



# The *Kaw* in Times of Change

By Andrew Paul, International Indigenous Rights Scholar

Karen villagers in the highlands of Kawthoolei (Karen State) practice a form of customary land governance known as *Kaw*. Decades of civil war, forced displacement, and ongoing Burmese military occupation have severely disrupted *Kaw* practices. Despite these challenges, Karen villagers are now revitalizing *Kaw* as an inclusive, community-based model of land and natural resource governance.

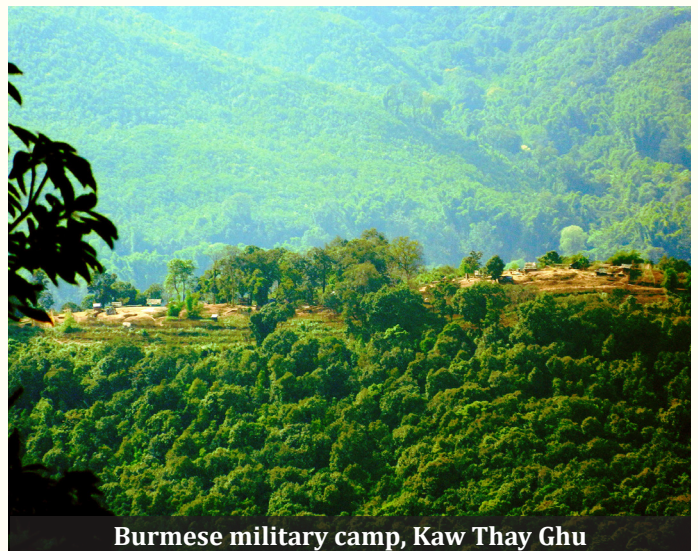
## War, Displacement, and Military Occupation

**“Even though we have a ceasefire right now, I cannot gather the villagers together because they are still afraid. So how can we reestablish the taboos and traditional ceremonies?”**  
- Saw Ter Ray Ker (*Hteepoe Kaw K’sah* of K’Neh Mu Der village) Feb 12, 2017

The highlands of Kawthoolei have been ravaged by war since the 1950s, intensifying from the 1970s to the 2000s with the Burmese military’s Four Cuts scorched earth campaigns. During these operations, Burmese soldiers committed rampant abuses including sexual violence, torture, forced labour, murder of civilians, and destruction of villages. The military also established permanent outposts throughout Karen territory, connected by a network of military roads.

The 2012 and 2015 ceasefires have brought no decrease in Burmese military occupation of Karen lands: by 2017, no fewer than 78 Burmese military posts existed in Mutraw District alone.<sup>1</sup> These bases are all located on *Kaw* territories, and they are by far the greatest obstacle to revitalizing *Kaw* governance in Kawthoolei.

Despite the ceasefire, most Karen villagers do not dare to live or farm near Burmese military posts or the roads that crisscross their territories. Past experiences of military brutality have instilled an ingrained fear of Burmese soldiers among Karen villagers, and recent



Burmese military camp, Kaw Thay Ghu

1 KPSN [Karen Peace Support Network]. 2018. “The Nightmare Returns: Karen Hopes for Peace and Stability Dashed by Burma Army’s Actions.” <http://kesan.asia/wp-content/uploads/2018/04/The-Nightmare-Returns-English-version.pdf>

ceasefire violations, including murder of civilians, have only increased villagers' sense of insecurity. Many farms, villages, and sacred sites lie unused. Some communities have been displaced from their ancestral lands for more than 40 years.

War and displacement undermine villagers' ability to practice *Kaw* stewardship traditions. Many *Kaw* ceremonies can only be practiced on one's own ancestral lands. With the military's presence on and near many sacred sites, these cultural traditions are in danger of disappearing. *Blaw* structures that traditionally serve as the ceremonial and political centre of each *Kaw* have been destroyed. Chronic displacement also disrupts *Kaw* social institutions by scattering people from their original villages. Displaced people, including soldiers, are more likely to violate taboos traditionally protecting the forest and rare species.

