

2014

PROTECTION & SECURITY CONCERNS

in South East Burma / Myanmar



The Border Consortium

November 2014

PROTECTION AND SECURITY CONCERNS IN SOUTH EAST BURMA / MYANMAR

With Field Assessments by:

**Committee for Internally Displaced Karen People (CIDKP)
Human Rights Foundation of Monland (HURFOM)
Karen Environment and Social Action Network (KESAN)
Karen Human Rights Group (KHRG)
Karen Office of Relief and Development (KORD)
Karen Women Organisation (KWO)
Karenni Evergreen (KEG)
Karenni Social Welfare and Development Centre (KSWDC)
Karenni National Women's Organization (KNWO)
Mon Relief and Development Committee (MRDC)
Shan State Development Foundation (SSDF)**

The Border Consortium (TBC)

12/5 Convent Road, Bangrak,
Bangkok, Thailand.
E-mail: tcbk@theborderconsortium.org
www.theborderconsortium.org

Suite 307, 99-B Myay Nu Street, Sanchaung,
Yangon, Myanmar.
E-mail: tbcygn@theborderconsortium.org

Front cover photos:

Farmers charged with trespassing on their own lands at court, Hpruso, September 2014, KSWDC
Training to survey customary lands, Dawei, July 2013, KESAN
Tatmadaw soldier and bulldozer for road construction, Dawei, October 2013, CIDKP

Printed by Wanida Press

CONTENTS

EXECUTIVE SUMMARY	1
1. INTRODUCTION.....	3
1.1 Context	4
1.2 Methodology	7
2. POLITICAL GEOGRAPHY	9
2.1 Militarisation and Governance	10
2.2 Resource Extraction and Commercial Development	12
2.3 Internal Displacement	13
2.4 Return and Resettlement.....	15
3. PATTERNS OF ABUSE	16
3.1 Social Conflict.....	17
3.2 Armed Threats to Safety and Security	18
3.3 Armed Threats to Livelihoods	19
4. COMMUNITY SECURITY	20
4.1 Dispute Resolution.....	21
4.2 Dealing with Violent Crimes	22
4.3 Protection Mechanisms	23
5. ACCESS TO JUSTICE	25
5.1 The Rule of Law	26
5.2 Ending Impunity	27
5.3 Prospects for Reconciliation	28
APPENDICES	29
1. Internally Displaced Population Estimates.....	30
2. 2014 Survey Framework	34
3. Acronyms and Place Names.....	38
FIGURES	
1. A Proposed Framework for National Dialogue	5
2. Village Tract Survey Reach (2014)	7
3. Army Camps by Affiliation.....	10
4. Perceptions of Changes in Troop Strength since the Preliminary Ceasefire Agreements...	11
5. Military and Administrative Authority by Affiliation.....	11
6. Resource Extraction & Development	12
7. Internally Displaced Persons	14
8. Return and resettlement	15
9. Most Significant Crimes Committed by Civilians During Past 12 Months	17
10. Threats to Safety and Security	18
11. Threats to Livelihoods	19
12. Protection Mechanisms	21
13. Protection Networks	23
14. Communication Networks	24
15. Perceived Weaknesses in Justice Systems	26
16. Local Priorities for Stopping Abuse.....	27
17. Preferred Process for Dealing with Past Abuses	28

EXECUTIVE SUMMARY

The peace process in Burma/Myanmar¹ is at a critical juncture from which it could evolve into a transformative national dialogue or splinter into a divisive charade. While hopes for substantive and inclusive discussion about structural injustice remain, ongoing militarisation and attacks by the national armed forces² are undermining the confidence of ethnic stakeholders. This report seeks to highlight the protection and security concerns of conflict-affected communities.

This survey was designed, conducted and analysed by eleven civil society organisations in collaboration with The Border Consortium (TBC). A stratified sampling method was utilised to select 222 out of 665 village tracts spread across 23 townships in South East Myanmar. Community representatives were consulted about militarisation, displacement, security and justice concerns between May and July 2014. Over 2,600 villagers participated in focus group discussions structured around a multiple choice questionnaire and supplemented by personal interviews.

There has been no respite from militarisation since negotiations for preliminary ceasefire agreements began in 2011. The respective troop strength of both the national armed forces and the ethnic armed groups was perceived by local communities as comparable, if not greater, in over 70% of village tracts surveyed. While there has been a reduction in fighting, militarisation is increasingly related to resource extraction and commercial development.

The prevalence of artillery assaults targeting civilians has decreased, but landmine pollution remains a prominent threat in 28% of village tracts surveyed. Intimidation and the threat of violence, primarily from the Tatmadaw and affiliated forces, are similarly widespread. Land confiscation is linked to the consolidation of garrisons, road construction and the establishment of new concessions for mining, logging and commercial agriculture.

TBC estimated in 2012 that there were 400,000 internally displaced persons (IDPs) spread across 36 townships in South East Myanmar. This year's estimate of 110,000 IDPs is derived from a more precise methodology which is focused on a smaller survey area. The findings suggest that the overall number of internally displaced persons in South East Myanmar has not reduced significantly since the previous assessment.

Over 9,900 formerly displaced persons were identified as having returned into former villages or resettled elsewhere between August 2013 and July 2014. However, 4,200 people were displaced by conflict, abuse or natural hazards during the same period, with the most significant reports of new displacement related to conflict recorded in southern Shan State.

¹ The country's name was changed by military decree from 'Burma' to 'Myanmar' in 1989 and has been a politicised issue ever since. 'Burma' and 'Myanmar' are used interchangeably in this report as are the corresponding state, region and township names. No endorsement is intended either way.

² It is common practice to refer to the national armed forces as the Tatmadaw. This report does so to reduce confusion with other armed groups.

Village leaders and customary law are recognised as the primary mechanism for dealing with serious disputes and violent crimes in 74% of village tracts surveyed. These community justice systems are characterised by a high dependence of mediation, compensation and rehabilitation as well as a lack of capacity to enforce stronger punishment such as prolonged imprisonment. However, concerns were raised about gender bias due to a lack of female participation in dispute resolution and customs relating to property inheritance.

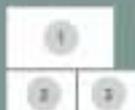
Local priorities for stopping human rights violations and increasing access to justice are documented as demilitarisation and strengthening the agency of local communities. Vital measures for stopping violence and abuse are perceived as the withdrawal of Tatmadaw troops, separation of armed groups, ceasefire monitoring mechanisms and codes of conduct for armed personnel. The emerging Karen Police Force is highlighted as an initiative from ethnic armed groups that could be well placed to enhance community dispute resolution capacities and facilitate referrals for serious crimes to the Myanmar justice system.

Transitional justice concerns have not gained much traction in Myanmar's formal peace process to date. However, civil society representatives shared a range of opinions about the most appropriate way of dealing with past abuses and promoting reconciliation. While a majority favour pursuing criminal justice to promote accountability, a significant minority suggested offering an amnesty to the perpetrators of abuse so as not to derail the peace process. These debates reflect broader challenges related to the sequencing of peace and justice concerns.

As Myanmar's peace process stumbles into its fourth year, the prospects for national reconciliation depend more than ever on addressing security and justice concerns. This can be addressed in part by strengthening community protection mechanisms and investing in ethnic policing and judicial capacities at the local level. However, the proposed national dialogue remains essential to address the substantive issues of constitutional reform, security sector reform, land rights and the reintegration of displaced persons.

CHAPTER 1

INTRODUCTION



1. Transporting forest products to market, August 2014, Taungoo, KORD

2. Local trading post, Palaw, October 2013, CIDKP

3. Community meeting, Kawksareik, March 2014, CIDKP

1.1 CONTEXT

“After the Japanese occupied our country, the government asked for compensation. In the same way, Burmese troops have tortured us, burnt our houses and killed people. So we want the government to pay something for our losses.”

Karen man, Thandaung township, May 2014, KORD and KESAN interview

After decades of military rule, armed conflict and international isolation, domestic reforms and the normalisation of foreign relations have characterised Myanmar’s recent political landscape. With the military’s pre-eminence enshrined in the 2008 Constitution, elections were generally considered free but not fair in November 2010. Negotiations for a series of bilateral ceasefire agreements between the Union Government and ethnic armed groups began in late 2011. Market liberalisation accelerated in 2012 with the suspension of economic sanctions by western nations.

However, there are worrying signs in 2014 that the reform process is backtracking.³ The space for human rights defenders, political opposition parties and journalists appears to be shrinking. Violence targeting Muslims reflects the ethnic and religious prejudices which plague Myanmar. Constitutional reform processes need to be revised before substantive issues can be addressed. Ongoing negotiations over military arrangements during a proposed nationwide ceasefire and the political process to follow have delayed the peace process.

In regards to civil and political rights, the recent sentencing of five journalists to 10 years imprisonment with hard labour for reporting about an alleged chemical weapons facility as well as the intimidation of other journalists has raised concerns. Similarly, the conviction of activists for protesting an alleged rape by a Tatmadaw soldier exemplifies how freedoms to peaceful assembly and protest are being repealed. The Election Commission’s ruling that party leaders will only be allowed to campaign for 30 days prior to the 2015 election and will require permission to campaign outside of their electorate appears designed to hinder the National League for Democracy (NLD).

The census in March and April inflamed tensions across Rakhine State and beyond. The inclusion of sensitive questions relating to ethnicity, religion and citizenship coupled with the government’s refusal to accept Rohingya self-identification triggered hostility and violence. Organised instigators of hatred were also reported in Mandalay, where the police were unable or unwilling to stop the mob violence. A legislative package on interfaith marriage, religious conversion, polygamy and family planning is incompatible with fundamental human rights and will exacerbate discrimination against minorities if passed by Parliament.

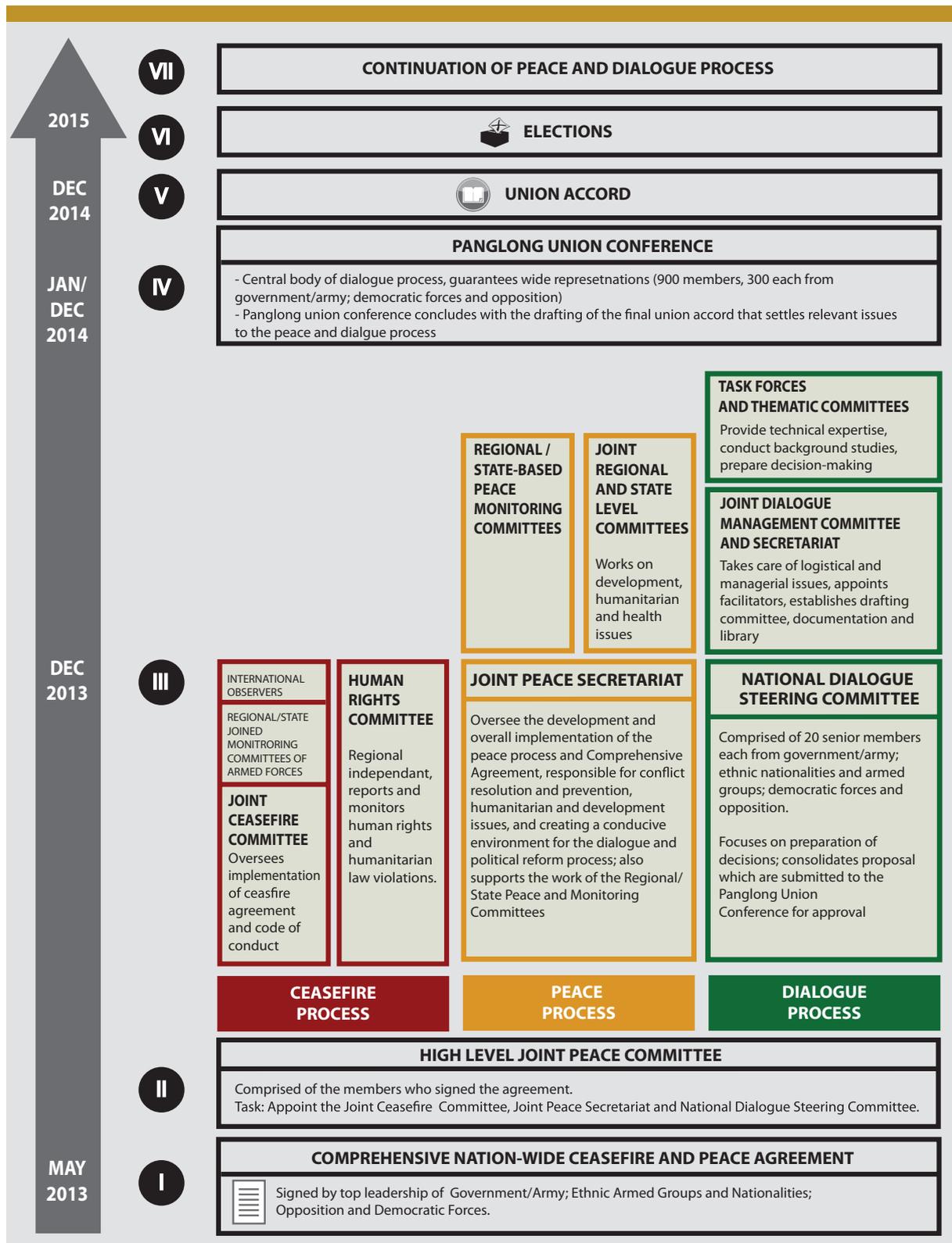
A Parliamentary Committee submitted its recommendations on constitutional amendments, but did not address the basic framework which guarantees the military’s ongoing role in politics. However, the NLD and 88 Generation for Peace and Open Society collected nearly 5 million signatures in a petition to amend Article 436 which governs the process for changing the constitution. Amendments currently require 75% of parliament support, which effectively gives the Armed Forces veto power, whereas the campaign calls to reduce the proportion required to around 60%.

The peace process has stalled in negotiations for a nationwide ceasefire agreement, leaving insufficient time for substantive political dialogue before national elections which are scheduled for the last quarter of 2015. The road map agreed to by 17 ethnic armed groups in April 2013 is depicted in Figure 1 but the timelines are now unrealistic even if the processes remain essential.

