

# *Kaw*

## The Indigenous Karen Customary Lands

*By Andrew Paul, International Indigenous Rights Scholar*

**R**ural and Indigenous peoples across Burma and around the world have developed diverse and well-adapted systems of land and natural resource governance. These systems are rooted in the people's culture, worldview, social values, and political institutions. Mainly existing in the highlands of Kawthoolei (Karen State), customary land institutions are collectively known as *Kaw*.

### *Kaw* is... a territory

*"We want to return to our own village, where the Htee K'Sah Kaw K'Sah (Owners of the Water and Land) will watch over and take care of us again."* - group interview with IDPs who had been displaced from their ancestral village in Tee Moo Kee for more than 40 years.

*Kaw* is a Karen word that means 'country,' and it is the same word that Karen people use to refer to nation-states such as Burma, Thailand, or China. A Karen *Kaw* is a locally recognized and managed territory, and although some *Kaw* are small and include only a single village, others may span over 100 square kilometres and include more than 10 villages. A *Kaw* is a complete unit. Although individual families/ households own irrigated paddy fields, gardens and orchards, most land in a typical *Kaw* is communally-managed forest and areas for upland rotational farming.

*Kaw* boundaries reflect the history of each *Kaw*, dating back to the time when villages were founded. Ceremonial protocols differ slightly from one *Kaw* to another, and boundaries separate the ceremonial regime of each *Kaw* from its neighbours.

In many *Kaw*, villagers regularly walk the *Kaw* boundary, meeting with neighbouring communities and adding stones to boundary markers along the way. In case of a dispute over *Kaw* boundaries, elders negotiate a solution using their knowledge of the history encoded in ancient poems (*hta*). This is also a time for feasting and sharing home-brewed Karen rice wine.



Kaw boundary demarcation





Kaw ceremonial leaders



Lu Hku Thet Hku ceremonial structures

## ***Kaw* is... a sacred relationship with the spirits of the land**

*"For everything: for health, for transportation, for coming and going, for blessings, for our livestock, for everything. We make this offering for the Kaw. . . since the elders recognize Ler Mu Hko Hser as the centre of the world, we must do this ceremony for the benefit of the world."*

- Kaw Thay Ghu Kaw Hko and Kaw Hka

Ceremonies and spiritual protocols govern the relationship between Karen villagers and the waters, lands, and nature spirits of the *Kaw*. In the past, when a group of Karen families established a new village, the group's ceremonial leader made a pact with the spiritual 'Owners of the Water and Land.' This pact prescribes ceremonial obligations that villagers must observe in order to inhabit and use the land.

Ceremonial *Kaw* leaders perform annual rituals to restore, maintain, and care for the water and land. These ceremonies typically involve the whole village. Although practices vary from one *Kaw* to another, in each case ritual leaders offer items such as rice, meat, betelnut, and rice wine to the spirits. Following these offerings, ritual leaders pray for proper rainfall, healthy land, agricultural productivity, and general well-being of the *Kaw*. Similar rituals may also be performed by household heads on their own lands.

Ceremonies and spiritual protocols govern every aspect of life in a Karen *Kaw*. To restore harmony following social conflict or moral violations, there is ceremony. Before ploughing paddy fields or clearing forest fallows for upland farming, there is ceremony. To protect growing rice from pests, there is ceremony. After the rice harvest, there is ceremony. Taboos prohibit clearing certain forests or hunting rare and culturally-important species such as tigers, hornbills, and gibbons. Karen villagers know that if they violate these taboos, they may face sickness, disaster, and failed rice harvests.

The *Kaw* is not exclusive to animist Karen, and there are also functioning *Kaw* in Christian and Buddhists communities. Most Christians and Buddhists respect the animist- in many cases, they have also developed parallel ceremonial practices. In each case, the sacred bond between Karen villagers and their land endures.

