areas. Meanwhile, the Government has pursued ceasefires with ethnic armed groups (EAGs) throughout the country. Ceasefires signed with Karen EAGs have transformed the security environment on the ground in Southeast Myanmar. As the Government becomes more open to discussion of human rights challenges, and a wide array of new external actors enter Southeast Myanmar, many local and international



This photo was taken on May 9<sup>th</sup> 2012 and shows villagers in traditional dress waiting for KNU leaders and Myanmar government officials who were coming to celebrate the opening ceremony of the Myanmar government-KNU Liaison Office in Kyaukkyi. [Photo: KHRG]

stakeholders have significant gaps in their knowledge of these challenges.

Since the ceasefire, local perceptions of threats to the ceasefire process have not been systematically documented. Local priorities for change and locally preferred solutions remain similarly unknown. As new actors become active in the peace process, greater awareness of the perspectives of conflict-affected communities will become critical to achieving a lasting solution. Further, there are a number of under-reported negative consequences of the ceasefire process, which represent significant obstacles to a lasting peace.

This report therefore aims to address these gaps by providing an update from the ground in rural Karen areas of Southeast Myanmar that will allow national and international actors to base policy decisions related to the post-conflict region more closely around the experiences of local people, and better support villagers by understanding their concerns and priorities.



### Locally-defined Karen districts (Kayin and Mon states; Bago and Tanintharyi regions)



## Detailed findings

- KHRG researchers and villagers throughout the seven Karen districts in Southeast Myanmar have described the ability to travel and work more freely as the single most positive trend resulting from the ceasefire. This change is due to an end to armed conflict and the accompanying decrease in movement restrictions and harassment by Tatmadaw troops. Villagers have, however, reported restrictions on their freedom of movement in some areas due to the actions of the Tatmadaw and EAGs, including arbitrary taxation at checkpoints, arbitrary curfews, requirements that villagers present travel permission letters or government-issued identification and mine contamination.
- New Tatmadaw bases have been built and existing bases have been strengthened in KHRG's research areas throughout 2012 and 2013. Ongoing militarisation has led communities of internally displaced people to remain in temporary settlements, unwilling to return to their former villages until Tatmadaw camps have been closed. The continuation of high levels of militarisation, as well as sporadic skirmishes between Tatmadaw and EAGs, have caused villagers in some areas to feel that their personal security is threatened, and to doubt that the ceasefire is sustainable.
- Since January 2012, KHRG has not documented any large-scale, systematic military operations



This shop sells watermelons, snacks and methamphetamine pills, which are produced by armed actors in Nabu Township, Hpa-an District. Students from a nearby school reportedly buy the drug at this and other small shops in the area. *[Photo: KHRG]*



This photo was taken in February 2012 and shows Tatmadaw LID #66 soldiers transporting rations to front-line army bases in Htantabin Township, Toungoo District. According to villagers in the area, Tatmadaw battalions under LID #66 began transporting more rations after the January 2012 preliminary ceasefire agreement. *[Photo: KHRG]*

targeted at civilians. Three separate deliberate attacks on civilians by Tatmadaw troops targeting individuals perceived to support EAGs were reported to KHRG. KHRG has documented attacks on civilians based on this rationale throughout the past two decades. KHRG also received reports that Tatmadaw and EAG troops, when engaged in armed conflict, fired weapons indiscriminately into areas with civilian resident populations.

- Civilians were arbitrarily arrested, detained, violently abused, tortured and/or killed in all seven Karen districts since January 2012. When such abuse was perpetrated by the Tatmadaw, it was most often based on the suspicion that the civilian in question had associated with an EAG in some capacity, while both Tatmadaw and KNLA soldiers also perpetrated such abuses for other reasons.
- Villagers have reported an increase in the production and sale of methamphetamines by Tatmadaw-Border Guard Force (BGF) soldiers in Hpapun and Hpa-an districts, and have increasingly complained of the negative consequences of drug production, sale and use, as well as related killings and sexual violence, and the negative impacts of its availability on youth and social cohesion. This increase in drug related issues has occurred in part because of the relative ease of travel for armed actors and civilians since the ceasefire.