³ Statement of the Special Rapporteur on the Situation of Human Rights in Myanmar, 26 July 2014, Yangon

Figure 1: A Proposed Framework for National Dialogue⁴

PANGLONG II Roadmap



⁴ Working Group for Ethnic Coordination, April 2013, in Burma News International, 2014, "Deciphering Myanmar's Peace Process: A Reference Guide", Appendix 3.2, www.mmpeacemonitor.org

The Government's Union-level Peace Working Group (UPWG), the Tatmadaw and the ethnic armed groups' National Ceasefire Coordinating Team (NCCT) began drafting a common text for the nation-wide ceasefire agreement in April 2014. While significant progress has been reported, key issues relating to troop deployments, a code of conduct and a ceasefire monitoring mechanism remain in dispute. Debate also continues in regard to participation and representation in the national dialogue process. Fundamentally, the Tatmadaw's insistence that the 2008 Constitution and current legal framework are non-negotiable appears to diametrically opposed to the ethnic armed groups' common position.⁵

Armed conflict has been ongoing throughout the peace process in Kachin and northern Shan State, while sporadic but widespread across South East Myanmar. The most sustained Tatmadaw offensive in the South East has been targeted against the Shan State Army-North (SSA-N) in Mong Hsu and Kehsi/Kyethi Townships. These indiscriminate, heavy artillery attacks have seized territory in contravention of the bilateral ceasefire agreement and displaced hundreds of civilians.⁶

More isolated skirmishes continued across the South East in 2014. Many of these battles appear to reflect the need for rules of engagement to be clearly specified so that troop patrols do not inadvertently lead to fighting. However, a series of clashes in Myawaddy (Karen State), Kyaukgyi (Bago Region) and Kyaikmaraw (Mon State) during the last week of September also illustrate how tensions are escalating as the ceasefire negotiations remain inconclusive.⁷

The threats to conflict-affected communities in the South East are nonetheless shifting from being associated with armed hostilities to those related with resource extraction. Civil society networks have noted that development plans for trans-border corridors, industrial estates and commercial agriculture risk reinforcing centralised governance, marginalising local communities and fuelling ethnic conflict.⁸

Donor governments and the Border Affairs Ministry have funded the construction of a series of settlements in Karen, Karenni/Kayah and Mon States as well as Tanintharyi Region. Some of these construction sites are in areas administered by ethnic armed groups, and generally the settlements are planned for approximately 100 houses each. While funds have been allocated for the construction of housing, more integrated settlement planning is required to consider access to land, livelihoods, water, sanitation, social services and protection.

However, efforts to prepare for the return and resettlement of displaced persons have been thwarted by ongoing militarisation and concerns about protection and security. In Hpapun Township, for example, the Karen National Union (KNU) has identified 5 potential resettlement sites which are surrounded by arable land. After the bilateral ceasefire agreement at the beginning of 2012, KNU requested the withdrawal of 7 Tatmadaw camps out of a total of 70 in the township to facilitate the resettlement of displaced persons into these sites. Not only do all of these camps remain in place in November 2014, but an additional 10 camps have been established across the township during the ceasefire period.

⁵ Euro-Burma Office, 20-26 September 2014, "Political Monitor No. 23", page 4 and 6, <http://www.euro-burma.eu/activities/research-policy/ebo-political-monitors/>

⁶ Shan Human Rights Foundation, 26 Aug 2014, "Shan IDPs petition President Thein Sein for Burma Army withdrawal from their homes"

⁷ Karen News, 30 September 2014, "Karen soldier killed in latest fighting: KNU claims government troops attacked first" <http://karennews.org/2014/09/karen-soldier-killed-in-latest-fighting-knu-claims-government-troops-attacked-first.html/>

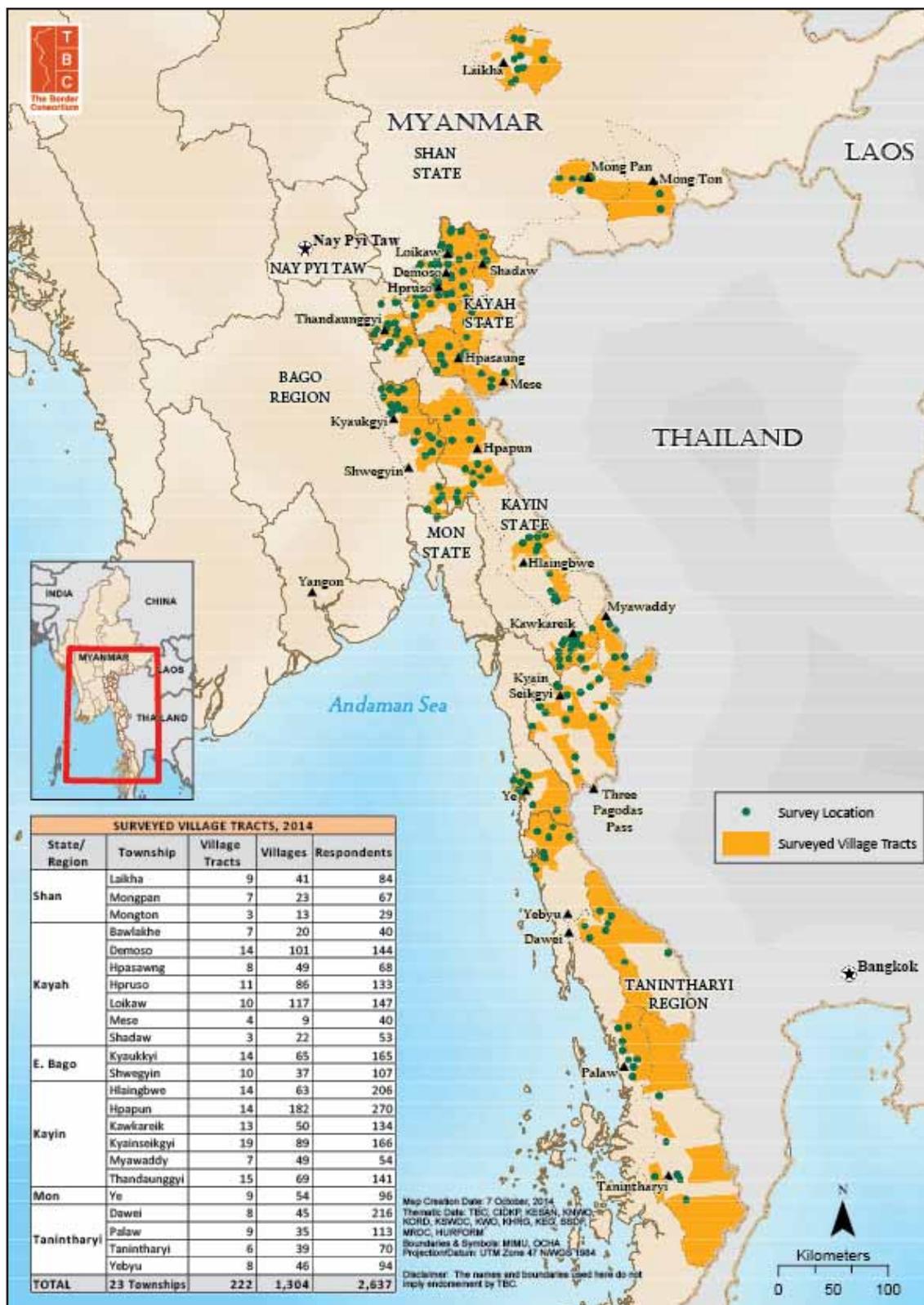
⁸ Karen Peace Support Network, September 2014, "Critique of Japan International Cooperation Agency's Blueprint for Development in Southeastern Burma/Myanmar"

1.2 METHODOLOGY

“Villagers are mostly reluctant to describe reality. We think if we speak out, we will be threatened or killed. We need more awareness on human rights so that we will dare to seek justice.”

Karen man, Myawaddy township, June 2014, CIDKP and KHRG interview

Figure 2: Village Tract Survey Reach (2014)



TBC has been collaborating with civil society organisations to document conditions in conflict-affected areas of South East Myanmar on an annual basis since 2002. This year's survey was designed in collaboration with 11 civil society organisations. The purpose is to provide an overview of civilian protection concerns in conflict affected areas of South East Myanmar. 31 multiple-choice questions were developed for focus group discussions, and supplemented with guidelines for video interviews with civilian representatives and local authorities from ethnic armed groups. The questionnaire is reproduced in Appendix 2.

TBC staff facilitated orientation sessions with 75 field staff (61% male and 39% female) from the participating civil society organisations. The survey tools and methodology were introduced during these sessions, including the sampling methodology for selecting townships and village tracts as well as confidentiality and reporting protocols. Training was also provided for facilitating interviews and focus group discussions, filming video, and utilising Geographic Positioning System (GPS) units.

Civil society organisations identified 23 townships in South East Myanmar where sufficient capacity existed to conduct the survey. The Union Government lists a total of 665 village tracts in these townships, and a stratified sampling method was utilised to select 222 village tracts for this survey. The selection criteria consisted of perceptions about the degree of influence from ethnic armed groups, geographic coverage and population size.

Ethnic armed groups have outposts or regularly collect taxes in 76% of the village tracts surveyed, while the Tatmadaw and associated militia are present in 55%. However, this is likely to understate the influence of ethnic armed groups who commonly have a mobile presence rather than a fixed army camp.

Responses to the questionnaire were discussed by 12 people per village tract on average, with a combined total of 2,637 participants of whom 72% were male and 28% female. 35% of respondents were village leaders, 34% were ordinary villagers, 22% were social or religious leaders and 9% were village tract leaders. The gender disparity amongst respondents is acknowledged as a weakness in this survey and attributed partly to the proportion of male enumerators and partly to the predominance of males amongst community leaders.

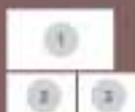
1,304 villages with a combined population of 550,092 people and an average village size of 421 people are covered by the survey. 12 ethnic groups were recorded as the main ethnic groups in these village tracts, with Sgaw Karen the most prevalent followed by Burman, Shan, Pwo Karen, Kayah, Mon and Kayan. A bias towards Karen populated areas is recognised, and attributed to greater collaboration with Karen civil society agencies for the field work.

The survey was translated into local languages and responses were recorded onto hard copies of the questionnaire in the field. Responses were subsequently entered into an online database using Survey Monkey, before TBC merged and analysed the data. GPS readings were taken at the survey location and maps produced with ArcGIS 10.2 software using village tract boundaries as designated by the Government. As enumerators and respondents are often more familiar with administrative boundaries as demarcated by ethnic armed groups, geographic data should be considered as approximate.

The survey findings were discussed collectively with participating agencies for interpretation and validation during a two-day workshop. Draft reports were also distributed for feedback to broaden civil society ownership of the research and analysis. Nonetheless, editorial oversight and responsibility for any mistakes remains with TBC.

CHAPTER 2

POLITICAL GEOGRAPHY



1. Civil society at Tatmadaw checkpoint, Hlaingbwa, November 2013, KORD

2. Road construction, Mong Ton, February 2014

3. Tatmadaw training center on confiscated land, Hpruso, July 2014, KSWDC

2.1 Militarisation and Governance

“We were not worried much by violence against woman or children in the past. But since the Tatmadaw built their military training school, we don’t dare to walk around anymore.”

Kayah man, Hpruso township, May 2014, KSWDC and KNWO

There has been a reduction in armed conflict in South East Myanmar since a series of bilateral ceasefires were negotiated between the Government and various ethnic armed groups in 2011 and 2012. While hostilities increased in Northern Myanmar during this period, sporadic skirmishes in the South have primarily been related to miscommunication about troop deployments.

However there has been little progress in regards to demilitarisation. Negotiations on the separation of troops, codes of conduct and ceasefire monitoring mechanisms remain in a stalemate. In the absence of significant troop withdrawals, contested areas remain heavily militarised and a key source of insecurity for civilians.

Figure 3 depicts how at least one military camp is situated in 72% of village tracts across South East Myanmar. The *Tatmadaw* and its affiliated Militia and Border Guard Forces have garrisons in 49% of village tracts, while the various ethnic armed groups maintain barracks in 51%. Armed forces from both sides of the conflict are hosted in 28% of village tracts. However, this data and map for fixed positions may understate the presence, influence and mobility of ethnic armed groups (most notably in Kayah State).

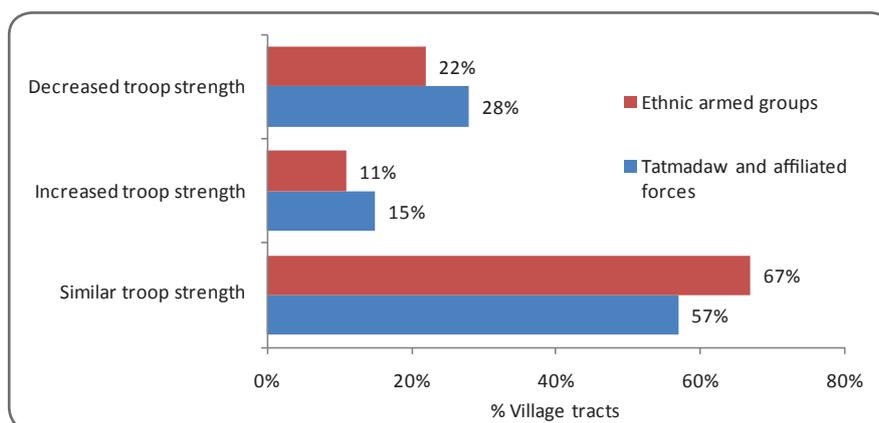
Ongoing militarisation since the preliminary ceasefire agreements at the end of 2011 and beginning of 2012 is reflected in Figure 4. The respective troop strength of both Tatmadaw affiliated forces and the ethnic armed groups was perceived in mid-2014 as being similar, if not greater, in over 70% of village tracts surveyed. Increases in the deployment of Tatmadaw troops were perceived in trans-border economic corridors such as Dawei, Myawaddy and Mong Ton. However, Tatmadaw advances were also reported in contested areas which are economically insignificant such as the KNU administered areas of Hpapun Township.

This may be a conservative indicator of militarisation as it excludes instances of Tatmadaw garrisons being reinforced into more permanent structures. Similarly, a reduction in roving patrols may not equate with reduced troop strength. However, it is not possible to verify these perceptions given the lack of access to official military data.

Figure 3: Army Camps by Affiliation



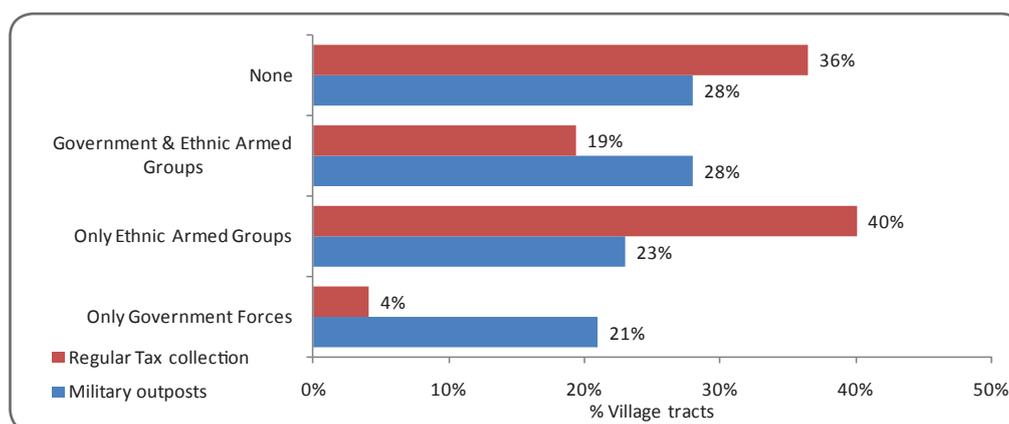
Figure 4: Perceptions of Changes in Troop Strength since the Preliminary Ceasefire Agreements



However, the general pattern is substantiated by continuing reports of militarisation in various forms. In Hpruso, for instance, over 400 acres of agricultural land was confiscated by the Tatmadaw in 2013 in order to establish a Military Training Center. Repeated appeals from all the ethnic armed groups in Kayah State as well as civil society networks have been ignored. Approximately 2,000 conscripts are currently enrolled and have been deployed for training activities across neighbouring townships. After ploughing their fields in a peaceful protest during May 2014, 190 villagers were charged with trespassing on state property.⁹

In regards to administrative authority, the ethnic armed groups were reported as collecting taxation or food supplies on a regular basis in 59% of village tracts surveyed compared with 23% by Government affiliated forces. This highlights the burden for local communities in dealing with multiple demands for support from competing ethnic armed groups, particularly since restrictions on movement have decreased. However this survey did not measure the relative value of taxation nor the extent to which services were provided in exchange.

