



# Salween Peace Park Charter



## Briefer

*“The will of the people forms the basis of authority in the Salween Peace Park.”*  
- SPP Charter, Chapter I, Section I, Article 13



Participants in the Third Salween Peace Park Consultation Meeting vote on how to proceed with ratifying the Salween Peace Park Charter

## The Salween Peace Park Vision

The Salween River is the lifeblood of communities from China to Burma, and the people of Mutraw District are joining together to preserve the river basin’s biocultural diversity and protect their homes from war and destruction through peaceful and sustainable co-management of their lands. The vision for the Salween Peace Park is to demonstrate what truly good governance could be and provide a people-centered alternative to top-down, militarized development.

The Salween Peace Park (SPP) initiative is being developed through collaboration among local communities, Karen civil society organizations, and KNU Mutraw District leaders. It covers 5,485 km<sup>2</sup> (1,355,373 acres/ 548,500 hectares), and includes more than 340 villages that are home to more than 70,000 people. The SPP contains 139 demarcated *Kaw* (customary) lands, 27 community forests, four forest reserves and three wildlife sanctuaries.



P.O. Box 204, Prasingh Post Office  
Muang, Chiang Mai, Thailand 50205  
Email: [info@kesan.asia](mailto:info@kesan.asia)  
Website: [www.kesan.asia](http://www.kesan.asia)

The SPP represents a comprehensive vision for the future of Mutraw District in Karen State, expanding beyond conservation to include discussions around peacebuilding, demilitarization, refugee return, and community development. The SPP initiative is a grassroots project, as local community leaders and administrators debate the park's boundaries, Charter, and governance framework.

Although the SPP initiative itself has only recently been developed, community-based conservation initiatives have been implemented for many years, laying the foundation for the Salween Peace Park. These community-driven activities include establishing community forests and fish conservation zones, revitalizing *Kaw* administrations, and demarcating ancestral *Kaw* territories. The Salween Peace Park now aims to protect these community initiatives, while it consolidates the autonomous governance systems that have been jointly developed by the local Karen communities, the KNU, and civil society.

## **The drafting of the Salween Peace Park Charter**

***“The Charter of the Salween Peace Park was established through open and inclusive consultation of the communities of Mutraw District in Karen State, reflecting their aspirations for a thriving, sustainable, and peaceful way of life.”*** (SPP Charter Introduction)

The most important work of the Salween Peace Park is to empower local communities to revitalize their traditional practices, assert their rights, and manage their own natural resources. In order to ensure and protect communities' rights, one of the first critical steps in realizing the Salween Peace Park has been the development of a just and comprehensive administrative and management framework.

Although the SPP idea was originally articulated by KNU Mutraw District leaders and Karen civil society members, the details of the SPP charter- including its principles and governance structures- have been discussed, developed and debated during multiple rounds of public consultations.

### ***The SPP Steering Committee***

The first step to developing a governance structure for the SPP was to form the Salween Peace Park Steering Committee. This committee is comprised of 47 members (8F: 39M) representing SPP communities, Karen CSOs and the KNU Mutraw District. Three sub-committees were next established to move the SPP initiative forward: an Advisory Committee, a Data Collection Committee (13 members), and the Charter Drafting Committee (34 members). To begin the Charter drafting process, a consultation was arranged in April 2017 among the SPP Steering Committee, Mutraw District authorities and community members to discuss the drafting of the SPP Charter and how to adequately represent all the communities encompassed by the Salween Peace Park.

After this meeting, an initial draft of the SPP Charter was completed in May 2017 with assistance from legal consultants, who used examples from other Indigenous-administered territories in Southeast Asia to as inspiration. This original draft was subsequently amended after a multiple consultations meetings, so the Charter would incorporate the suggestions and concerns from community members and local authorities. The chart below summarizes this process, with more details provided in the paragraphs under the chart.