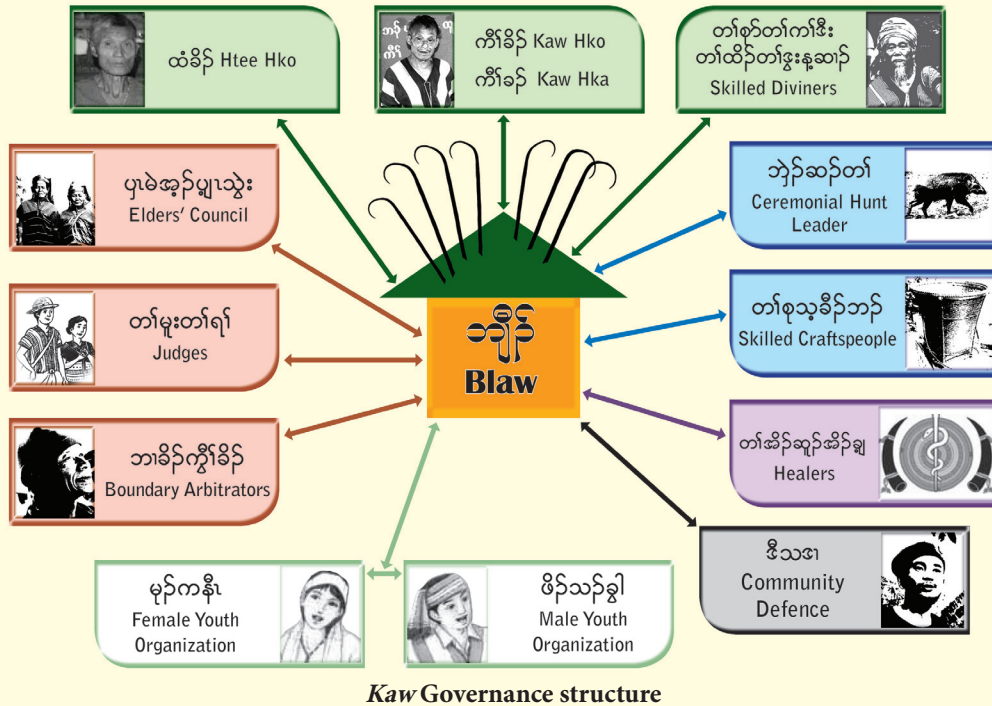
## ***Kaw* is...a governance system**

The diagram on the following page illustrates the typical governance structure of a Karen *Kaw*. The *Htee Hko*, *Kaw Hko*, and *Kaw Hka* are male ceremonial leaders who inherit their positions. Most other roles, such as the judges, elders' council, healers, and diviners include both men and women who are recognized by the community for their knowledge and skills.

Although hereditary leaders govern ceremonies, the elders, diviners, and other knowledge-holders also wield great influence in the social life and environmental governance of the *Kaw*. As the diagram indicates, *Kaw* governance revolves around the *Blaw*, a ceremonial meeting hall that is traditionally present in every Karen village. In the *Blaw*, elders perform ceremonies, convene community meetings, and teach youth the knowledge, taboos, and traditions of the *Kaw*.

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## Kaw Governance Structure



Kaw governance bodies do not directly control villagers’ access and use of the community’s lands and natural resources. Rather, elders and skilled diviners are consulted for their knowledge of the land’s history, ecological condition, and relations with spiritual beings. Hereditary leaders coordinate the annual ceremonial rituals and associated agricultural activities, resulting in systematic Kaw administration and community-based natural resource governance.

While the ceremonial system coordinates communal activities such as upland rotational cultivation, internalized taboos govern individual and interpersonal actions. Since villagers understand the social and ecological consequences of violating these taboos, problems such as stealing or overhunting are avoided. When violations or disputes do occur, elders, judges, and diviners are called upon to solve the problem and restore harmony.

### **Kaw is... an ecological management system**

*“The elders were very smart and strict, in order to protect [the animals]. They knew how to make it difficult for us to overhunt, so they made these rules and taboos that we need to follow.”*  
 - Saw Nya Ki Htoo, Kaw Thay Ghu

Community-based management and conservation measures maintain the water, land, and living beings of the Kaw. These management actions are embedded within the ceremonies and social governance practices of the Kaw. The waters, lands, and forests of the Kaw constitute a functioning social-ecological system.