- Villagers reported an overall decrease in demands for forced labour by Tatmadaw forces. This decrease is attributable to the ceasefire agreement and the ability of Tatmadaw soldiers to travel freely and perform their own labour in the new security environment, as well as efforts by international and local monitors throughout the past decade to end forced labour. Some violations continue nonetheless, and Tatmadaw and BGF commanders and soldiers in some areas have continued to demand that villagers perform forced labour on a regular basis during the ceasefire, forcing them to serve as porters, guides and messengers; produce materials for army camp maintenance; perform agricultural labour; and construct infrastructure without pay.
- Since January 2012, villagers were forced to join or remain in BGFs and village militias set up by both the Tatmadaw and BGFs. BGF commanders have attempted to forcibly re-enlist former soldiers of the DKBA, including two boys originally recruited under the age of 18, who had already completed their service period or deserted during the DKBA's transformation into BGFs. To avoid recruitment, villagers pay money, leave their villages during recruitment periods or become monks.
- KHRG documented a decrease in the planting of new mines by armed actors since January 2012, though the KNLA and BGFs continued to plant mines in some areas. Ongoing mine contamination was reported across six out of the seven districts and has led to dozens of



The above photo was taken in Kawkareik Township, Dooplaya District and shows a sign written in Burmese, Karen and English explaining that there is a mine under those two trees. The owners of nearby farms are particularly concerned about this mine because their children pasture buffalo and cows near it. [Photo: KHRG]

deaths and injuries, and the severe restriction of villagers' movement and livelihoods. Tatmadaw and EAGs have begun removing mines, but such efforts have ended prematurely due to accidents, lack of technical skills and coordination issues. Villagers continue to develop protective mechanisms, such as requesting that soldiers remove mines, choosing alternative routes and working with armed actors to mark the location of mines.

- Villagers reported the temporary or permanent confiscation of their land for army camps, dam construction, large-scale agriculture and mining projects since January 2012. Land confiscated by the Tatmadaw in the past had not yet been returned, with profoundly negative continuing effects on villagers. Villagers reported that land is confiscated through the use of government laws classifying the land as uncultivated or state-owned, with little or no consultation of affected communities. Villagers have reported attempts to forestall confiscation of their land by registering it with local government authorities, the KNU or both, but have reported difficulties in doing so because of loss of titles during the conflict period, disputes between multiple authorities in mixed control areas, disputes between local villagers, and lack of coordination regarding the demarcation of land for returning refugees.



This photo shows villagers from Bilin Township, Thaton District, who were forced to make and deliver thatch shingles for Tatmadaw LIB #207 in 2012. [Photo: KHRG]



The above photo was taken on July 15<sup>th</sup> 2012 and shows gold miners working below the Shwegyin Dam in Nyaunglebin District. Each miner conducts his activities from one of the rafts shown in the picture above. The gold miners are required to pay 800,000 kyat (US \$810.54) to Tatmadaw LIB #572 every month. [Photo: KHRG]