Meeting/ Consultation	Date	Place	Number of participants	Key outcomes
1st SPP Public Consultation	May 23-26, 2016	Day Bu Noh	300	Charter Committee formed; Agreed to communicate initial ideas of SPP to impacted stakeholders and invite them to comment
2nd SPP Public Consultation	Dec 26-28 2016	Day Bu Noh	292	Agreed to conduct a Mutraw District census; finalized Salween Peace Park boundaries; organized township and village-tract consultations
SPP Charter Drafting Consultation	Apr 25-26, 2017	Day Bu Noh	61 (8F: 53M)	Plan for SPP Charter adopted; developed a structure to adequately represent all communities
Pre-consultation meeting	Jun 13-14, 2017	Day Bu Noh	62 (3F: 59M)	Reviewed SPP governance system and decision-making structures; Community reps engaged with Mutraw District leaders to plan next steps
Community Development Facilitators Training	Jun 18-21, 2017	Paw Ka Der Community Center	17 (2F: 15M)	Gained skills about community engagement, discussion and deliberation
Township Level consultations	Jun-Aug 2017	3 Townships	456 (48F: 408M)	Feedback and suggestions for SPP Charter provided
Village Tract Level consultations	Jul-Aug 2017	26 Village Tracts and Eh Htu Hta IDP Camp	3,663 (1,160F: 2,503M)	Feedback and suggestions for SPP Charter provided
Salween Peace Park Governance Capacity Building Trainings	Nov 28-29, 2017	Day Bu Noh	21 (2F: 19M)	Reviewed the charter; discussed governance structure in-depth; discussed conservation and socio-cultural issues
3rd SPP Public Consultation	Dec 19-20, 2017	Day Bu Noh	277 (41F: 236M)	General Assembly, and Governance Committee size and make-up agreed; agreed to conduct Charter referendum

### ***Salween Peace Park Governance Capacity Building Trainings***

After establishing the SPP Steering Committee, a workshop was conducted in order to strengthen their understandings of governance structures and the aspects of conservation, conflict, social and culture issues that needed to be considered during the development of the SPP. Also during this training, attendees reviewed the draft SPP charter, discussed the governance structure in-depth, looked together at SPP boundaries, and began preparing the SPP for registration as an Indigenous Community Conservation Area (ICCA).

## ***Community Development Facilitators and Pre-Coordination Meeting***

Before conducting SPP Charter consultations, a pre-consultation coordination meeting was conducted in June 2017 to lay the groundwork for the consultations. This coordination meeting brought together 62 participants (3 F: 59 M)- including Steering Committee members, senior community members and representatives from the different townships and village tracts within the SPP. Participants reviewed the most recent draft of the Salween Peace Park Charter and discussed about how the SPP governance system and decision-making structures would function.

In order to be able to best reach out to community members with information and updates about the SPP developments, it was decided that a number of Community Development Facilitators would need to be trained. 17 participants (2 F: 15 M) from Luthaw, Butho and Dwelo Townships were identified for this role. In June 2017, the CDFs strengthened their community engagement, discussion and deliberation skills during a training at the Paw Ka Der Community Center in Mutraw District. Following the training, the CDFs have assisted with sharing information in order to obtain the Free Prior and Informed Consent (FPIC) and participation of community members in the Salween Peace Park Charter drafting process.

## ***Salween Peace Park Public Consultations***

During the three Public Consultations that were conducted during 2017-2018, hundreds of community members and local KNU representatives joined together to discuss the progress made towards the realization of the SPP. Each of these gatherings lasted for a few days, so that the participants would be able to have enough time to discuss and present about a wide range of issues and topics, which have included:

- Discussions about the draft Charter
- Discussions about SPP boundaries
- Agricultural seed and produce competitions
- Demonstrations of traditional Karen materials
- Presentations by community groups



Participants at the 2nd SPP Consultation, December 2016

- Seed-saving techniques
- Strategies for the preservation of Karen agro-biodiversity
- Community tea projects
- IDP resettlement issues
- Student performances of traditional Karen music
- Animist ceremonies and Christian prayers

***Consultations at Township and Village Tract- levels***

Consultation meetings were also conducted at Township levels with community members and Township authorities from Luthaw, Butho and Dwelo Townships. Feedback and suggestions for improvements to the SPP Charter and governance structure were made by village leaders, religious/spiritual leaders, and educators and teachers, as well representatives from the KNU. Participants were generally in favor of adopting the charter draft presented, and were keen on further revitalization and strengthening of customary land management systems.

Township	Dates	Participants		
		F	M	Total
Dwelo	June 26-28, 2017	11	119	130
Butho	July 6-8, 2017	7	141	148
Luthaw	August 21-23, 2017	30	148	178
	<b>Totals</b>	<b>48</b>	<b>408</b>	<b>456</b>

In addition to township-level consultations to review the SPP Charter, consultations were held for the 26 village tracts that encompass all of the communities within the SPP so that community members could give feedback about the SPP charter and governance structure. Ei Tu Hta IDP camp residents were also consulted, since this camp is located within the SPP boundaries and most of its residents are from villages within the SPP.