Figure 5: Military and Administrative Authority by Affiliation



Independent research has concluded that the Government’s revenue collection and allocation of public spending remains highly centralised, with limited devolution of fiscal authority to State and Regional Governments.¹⁰ The report card for ethnic armed groups is more mixed with many providing extensive security, administrative, judicial and social services while some have a limited degree of influence and legitimacy.

⁹ <http://landislife.org/news/2014/7/10/statement-by-political-and-community-based-organizations-in-kayah-state-condemning-the-planned-trespassing-charges-against-190-villagers-of-hso-lyah-ku-village-in-pruso-township-of-kayah-state>

¹⁰ Centre for Economic and Social Development and The Asia Foundation, 2013 “State and Region Governments in Myanmar”, <http://asiafoundation.org/publications/pdf/1249>

2.2 Resource Extraction and Commercial Development

“There has been no fighting around here after the ceasefire. But businessmen are coming into our area and grabbing our lands for logging and mining. I’m worried that our agricultural lands and water will be destroyed.”

Karen man, Dawei township, May 2014, CIDKP and KHRG interview

The reduction in fighting in South East Myanmar has increased access to natural resources and opportunities for commercial development. However, civil society groups have called for a temporary moratorium on large-scale development projects in order to mitigate against the potential for aggravating social conflict and environmental damage.¹¹

Findings from this survey demonstrate the developmental deficit of protracted conflict. 42% of village tracts surveyed did not report any current infrastructure projects, and only 36% reported physical access due to road construction.

However, the speed with which economic opportunities are being exploited in the ceasefire era is also evident. In the past 3 years, 155 new investments have been proposed in 55% of village tracts surveyed. Road construction projects are most prominent, but concessions for mining (10%), logging (9%), commercial agriculture (5%) and industrial estates (5%) have also been proposed or approved during this period.

Competition for access to these new business opportunities has raised tensions between armed groups. In one case, the Government granted a gold mining concession to a company affiliated with the United Wa State Army (UWSA) in Mong Pan. However, the Shan State Army-South (SSA-S) claim authority over this territory which is adjacent to the Salween River. After SSA-S objections were ignored, an outbreak of armed skirmishes resulted during April 2014.

This survey’s findings are indicative of the correlation between militarisation, resource extraction and infrastructure development. 80% of existing projects are in a village tract with at

Figure 6: Resource Extraction & Development



¹¹ Karen Peace Support Network, September 2014, “Critique of Japan International Cooperation Agency’s Blueprint for Development in Southeastern Burma/Myanmar”

least one army camp, and 61% are located in close proximity to a Tatmadaw affiliated force. Logging is the only sector where concessions are more likely to be located near an ethnic armed group's outpost than a Tatmadaw camp.

While companies may negotiate for access from all conflict parties in contested areas, the ethnic armed groups have difficulty in holding concessionaires to account once projects have started. A coal mining concession on the Tanintharyi River in Dawei Township provides a case study. KNU's approval was rescinded when villagers complained that regulations were not being followed and a group of displaced persons were planning to return into the area. However, the company has expanded the terms of its concession with the Government and has security provided by the Tatmadaw to reinforce its claim. These concerns reflect general business practice during the initial phase of the Dawei Special Economic Zone and trans-border corridor, which has lacked consultation with, and compensation for, local villagers.¹²

Militarised development has resulted in local communities bearing the costs of resource extraction but not having access to a fair share of the benefits for decades. For example, the Lawpita hydro-power station in Loikaw was established in 1961, had a second plant completed in 1992 and has a third plant under construction. Despite generating 20% of the Myanmar's domestic energy supply, access to electricity in Kayah State remains very limited.¹³ Further, the landmines continue to be used as a deterrent to sabotage and directly undermine local agricultural livelihoods.

More recently, the Kyauk Na Gar dam in Shwegyin displaced thousands of people and flooded over a thousand acres of agricultural fields when it was completed in 2010. No compensation has been provided for loss of local livelihoods and villagers are increasingly competing with new concessions for logging and mining in the surrounding areas. Similarly, in Hpasawng, there has been a dramatic increase in logging and mining concessions issued since the beginning of 2013. Tin, tungsten, antimony and gold are now being extracted from the earth and hard wood cleared from the forests across 20,000 acres in the Mawchi area alone.

2.3 Internal Displacement

“The Government told us that we will be compensated for our land that was flooded because of the dam. But we have never seen any compensation.”

Karen woman, Thandaung township, May 2014, KORD and KESAN interview

Despite increased humanitarian access into South East Myanmar in recent years, the international community remains largely dependent on border-based agencies for estimates about the scale and distribution of internal displacement. The generally accepted figure remains 400,000 IDPs, which was derived from interviews with key informants in 36 townships during 2012.¹⁴

These estimates are based on international standards which recognise internally displaced persons (IDPs) as having been forced to leave their homes due to armed conflict, generalised violence, large-scale development projects or natural disasters.¹⁵ International standards do not impose an arbitrary cut-off for the duration of displacement, but rather recognise a solution as

¹² The Irrawaddy, 9 October 2014, “NGOs urge Burma, Thailand to resolve Dawei SEZ land rights complaints” <http://www.irrawaddy.org/burma/ngos-urge-burma-thailand-resolve-dawei-sez-land-rights-complaints.html>

¹³ UNHCR, June 2014, Kayah State Profile, page 5

¹⁴ TBC, 2012, “Changing Realities, Poverty and Displacement in South East Burma/Myanmar”, p.16-18

¹⁵ UN Guiding Principles on Internal Displacement, 1998

having been found when people no longer have any specific assistance or protection needs linked to previous displacement.¹⁶

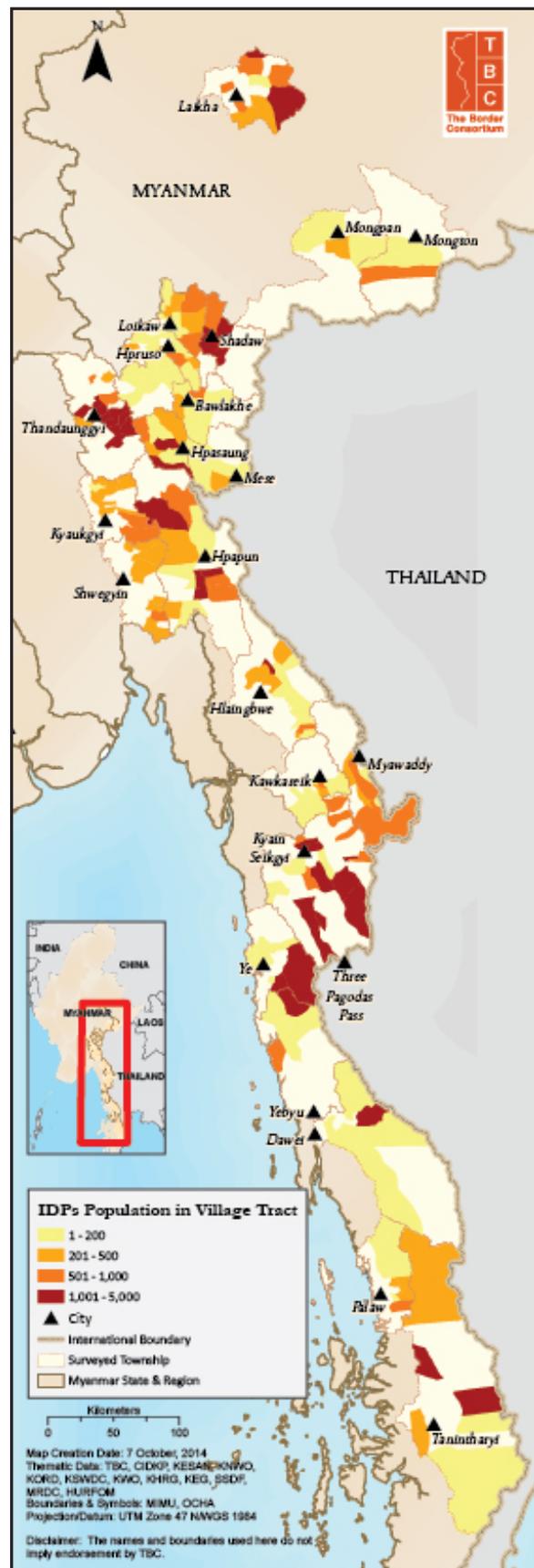
In response to requests for data which is more specific and instructive for programming, this survey estimated IDP populations in 222 village tracts across 23 townships. 110,000 internally displaced persons, who have not been able to return to former villages or resettle elsewhere and reintegrate into society, were identified across 180 village tracts. This represents approximately 20% of the total population in surveyed areas.

This estimate of the internally displaced population is consistent with TBC's previous assessment of a bigger population over a larger geographic area. Of the 400,000 IDPs previously estimated across 36 townships, 311,630 were identified in the 23 townships surveyed this time. There are 665 village tracts in these 23 townships, but only 222 village tracts or 33% were surveyed in 2014. The more precise methodology used in 2014 is thus proportionate to the larger scale estimate provided in 2012. A significant reduction in IDPs cannot be deduced from this survey.

The most significant IDP populations were identified in Hpapun, Thandaunggyi and Kyain Seikgyi in Kayin State and Laikha in Shan State. High levels of internal displacement have consistently been reported in all of these townships for more than a decade.

Respondents identified 4,200 people spread across 13 townships who had been displaced by conflict, abuse or natural hazards between August 2013 and July 2014. Over half of these new cases of displacement were related to flooding in Kyain Seikgyi. The most significant displacement related to armed conflict was recorded in Laikha where approximately 600 civilians fled their homes due to harassment and extortion by a Tatmadaw affiliated militia. These abuses were committed by patrols searching for SSA-North troops as part of the Tatmadaw offensive in neighbouring Kehsi/Kyehti Township.

Figure 7: Internally Displaced Persons



¹⁶ UN Inter Agency Standing Committee, 2010, Framework for Durable Solutions for Internally Displaced Persons

2.4 Return and Resettlement

“We are tired of running and living in another country. That’s why we have come back into our village now. But if the government authorities come and make problems for us, we will be united in our resistance.”

Karen woman, Myawaddy township, May 2014, CIDKP and KHRG interview

TBC’s population monitoring system in the refugee camps indicates that 4,389 returned to Myanmar during 2013 and a further 245 in the first half of 2014. UNHCR has independently verified 492 refugees and 4,389 IDPs who returned or resettled in 66 villages spread across the South East between January 2012 and August 2014.¹⁷ While neither mechanism captures the total number of returnees, both indicate the small scale and tentative nature of return processes to date.

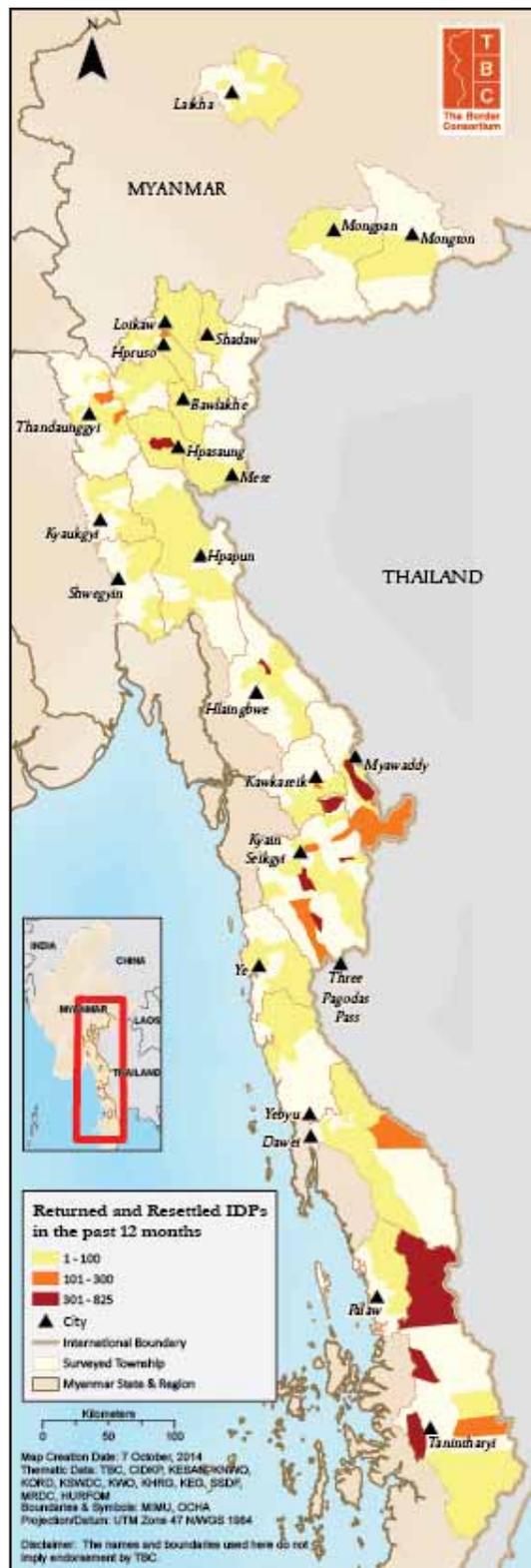
This survey identified a total of 9,918 formerly displaced persons who returned or resettled into communities spread across 106 village tracts between August 2013 and July 2014. Over 6,000 of these people found solutions to displacement in Kyain Seikgyi, Tanintharyi or Myawaddy Townships. The original cause of displacement in each township was primarily related to flooding, protracted conflict and post-election violence respectively.

Approximately half of the returnees settled in village tracts which hosted army camps belonging to both Government affiliated forces and ethnic armed groups. In comparison, 24% integrated into village tracts without any military outposts. This could be interpreted as suggesting confidence in the peace process, or alternatively the extent to which areas of potential return and resettlement have been militarised. Either way, the challenge of minimising security concerns while maximising livelihood opportunities is demonstrated as key to the search for an end to displacement.

