



Pawklo Indigenous Stewardship Territory

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Introduction/ Background of PIST

In the highlands of Mergui-Tavoy District (Tanintharyi Division) area resides various indigenous and ethnic groups that all possess distinct traditional cultures, customs, beliefs, and practices. The communities believe in the importance of revitalizing and practicing their unique ways of life so they can be handed over to the generations to come. The Pawklo Indigenous Stewardship Territory, located in the Southernmost portion of Kawthoolei and is replete with important cultural heritage sites, protected wildlife species, ecosystems, and significant religious sites that are of utmost importance for the communities residing in the area.

Both KNU leaders and local communities in Mergui-Tavoy District are aware that the protection of their ancestral lands through effective and sustainable land and natural resources management and governance is the stepping stone to achieving their political aspiration for self-determination rights. As witnessed and asserted by local communities and leaders in Mergui-Tavoy, the Burmese Government and Army (Tatmadaw) continue to repress, threaten and undermine people's governance and management of their ancestral territories. They do this in a number of ways such as oppressive land, forest, and natural resource policies and laws, the implementation of large-scale development projects, authorizing illegal encroachment by outsiders, large-scale land confiscation for military bases, domestic and multinational investments and the continued expansion of centralized governmental administration.

In the face of generations of Burman-chauvinist oppression, state-perpetrated violence against indigenous and local people, and exploitative resource extraction in the Mergui-Tavoy district, the communities have come together in defense of their right to protect and practice their unique traditional cultures.

The vision of local communities in Mergui-Tavoy is for the people to live harmoniously with nature, enjoy secure and sustainable livelihoods, maintain the freedom to practice their traditions and culture, gain full realization of their customary land and natural resources governance rights, and work towards community-driven sustainable development. The establishment of the Pawklo Indigenous Stewardship Territory will allow these values to be put into practice, as a significant first step towards achieving the local communities' vision.

The charter of PIST was established and redacted through ongoing and inclusive consultation and participation of the communities of the Pawklo area, reflecting their desires and yearning for a peaceful, harmonious and sustainable environment and way of life. Originating from the community codes of conduct and indigenous worldviews, the Charter represents an adaptation of the beliefs and values that Karen people and indigenous communities of Mergui-Tavoy have held for generations to a more structured system of governance and management.

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, including ways to guide the sustainable development of their communities. Their approach prioritizes community-based conservation work, which includes integrating sustainable livelihoods, environmental protection, and democratic governance as an initial step toward reaching this goal.

Chapter 1. Overview

Section 1.1 Objectives

Article 1.

Through the implementation of the Pawklo Indigenous Stewardship Territory charter, the people of the PIST strive to promote the peaceful and equitable development of indigenous people and long-standing resident community members and protect the forest, agro-ecological, and socio-cultural systems throughout the PIST territory.

With regard to land, forests, fisheries, water, and associated natural resources, the specific objectives of this charter are as follows :

Article 2.

To recognize, protect, prioritize and promote the full enjoyment of forest and land tenure rights of indigenous peoples and long-standing communities in the PIST.

To facilitate communities' self-governance of different types of tenure and collective determination of their related rights, rules, duties, and restrictions on ownership, occupation, use, and management practices, to promote the welfare and peaceful and equitable development of human society.

Article 3.

To recognize, promote and respect indigenous living models, including communities' rights to autonomous forms of self-governance and differentiated political systems. This charter aims to encourage and facilitate the decentralization of political authority, governance, and management over territories, natural resources, and economic activities within the PIST.

To ensure joint management of natural resources between the local communities, indigenous groups, and their legitimate government under a federal union structure based on political, economic, and civil self-determination. This charter, along with KNU policies, strives to promote sustainable and durable peace in Kawthoolei and a decentralized federal union within the country.

Article 4.

To recognize, prioritize and promote customary tenure rights and practices, including communal rights to forests, land, water, and associated natural resources. The charter also ensures that ancestral domain rights are unburdened from encroachment, unauthorized occupation, exploitation, or use by others.

Article 5.

To recognize, prioritize, respect, and promote the rights of land and livelihood restitution of refugees and displaced persons forced from their lands, livelihoods, and homes.

Article 6.