Village tract level consultations on the Salween Peace Park Charter in Luthaw District during 2018

Location	No. Consultations	Dates	Participants		
			F	M	Total
Dwelo Tsp	3	Oct 30- Nov 16, 2017	41	261	302
Butho Tsp	11	July 21-Oct 21, 2017	625	1,095	1,720
Luthaw Tsp	12	Sep 4-Oct 10, 2017	404	1,008	1,412
Ei Tu Hta Camp	1	Aug 8-9, 2017	90	139	229
<b>Totals</b>	<b>27</b>		<b>1,160</b>	<b>2,503</b>	<b>3,663</b>

## SPP Charter Referendum

Lengthy discussions were held during the December 2017 SPP Consultation about how to best measure the level of support that community members have for the SPP Draft Charter. The suggested idea was to take the draft Charter to each village and ask village members who support this document to sign their names. According to the opinions of those present at the December 2017 Consultation, this approach would have pros and cons. On the positive side, these signatures would provide concrete evidence of the park's legitimacy as a people-centred, grassroots alternative approach to mainstream development models. However, some villagers also expressed their concerns that the huge task of collecting villagers' signatures could slow down the process to officially declare the Salween Peace Park. After much deliberation, a vote was taken and it was decided that a signature referendum would be implemented, with a minimum of 75% of the SPP voting-age population (16 years old and up) required for the SPP Charter Referendum to pass.

Following this decision, Community Development Facilitators visited all of the communities in the SPP over a period of ten months (January-October 2018) to share the SPP Draft Charter and collect signatures of those who support its adoption and implementation. Many challenges were encountered during the visits to communities- the greatest challenge being the fact that in some villages, many of the community members were not present during the time of the visit. There were a number of reasons cited for their absences, including: out working and sleeping in distant fields and orchards, visiting family members and friends in other communities, out of the community for medical care or schooling, left the village seeking employment elsewhere, or fled as IDPs/ refugees to other areas in Karen State or in the Thai refugee camps.

Despite these obstacles, the goal of 75% approval was finally reached after many months of visits and return visits to SPP communities, as listed in the summary chart below. Detailed breakdowns listing the number of persons endorsing the Charter for each village have been collated and recorded by the SPP Steering Committee in order to verify the results. For the remaining population that has not endorsed the Charter as of the time of this report (9,717 persons), the data does not differentiate whether their signatures (and confirmation) were not collected due to:

- (a) Absence (visiting another area, fleeing from fighting, moved to an IDP/ refugee camp, etc.)
- (b) Disapproval of the SPP Charter

Because of this lack of differentiation, the number of persons who do not approve of the SPP Charter is actually less than the 24.9% whose signatures were not collected.

### SPP Charter Referendum results

Total population residing within the SPP (16 years old and older)	38,968
Total number who have endorsed the SPP Charter	29,251
<b>% Total population that has endorsed the SPP Charter</b>	<b>75.1%</b>



A woman signing her name to verify her support of the SPP Charter during the 2018 Charter Referendum

## Summary of key points in the SPP Charter

*Above all, the Charter enshrines the right of the indigenous Karen people to self-determination over how to manage and govern their natural resources and lands, and how to guide the sustainable development of their communities.* (SPP Charter Introduction)

The SPP Charter consists of 5 Chapters and 118 Articles. The chapters include:

- **Charter Overview** (Objectives, Nature and Scope)
- **Governance of the Salween Peace Park** (The right to Self-Determination, Principles of Governance, Organizational Framework, Principles of Rules and Regulations)
- **Peace and Justice** (Peacebuilding and Reconciliation, Dispute and Conflict Resolution)
- **Environmental Integrity and Land Use** (General Principles, Agriculture, Forests, Wildlife, Waters, Infrastructure and Economic Development)
- **Land and Cultural Heritage** (Principles of Land Ownership and Tenure, Cultural Heritage Preservation and Revitalization)

## Charter Principles

In the beginning of the SPP Charter document, key principles are laid out about the overlying goals and direction that the SPP should follow. Highlights from this part of the SPP Charter include:

*Legitimacy of governance shall be determined collectively by the people of the Salween Peace Park according to their values and norms, through a political process that is accessible, free of coercion and manipulation, transparent and not disproportionately influenced or unilaterally determined by the KNU Mutraw District government or the Salween Peace Park Governing Committee. (Article 20)*