Karen villagers long for peace and an end to military occupation so that they can return to their villages, rehabilitate their farms, rebuild ceremonial administrations, and restore protected spirit groves. Demilitarization would allow villagers to restore *Kaw* as a living, dynamic system of community-based natural resource governance.

## ***Kaw* and Religious Change**

**“When the animists identify a certain forest area, we understand the rules ... Christians also establish fish conservation areas. So that we can take care of the fish and so that others will not fish there, we all gather together, we cook chicken and pig and bring rice, water, salt, chillies, oil, and we cook there. We then have a worship service to protect the fish conservation area.”**

**- Htoo Say Wah, (Ler Mu Hko Htee Christian villager and community forest leader) Feb 10, 2017**

**I**n the past, *Kaw* communities were primarily animist. Everyone participated in the ceremonies and observed the ritual taboos, with few exceptions.

Religious conversion, especially to Christianity, has shifted these dynamics. In many cases, war and forced displacement have contributed to religious conversion by making it difficult or impossible for animists to maintain place-based cultural practices and protocols. *Kaw* leaders note that villagers are now less united in their observance of the ceremonies and taboos that have traditionally protected the water, land, forest, and natural resources of the *Kaw*.

However, many Karen Christians continue to respect the ceremonies and traditional protected places in the *Kaw*. They see the *Kaw* as part of the cultural heritage of all Karen, and they emphasize the importance of animists' leadership and knowledge to protect the watersheds, forests, and biodiversity. Many Christians also understand their roles and responsibilities in terms of caring for God's creation.

Many *Kaw* communities now consist of animist, Christian, and Buddhist households. Villagers often hold joint ceremonies, each group following its own traditions. For example, when dedicating a fish conservation area, animists will conduct a traditional alcohol ceremony while Christians hold a prayer service nearby. Afterward, everyone feasts together. Some Christians also hold prayer services in their rice fields during the growing season, coordinating these rituals with the ceremonial observances of their animist neighbours.

In some *Kaw*, nearly all households are Christian. Ceremonial leaders no longer exist, and traditional protocols and ceremonies have all but disappeared. Yet even in these *Kaw*, villagers are revitalizing and adapting community-based environmental governance practices. For example, they may conduct Christian prayer ceremonies to consecrate fish conservation areas, and they continue to maintain sacred protected sites such as the *Day Paw Law*, or umbilical groves.



**Bah Hpaw shrine, Hper Ler Der village**



**Christian fish conservation ceremony, Kaw Thay Ghu**

Other *Kaw* have a stronger Buddhist influence, which in the Karen highlands tends to incorporate animist elements in a tradition called *Bah Hpaw* (flower worship). As in animist *Kaw*, hereditary leaders coordinate ceremonies and ritual observances. However, some ceremonies may be performed on the altars adorned with flowers and images of the Buddha that exist in the homes of *Bah Hpaw* families.

Although religious change has challenged traditional *Kaw* governance, the *Kaw* revitalization movement includes Christians and Buddhists as well as animists. Leaders from each group are working together to formalize traditional rules so that all *Kaw* inhabitants, regardless of religion, will continue to sustainably manage their community lands and natural resources into the future. In some communities, traditional *Kaw* protocols and taboos are taught to children and youth in the schools.

## Rebuilding *Kaw* Governance

**“We want to restore our homes, the watersheds, our farming areas, everything. ... our elders have long cared for these places, and we want to continue caring for them like the elders have always done. We want to take care of our natural environment so that it can live and we can live too, along with the creatures in the forests and streams. We need to restore and care for everything.”**  
- Saw Wah Blet Moo and Pah Nya (two villagers from the abandoned village of Blaw Hko), Nov 21, 2016

Although ongoing military occupation prevents *Kaw* communities from fully practicing their traditions as in the past, villagers have begun restoring governance structures and protocols to protect the water, forest, and land. In areas more distant from the Burmese military, they have cautiously begun re-establishing ancestral villages. They long for an end to military occupation so that they can rebuild the ceremonial *Blaw* structures and practice the large communal ceremonies once again. The resolve of Karen villagers to remain on their lands despite decades of war, and their determination to rebuild their villages and practice the traditional ceremonies, attest to the sacred bond between *Kaw* inhabitants and their lands.