**Water:** Kaw governance encompasses water as well as land. Streamside forests are traditionally protected to maintain water quality and quantity. Many Kaw include community fish conservation areas, where fishing is regulated or prohibited altogether, replenishing fish in other parts of the stream.

**Household lands:** Some lands in a Karen Kaw are owned and managed by individual households, including irrigated rice paddies, bamboo stands, gardens, and fruit orchards. These lands may be bought, sold, and inherited within the Kaw community.

**Communal lands:** Community-managed lands cover the largest area in most Kaw in the Karen highlands. These areas include community forests, which provide wild foods, medicines, and building materials. Community forests also provide watershed protection and wildlife habitat. Rotational upland farming (*ku*) and livestock grazing areas are also communally managed in most Kaw lands.



**Protected forests:** All Karen *Kaw* include forest areas which must never be cleared. Taboos protect many of these forests, which are respected as the habitation of the spirits. Such areas include watersheds, streambanks, ridges, and mountain tops. Other forests include areas where a newborn baby's umbilical cord is tied to a tree, or areas that are respected as the dwelling place of the ancestors. These protected forests function as sanctuaries, wildlife habitat, and ecological corridors for species such as tigers, hornbills, and gibbons.

Each *Kaw*'s combination of aquatic habitats, household agricultural lands, communal forests, and protected areas create a diverse ecosystem that allows biodiversity to continue to thrive in the inhabited landscape. This ecosystem in turn supports generations of Karen villagers living in harmony with their ancestral territories.

## Benefits of recognizing and supporting *Kaw*

As a unique Karen system of community-based governance, the *Kaw* remains relevant today. Recognizing and supporting *Kaw* and other forms of customary governance would yield many benefits for Karen communities, the lands they call home, and Burma's tenuous democratic transition.

**Land and food security:** *Kaw* governance affirms Karen communities' control over their own lands, defending these lands against confiscation by military, government, and industrial projects. Individual land titles are insufficient to maintain livelihood and food security in Karen communities, since such titles fail to protect communal lands and resources. In contrast, *Kaw* governance maintains the entire *Kaw* ecosystem upon which local people depend for their lives and livelihoods.

**Cultural identity:** For Karen villagers, land is not merely an economic asset or source of livelihood. Rather, *Kaw* is a social landscape, with profound social, cultural and spiritual importance to the people who live there. Many Karen villagers have remained in their ancestral *Kaw* despite repeated brutal attempts by the Burmese military to remove them. *Kaw* ceremonies can only be performed on one's own ancestral lands.

**Self-determination:** *Kaw* is community-based land governance. It is an expression of Indigenous Karen people's rights of self-determination and free, prior, and informed consent for all developments affecting their waters, lands, and natural resources. Recognizing *Kaw* would help advance Burma's national aspirations of decentralized natural resource governance and the establishment of a democratic federal union.

**Peace:** Karen people wish to govern their own affairs and their own land, Kawthoolei. Denial of these aspirations has fueled decades of civil war. In contrast, recognizing *Kaw* governance would help promote inter-ethnic understanding and reconciliation.

**Ecological Protection:** *Kaw* stewardship traditions form the basis for Indigenous Karen conservation. *Kaw* is a bio-cultural system, a time-tested model of Karen people living in harmony with their ecosystem. The continuing presence of clean waters, natural forests, and endangered species in the Karen mountains is testament to the vitality of the *Kaw* system despite the disruptions of civil war and forced displacement.



Kaw resident collecting forest vegetables



Landscape view demonstrating various *Kaw* land uses

This is the first in a series of topical briefers about the *Kaw*, drawing on community-based research for the master's thesis '*With the Salween Peace Park, We Can Survive as a Nation': Karen Environmental Relations and the Politics of an Indigenous Conservation Initiative* (York University, 2018). Andrew Paul maintains ties with Karen communities, and he currently also works with Indigenous communities in Canada on land and conservation issues.

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