To promote and improve communities' traditional sustainable management practices. Thus, this charter aims to fully respect and recognize the contribution of communities and indigenous groups of PIST. They have endeavored to maintain ecologically sound forest and land management that serve the people's ecological and social welfare.

Article 7.

To implement an accessible, effective, and pertinent system for addressing and resolving forest, land, and natural resource tenure-related grievances and disputes while emphasizing the rights of local communities and their legitimate land tenure systems.

Article 8.

To promote and facilitate the collaboration between communities and encourage joint local strategies for action by deepening mutual understanding and solidarity between communities residing in PIST.

Article 9.

To protect and sustain the environmental integrity of the rivers such as the ? Rivers and their surrounding ecosystems, forests, and mountain landscapes.

To ensure the preservation of PIST's unique and abundant biodiversity for the benefit of local communities and the people residing beyond the borders of Kawthoolei, the Charter supports the establishment of an indigenous-led community conserved area that ensures people's right to live in concord and harmony with nature.

Article 10.

To ensure that local communities and indigenous people's cultures, values, customs, beliefs, and practices will be preserved and revitalized so that future generations can participate in and belong to a way of life closely attuned to the land, forests, and waters of Kawthoolei.

Section 1.2 Nature and Scope

Article 11.

This charter establishes the guiding principles for management, rules, and regulations supporting the just and socially legitimate, peaceful, and ecologically sustainable governance of the PIST's land, forests, fisheries, water, and related natural resources.

Article 12.

This charter recognizes indigenous peoples, communities, and other long-standing residents of Mergui-Tavoy District, Kawthoolei, and affirms their associated customary occupation, use, and stewardship of the land, forests, water, and related natural resources.

Article 13.

This charter's provisions and regulations apply to all people living within the PIST's boundaries and those temporarily visiting, working, or residing within the Landscape Area.

Article 14.

The PIST is a physical space and living vision governed through a decentralized approach that embodies the aspirations and self-determination rights of communities and indigenous groups of the Mergui-Tavoy district.

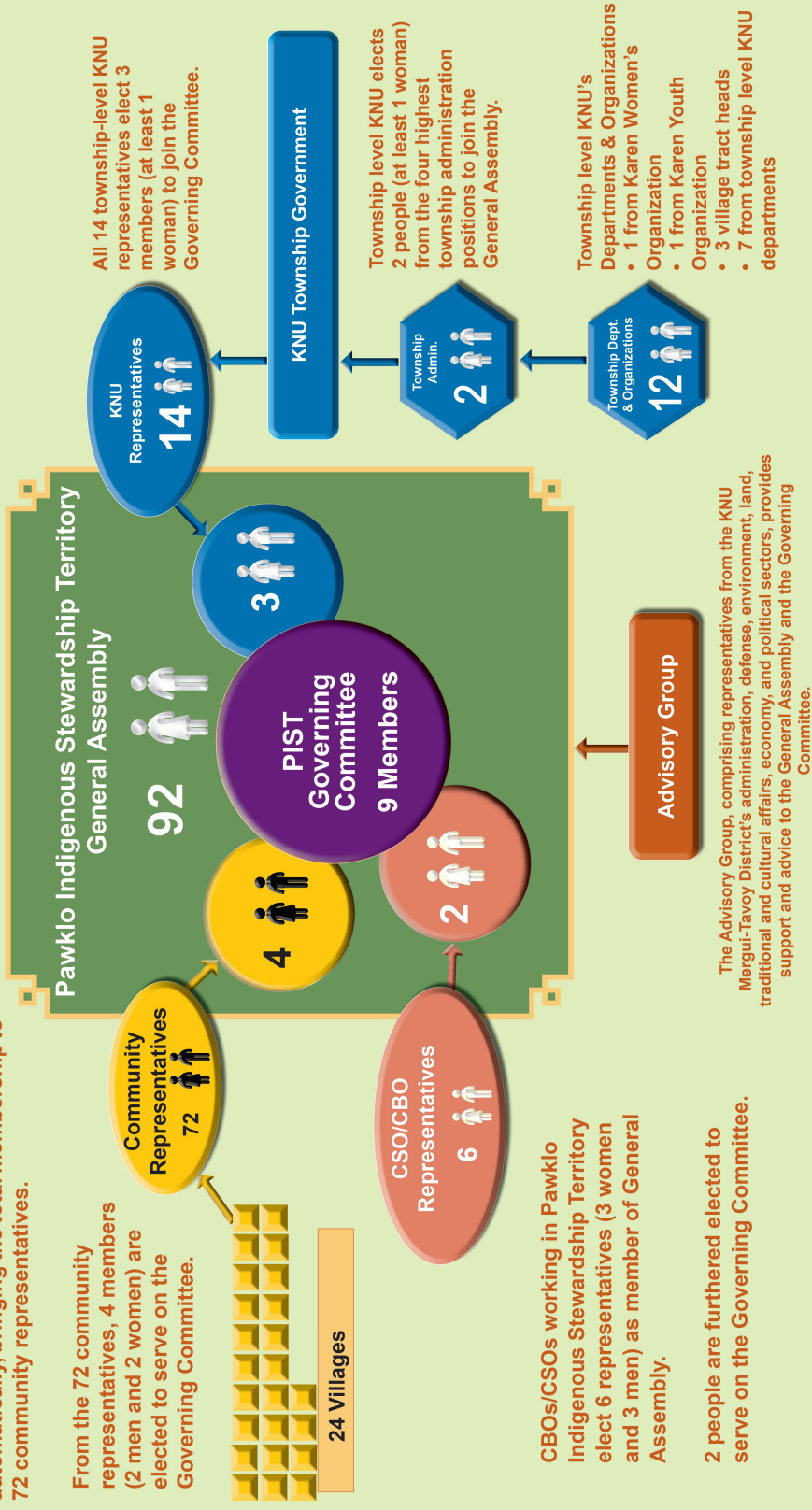
The wishes and political aspirations of the people and communities form the basis of authority in the PIST. Through direct and participatory forms of governance, the people shall enact their right to political autonomy and self-determination through community bodies.