This has been the dilemma for displaced communities in the New Mon State Party (NMSP) ceasefire areas of Ye and Yebyu Townships since they were coerced into returning from Thailand’s refugee camps in 1995. The designated Mon resettlement sites have offered nominal protection from violence and abuse but limited livelihood opportunities for low-land farmers given the remote location and hillside terrain. Options for return or local resettlement have been further restricted during the past year by the confiscation of thousands of acres of forests east of the Ye – Dawei road to establish palm and rubber plantations.

While access to social services and foreign assistance has improved since 2012, the Mon resettlement sites had previously been isolated with limited opportunities for reintegration. Construction is currently underway on a series of resettlement sites elsewhere in South East Myanmar, but the concern remains that the Mon experience of refugees returning to become IDPs could be repeated.

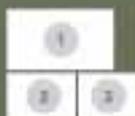
Figure 8: Return and resettlement



¹⁷ UNHCR, September 2014, “Return Monitoring Update”, pages 4-5

CHAPTER 3

PATTERNS OF ABUSE



1. BGF teak plantation on confiscated land, Hpaan, December 2013, KORD
2. Logging trucks, Mong Ping, 2012
3. Labourers for a mine shaft, Hpasawng, June 2014, KSWDC

3.1 Social Conflict

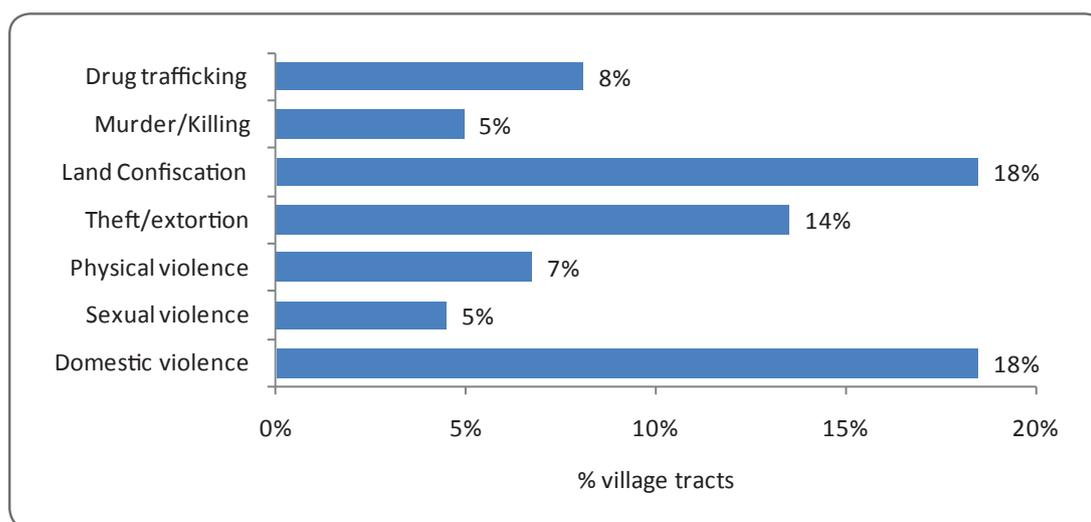
“We are worried about increasing drug use among young people.”

Kayah man, Demawso township, May 2014, KSWDC and KNWO interview

The capacity of conflict-affected communities to cope with protracted and widespread abuse is closely correlated with social cohesion. Community networks and informal social safety nets have been instrumental in reinforcing resilience in the midst of conflict and chronic poverty. However, ongoing militarisation and institutionalised violence inevitably undermines the strength of these customary networks of trust. The collapse of subsistence economies and forced migration exacerbate this potential for social, gender and inter-generational conflict.

The findings of this survey in relation to civilian crimes reflect how rural communities in South East Myanmar are struggling with these challenges to identity and social capital. When asked to identify the most common serious crimes committed during the previous 12 months, respondents in 47% of village tracts did not report any. However, 168 serious crimes were acknowledged in the other 53% of village tracts. Domestic violence and land disputes were each highlighted as the main sources of social conflict in 18% of village tracts surveyed. While reports of domestic violence came from 15 townships, concerns were particularly prominent in Kawkaik.

Figure 9: Most Significant Crimes Committed by Civilians During Past 12 Months



While respondents in 48% of village tracts did not think anti-social behaviour was a significant problem, alcohol and drug abuse were identified as fuelling social conflicts in 39% and 12% of village tracts respectively. These concerns were particularly prevalent in village tracts located near trans-border corridors, with reports of alcohol abuse most significant in Kawkaik and drug abuse especially notable in Ye. However, an increase in the production and sale of methamphetamines has also been noted elsewhere and specifically associated with the establishment of Border Guard Forces.¹⁸ Similarly, opium cultivation remains widespread along the Shan State border with Kayah State.

¹⁸ Karen Human Rights Group, May 2014, “Truce or Transition? Trends in human rights abuse and local response in Southeast Myanmar since the 2012 ceasefire”, p 15.

3.2 Armed Threats to Safety and Security

“My main worry is that our villages are close to the Tatmadaw outposts. The closer the outposts, the more fear we have.”

Karen man, Hpapun township, Mau 2014, KORD and KWO interview

A series of recent civil and political rights violations have been cited by international experts as a warning sign that the national reform process is backtracking.¹⁹ In South East Myanmar, however, human rights defenders have identified ongoing militarisation as the primary concern in areas emerging from protracted conflict.²⁰

This survey found that the prevalence of threats from armed groups to civilian safety and security remains significant and widespread. 28% of village tracts surveyed reported 94 threats to civilian security or personal freedoms during the previous 12 months. Allegations of abuse were documented in 19 of the 23 townships surveyed, and all of the 6 states and regions.

Intimidation or extortion (31%) and landmine pollution (28%) were the most common threats associated with militarisation. Torture or inhumane punishment (14%) and artillery attack against civilians (9%) were also documented as significant abuses of personal security. Instances of extra-judicial killing, sexual violence and forced disappearances allegedly perpetrated by armed forces were also reported. These findings corroborate ongoing patterns of abuse identified independently by human rights defenders.²¹

Landmine pollution is particularly prominent in the contested upland areas of Hpapun and Thandaunggyi, and surrounding Lawpita hydro-electric dam in Loikaw. Recent reports of heavy artillery attacks in northern Hpapun included repeated mortar shelling by Tatmadaw forces into upland fields on the western side of the Yunzalin River during February and March. As a result, villagers who were testing the possibility of cultivating fields closer to roads and Tatmadaw outposts, retreated back into KNU administered areas.

Reports of intimidation and the threat of violence were widespread, while extortion was especially notable in Ye. Retaliation against villagers perceived as collaborating with ethnic armed groups continues, with villagers in Mong Ton subjected to threats at gun-point and looting of household materials by Tatmadaw troops in March after a skirmish with the SSA-S. At the southern end of the border, a Tatmadaw battalion commander called a meeting in Myeik during July and threatened to execute anyone who raised complaints about land confiscation with KNU.

Complaints of torture or inhumane punishment were most prevalent in the contested areas of Hpasawng and Hpapun. Recent incidents included a Border Guard Force commander in shooting the leader of a village located east of the Kamamaung-Hpapun road during March 2014 for refusing or being unable to divulge information about the whereabouts of KNU troops. While threats to civilian safety have decreased during the ceasefire period, these findings are indicative of the extent to which violations of international humanitarian law continue to be widespread.

¹⁹ Statement of the Special Rapporteur on the Situation of Human Rights in Myanmar, 26 July 2014, Yangon

²⁰ Karen Human Rights Group, May 2014, “Truce or Transition? Trends in human rights abuse and local response in Southeast Myanmar since the 2012 ceasefire”, p 17.

²¹ Network for Human Rights Documentation – Burma, Report on the Human Rights Situation in Burma: January – June 2014

Figure 10: Threats to Safety and Security



3.3 Armed Threats to Livelihoods

“If the Tatmadaw expand their military land, we will have no land for our livelihoods and will face difficulties. Even now we only have enough land for our family. My biggest concern is leaving our village if they come here.”

Mon man, Yebyu township, May 2014, HURFOM and MRDC interview

Threats to civilian security such as landmine pollution and extortion are directly related with the impoverishment of household economies. However, militarisation during the ceasefire period has increasingly been associated with land confiscation for resource extraction and large scale development projects which exacerbate inequalities.²²

Independent field research has identified land confiscation and forced labour as the two most prevalent threats to livelihoods in South East Myanmar during the past two years. Allegations of restrictions on movement and forced labour have decreased, but land confiscation for agriculture and mining concessions granted by the Tatmadaw and other armed groups have reportedly increased.²³

These findings validate the previous assessment, with land confiscation and forced labour reported in 12% and 10% of village tracts surveyed respectively. Reports of land confiscation were particularly significant in Loikaw in relation to militarisation and in Hpapun due to logging and mining for gold and antimony. Tensions north of Loikaw escalated in July 2014 when the Tatmadaw seized and fenced over 2,000 acres of agricultural land from local villagers. Letters appealing to the State Government have been submitted by the village and village tract leaders, but the Tatmadaw are still warning villagers not to cultivate their fields.

“National interest” is often cited as a rationale for resource extraction and large scale development projects. However, this has been taken a step further in Kyain Seikgyi and utilised as a justification for not compensating villagers when land is appropriated for road construction. The excuse is even stretched to include rubber plantations and antimony mines which are operated by private businesses connected to armed groups.

Local livelihoods have also been undermined by the deployment of troops and rations. For example, during March 2014 a Tatmadaw convoys started forest fires along the Taungoo–Mawchi road during a routine rotation of troops which scorched upland rice fields and long term cardamom, betel leaf, coffee plantations. Similarly, villagers in Laikha were ordered to provide their mini-tractors to the local Tatmadaw troops during June 2014 to transport military rations. These kinds of impositions are common and widespread.

While landmine pollution constrains livelihood opportunities, demining can also exacerbate land grabbing for commercial resource extraction. The relationship in Myanmar between landmine action and the protection of housing, land and property rights has recently been reviewed to address this potential conflict. The challenge identified is to ensure that land rights are incorporated into mine action and clarified prior to the commencement of demining operations.²⁴

Figure 11: Threats to Livelihoods



²² Burma News International, September 2013, “Economics of Peace and Conflict”, www.mmpeacemonitor.org

²³ Karen Human Rights Group, May 2014, “Truce or Transition? Trends in human rights abuse and local response in Southeast Myanmar since the 2012 ceasefire”, p 17.

²⁴ Displacement Solutions, February 2014, “Land Rights and Mine Action in Myanmar”, page 2

CHAPTER 4

COMMUNITY SECURITY



1. Kler Day, New Village Construction, Hlaing Bwe, May 2014, TBC
2. KNU Customary Land User Registration, Hlaing Bwe, 2014, KESAN
3. Village meeting, Kyaukgyi, December 2013, CIDKP

4.1 Dispute Resolution

“We don’t refer any serious cases to government’s legal system. Usually we deal with it at the village tract level by using our own customary laws. We don’t go to the government’s legal system because we don’t want to spend a lot of money on bribes.”

Karen man, Hlaingbwe township, May 2014, KORD and KWO interview

The concept of community security has been described as a people centred approach to addressing violence, conflict and abuse that integrates human security, development, peacebuilding and state building paradigms.²⁵ Participatory processes are encouraged to bridge formal and informal policing and judicial systems, strengthen accountability and build local capacities. Enhancing relations between communities, authorities and institutions is understood as strengthening protection at the grassroots and national levels.

Village leaders in South East Myanmar have been recognised as generally accountable to local households and the main mechanism for resolving disputes.²⁶ This survey validates the previous findings with village leaders and customary law identified as a primary mechanism for dealing with serious disputes and violent crimes in 74% of village tracts. The respective judicial systems of ethnic armed groups were a key source of adjudication in 32% of village tracts, while the Tatmadaw or National Police Force were recorded in just 17%.

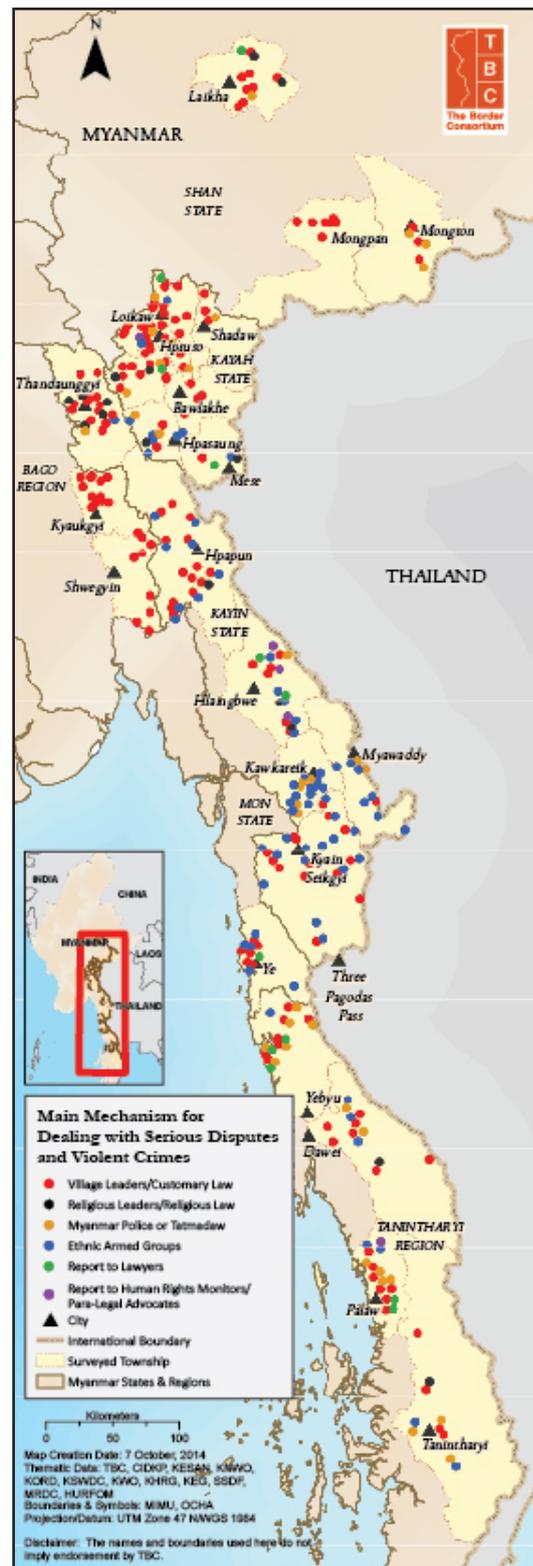
The findings are indicative of the extent to which remote communities in contested areas are generally left to their own policing mechanisms to maintain social order. Where a dispute cannot be settled at the village level, it is often referred to the village tract leaders. Some of the more established ethnic armed groups such as KNU, NMSP and KNPP have codified systems of justice based on colonial laws, but capacities and influence below the township level are usually limited. While the ethnic armed groups’ judicial systems are not necessarily trusted, the lack of access to, and confidence in, Myanmar’s judicial system is even more pronounced amongst conflict-affected communities.