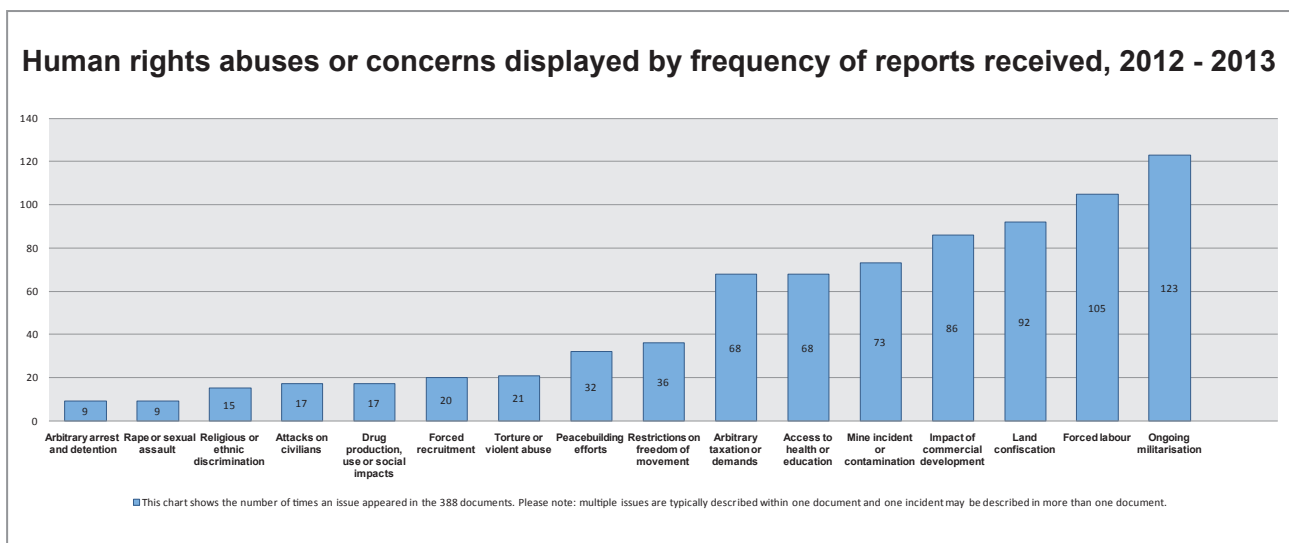
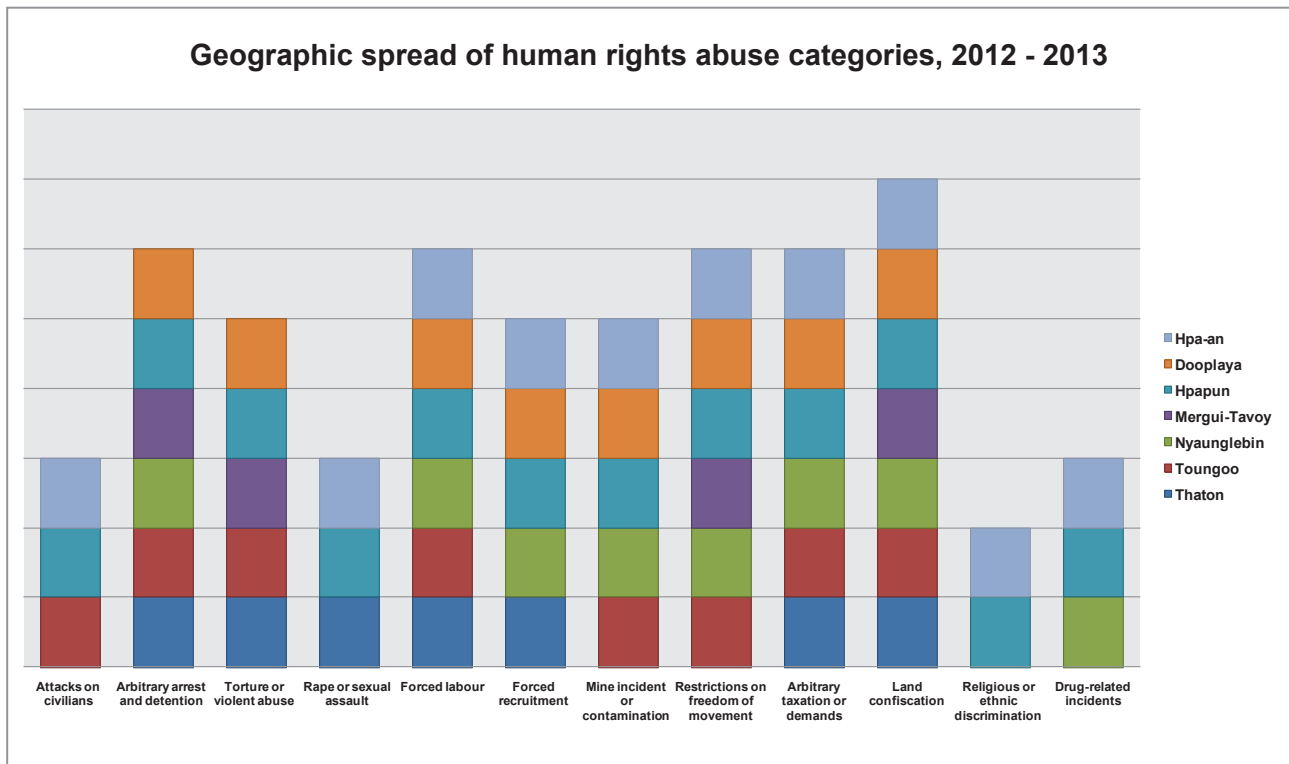
This photo was taken in October 2012 in Hkay Poo village tract, Lu Thaw Township, Hpapun District. It shows the “Lu Thaw Paw Day Thay Ghee Wah Seh,” which translates to “Herbal Medicine Group”. They have 24 members and nine committee members, and they produce ten different kinds of herbal medicine. According to members of this group, they would like a specialist to work with them to improve the types of herbal medicine they produce. [Photo: KHRG]