Chapter 2. Pawklo Indigenous Stewardship Territory Governance Structure

Each village elects one man and one woman as representatives, creating a total of 48 representatives from the 24 villages. Each Village Head also joins the General Assembly automatically, bringing the total membership to 72 community representatives.

From the 72 community representatives, 4 members (2 men and 2 women) are elected to serve on the Governing Committee.

14 township level KNU representatives, with equal participation of women and men, are elected to join the General Assembly.



CBOs/CSOs working in Pawklo Indigenous Stewardship Territory elect 6 representatives (3 women and 3 men) as member of General Assembly.

2 people are further elected to serve on the Governing Committee.

Section 2.1. The right to self-determination

Article 15.

Local communities of PIST shall handle their affairs, produce their unique system of laws, rules, and regulations, and select their governing authorities. For communities to sustain their intangible cultural heritage and traditional practices closely attuned to the land and their environment, they shall possess the right to manage and govern their land and natural resources, which are intrinsically linked to the indigenous territory.

Customary rights to communities' ancestral domain take precedence over governance systems that have excluded the voices and perspectives of the people of Mergui-Tavoy district.

Article 16.

The PIST's constituency shall include the free association of individuals and communities, the collective interest in supporting the continuation of indigenous models of living, the preservation of natural resources, and the prosperity (health) of the land.

Article 17.

All the PIST's people and communities shall possess equal rights and opportunities to contribute and participate in the PIST's governance, management, and development.

Article 18.

There will be no tolerance for discrimination, intimidation, or exclusion between community members of the PIST based on age, ethnicity, health, language, beliefs, ancestral background, sex, religion, or socioeconomic status. The people of PIST shall demonstrate values of equity, justice, and solidarity between one another.

Pregnant or breastfeeding women, adolescents, elderly persons, ill or disabled, or other vulnerable priority persons shall have their needs provided for by the local community or receive direct assistance from the PIST governing committee.

Article 19.

The people of PIST shall not undertake actions or engage in activities that may hamper the collective and public interest and well-being of communities in the area.

The people shall endeavor to ensure that their collective rights to live in a harmonious environment, lead sustainable livelihoods, and preserve their traditional cultures will not be violated or disrupted by actors residing within or outside the boundaries of the PIST.

Section 2.2 Principles of governance

Article 20.

In order to fulfill and satisfy the aspirations of indigenous people and local communities of the PIST, the following articles aim to contribute to the establishment of legitimate and accountable governance of collective and public affairs of the territory.