Over half (54%) of the village tracts surveyed have civil society mechanisms for managing natural resource extraction and commercial development proposals. However, a lack of capacity and/or authority limits the effectiveness of these community groups to withstand external influences in 23% of village tracts surveyed. Nonetheless, this still represents a significant community-based means of preventing or mitigating disputes over access to land and resources. The challenge remains to strengthen these civil society mechanisms, reform the relevant regulatory institutions and strengthen linkages between both.

²⁵ Saferworld, April 2014, “Community Security Handbook”, page 4, www.saferworld.org.uk

²⁶ Susanne Kempel & Aung Thu Nyein, August 2014, “Local Governance Dynamics in South East Myanmar”, An Assessment for the Swiss Agency for Development and Cooperation (SDC) The Border Consortium, November 2013, “Poverty, Displacement and Local Governance in South East Burma/Myanmar”, pages 22-24

Figure 12: Protection Mechanisms



4.2 Dealing with Violent Crimes

“If someone commits an offence once, the village leaders reprimand them. If it’s the second or third time, they have to do community work. If it continues after that, they are driven out of our village.”

Shan man, Mong Pan township, May 2014, SSDF interview

In the absence of institutional resources to sustain long term imprisonment, community-based judicial systems have limited capacities to punish perpetrators of violent crime. Cruel punishment such as execution or beatings can exacerbate local grievances and undermine the legitimacy of security providers from both a social and rights-based perspective. Indeed in Thailand’s refugee camps, traditional Karen and Karenni justice systems have been noted for a high reliance on mediation and compensation. This has been characterised as a restorative approach to justice which is occasionally supplemented by punishment.²⁷

When asked about the most common types of punishment for perpetrators of violence, fines or compensation were identified in 42% of village tracts surveyed and the imposition of community service in 29%. Mediated settlements were described in 30% of village tracts, and cleansing ceremonies to repel evil spirits were common in 6%. In contrast, restrictions on liberty through imprisonment or shackles were reported in 21% of village tracts, while no cases of execution were recorded.

These findings reflect the high dependence of community justice systems on mediation and rehabilitation, as well as a lack of capacity to enforce stronger punishment. Financial settlements were particularly prominent near Tatmadaw outposts, while cleansing ceremonies or a failure to address the grievance were notable close to barracks of ethnic armed groups.

Support services for victims of violent crime were reported in over half of the village tracts surveyed. While capacities may be limited, the prevalence of support services is indicative of strong social cohesion. Counselling for mental trauma (29% of village tracts), para-legal assistance (24%), health care for physical trauma (18%) and safe houses for women and children (4%) were recorded in this survey.

Nonetheless, significant cultural and legal barriers to reporting sexual violence were also documented. Shame and fear of rejection by the community were key cultural obstacles while a lack of confidentiality, information and due process were common legal weaknesses identified. Fear of violent retribution committed by perpetrators was also perceived as inhibiting reports. However, given the low participation rate of women in focus group discussions, the findings are not disaggregated by village tracts surveyed in this report.

²⁷ Kirsten McConnachie, 2014, “Governing Refugees: Justice, Order and Legal Pluralism”, Routledge, pages 114-122

4.3 Protection Mechanisms

“They came and started panning for gold near our village without consulting us. I told them I am the village head and at least they need to respect me and ask permission. But they didn’t take any notice of me.”

Karen woman, Thandaung township, KORD and KESAN interview

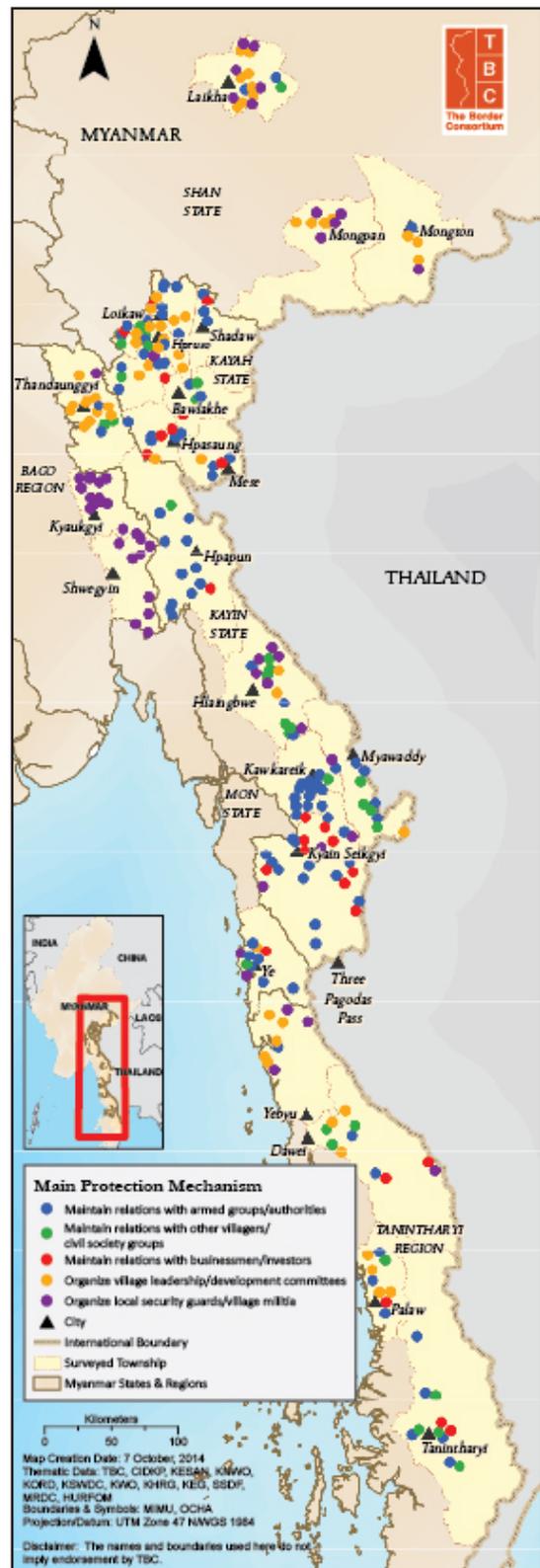
Landmine pollution was documented in 53% of village tracts surveyed and identified as one of the main threats to security in 28%. However, demarcation remains limited with only 12% of village tracts reporting warning signs posted on location by any of the armed groups. Apart from reports of casualties after the blasts, the primary source of information about the location of landmines remain verbal warnings from ethnic armed groups in 27% of village tracts, other villagers (9%) and the Tatmadaw (6%).

This is consistent with the broader finding that local communities are primarily dependent upon direct negotiations to manage aggressive behaviour by armed groups and/or business investors. Maintaining relations with armed groups was determined the main mechanism for managing risks in 45% of village tracts, while mobilising community action (27%) and networking with other civil society groups (14%) were also identified as significant means of persuasion and protection.

Local security guards or even a village militia force was utilised as a deterrent to external threats in 24% of village tracts surveyed. Given the degree to which militia forces are appointed by the Tatmadaw in government administered areas, there are doubts about accountability to village leaders. Nonetheless, the results imply that community protection strategies include a mix of diplomacy and policing capacities.

One of the most under-recognised achievements during the ceasefire period has been the formation of a United Karen Armed Groups Committee. This committee represents an initial step towards the re-unification of Karen ethnic armed groups. Apart from the political and military significance of a unified block for the peace process, this initiative also has the potential to promote civilian protection by standardising taxation and policing practices.

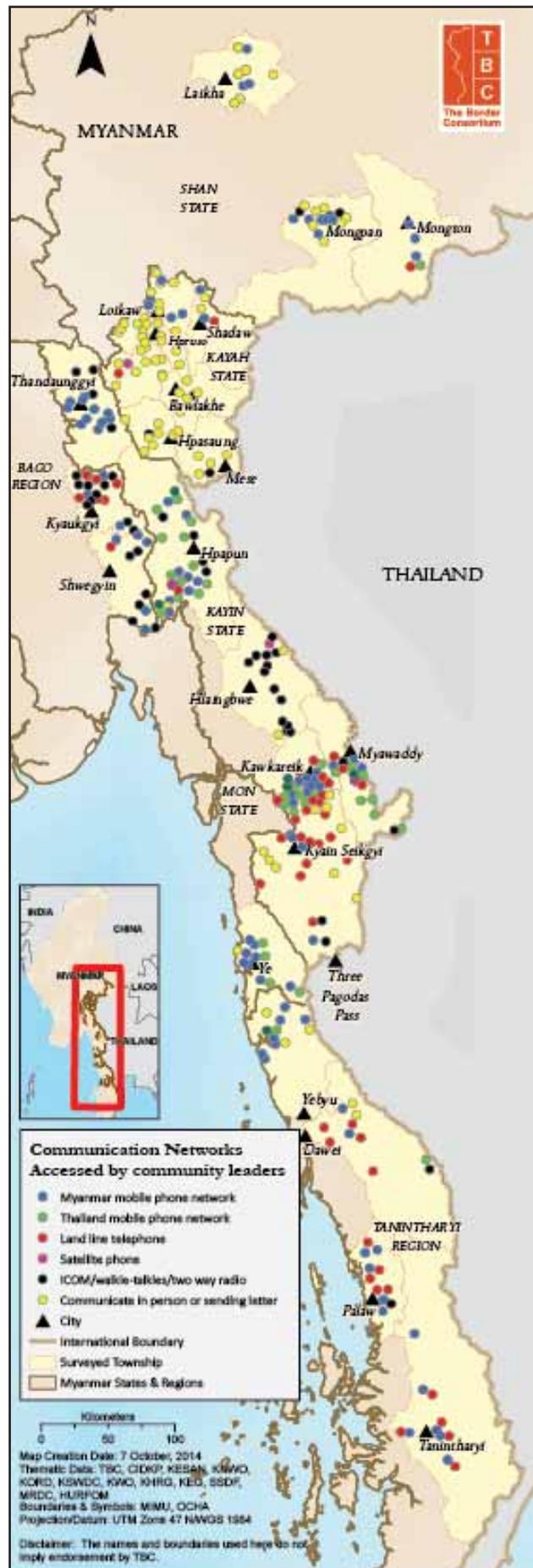
Figure 13: Protection Networks



The Karen Police Force has been established by this joint committee to reduce the need for village militia groups at the local level. This has also provided a mechanism for coordination with the Government’s judicial system. While the primary purpose is to address drug trafficking, this initiative could also help to build linkages between judicial processes that previously worked in isolation.

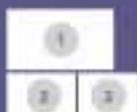
Despite infrastructure constraints, there is evidence that remote communities have access to communication networks. Community leaders in 37% of village tracts surveyed depended largely on sending messengers on foot and this was particularly common in Kayah State. However, access to Myanmar’s mobile phone network was reported in 44% of village tracts surveyed and land line telephones reached 23%. Access to two-way radio and Thailand’s mobile phone network was recorded in 25% and 17% of village tracts respectively, and were significantly higher in areas administered by ethnic armed groups.

Figure 14: Communication Networks



CHAPTER 5

ACCESS TO JUSTICE



1. School children, Dawei, October 2013, CID/KP
2. Gold mining, Hpapun, May 2014, KORD
3. Sub-Township administration, Mong Pan, February 2014

5.1 The Rule of Law

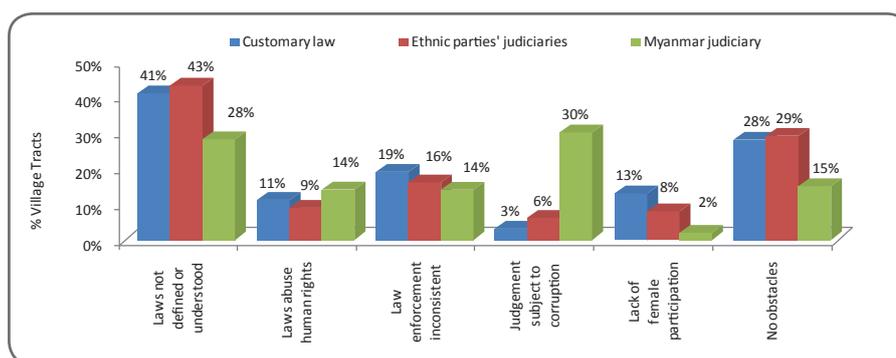
“Law enforcement is weak because they don’t follow procedures or make judgments according to the law. We also lack of knowledge related to laws. Actually, not only the government should deal with rule of law issues. Civilians and ethnic leaders should also be included in designing laws.

Karen woman, Thandaung township, May 2014, KORD and KESAN interview

There are widely divergent perceptions about what strengthening the rule of law actually means. Some stakeholders perceive the purpose as reinforcing regulations, institutions and procedures to maintain national security and social order. Others place greater emphasis on promoting social justice, human rights and equality and recognise that entrenched corruption has perverted Myanmar’s judiciary.²⁸ Indeed, legislative reform to date has been criticised for enabling outdated and autocratic laws to remain in force and for a lack of transparency and consultation in the drafting of new laws.²⁹

This survey assessed perceptions about the two main weaknesses of customary law, the justice systems of ethnic armed groups and Myanmar’s formal judiciary. As depicted in Figure 15, the main challenge for customary law and non-state judicial systems was identified as the lack of clarity and information about laws and legal procedures. A lack of legal knowledge about the Government’s system was also significant, although corruption amongst Myanmar’s judges was perceived as the greatest barrier to the concept of equality before the law. Political interference and weak policing capacities are also implied by perceptions that law enforcement is applied inconsistently.

Figure 15: Perceived Weaknesses in Justice Systems



A lack of confidence and trust is apparent in all of the judicial systems, although significantly less obstacles were reported with customary and non-state systems. Contradictions between laws, whether codified or customary, to concepts of justice and fairness were reported in a significant proportion of village tracts. Concerns about gender bias in judgements due to the lack of female participation in dispute resolution proceedings were especially prevalent in customary and non-state systems. This is consistent with broader concerns about customs which discriminate against women, such as in regards to property inheritance.

The barriers to accessing justice in areas emerging from decades of conflict are widespread across competing jurisdictions. Constitutional, legislative and institutional reform at the national level is essential for strengthening the rule of law, just as enhancing linkages between formal and para-legal dispute resolution mechanisms is vital at the community level.

The emerging Karen Police Force is well placed to strengthen civilian access to justice. With appropriate support, it could evolve to enhance community dispute resolution processes and facilitate referrals to the Myanmar justice system for serious crimes. Nonetheless, holding the Tatmadaw to account will remain a fundamental challenge. In 2013, the parliament’s Farmland Investigation Commission documented land confiscation by the Tatmadaw and recommended the return of undeveloped land to farmers and payment of compensation for developed land.³⁰ However, Tatmadaw commanders in Ye Township at least have been allowed to ignore the report and recommendation.