- Villagers faced environmental destruction and hindrances to their ability to sustain livelihoods due to development projects. These development projects included rubber plantations and mines, and were most often initiated by Myanmar nationals with connections to powerful government, military or EAG actors. These difficulties have in turn led some villagers to migrate to find work. Clashes between armed actors have also been related to development projects.
- Villagers throughout the seven Karen districts faced regular demands for arbitrary taxes by Tatmadaw, BGFs, Myanmar government officials, police, the KNU, the KNLA, the DKBA and the KPF. Taxes were demanded from travelers as they crossed military and police checkpoints, as well as of plantation owners, gold miners, loggers and cardamom and livestock traders. Villagers living in mixed control areas may be taxed by multiple authorities citing social services or religious purposes. Villagers are also required to pay fees to support local military activities and soldiers' salaries.
- Villagers reported efforts by the Tatmadaw and EAGs, sometimes in collaboration with local CBOs, to improve awareness of the ceasefire process among the local community. BGF and KNLA soldiers have engaged in trust-building activities with local religious leaders. Government-KNU liaison offices have provided a space for communication between the two authorities and for villagers to report problems.
- Villagers receive healthcare at Government, KNU, local NGO and INGO clinics or hospitals, but healthcare is often not accessible because of the absence of a clinic in their area and a lack of funds to travel to one in a larger town. Access is also restricted by insufficient numbers of healthcare workers and unaffordable fees. The quality of healthcare is low due to unqualified staff and lack of supplies. Some villagers have built clinics without external assistance, while others are afraid to do so due to ongoing militarisation. Education is not available in some villages because of insufficient support for schools, including a lack of supplies and/or teachers. There is a positive trend toward free education in Government primary schools.



- Villagers reported instances of religious and ethnic discrimination perpetrated by Myanmar government officials, BGF soldiers and Buddhist religious leaders. Villagers described a deterioration in relations between Buddhist and Muslim villagers in Hpa-an and Hpapun districts after a Buddhist monastery released a

document restricting social and economic interaction between the two communities. One villager also described how government officials categorised him as 'Buddhist' on his identity card, even though the villager identifies as animist.



## Recommendations

- The Myanmar government and EAGs in Southeast Myanmar should work to make the ceasefire sustainable, as it has contributed to decreases in most types of human rights abuse. This means the ceasefire process should lead to a final peace agreement as quickly as possible, given the need for agreement by multiple actors, whether as part of a nationwide ceasefire or an agreement which is signed by the Government and KNU authorities throughout the seven Karen districts.
- All armies should begin to demilitarise former conflict areas, particularly positions close to villages. This means reducing troops, army bases, checkpoints and weapons inventories to signify the transition to peace. The Tatmadaw and EAGs should finalise a joint Code of Conduct as quickly as possible, which clearly defines limited operation areas for their forces and appropriate behaviour of soldiers towards civilians. This document should be made public in order to support the efforts of organisations and villagers to monitor the ceasefire. KHRG researchers report that existing KNU-Government liaison offices have helped improve communication at the local level. Both sides should ensure that these offices are staffed with competent personnel.
- The Myanmar government is obligated to ensure that all armed forces under its control observe their responsibilities under domestic and international humanitarian and human rights law. Tatmadaw-Border Guard Forces have been complicit in torture, killing, forced labour and have been involved in the production of narcotics during the ceasefire period. The Myanmar government must develop and implement adequate human rights standards for its BGF soldiers and ensure that any BGF soldier or commander who violates the rights of any person is held accountable.
- Local civilian and military authorities should implement transparent and accessible mechanisms to receive complaints from villagers regarding violations of their rights, ensure follow-up and provide protection from retribution for individuals or groups who file complaints. Township, State and Union-level authorities should likewise ensure that adequate complaint mechanisms are in place for villagers who have been abused by local authorities or who are not comfortable reporting incidents locally. To complement these government mechanisms and provide support for villagers who remain suspicious of government-affiliated actors, NGOs, CBOs, and international agencies should strengthen their existing mechanisms for villagers to complain of abuse.
- The Government should work toward the official recognition of local education, health, and other social service structures. Government and non-state service providers should continue efforts towards coordination and collaboration, and complement each other's service delivery where possible. The Government should be willing to undertake such collaboration even where service providers are institutionally or personally affiliated with EAGs. International actors working to improve access to these services should back such collaboration efforts and prioritise support to providers considered most legitimate locally.
- INGOs and inter-governmental organisations working in areas of ongoing human rights abuse should do so in collaboration with local CBOs who have long-established relationships with local communities. Interventions should be predicated on comprehensive conflict analysis, be carried out in line with conflict-sensitivity standards, and prioritise the needs of local communities.