Article 21.

The PIST constitutes space and territory for people not beholden to the laws, rules, and regulations of external or non-legitimate entities or actors. Legal regimes established without the contribution or consent of the residents of PIST or their legitimate representatives will not be considered and taken into account.

Instead, the legitimacy of governance and decision-making structures shall be determined collectively by the PIST's local communities and indigenous people following their beliefs, values, and practices. The designation of representatives and political decisions shall be done through a democratic (or electoral) process that is fair, open, impartial, transparent, and not disproportionately influenced or determined by the KNU Mergui-Tavoy District government or the PIST governing committee.

Article 22.

Individually and collectively, the people of PIST shall be the main actors to partake in the planning, management, monitoring, and decision-making of collective and public affairs of the PIST.

The political participation and empowerment of the people to actively participate in public and collective affairs shall be exercised through community-based mechanisms and direct democracy at the local level and direct democracy at the territorial level.

The people's participation shall be based on principles of equality, freedom of expression, association and information, public deliberation and consensus, and respect for diversity.

The legitimacy of the KNU or any political leadership is dependent on the support and endorsement from community members, and, in turn, the community members also acknowledge and seek just leadership from the KNU in order for them to attain their goals.

Article 23.

The ruling and management of the PIST shall respect the distinctive features of local and indigenous communities. They shall be done according to communities' unique and differentiated cultural patterns, social institutions, legal systems, and highly decentralized governance structures.

Following this principle, a PIST congress, open to all members of the PIST, shall be held annually in order to provide people with a forum that will allow members of the PIST territory to mutually discuss, exchange information, learn and express their views between and within communities.

The representation of communities in the General Assembly and Governing Committee is put forth in the following section.

Article 24.

The consent of local communities and indigenous groups to be included in and to agree to comply with the rules, regulations, and policies of PIST shall be based on democratic values and obtained through a fair, inclusive, and transparent process.

Section 2.3. Organizational Framework of the Pawklo Indigenous Stewardship Territory

Article 25.

To ensure the peaceful and equitable development of local communities and the full realization of their cultural, environmental, and traditional rights, a general assembly shall be congregated to act as a representative body to coordinate efforts with local people of the PIST, KNU Mergui-Tavoy district government authorities, and civil society/community-based organizations.

The General Assembly shall be convened for a period of four years. At the end of each term, a new election process will be conducted openly and transparently in accordance with the adopted election procedures.

Article 26.

To ensure that all issues relating to the integrity of the PIST are attended to and successfully addressed, a Governing Committee for the PIST shall be assembled to act as an executive body to coordinate and facilitate cooperation between local communities and KNU Mergui-Tavoy district government authorities. The governing committee shall intervene on matters relating to, but not limited to, environmental concerns, sustainable development, economic activities, and external relations within the boundaries of the PIST.

Article 27.

Relevant community members shall be included in the PIST Governing Committee and General Assembly's proceedings when necessary. Designated representatives of the General Assembly shall participate in all organized meetings or gatherings, whereas members of the PIST can attend in an advisory capacity.

Article 28.

The members and the structure of the PIST Governing Committee and the General Assembly shall be determined by the people through a representative democratic process concerning local and traditional cultures, political systems, beliefs, and environmental practices.

The local communities of the PIST will be the primary decision-makers. They will be responsible for the division of administrative and management responsibilities of the committee and general assembly, including creating PIST's rules and regulations, establishing positions of authority, and delineating what powers those authorities exercise.

Article 29.

The structure and membership of both the PIST Governing Committee and the General Assembly shall be inclusive and offer the possibly for all to participate in the governance and decision-making process.

In addition, the PIST Governing Committee and General Assembly shall include representatives from the following groups : communities of the PIST, the legitimate KNU Mergui-Tavoy District Government and Karen Civil Society/ Community Based Organizations.

Article 30.

Community representation in the PIST General Assembly will be ensured by allowing each Village Tract/Area to democratically and transparently elect two individuals who shall serve as representatives in the General Assembly. In the interest of promoting equal gender rights and ensuring women's inclusion and participation in the governance of the PIST, communities of each village shall elect one woman and one man to serve as their representatives.