²⁸ US Institute for Peace, June 2013, “Burma/Myanmar Rule of Law Trip Report: Working Paper for Discussion”

²⁹ Statement of the Special Rapporteur on the Situation of Human Rights in Myanmar, 26 July 2014, Yangon

³⁰ The Irrawaddy, 5 March 2013, “Military involved in massive land grabs: Parliamentary Report”, <http://www.irrawaddy.org/human-rights/military-involved-in-massive-land-grabs-parliamentary-report.html>

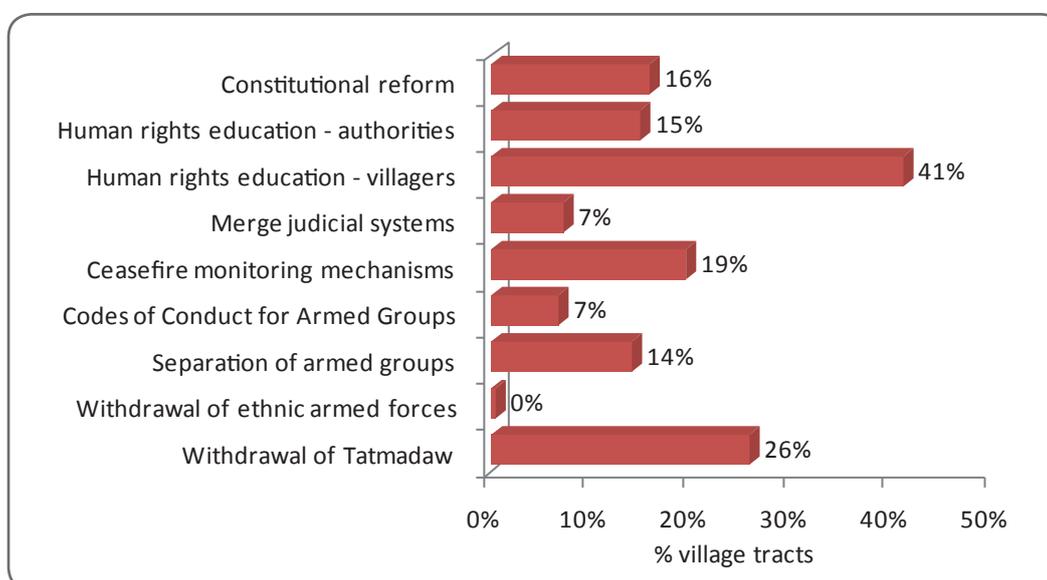
5.2 Ending Impunity

“We have suffered from abuse in the past, and we don’t want to suffer again in the future. They need to follow the rules and stop coming towards us to prevent these abuses from happening again.”

Karen woman, Tanintharyi township, May 2014, CIDKP and KHRG interview

Special Rapporteurs for the United Nations have been denouncing widespread and systematic violations of human rights in Myanmar for over 20 years.³¹ While all parties to the conflict have neglected their obligations to protect civilians, the Tatmadaw’s counter-insurgency strategy specifically targeted communities in contested areas and is generally considered responsible for a large proportion of these abuses. Three years after the 2010 national elections, human rights defenders renewed calls to end the culture of impunity which enables state-sponsored sexual violence to continue threatening the lives of ethnic women.³² Stopping abuses, preventing their reoccurrence and holding perpetrators accountable are key challenges for justice-sensitive security sector reform in Myanmar.

Figure 16: Local Priorities for Stopping Abuse



When asked to identify two priorities for stopping abuse, community representatives highlighted the importance of human rights education so that villagers are more confident in claiming their rights. A range of security sector reform challenges were also identified including the withdrawal of Tatmadaw outposts, the separation of armed groups, establishment of ceasefire monitoring mechanisms and development of agreed codes of conduct for armed personnel. Legislative reform processes (such as revising the constitution, training police and judicial authorities, and building coherence between judicial systems) were also recognised as essential, albeit less directly relevant for local communities.

These findings validate qualitative research recently conducted in Karen State which reported that ongoing militarisation and the lack of demarcation between competing armed groups remains the most prevalent community security concern.³³ The challenge is to ensure that security sector reform is justice-sensitive and builds the accountability of armed personnel.

³¹ Yozo Yokota, 1993, “Report on the Situation of Human Rights in Myanmar”, E/CN.4/1933/37

³² Womens League of Burma, January 2014, “Same Impunity, Same Patterns”

³³ Center for Peace and Conflict Studies, September 2014, “Listening to Communities of Karen State”

5.3 Prospects for Reconciliation

“It is not easy to forget the abuses committed by armed groups in the past. They should be punished. If the Myanmar court doesn’t take appropriate action, we will let the international community know”.

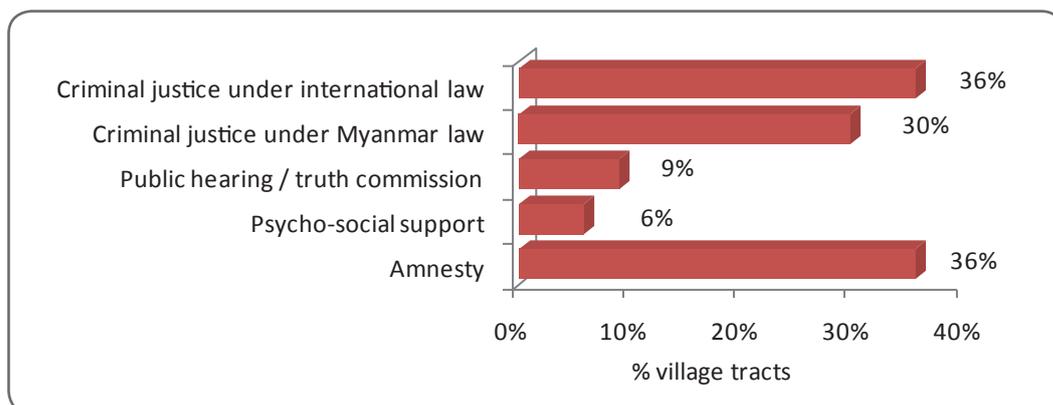
Shan woman, Mong Ton township, May 2014, SSDF interview

The concept of transitional justice refers to addressing the legacy of massive human rights abuse that occurs during armed conflict and under authoritarian regimes while promoting possibilities for reconciliation. Measures include criminal prosecution of those most responsible for violations; reparations such as compensation and apologies; restitution for seized housing, land and property; truth commissions to officially acknowledge patterns of abuse; and security sector reform to transform the attitudes and behaviour of military, police and judicial authorities. Prospects for national reconciliation are enhanced when these measures reinforce each other and inform political, economic and social reform processes.³⁴

However, three years after formal peace processes resumed in South East Myanmar, transitional justice concerns are yet to gain much traction. Myanmar’s National Human Rights Commission has been criticised as neither independent of the government nor effective in pursuing its mandate, while its Chairman has publicly ruled out investigating abuses in conflict affected areas. More fundamentally, the Tatmadaw remains unaccountable to civilian oversight both constitutionally and in practice.³⁵

Despite this lack of attention to date, Figure 17 illustrates the wide range of opinions that exist amongst local communities about the best way of recognising past abuses. When asked to prioritise a maximum of two responses, the majority of focus group discussants preferred to pursue criminal justice to promote accountability but a significant minority suggested offering a legal amnesty so as not to derail the peace process. Amongst those opting for criminal prosecution, opinions were split between a nationally led investigation and a referral to the International Criminal Court or something similar. The importance of publicly acknowledging atrocities and at least providing psychological support to survivors was also recognised, even if a legal amnesty to those responsible was issued.

Figure 17: Preferred Process for Dealing with Past Abuses



Constitutional reform, security sector reform, land rights and the reintegration of displaced persons have been identified by the ethnic armed groups amongst the priority issues to be discussed in political dialogue following a nationwide ceasefire agreement. The prospects for national reconciliation depend largely on whether justice concerns are integrated into these discussions. Civil society representatives have demonstrated an appetite for engaging in such debate and their participation will be key to sustaining the benefits of peace.

³⁴ Roger Duthie, 2012, “Transitional Justice and Displacement”, International Center for Transitional Justice and Brookings-LSE Project on Internal Displacement, pages 12-22.

³⁵ Equality Myanmar and Burma Partnership, “Burma: All the President’s Men”, in Asian NGO Network on National Human Rights Institutions, September 2014, “Report on the Performance and Establishment of National Human Rights Institutions in Asia”, pages 12-24

APPENDICES



1. River transport, February 2014, Kyain Seikyi, CIDKP

2. Displaced community, Mon resettlement site, November 2013, Yabyu, MRDC

3. Agricultural fields for Shan IDP camp, Mong Hsat, June 2014, TBC

APPENDIX 1: INTERNALLY DISPLACED POPULATION ESTIMATES

State/Regions, Township & Village Tract	Alternative Name of Village Tract	MIMU P-codes	IDPs	Return & Resettlement (Aug 2013–Jul 2014)
SHAN STATE			9,505	405
LAIKHA			7,780	248
He Hseng		MMR014012003	300	3
Kat Mauk	Nam Ler	MMR014012013	2,000	20
Nar Man		MMR014012009	300	0
Nawng Kaw	Nawng Kaw	MMR014012002	1,200	30
Pang Sang	Nar Poi	MMR014012004	1,000	50
Pong Taik	Hart Lee	MMR014012008	1,000	50
Wan Hti		MMR014012010	180	30
Wan Lay		MMR014012012	800	50
Wan Sang		MMR014012014	1,000	15
MONGPAN			825	105
Hsar War		MMR014021009	27	27
Kone Keng		MMR014021002	50	17
Nam Tein		MMR014021003	3	6
Nar Law		MMR014021008	0	0
Nawng Hee		MMR014021005	300	20
Nawng Yin		MMR014021010	400	20
Taung Kaing		MMR014021006	45	15
MONGTON			900	52
Hpai Chei		MMR016008002	0	8
Me Kin	Wan Mai Mawk Pao	MMR016008003	0	4
Mong Han		MMR016008008	900	40
KAYAH STATE			14,677	1,085
BAWLEKHE			1,104	40
Bawlakhe	Main Htan	MMR002005003	0	17
Bu Khu		MMR002005001	0	0
Chi Kweit		MMR002005005	0	0
Lwei Wein		MMR002005008	19	16
Nan Hpe		MMR002005002	209	0
Nan Lin		MMR002005007	126	7
Saw Lon		MMR002005004	750	0
DEMOSO			1,860	196
Daw Bu Khu		MMR002002005	17	15
Daw Hpu		MMR002002024	289	8
Daw Ka Law Du		MMR002002023	45	7
Daw Ta Ma Gyi		MMR002002026	100	6
Daw Taw Ku		MMR002002009	108	7
Htee Hpoe Ka Loe		MMR002002025	896	22
Lo Bar Kho		MMR002002014	220	0
Lo Pu		MMR002002018	20	0
Mya Le		MMR002002016	0	17
Naung Pale		MMR002002010	112	9
Pan Pet		MMR002002020	40	0
San Pya Chauk Maing		MMR002002022	0	105
Saung Du Lar		MMR002002017	13	0
Thay Su Le		MMR002002008	0	0
HPASAWNG			4,310	568
Ba Han Lawt		MMR002006003	200	16
Hpasawng		MMR002006001	450	42
Ka Rei Khee	Pa Hoe	MMR002006008	1,100	0
Kaw Thu Doe		MMR002006005	500	10
Kwar Khee		MMR002006004	550	0
Mawchi	LoKharLo	MMR002006006	1,300	500
Mo Sar Khee		MMR002006007	10	0
Wan Aung		MMR002006002	200	0
HPRUSO			576	15
Do Mo Saw		MMR002003010	60	0
Doe Lar Saw		MMR002003007	50	6
Doe Pa Rei		MMR002003008	6	0

State/Regions, Township & Village Tract	Alternative Name of Village Tract	MIMU P-codes	IDPs	Return & Resettlement (Aug 2013–Jul 2014)
Ho Yar		MMR002003009	200	5
Hpruso	MyoeMa	MMR002003001	0	0
Htee Paw So		MMR002003002	10	0
Kay Hlar (Kyet Hpoe Gyi)		MMR002003004	30	0
Kay Kaw		MMR002003012	150	0
Mar Kha Yaw Shey		MMR002003005	50	0
Mo So		MMR002003006	20	0
Rar Aye Pa Rar		MMR002003003	0	4
LOIKAW			2,828	183
Chi Kei		MMR002001008	10	1
Kone Thar		MMR002001005	200	3
Law Pi Ta		MMR002001012	630	60
Loilen Lay		MMR002001003	35	0
Ma Htaw Khu		MMR002001009	100	5
Noe Koe		MMR002001004	3	0
Nwar La Woe		MMR002001007	500	7
Par Laung		MMR002001010	300	49
Tee Lon		MMR002001011	550	50
Tee Se Khar		MMR002001002	500	8
MESE			649	13
Ho Gyt		MMR002007002	300	12
Mei Se Nan	Pan Tain	MMR002007003	136	
Mei Se Nan		MMR002007001	87	0
Nan Mar		MMR002007004	126	1
SHADAW			3,350	70
Shadaw (North)	Daw Ta Naw	MMR002004001	750	7
Shadaw (South)		MMR002004002	1,400	53
Shadaw Middle	Thi Ri Dah(East)	MMR002004003	1,200	10
BAGO REGION			9,000	90
KYAUKGYI			5,000	90
Bin Bye Reserved forest	Saw Tay Der	MMR007011000	340	0
Forest	Yaw Hkee and Yoo Loh	MMR007011000	400	0
Forest	Hsaw Mee Loo	MMR007011000	360	0
Forest	Khoh Poo	MMR007011000	350	0
Forest	Saw Hka Der	MMR007011000	395	0
Forest	Kheh Der	MMR007011000	637	0
Forest	Kwee Lah and Le War	MMR007011000	540	0
Forest - Me Tain Taw (East)	Kheh Poh Der and K. Moo Loh	MMR007011000	250	0
Me Khwa Reserved Forest	Theh Baw Der	MMR007011000	430	0
Me Poke	Maw Keh Tha Per Hkoh	MMR007011031	340	0
Me Tain Taw (West)	Kyaw Hpya	MMR007011028	200	0
Mi Chaung Gaung	Htee Ler Baw Hta	MMR007011002	260	0
Naung Bo	Kwee Doh Hkaw	MMR007011032	238	50
Tone Gyi	Ler Khah	MMR007011004	260	40
SHWEGYIN			4,000	0
Ah Htet Me Zaung	Loh Hkee	MMR007008028	500	0
Htee Ka Lay	Saw theh Hkee	MMR007008032	300	0
Kin Mun Inn	Maw Bleh Hkee	MMR007008028	250	0
Kyon Pa Ku Hpyar	Htee Blah	MMR007008054	350	0
Me Hpaung Wa	Meh Ka Tee	MMR007008047	350	0
Me Ka Dee	Blaw Hkoh	MMR007008051	1,000	0
Me Yit	Meh Yeh Hkee	MMR007008046	300	0
Saw Pe Doe	Kheh Ka Hkoh	MMR007008026	400	0
Than Pu Yar Kon	Thay Ghaw Der	MMR007008027	300	0
Ye Thuang	Htee Wa Bway Hkee	MMR007008055	250	0
KAYIN STATE			59,485	5,848
HLAINGBWE			4,252	743
Bi Sa Kat	Noh Boh	MMR003002057	420	0
Hlaingbwe RF		MMR003002000	250	0
Me Law Khee		MMR003002021	165	0
Me Pa Ra		MMR003002064	150	0
Me Tha Mu		MMR003002022	1,500	550
Mi Kyaung		MMR003002068	150	0
Naung Khwee		MMR003002056	120	0