- Local people have a right to be included in the decision-making process for any policy decision that affects their lives. The Government and private actors should involve local communities early in the decision-making and planning stages of commercial developments, land and resource management, infrastructure development and other changes that impact their lives and livelihoods. More broadly, related policies should be informed and guided by local needs to ensure that economic planning and the benefits of development are fully inclusive and do not risk driving conflict grievances.
- Taxes, whether levied by the Myanmar government or EAGs, should be determined in advance and tax schedules should be disseminated to villagers. Authorities should refrain from arbitrary taxation. To discourage arbitrary taxation, the Myanmar government and EAGs should make sure that their local representatives are provided with the funds and materials they need to carry out their professional responsibilities, and are paid adequate salaries.
- All armed actors should agree to and enforce a comprehensive ban on the new use of mines. Before such a ban is agreed to, commanders should take responsibility for prohibiting the planting of new mines in civilians' farmlands and pathways and must consistently inform the local community about the location of existing and new mines. Local and international mine actors should conduct inclusive and fully participatory consultations and assessments to determine villagers' opinions and perspectives on mine action and removal. In communities where villagers have determined that mines should be removed, fully trained and equipped national and/or international actors should begin mine removal.



These photos were taken on May 14<sup>th</sup> 2012 in Toungoo District and show, on the left, a central KNU leader and a local KNLA commanding officer meeting with leaders of Klay Soh Hkee village to discuss the ceasefire process. The village leaders reported that they approved of the ceasefire process, but that they want the Tatmadaw army camp in their area to be abandoned and for the soldiers to withdraw. The villagers are concerned that the army has begun transporting more rations and soldiers. The photo on the right shows villagers and members of the KNU walking to a meeting to discuss the ceasefire process in Kaw Thay Der village, Htantabin Township, Toungoo District. *[Photos: KHRG]*

## Tatmadaw and Tatmadaw-Border Guard Force army camps and military activity, 2012 - 2013



Karen Human Rights Group (KHRG)

This map includes military activity reported to KHRG between January 2012 and November 2013, but does not show all of the locations of army bases nor all of the forms of military activity which occurred during that period.



### Mine accidents and contamination, 2012 - 2013



Karen Human Rights Group (KHRG)

This map includes incidents reported to KHRG between January 2012 and November 2013, but does not show all of the locations in which mines may exist nor all of the mine accidents which occurred during that period.

## Key findings

*According to KHRG documentation of human rights trends since January 2012:*

- The ability to travel more freely was the most frequently reported change to villagers' lives and livelihoods.
- The construction or fortification of army bases as well as increases in rations transportations, have caused villagers to feel that their personal security is threatened, and to doubt that the ceasefire is sustainable.
- There have been no large-scale, coordinated military attacks targeting civilian settlements.
- Civilians accused of supporting ethnic armed groups (EAGs) continue to be arbitrarily arrested, detained, violently abused, tortured and targeted in isolated attacks by Tatmadaw and Tatmadaw-Border Guard Forces (BGFs).
- An overall decrease in Tatmadaw demands for forced labour was reported. In some areas Tatmadaw and BGF battalions continue to demand forced labour on a regular basis.
- An increase in the production and sale of narcotics by BGF commanders was reported, which is likely due to the relative ease of travel.
- Profit-making activities of armed actors have led to various forms of abuse. Broadly speaking, these relate to BGFs' drug production and levying of taxes for soldiers' salaries, the Tatmadaw's involvement in the expropriation of land, and various forms of arbitrary taxation, imposed by all armed actors, including the KNLA and DKBA.
- Villagers described an increased sense of freedom to report cases of land confiscation to local authorities in the ceasefire period and responded collectively to such abuse.
- Following communal violence in Rakhine State, distribution of rules restricting interaction between Muslim and Buddhist communities was carried out by religious leaders and BGF personnel, increasing tension in those communities.
- Armed actors have largely stopped planting new anti-personnel and other mines in most areas. Residual mine contamination continues to cause death and injury and restrict freedom of movement and livelihoods, despite persistent requests for their removal by some communities.

Founded in 1992, KHRG is an independent local organisation committed to improving the human rights situation in Burma by training and equipping local people to document their stories and gather evidence of human rights abuses; disseminating this information worldwide; and working directly with local villagers to enhance their strategies for protecting themselves from abuse and the effects of abuse. Examples of our work can be seen online at [www.khr.org](http://www.khr.org).