The General Assembly's community representatives, as the primary spokesperson of the villages, shall be the ones responsible for communicating and exchanging information between the PIST Governing Committee and the communities. In a timely, appropriate and exhaustive manner, the general assembly representatives shall commit to transmitting to their respective village tract communities information about the PIST-wide decisions and recent developments.

Article 31.

In a fair, open, democratic, and transparent manner, the PIST General Assembly's community representatives shall elect Four individuals from its members to serve on the PIST Governing Committee.

In the interest of promoting equal gender rights and ensuring women's inclusion and participation in the governance of the PIST, the Community elected Governing Committee members shall include at least two women.

Article 32.

The KNU Mergui-Tavoy district government's representation in the PIST General Assembly will be ensured through the designation of 28 members of the KNU administration and appointed township and district-level leaders to serve as representatives in the General Assembly.

The General Assembly's KNU administration representatives shall be responsible for exchanging information between the PIST Governing Committee and the KNU District administration. In a timely, appropriate and exhaustive manner, the KNU administration representatives of the general assembly shall commit to transmitting information about the PIST's decisions and developments to their respective offices.

Article 33.

The General Assembly's KNU administration representatives shall, in a fair, transparent, and democratic manner, designate 3 individuals from its members to serve in the PIST Governing Committee. In the interest of promoting equal gender rights and ensuring women's inclusion and participation in the governance of the PIST, the KNU's appointed committee members shall include at least 1 women.

Article 34.

The KNU Mergui-Tavoy district government's representatives shall participate in the collective management and organization of the overall territory of PIST. The latter shall also share their expertise and contribute to matters relating to natural resource management such as the use of resources, land, water, and forests in the PIST.

Article 35.

Designated/ formally recognized civil society/community-based organizations operating within the PIST shall have their representation ensured in the PIST's General Assembly through the designation two representatives (one man and one woman) from each organization.

Article 36.

In a fair, open, democratic, and transparent manner, civil society/ community-based organizations shall elect 2 members from the General Assembly representatives to serve as Governing Committee members.

In the interest of promoting equal gender rights and ensuring women's inclusion and participation in the governance of the PIST, the civil society's appointed committee members shall include at least one women.

Article 37.

Civil society and community-based organizations' designated representatives will ensure that the PIST's governing committee's activities and decisions comply with international or local rights standards. The organizations' representatives shall ensure that matters of social inequity, cultural discrimination, and environmental negligence are considered equally important as economic development matters.

Article 38.

The PIST Governing Committee and the General Assembly shall possess the authority to institute working groups, task forces, and sub-committees to assist with establishing activities associated with the overall administration, organization, and management of the PIST.

These bodies shall be in charge of peace-building, conflict resolution, reconciliation processes, external relations, refugee resettlement, internally displaced people's rehabilitation, sustainable natural resource management, infrastructure and economic development, land management, cultural heritage preservation, and revitalization.

Article 39.

An Advisory Group shall be assembled to provide expertise, advice, and knowledge to the PIST Governing Committee and General Assembly on issues that pertain to, but are not limited to, indigenous culture, traditional ecological knowledge, natural resource management, spirituality, religion, social customs, and societal and economic development.

The people will collectively determine the Advisory Group's structure, members, and roles. It shall include elders; natural resource experts; religious leaders from all faiths; any relevant legal, economic and/or political technical experts; and customary authorities.

Article 40.

To successfully represent the aspirations, interests, and needs of the people of PIST, particularly those who have been marginalized and socially neglected, the PIST Governing Committee shall, to the best of its abilities, ensure a balance between male and female representation.

Article 41.

The governance of the PIST shall be aligned with the administrative and decision-making structures of the legitimate KNU Mergui-Tavoy District government. As the people of PIST have the right to self-determination, in case of contraction or conflict between the governance systems of the community and the legitimate government, the traditional community governance shall have the right to make the final decision and determine the outcome of a situation.

However, suppose a community's traditional governance system causes harm, excludes, or hampers individual rights or a communities' well-being; in that case, the PIST's Governing Committee must intervene on behalf of the individual or group.

Article 42.

In a situation where the PIST Governing Committee and its members cannot reach a consensus or an agreement regarding a decision that impacts a significant proportion of the communities of PIST, an emergency General Assembly meeting shall be held to formulate a solution to the situation collectively.