State/Regions, Township & Village Tract	Alternative Name of Village Tract	MIMU P-codes	IDPs	Return & Resettlement (Aug 2013–Jul 2014)
Nwet Pyin Nyar		MMR003002020	205	0
Pa Hta Lar Pa		MMR003002071	0	0
Poe Pa Lay		MMR003002072	200	35
Saw Law		MMR003002025	350	58
Tar Ka Yar		MMR003002058	682	100
Tha Mo		MMR003002069	60	0
Yae Pu Gyi		MMR003002060	0	0
HPAPUN			13,725	38
Be Saw Law		MMR003003012	4,865	0
Hla Gun Pyo		MMR003003019	0	0
Kun Pin Wa	Htee Tha Blue Hta	MMR003003023	3,582	0
Kwat Lu Doe		MMR003003011	695	0
Ma Hta		MMR003003005	1,535	0
Ma Lay Kyauk		MMR003003020	206	12
Me Chon Wa		MMR003003022	25	0
Me Tha Lut		MMR003003002	1	1
Min Nan Nwe		MMR003003014	240	3
Myin Ta Pyay	Mae Hku Hta	MMR003003033	501	0
Nan Khu Khee		MMR003003015	100	15
Pan Haik		MMR003003007	0	7
Pyin Ma	Meh Nyu Hta	MMR003003009	933	0
Whay San		MMR003003004	1,042	0
KAWKAREIK			1,465	224
An Hpa Gyi		MMR003006021	640	120
An Kaung		MMR003006035	60	16
Dauk Pa Lan		MMR003006023	350	10
Hti Hu Than		MMR003006032	0	50
Kawt Nwe		MMR003006017	150	0
Laung Kaing		MMR003006034	0	14
Set Ka Wet		MMR003006022	50	0
Ta Ri Ta Khaung		MMR003006036	0	14
Taung Kyar Inn		MMR003006033	0	0
Tha Mein Dut		MMR003006030	0	0
Tha Pyu (Ka Maw Pi)		MMR003006037	115	0
Win Ka		MMR003006031	0	0
Yae Kyaw Gyi		MMR003006019	100	0
KYAINSEIKGYI			19,467	3,161
Ah Sun	Ah Kyuh	MMR003007032	900	825
Da Noe	Seesong	MMR003007011	820	660
Dali	Kyot Kay Kho	MMR003007006	520	0
Hloat Shar	Hloat Shar	MMR003007025	0	0
Hpar Pya	Phar Pra	MMR003007029	0	0
Hti War Ka Lu	Hti Wa Klu	MMR003007041	900	0
Ka Sat		MMR003007012	1,300	0
Kawt Saing	Kaw Hser	MMR003007034	610	80
Khwar Hay	Noh Maw Pu	MMR003007047	1,600	0
Kwin Ka Lay	Ywa Doh	MMR003007037	800	250
Kya Khat Chaung	Ta Kat Chaung	MMR003007007	1,983	206
Kyar Inn Shwe Doe	Noh Ta Shru	MMR003007002	2,127	0
Kyauk Bi Lu	Kyaut Be Luu	MMR003007027	4,000	200
Kyun Chaung		MMR003007023	1,607	440
Mi Na Ah	Mae Naw Ah	MMR003007042	1,100	500
Seik Ka Lay	Seik Ka Lay	MMR003007014	0	0
Taung Ka Lay	Kwee Ler Ter	MMR003007046	1,200	0
Taung Waing		MMR003007050	0	0
Win Yaw Seik Gyi		MMR003007017	0	0
MYAWADDY			3,350	1,295
Hpa Lu		MMR003005008	700	600
Mae Ka Neh	Noh Poe Hti Moo Hta	MMR003005009	400	10
Me Hta Tha Lay		MMR003005001	150	100
Me Ka Lar	Su Ka Li	MMR003005004	700	60
Mi Hpar	Thay Baw Bo	MMR003005007	150	250
Tar Oke		MMR003005005	250	25
Ti Thea Lei (Maw Khee)		MMR003005006	1,000	250

State/Regions, Township & Village Tract	Alternative Name of Village Tract	MIMU P-codes	IDPs	Return & Resettlement (Aug 2013–Jul 2014)
THANDAUNGGYI			17,226	387
Bo Khar Lay Kho		MMR003004055	1,350	17
Dar Yoe		MMR003004041	400	0
Hnget Pyaw Taw		MMR003004025	800	0
Ho Thaw Pa Lo		MMR003004042	600	200
Khon Taing		MMR003004006	1,254	0
Kywe Hpyu Taung		MMR003004004	1,450	0
Leik Pyar Gyi		MMR003004009	1,400	0
Leik Pyar Ka Lay		MMR003004008	1,335	0
Lel Kho Doe Kar		MMR003004012	1,424	0
Maung Nwet Gyi		MMR003004007	1,284	0
Sa Par Kyi		MMR003004050	1,446	0
Sho Kho		MMR003004013	1,400	170
Si Pin Ka Lay		MMR003004002	230	0
Yae Thoe Gyi		MMR003004052	2,493	0
Ywar Gyi		MMR003004001	360	0
MON STATE			2,900	83
YE			2,900	83
Ah Baw		MMR011006003	0	0
Ah Yu Taung		MMR011006012	0	0
An Din		MMR011006006	0	52
Du Yar		MMR011006010	0	0
Koe Maing		MMR011006025	0	0
Taung Bon		MMR011006024	0	0
Thin Gan Kyun		MMR011006011	0	0
Tu Myaung		MMR011006004	0	0
Ye Chaung Pyar R.F	Panan Pone (Bee Ree)	MMR011006000	2,900	31
TANINTHARYI REGION			13,805	2,407
DAWEI			1,520	257
Ah Nyar Hpyar		MMR006001008	0	0
Hein Dar		MMR006001022	0	100
Hpaung Taw Gyi		MMR006001023	0	7
Myay Khan Baw		MMR006001021	0	12
Myitta		MMR006001024	1,500	0
Pa Kar Ri		MMR006001007	20	0
Pyar Thar Chaung		MMR006001011	0	7
Sin Hpyu Taing		MMR006001025	0	131
PALAW			2,425	39
Du Yin Pin Shaung		MMR006007019	15	0
Hta Min Ma Sar		MMR006007008	55	30
Ka De	Ka Wert	MMR006007007	700	0
Mi Kyaung Thaik		MMR006007001	500	0
Nan Thi Lar		MMR006007026	105	5
Pu Law Hpyar		MMR006007011	500	0
Pyi Char		MMR006007022	150	0
Shan Dut		MMR006007015	250	4
Sin Htoe Gyi		MMR006007024	150	0
TANINTHARYI			4,400	1,700
Nyaung Pin Kwin		MMR006008014	50	150
Pa Wa		MMR006008002	500	500
Tha Kyet		MMR006008015	2,000	0
Thar Ra Bwin		MMR006008019	1,200	600
Thein Khun		MMR006008008	150	100
Thin Baw U	Kyauk Lone Gyi	MMR006008017	500	350
YEYU			5,460	411
Ein Da Rar Zar		MMR006004023	200	40
Hpaung Taw		MMR006004019	1,000	100
Kyone Baing	Kyone Baing	MMR006004032	0	22
Lawt Taing	Marot Chai	MMR006004034	1,100	63
Min Thar		MMR006004025	100	10
Nat Kyi Zin		MMR006004024	60	16
Rar Hpu		MMR006004032	2,000	60
Thea Chaung		MMR006004020	1,000	100
TOTAL			109,372	9,918

APPENDIX 2: 2014 SURVEY FRAMEWORK

“Hello, my name is _____. I work for _____. Together with other groups, we are collecting information about displacement and resettlement, security threats, dispute resolution and barriers to accessing justice in over 20 townships and 200 village tracts. We will use this information to increase awareness about security concerns in this village tract. We aim to strengthen civilian protection and increase access to justice, but we cannot promise any resolution of specific crimes or disputes. I do not need to know your names and you will not be paid for participating in this survey. Are you willing to give your time and respond to questions about the situation in this village tract?”

State / Region: **Township:**
Village Tract (government name): **(Alternative name):**
Focus Group Latitude (dd.ddddd): **Longitude: (dd.ddddd):**
Organisation of field staff interviewer:

No. of focus group participants (by sex): (INSERT NUMBER)

1. Male 2. Female

No. of focus group participants (by responsibility): (INSERT NUMBER)

1. Village Tract Leaders 2. Village leaders
 3. Social workers or religious leaders 4. Ordinary Villagers

DEMOGRAPHICS:

1. How many villages are covered by this assessment? (INSERT NUMBER)

2. What are the main ethnic groups in this village tract? (NO MORE THAN 3 RESPONSES)

- | | | |
|--|---------------------------------------|-------------------------------------|
| <input type="checkbox"/> 1. Sgaw Karen | <input type="checkbox"/> 2. Pwo Karen | <input type="checkbox"/> 3. Kayah |
| <input type="checkbox"/> 4. Kayaw | <input type="checkbox"/> 5. Paku | <input type="checkbox"/> 6. Kayan |
| <input type="checkbox"/> 7. Shan | <input type="checkbox"/> 8. Palaung | <input type="checkbox"/> 9. Pa-O |
| <input type="checkbox"/> 10. Lahu | <input type="checkbox"/> 11. Mon | <input type="checkbox"/> 12. Burman |
| <input type="checkbox"/> 13. Wa | <input type="checkbox"/> 14. Lisu | <input type="checkbox"/> 15. Other |

3. What is the total population in this village tract? (INSERT NUMBER)

4. Approximately, how many people in this village tract have citizenship cards (pink identity cards)?
(MARK ONE RESPONSE)

1. All or almost everyone (more than 90%) 2. Most people (60% to 90%)
 3. About half (40% to 60%) 4. Only some people (10% to 40%)
 5. None or almost no one (less than 10%)

5. Approximately, how many internally displaced persons are in this village tract? (INSERT NUMBER)
(eg, How many people have been displaced by conflict, abuse or natural disasters but have not been able to return to their former village, resettle elsewhere or re-integrate into society and now reside in this village tract?)

6. Approximately, how many people in this village tract have been displaced by conflict, abuse or natural disasters during the past 12 months? (INSERT NUMBER)

7. Approximately, how many formerly displaced persons have returned or resettled in this village tract during the past 12 months and still live here? (INSERT NUMBER)

8. What type of resource extraction or infrastructure development projects are occurring in this village tract?
(MARK ALL THAT APPLY)

- | | |
|--|--|
| <input type="checkbox"/> 1. Mining | <input type="checkbox"/> 2. Logging |
| <input type="checkbox"/> 3. Industrial estate or Special Economic Zone | <input type="checkbox"/> 4. Commercial agricultural plantation |
| <input type="checkbox"/> 5. Cement Factory | <input type="checkbox"/> 6. Large hydro-electric dams |
| <input type="checkbox"/> 7. Gas or oil pipelines | <input type="checkbox"/> 8. Road construction |
| <input type="checkbox"/> 9. No projects | <input type="checkbox"/> 10. Other (please specify)..... |

9. Which resource extraction or infrastructure development projects were only started or proposed after the preliminary ceasefire agreement? (MARK ALL THAT APPLY)

- | | |
|--|--|
| <input type="checkbox"/> 1. Mining | <input type="checkbox"/> 2. Logging |
| <input type="checkbox"/> 3. Industrial estate or Special Economic Zone | <input type="checkbox"/> 4. Commercial agricultural plantation |
| <input type="checkbox"/> 5. Cement Factory | <input type="checkbox"/> 6. Large hydro-electric dams |
| <input type="checkbox"/> 7. Gas or oil pipelines | <input type="checkbox"/> 8. Road construction |
| <input type="checkbox"/> 9. No projects | <input type="checkbox"/> 10. Other (please specify)..... |

10. Which armed groups have outposts and troops located in this village tract? (MARK ALL THAT APPLY)

- | | |
|--|---|
| <input type="checkbox"/> 1. Tatmadaw | <input type="checkbox"/> 2. Border Guard Force |
| <input type="checkbox"/> 3. People's Militia (Pyi Thu Sit) | <input type="checkbox"/> 4. KNU / KNLA / KNDO |
| <input type="checkbox"/> 5. DKBO / DKBA | <input type="checkbox"/> 6. Karen Peace Council |
| <input type="checkbox"/> 7. NMSP / NMLA | <input type="checkbox"/> 8. KNPP / KA |
| <input type="checkbox"/> 9. RCSS / SSA-South | <input type="checkbox"/> 10. UWSA |
| <input type="checkbox"/> 11. KNPLF | <input type="checkbox"/> 12. No armed groups |
| <input type="checkbox"/> 13. Other (please specify)..... | |

11. Which armed groups regularly collect taxes or food supplies in this village tract? (MARK ALL THAT APPLY)

- | | |
|--|---|
| <input type="checkbox"/> 1. Tatmadaw | <input type="checkbox"/> 2. Border Guard Force |
| <input type="checkbox"/> 3. People's Militia (Pyi Thu Sit) | <input type="checkbox"/> 4. KNU / KNLA / KNDO |
| <input type="checkbox"/> 5. DKBO / DKBA | <input type="checkbox"/> 6. Karen Peace Council |
| <input type="checkbox"/> 7. NMSP / NMLA | <input type="checkbox"/> 8. KNPP / KA |
| <input type="checkbox"/> 9. RCSS / SSA-South | <input type="checkbox"/> 10. UWSA |
| <input type="checkbox"/> 11. KNPLF | <input type="checkbox"/> 12. No taxation |
| <input type="checkbox"/> 13. Other (please specify)..... | |

THREATS AND ABUSE

12. What were the main abuses committed by civilians in this village tract during the past 12 months? (NO MORE THAN 2 RESPONSES)

- | | |
|--|--|
| <input type="checkbox"/> 1. Domestic violence / physical or sexual assault at home | <input type="checkbox"/> 2. Sexual violence / rape outside of home |
| <input type="checkbox"/> 3. Physical violence / assault outside of home | <input type="checkbox"/> 4. Theft / extortion |
| <input type="checkbox"/> 5. Land confiscation | <input type="checkbox"/> 6. Murder / Killing |
| <input type="checkbox"/> 7. Drug trafficking / smuggling illegal drugs | <input type="checkbox"/> 8. Human trafficking / entrapment of migrants |
| <input type="checkbox"/> 9. No abuses | <input type="checkbox"/> 10. Other (please specify)..... |