Participation in governance will be based on the principles of equality, freedom of expression, association and information, public deliberation and consensus, and respect for differences and diversity. The participation of people in collective and public affairs will be exercised through community-based mechanisms of direct democracy at the local level, and representative democracy at the territorial level. (Article 21)

### **SPP Governance Structures**

**An SPP Congress** is held annually to provide a forum where all members of the greater Salween Peace Park initiative can express their views and share information and progress. Participation in the Congress is open to all members of the Salween Peace Park, and processes for participating in the Congress are widely disseminated and easily accessible to all communities. The 2<sup>nd</sup> and 3<sup>rd</sup> SPP Consultations that were held in December 2016 and 2017 served as defacto SPP Congresses prior to the official launch of the SPP.

The SPP General Assembly and Governing Committee oversee the SPP administrative and management tasks, which include:

- Creation of Peace Park-wide rules and regulations
- Establishment of positions of authority
- Delineation of authorities' powers

**The SPP General Assembly** coordinates efforts among local communities, KNU Mutraw District government authorities, and other partners such as civil society and community-based organizations to work towards achieving the objectives of the Salween Peace Park. The General Assembly must meet at least once/ year, and it can be convened anytime its decision is needed- for example If the Salween Peace Park Governing Committee is unable to come to consensus regarding a major decision that impacts a significant proportion of people of the Salween Peace Park, an emergency General Assembly meeting can be called to collectively determine the outcome.

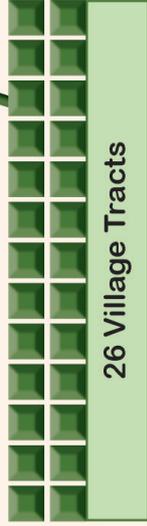
**The SPP Governing Committee** coordinates among local communities and KNU Mutraw District government authorities to address all issues relating to the integrity of the Salween Peace Park as a whole, particularly those relating to environmental sustainability and infrastructure development and external relations. It is important to note that the role of the Governing Committee is not to oversee every detail of community/ *kaw's* governance system. Instead, it stated in *Article 44* that the Governing Committee will devolve management responsibilities to decentralized committees that will be responsible for the day-to-day management of the collective and public affairs of the Salween Peace Park at the village level.

When necessary, **working groups**, **task forces**, and **sub-committees** will be established to assist with the implementation of various tasks including peacebuilding, conflict resolution and reconciliation, external relations, refugees' and internally displaced people's rehabilitation, sustainable natural resource management, infrastructure development, land management and administration, or cultural heritage preservation and revitalization.

# Governance Structure

Community Representatives elect 5 members to join Governing Committee (at least 2 women)

Each Village Tract elects 1 woman and 1 man as their Community Representatives to the General Assembly



KNU Representatives elect 4 members to join Governing Committee (at least 1 woman)

District, Township and Village Tract KNU representatives will join the General Assembly

**KNU Mutraw District Government**

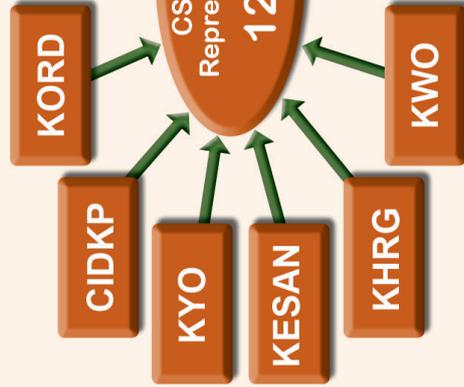
District Admin. 4  
District Chairperson  
District Vice-Chairperson  
District Standing Committee Member  
District Joint Secretary

Township Admin. 6  
Township Chairperson/Secretary  
Township VicChairperson

Village Tract Admin. 26  
Village Tract Chairpersons

KNU Departments 6  
KAD, KFD, KED, KFID, KID, KJD

CSO/CBO Representatives elect 2 members to join Governing Committee (at least 1 woman)



CSOs/CBOs will elect representatives to join General Assembly

**Advisory Group**

Advisory Group members will provide support and advice to Salween Peace Park General Assembly and the Governing Committee



Participants analyzing the draft SPP Charter during consultations in Luthaw District

### ***Community-based Land and Natural Resource Governance***

The SPP Charter repeatedly emphasizes that community rights must be at the heart of the SPP Governing Structure. Key points to ensure that this vision is realized are highlighted below.