Article 43.

PIST Governing Committee shall be directly responsible for carrying out a social, cultural, and environmental impact assessment of future projects that may negatively affect common resources such as air, soil, and water that may extend beyond land ownership boundaries.

The affected parties, such as local communities and long-standing residents of PIST, have the right to openly and freely express their opinions and participate in the decision-making processes or the project implementation. Before establishing such projects, any decisions regarding the PIST will require the prior approval and consent of the communities residing in the area.

Article 44.

The people of the PIST shall collaborate with the selected authorities of the legitimate KNU Mergui-Tavoy District government to manage and govern the collective and public affairs of the territory.

Article 45.

Every community of the PIST shall, in a democratic, transparent and open manner, collectively elect its distinct resource management committee. The designated members will negotiate and collaborate with the PIST Governing Committee and the Advisory Group.

Article 46.

The PIST Governing Committee shall delegate management duties and responsibilities to decentralized committees that will be in charge of the daily management of the collective and public affairs of the PIST.

The people and communities represented by that committee shall determine each management committee's area of representation and jurisdiction. The residents and communities of that designated area shall have the right to collectively decide if they wish to associate as a single administrative unit and be governed by a single management committee.

The PIST Governing Committee shall be responsible for addressing disputes and disagreements over access to or using natural resources and land that involve more than one administrative unit (i.e., the management committee).

Article 47.

Every policy, rule, and regulation implemented in the PIST must take into consideration the community codes and by-laws, residents' consent, and rights.

In the case where policies lead to an infringement of rights or hamper the collective and public welfare of the communities, the procedure, rule, or regulations must be amended and revised.

Article 48.

In order for the people and communities of the PIST to fulfill their right to self-determination and autonomy, they shall be able to:

- Establish their distinct forms of community structures or societal organization,
- Take part in, and contribute to public decisions,
- Monitor and supervise the PIST governing committee and KNU Mergui-Tavoy district government authorities' actions, especially in land and territory management.

Article 49.

The PIST governing committee shall foresee establishing an inclusive and accessible communication system to ensure that the communities needs, requests, and desires are fully accounted for in a fair, open, and transparent manner.

Article 50.

If an individual, community, village tract, or member of the PIST no longer wishes to be included in, associated with, or be part of the PIST; in that case, the Governing Committee shall be consulted to discuss the application of the rules, regulations, and policies and formulate a solution adapted to this situation.

Section 2.4 Principles of Rules and Regulations

Article 51.

The following articles aim to contribute to formulating and implementing rules and regulations pertaining to the PIST's collective and public affairs. The rules and regulations enlisted below intend to support and assist in establishing a management system that communities of the PIST can agree to and follow collectively.

Article 52.

The Charter of PIST is not legally binding. However, the persons or communities that individually or collectively agree to be included and live within its boundaries shall agree in good faith to abide by the Charter of the PIST. The Charter of the PIST can only be adopted after at least 75% of the adults (18 years and older) have endorsed the PIST Charter, according to Referendum Principles and Guidelines that have been adopted by the PIST Implementation Committee. Once the minimum amount of persons have endorsed the draft charter during a referendum, the PIST Implementation Committee will sign the PIST Charter, thereby enacting its contents.

Article 53.

The people of the PIST shall collaborate to improve rules, regulations, by-laws, and customary or community codes of conduct that govern the PIST and its distinctive culture, traditions, and natural environment.

Each village, or administrative unit, as freely determined by the members of those communities, shall be responsible for establishing and implementing rules and regulations that pertain to :

- Customary and or community codes of conduct
- The governance and management of the landscape area,
- The access to natural resources in defined areas of ownership or socially legitimate tenure.

With the assistance of the PIST governing committee and designated agents of the legitimate KNU Mergui-Tavoy district government, the communities will determine the enforcement mechanisms and penalties for the breach of these rules and regulations.

Article 54.

If there are no explicit rules, regulations, or policies pertaining to a specific situation or activity, the people and local communities shall refer to the laws and regulations put forth by the legitimate KNU Mergui-Tavoy district government.

Article 55.