*Kaw* communities are now establishing formal *Kaw* committees and developing traditional protocols into regulatory codes to ensure sustainable *Kaw* governance in the face of social, cultural, and economic change. Villagers are establishing community forests and fish conservation areas. Several *Kaw* have begun developing landscape plans and community development visions that are consistent with their ways of life and sacred obligations to their waters and lands. *Kaw* are also mapping their lands with GPS technology.

The Karen National Union’s (KNU) Kawthoolei Central Land Committee has recently developed a process to formally register *Kaw* as customary communal lands. Each community that documents its territorial boundaries, history, cultural practices, governance structures, land uses, and traditional protocols can apply for a KNU *Kaw* certificate. Several *Kaw* have submitted applications, and it is anticipated that the Kawthoolei Central Land Committee will soon issue the first *Kaw* certificates.

Finally, *Kaw* traditions constitute the foundation for environmental governance in the Salween Peace Park, an Indigenous conservation initiative of KNU Mutraw District to build genuine peace, protect the land, promote Karen cultural traditions, and facilitate community development alternatives to unsustainable resource extraction. The Charter of the Salween Peace Park encourages each *Kaw* to develop its own customary laws. With the peace park initiative, mapping of *Kaw* territories has accelerated dramatically: in 2016, only 29 *Kaw* territories in the Salween Peace Park had been demarcated, a number that by 2020 has grown to 226 *Kaw*. This process is ongoing.



Kaw revitalization, villagers discuss aspirations for future



Kaw revitalization, mapping sacred sites in Kaw Thay Ghu



## **Kaw and Burma's Peace Process**

**K**aren customary *Kaw* land governance in Burma is at a critical juncture. Decades of war and displacement have taken a heavy toll, and Burmese military camps continue to occupy *Kaw* territories despite the current ceasefire. Although the ceasefire allows KNU administrators to operate more freely in mixed administration zones, the Burmese government continues to expand its administration into KNU-controlled areas.<sup>2</sup>

During the ceasefire and political negotiations, interim arrangements are needed to protect villagers' lands in areas under KNU administration.<sup>3</sup> However, the government has hindered KNU land registration efforts in mixed administration areas, claiming that "only the government can have a land policy and procedure."<sup>4</sup> Meanwhile, the Vacant, Fallow, and Virgin Lands Management Law threatens to eradicate customary land in all areas under the central government's control.<sup>5</sup> Villagers' land tenure insecurity is compounded by an explosion of investment in infrastructure development, industrial resource extraction, and large-scale top-down conservation projects across Burma.

If the central government is serious about peace, it must respect customary land institutions such as the *Kaw*. The military must also withdraw its bases from Karen lands. No level of 'recognition' in policy can mitigate the devastating impacts of ongoing military occupation on customary land and natural resource management institutions. Withdrawing military posts and respecting the KNU's land administration during the interim period would promote peace and reconciliation by addressing the root causes of more than 70 years of violent armed conflict.

2 Jolliffe, Kim. 2016. *Ceasefires, Governance and Development: The Karen National Union in Times of Change*. San Francisco: The Asia Foundation. [http://bit.ly/Jolliffe\\_2016](http://bit.ly/Jolliffe_2016)

3 South, Ashley, Tim Schroeder, Kim Jolliffe, Mi Kun Chan Non, Sa Shine, Susanne Kempel, Axel Schroeder, and Naw Wah Shee Mu. 2018. "Between Ceasefires and Federalism: Exploring Interim Arrangements in the Myanmar Peace Process." Yangon: Covenant Consulting. [http://bit.ly/MIARP\\_report](http://bit.ly/MIARP_report)

4 Weng, Lawi. 2016. "State Govt Blocks KNU Land Policy Workshop." *The Irrawaddy*, July 18, 2016. [http://bit.ly/Weng\\_KNU](http://bit.ly/Weng_KNU)

5 <https://frontiermyanmar.net/en/why-a-land-law-change-is-sparking-fears-of-mass-evictions>

**This is the second in a series of topical briefers about the Kaw (the first can be found [here](#)), 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. Funding for research was provided by the Social Sciences and Humanities Research Council of Canada.**

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