*The people shall enact their right to self-determination through community bodies using direct and participatory forms of governance. (Article 13)*

*Each community shall establish and/or codify its own code of conduct relating to the management of natural resources, including land, forests, waters, wildlife, and infrastructure and economic development projects, in a democratic, fair, and transparent manner. (Article 54)*

### ***Female Representation and Participation***

Provisions are provided in the SPP Charter to ensure female representation and participation in the decision-making processes of the SPP governing bodies, as well as to ensure that women's voices and unique experiences are represented.

For example, female representation in the SPP Governing Committee is set at the level of at least 30% of the Committee. Furthermore, within the SPP Governing Committee, of the two CSO representatives, one must be a woman; of the four KNU representatives, one must be a woman; and of the five community representatives, two must be women.

For representation in the SPP General Assembly, each village tract must elect one male and one female representative.

Finally, *Article 17* specifies that *pregnant and breast-feeding women shall have their needs provided for by the local community, and if necessary, support from the Salween Peace Park Governing Committee.*

### ***Dispute Resolution Mechanisms***

In order to ensure that justice is attained when disputes arise within the SPP over time, dispute resolution procedures and systems have been clearly outlined in the SPP Charter.

For example, in the event of a dispute between KNU and a community or *kaw* within the SPP, *Article 40* states that: *In the event that there is an irreconcilable contradiction between governance systems of the community and the government (KNU), the traditional and community governance systems of Indigenous communities take precedence over that of government authorities, as the people of Salween Peace Park have the right to self-determination.*

Meanwhile, in the case of disputes between individuals or communities within the Salween Peace Park, *Article 65* states that these disputes need to be settled *in a non-violent manner, through traditional or alternative dispute resolution methods. If individuals, groups or communities are unable to resolve these disputes by themselves, the designated judiciary authorities of the legitimate KNU Mutraw District government shall be consulted.*

Details are also provided in the Peace and Justice Section of the SPP Charter to ensure that justice issues are clear and fair for all parties, as well as specifying which code needs to be followed for what situation. For example, *Article 68* states that *Court proceedings shall be held in a transparent manner, open to the public, and in the presence of the designated judiciary authorities with the relevant code of conduct. The code of conduct to be referenced depends on whether the crime or offense was a violation of a community's code of conduct, the Charter of the Salween Peace Park, or KNU laws and policies.*

### ***Economic development***

The SPP Charter also addresses the issue of livelihoods and economic development for the residents of the SPP. Under the SPP Charter, all economic activity within the Salween Peace Park must have the explicit FPIC of local people. Emphasis is placed on the stance that economic development must be consistent with protecting the relationship between people and land in the Salween Peace Park.

This vision is clearly articulated in the Infrastructure and Economic Development Chapter, as highlighted in the following excerpts:

*Economic development and activities in the Salween Peace Park are oriented towards the continuation of the Indigenous Karen way of life. (Article 95)*

*The people of Salween Peace Park shall not accept an economic system and income generation that is formed on the basis of accumulating money or power in a way that negatively impacts the collective and public interest of Salween Peace Park, including the environment, and the people's right to self-determination. (Article 95)*



Village-tract level Charter Consultation in Luthaw District

## Next steps/ Moving forward

- The formal adoption of the SPP Charter and launch of the Salween Peace Park will be conducted in December 18-20, 2018.
- At the SPP launch, plans will be made for the first convening of the SPP General Assembly and Governing Committee. During this initial gathering for each of these governing bodies, plans will be adopted to guide the SPP forward during 2019.
- Meanwhile, the SPP Steering Committee will continue to support the demarcation and mapping of community managed lands throughout the SPP area.
- Along with the mapping their lands, communities will continue to record and develop their own local codes and regulations for Land and Natural Resource management, which will now be recognized under the SPP Charter.
- The SPP Steering Committee and, after its formation, the SPP General Assembly and Governing Committee will continue their efforts to receive international recognition for the SPP, including as an Indigenous Community Conserved Area (ICCA).
- A review of 2019's activities and progress will be conducted during the SPP Congress in December 2019

***“This responsibility (to attain the SPP) belongs to all of us who are in this park, we need to collaborate and discuss together to establish it ... so that we can recognize this park, so that others will know that our Peace Park is recognized in the whole world... we just need to work together in harmony, with one mind, and we will achieve our goal”***

- Padoh Lweh Ghay, former KNU Mutraw District Joint-Secretary,  
during December 2016 SPP Public Consultation