Every community shall establish and live by its unique code of conduct, rules, and traditional practices concerning the management and handling of natural resources, land, forests, waters, wildlife, and economic development projects in a fair, democratic and transparent manner.

In the case of contradictions or inconsistencies between community codes and the regulations of the PIST Charter, representatives from the concerned communities shall report to the PIST Governing Committee and collectively agree on an appropriate solution to the issue.

Article 56.

In order to suggest an amendment to the PIST Charter, individuals, communities, and households are authorized to submit an amendment to the PIST Governing Committee. However, in order to amend the Charter, the approval of at least 75% of community representatives present at the General Assembly's Annual Forum is required.

Article 57.

To strengthen communities' ability to manage, contribute, handle and govern the PIST's natural resources and development, local communities shall voluntarily participate in learning activities to increase their knowledge of their political, economic, and environmental surroundings.

Article 58.

Communities of the PIST shall endeavour to respect, revitalize and value rules, policies and knowledge that has been passed down from the elders.

Article 59.

The people and communities have the right to gain access to information held by public bodies and to be included in decisions regarding the management and governance of the PIST.

Designated agents of the legitimate KNU Mergui-Tavoy District government or PIST Governing Committee shall strictly comply with these rules and ensure prompt, effective, and practical access to information for local communities in a language and format they understand.

Chapter 3 : Peace and Justice

Section 3.1. Peace-building and Reconciliation

Article 60.

Numerous human rights violations, acts of violence, and tactics of oppression have been carried out by the central Burmese government actors and military junta against local communities and indigenous people in the Mergui-Tavoy district, undermining people's right to self-determination and peace. In response to the central Burmese government's chauvinistic oppression, the people of Mergui-Tavoy shall demonstrate solidarity and work together to bring peace, security, and harmony within the PIST territory.

Article 61.

PIST residents shall recognize the rights of internally displaced people and refugees to return, with dignity and respect, to their hometowns in the Mergui-Tavoy areas.

Article 62.

In order to guarantee access to shelter, housing, food, and healthcare, the KNU Mergui-Tavoy government authorities, together with the Pawklo Indigenous Stewardship Territory Governing Committee, shall provide humanitarian assistance to those displaced due to the war or development projects and those whose lands have been confiscated.

Internally displaced people and refugees shall be compensated at reasonable rates for land in case other people or families have seized their hometowns in Mergui-Tavoy.

Article 63.

The legitimate KNU Mergui-Tavoy District government shall guarantee the security of inhabitants and protect them from incursions or encroachment on PIST's territory. Before being allowed to enter, external actors who do not constitute the people of PIST must receive prior approval from the park's governing committee and the KNU Mergui-Tavoy District Government. This includes but is not limited to, state or non-state armed groups, private security forces, corporations, companies, or organizations.

Article 64.

When possible, the government of the KNU Mergui-Tavoy District and the people of the PIST shall commit to demilitarizing the territory for public and collective safety reasons.

Article 65.

PIST residents will not defame or incite hatred against each other for their benefit or those of the community.

Article 66.

In the case of the start of a controversy between communities, groups, or single persons of the PIST, the disputes shall be peacefully solved using traditional or other resolution strategies.

Article 67.

There will be no tolerance for corruption, including deception and bribery, in the management of PIST or the surrounding areas.

Article 68.

The rights and dignity of persons accused of committing crimes shall be acknowledged and respected under the community's laws and codes of conduct. Specialized treatment will additionally be given if the person is an adolescent, an elder, is sick, has a disability, or is pregnant or breastfeeding.

Article 69.

Court proceedings are to be held following the Code of Conduct, with judiciary authorities in attendance, and should be made accessible to the public. Decisions will be made based on principles found within the relevant legal codes, including but not limited to the community's own Regulations/ Code of Conduct, the PIST Charter, or the KNU laws and policies.

The communities shall be responsible for resolving internal disputes or breaches of rules within their designate territories. In case of a lack of consensus or depending on the severity of the crimes committed by community members, the final decision shall be made by the PIST General Assembly.

Article 70.

Court proceedings are settled once an agreement is reached and there is consensus between judiciary authorities, community members, and the law.

Chapter 4 : Environmental integrity and land use

Section 4.1. General principles regarding the environment

Article 71.