13. What were the main behaviors that caused social problems in this village tract during the past 12 months? (NO MORE THAN 2 RESPONSES)

- | | |
|---|--|
| <input type="checkbox"/> 1. Alcohol abuse | <input type="checkbox"/> 2. Drug abuse |
| <input type="checkbox"/> 3. Gambling | <input type="checkbox"/> 4. Domestic violence |
| <input type="checkbox"/> 5. Gang violence or abuse | <input type="checkbox"/> 6. Ethnic or religious based violence |
| <input type="checkbox"/> 7. No anti-social behavior | <input type="checkbox"/> 8. Other (please specify)..... |

14. How has the combined troop strength of the Tatmadaw, People's militia and/or Border Guard Force changed in this village tract since the preliminary ceasefire agreements? (MARK ONE RESPONSE)

- | | |
|---|--|
| <input type="checkbox"/> 1. No change / roughly same number of troops | <input type="checkbox"/> 2. Significant increase in troops |
| <input type="checkbox"/> 3. Significant decrease in troops | <input type="checkbox"/> 4. Not sure / No answer |

15. How has the combined troop strength of the ethnic armed opposition changed in this village tract since the preliminary ceasefire agreements? (MARK ONE RESPONSE)

- | | |
|---|--|
| <input type="checkbox"/> 1. No change / roughly same number of troops | <input type="checkbox"/> 2. Significant increase in troops |
| <input type="checkbox"/> 3. Significant decrease in troops | <input type="checkbox"/> 4. Not sure / no answer |

16. What have been the main threats to safety and security from armed forces during the past 12 months? (NO MORE THAN 2 RESPONSES)

- | | |
|--|--|
| <input type="checkbox"/> 1. No threats or abuse | <input type="checkbox"/> 2. Landmines |
| <input type="checkbox"/> 3. Armed skirmishes against other armed groups | <input type="checkbox"/> 4. Heavy artillery shelling into civilian areas |
| <input type="checkbox"/> 5. Small artillery fire into fields or civilian areas | <input type="checkbox"/> 6. Violence, intimidation or abuse from troops |
| <input type="checkbox"/> 7. Other (please specify)..... | |

17. What have been the main threats to personal freedoms from armed forces or local authorities during the past 12 months? **(NO MORE THAN 2 RESPONSES)**

- | | |
|--|---|
| <input type="checkbox"/> 1. Extortion / arbitrary taxation | <input type="checkbox"/> 2. Forced labour |
| <input type="checkbox"/> 3. Arbitrary arrest / detention | <input type="checkbox"/> 4. Extra-judicial killing |
| <input type="checkbox"/> 5. Sexual violence / rape | <input type="checkbox"/> 6. Recruitment of children into armed forces |
| <input type="checkbox"/> 7. Physical violence / torture | <input type="checkbox"/> 8. Forced disappearance |
| <input type="checkbox"/> 9. No threats | <input type="checkbox"/> 10. Other (please specify)..... |

18. What have been the main threats to livelihoods from armed forces or local authorities during the past 12 months? **(NO MORE THAN 2 RESPONSES)**

- | | |
|---|---|
| <input type="checkbox"/> 1. Land confiscation | <input type="checkbox"/> 2. Forced eviction & relocation |
| <input type="checkbox"/> 3. Destruction of crops or food supplies | <input type="checkbox"/> 4. Confiscation / theft of food supplies |
| <input type="checkbox"/> 5. Restrictions on travel to fields or markets | <input type="checkbox"/> 6. Forced labour |
| <input type="checkbox"/> 7. Extortion / arbitrary taxation | <input type="checkbox"/> 8. Landmines |
| <input type="checkbox"/> 9. No threats | <input type="checkbox"/> 10. Other (please specify)..... |

COMMUNITY PROTECTION AND DISPUTE RESOLUTION MECHANISMS

19. Is there a local community group considering development proposals and natural resource management issues in this village tract? **(MARK ONE RESPONSE)**

- | | |
|--|---|
| <input type="checkbox"/> 1. No community group / committee | <input type="checkbox"/> 2. Yes but lacks legitimacy/ authority/ capacity |
| <input type="checkbox"/> 3. Yes, there is an effective community-based group | |

20. What are the main mechanisms for dealing with serious disputes and violent crimes in this village tract? **(NO MORE THAN 2 RESPONSES)**

- | | |
|---|--|
| <input type="checkbox"/> 1. Village leaders / customary law | <input type="checkbox"/> 2. Religious leaders / religious law |
| <input type="checkbox"/> 3. Myanmar Police or Tatmadaw | <input type="checkbox"/> 4. Ethnic armed groups |
| <input type="checkbox"/> 5. Report to lawyers | <input type="checkbox"/> 6. Report to human rights monitors / para-legal aid |
| <input type="checkbox"/> 7. No mechanism exists | <input type="checkbox"/> 8. Other (specify) : |

21. What are the most common punishments for perpetrators of violent crimes in this village tract? **(NO MORE THAN 2 RESPONSES)**

- | | |
|--|---|
| <input type="checkbox"/> 1. Not relevant - no disputes or crimes committed | <input type="checkbox"/> 2. No punishment / no resolution |
| <input type="checkbox"/> 3. Mediated settlement / mutual resolution | <input type="checkbox"/> 4. Perpetrator ran away / banished |
| <input type="checkbox"/> 5. Financial compensation / perpetrator fined | <input type="checkbox"/> 6. Imprisonment / shackles |
| <input type="checkbox"/> 7. Execution | <input type="checkbox"/> 8. Reprimand and community service |
| <input type="checkbox"/> 9. Reprimand and cleansing ceremony | <input type="checkbox"/> 10. Other (specify)..... |

22. What support services are available for victims of violent crime? **(MARK ALL THAT APPLY)**

- | | |
|--|---|
| <input type="checkbox"/> 1. Not relevant - no serious crimes committed | <input type="checkbox"/> 2. Safe house (for women and children) |
| <input type="checkbox"/> 3. Counselling / support for mental trauma | <input type="checkbox"/> 4. Health care / support for physical trauma |
| <input type="checkbox"/> 5. Legal aid / support for access to justice | <input type="checkbox"/> 6. No support services available |
| <input type="checkbox"/> 7. Other (specify)..... | |

23. How do villagers know about the location of landmine fields? **(MARK ALL THAT APPLY)**

- | | |
|---|--|
| <input type="checkbox"/> 1. Verbal warnings from Tatmadaw | <input type="checkbox"/> 2. Verbal warnings from ethnic armed groups |
| <input type="checkbox"/> 3. Signs on location from Tatmadaw | <input type="checkbox"/> 4. Signs on location from ethnic armed groups |
| <input type="checkbox"/> 5. Reports of human or animal casualties | <input type="checkbox"/> 6. Warnings from other villagers |
| <input type="checkbox"/> 7. No landmines in this area | <input type="checkbox"/> 8. Other (specify) : |

24. What are the main mechanisms by which villagers protect themselves from abusive behavior by armed groups or business investors? **(NO MORE THAN 2 RESPONSES)**

- | | |
|---|--|
| <input type="checkbox"/> 1. Maintain relations with armed groups/ authorities | <input type="checkbox"/> 2. Maintain relations with other villages / civil society |
| <input type="checkbox"/> 3. Maintain relations with businessmen / investors | <input type="checkbox"/> 4. Organise village leadership / development committees |
| <input type="checkbox"/> 5. Organise local security guards / village militia | <input type="checkbox"/> 6. Plant landmines in surrounding areas |
| <input type="checkbox"/> 7. Other (specify)..... | |

25. Which communications networks can be accessed by community leaders to send reports from this village tract? (MARK ALL THAT APPLY)

- | | |
|---|---|
| <input type="checkbox"/> 1. Myanmar mobile phone network | <input type="checkbox"/> 2. Thailand mobile phone network |
| <input type="checkbox"/> 3. Landline telephone | <input type="checkbox"/> 4. Satellite phone |
| <input type="checkbox"/> 5. ICOM / walkie-talkies / two-way radio | <input type="checkbox"/> 6. Internet / email |
| <input type="checkbox"/> 7. Other (specify) : | |

BARRIERS TO ACCESSING JUSTICE

26. What are the main weaknesses with customary law in this village tract? (NO MORE THAN 2 RESPONSES)

- | | |
|--|---|
| <input type="checkbox"/> 1. Laws are not clearly defined or understood | <input type="checkbox"/> 2. Laws are not fair / abuse human rights |
| <input type="checkbox"/> 3. Law enforcement is weak & inconsistent | <input type="checkbox"/> 4. Complaint mechanisms unclear or difficult to access |
| <input type="checkbox"/> 5. Limited access to representation | <input type="checkbox"/> 6. Judges' decisions influenced by bribes |
| <input type="checkbox"/> 7. Soldiers have immunity / not accountable | <input type="checkbox"/> 8. Lack of female participation in dispute resolution |
| <input type="checkbox"/> 9. No obstacles | <input type="checkbox"/> 10. Other (specify) : |

27. What are the main weaknesses with the ethnic armed group's justice system? (NO MORE THAN 2 RESPONSES)

- | | |
|--|---|
| <input type="checkbox"/> 1. Laws are not clearly defined or understood | <input type="checkbox"/> 2. Laws are not fair / abuse human rights |
| <input type="checkbox"/> 3. Law enforcement is weak & inconsistent | <input type="checkbox"/> 4. Complaint mechanisms unclear or difficult to access |
| <input type="checkbox"/> 5. Limited access to legal aid / representation | <input type="checkbox"/> 6. Judges' decisions influenced by bribes |
| <input type="checkbox"/> 7. Soldiers have immunity / not accountable | <input type="checkbox"/> 8. Lack of female participation in legal processes |
| <input type="checkbox"/> 9. No obstacles | <input type="checkbox"/> 10. Other (specify) : |

28. What are the main weaknesses with the Myanmar police and courts? (NO MORE THAN 2 RESPONSES)

- | | |
|--|---|
| <input type="checkbox"/> 1. Laws are not clearly defined or understood | <input type="checkbox"/> 2. Laws are not fair / abuse human rights |
| <input type="checkbox"/> 3. Law enforcement is weak & inconsistent | <input type="checkbox"/> 4. Complaint mechanisms unclear or difficult to access |
| <input type="checkbox"/> 5. Limited access to legal aid / representation | <input type="checkbox"/> 6. Judges' decisions influenced by bribes |
| <input type="checkbox"/> 7. Soldiers have immunity / not accountable | <input type="checkbox"/> 8. Lack of female participation in legal processes |
| <input type="checkbox"/> 9. No obstacles | <input type="checkbox"/> 10. Other (specify) : |

29. What do you think is the biggest concerns for victims of sexual violence when reporting complaints? (NO MORE THAN 2 RESPONSES)

- | | |
|--|---|
| <input type="checkbox"/> 1. Fear of revenge from perpetrator | <input type="checkbox"/> 2. Fear of not being believed |
| <input type="checkbox"/> 3. Shame / Lack of confidentiality | <input type="checkbox"/> 4. Fear of rejection by the community |
| <input type="checkbox"/> 5. Lack of information about laws and process | <input type="checkbox"/> 6. Language / communication difficulties |
| <input type="checkbox"/> 7. Financial costs | <input type="checkbox"/> 8. Other (specify)..... |

30. What do you think are the main priorities for stopping abuses and preventing them from reoccurring? (NO MORE THAN 2 RESPONSES)

- | | |
|---|---|
| <input type="checkbox"/> 1. Withdrawal of Tatmadaw outposts & troops | <input type="checkbox"/> 2. Withdrawal of ethnic armed forces |
| <input type="checkbox"/> 3. Separation of armed groups | <input type="checkbox"/> 4. Revise 'Codes of Conduct' for armed groups |
| <input type="checkbox"/> 5. Establish ceasefire monitoring mechanism | <input type="checkbox"/> 6. Merge Myanmar and Ethnic judicial systems |
| <input type="checkbox"/> 7. Human rights / legal education with villagers | <input type="checkbox"/> 8. Human rights / legal education with authorities |
| <input type="checkbox"/> 9. Constitutional reform | <input type="checkbox"/> 10. Other (specify)..... |

31. How do you suggest that abuses committed in the past and yet to be recognised should be dealt with? (NO MORE THAN 2 RESPONSES)

- | | |
|---|---|
| <input type="checkbox"/> 1. Amnesty / no legal action | <input type="checkbox"/> 2. Psycho-social support for victims / no legal action |
| <input type="checkbox"/> 3. Public hearing / truth commission / no legal action | <input type="checkbox"/> 4. Criminal justice under Myanmar law |
| <input type="checkbox"/> 5. ICC / allegations assessed under international law | <input type="checkbox"/> 6. Other (specify)..... |

That is the end of the questions. Thank you for cooperating.

APPENDIX 3: ACRONYMS AND PLACE NAMES

ASEAN	Association of South East Asian Nations
BGF	Border Guard Force
CIDKP	Committee for Internally Displaced Karen People
HURFOM	Human Rights Foundation of Monland
IDP	internally displaced person
KEG	Karenni Evergreen
KESAN	Karen Environmental and Social Action Network
KHRG	Karen Human Rights Group
KIO	Kachin Independence Organisation
KNPP	Karenni National Progressive Party
KNU	Karen National Union
KNWO	Karenni National Womens Organisation
KORD	Karen Office of Relief and Development
KSWDC	Karenni Social Welfare and Development Centre
KWO	Karen Womens Organisation
MIMU	Myanmar Information Management Unit
MRDC	Mon Relief and Development Committee
NCCT	Nationwide Ceasefire Coordinating Team
NGO	non government organisation
NMSP	New Mon State Party
RCSS	Restoration Council of Shan State
SHRF	Shan Human Rights Foundation
SSA-S	Shan State Army-South
SSA-N	Shan State Army-North
SSDF	Shan State Development Foundation
TBC	The Border Consortium
UNHCR	United Nations High Commissioner for Refugees
UPWC	Union-level Peacemaking Work Committee
UWSA	United Wa State Army

BURMA PLACE NAMES

Irrawaddy Region
 Karenni State
 Karen State
 Kyaukgyi
 Moulmein
 Mergui
 Paan
 Papun
 Pasaung
 Pegu Region
 Salween River
 Sittaung River
 Tavoy
 Tenasserim Region
 Taungoo
 Rangoon

MYANMAR PLACE NAMES

Ayeyarwady Region
 Kayah State
 Kayin State
 Kyaukkyi
 Mawlamyine
 Myeik
 Hpa-an
 Hpapun
 Hpasawng
 Bago Region
 Thanlwin River
 Sittoung River
 Dawei
 Tanintharyi Region
 Toungoo
 Yangon



THE BORDER CONSORTIUM

Working with Displaced people

30 YEARS

The Border Consortium (TBC), a non-profit, non-governmental organisation, is an alliance of partners working together with displaced and conflict-affected people of Burma/Myanmar to address humanitarian needs and to support community driven solutions in pursuit of peace and development.

www.theborderconsortium.org