The undermentioned articles are guiding principles intended to contribute to the PIST's fair, sustainable and appropriate management and extraction of natural resources. The people and communities shall collaborate in good faith to establish codes of practice and regulations pertaining to the management and protection of lands, territories, and natural resources.

Article 72.

The ways of life, well-being, and prosperity of the local communities and people of PIST are closely intertwined with their natural environment. Communities and the people of PIST possess the human right to live in a clean, healthy, and sustainable environment and shall collaborate to ensure the protection and preservation of natural resources for generations to come.

All political, social, economic, or legal projects conducted within the boundaries of the PIST shall guarantee the local population's self-sufficiency and material welfare and must be based on values of equity, justice, and solidarity and include the respectful and considerate use of natural resources.

Article 73.

Local communities and indigenous people of PIST shall have full guardianship of ecosystems and natural environments in the area given that they have inhabited them for several generations.

The protection of ecosystems and ecological functions, biodiversity conservation, the integrity of genetic assets, and the restoration and rehabilitation of degraded environments within the PIST territory will be ensured by the communities and shall be treated as matters of collective and public interest.

Article 74.

Suppose the actions of a community or those of the legitimate KNU Mergui-Tavoy government negatively impact the environment or hamper the well-being of another community ; in that case, the PIST Governing Committee shall be consulted and intervene to resolve the issue.

If the problem persists and cannot be resolved, communities shall turn to the designated judiciary authorities of the PIST Governing Committee or the judiciary authorities of the legitimate KNU Mergui-Tavoy government, who will collectively discuss an outcome to the situation.

Article 75.

The communities, the PIST governing committee, and the designated agents of the legitimate KNU Mergui-Tavoy district government shall cooperate and collectively decide, in an equitable manner, land-use zoning categories and management structures.

Zoning categories include, but are not limited to :

- Individual or collective household lands for farming,
- Communal lands for rotational farming,
- Community forests,
- Wildlife sanctuaries,
- Other categories that are mentioned in customary traditions and KNU government regulations and policies.

The abovementioned zoning categories can overlap or be found within the traditional boundaries of the village land.

Section 4.2. Agriculture

Article 76.

Communities and indigenous people's relationship with the land is the foundation of their identity, heritage, culture, and ways of life. The land not only constitutes a vital economic resource and generates income for the communities of PIST, but it also possesses a profound spiritual, cultural, and religious significance to the people. Therefore, the people of PIST shall have the right to food sovereignty and to achieve self-sufficiency by controlling the mechanisms and structure of their food production, consumption, and distribution.

Article 77.

Any social, political, economic, or legal changes that may cause disruption to the well-being of communities or restrict their access to food and necessary needs will not be authorized.

Codes of practice, rules, and regulations pertaining to using chemicals such as pesticides and fertilizers in agriculture are collectively defined and implemented by the communities. To ensure the quality of food sources and promote sustainable and ecological practices, the communities shall prioritize using traditional, natural, and organic farming and gardening methods.

Article 78.

To better preserve, sustain, protect and ensure the PIST's land health, soil fertility, and cultural heritage, the people shall collectively endeavor to strengthen and restore traditional agricultural practices such as rotational agriculture and cultivation methods (Ku).

Article 79.

Local communities and indigenous people shall collaborate and collectively define and implement the rules and regulations pertaining to agricultural practices, harvest areas, livestock grazing, and necessary precautions to protect the surrounding environment and biodiversity.

Both the PIST Governing Committee and the designated agents of the legitimate KNU Mergui-Tavoy district government shall work together to coordinate and unify their regulations and policies relating to land management and zoning.

Article 80.

To tackle climate change and environmental deterioration in Mergui-Tavoy district, communities shall ensure the appropriate and sustainable management of lands by limiting the deforestation of virgin forests, the overexploitation of natural resources, and the use of environmentally harmful chemicals that lead to soil degradation.

Article 81.

To minimize losses and mitigate negative environmental impacts within the PIST, the people and the designated agents of the legitimate KNU Mergui-Tavoy district government shall collaborate and promote ecological land cultivation and agricultural practices such as cropping patterns, harvest areas, and water management.

Prior to the implementation of agricultural projects, the PIST Governing shall, in order to monitor and evaluate the current ecosystem state, conduct an environmental impact assessment and document factors that may affect the health and functioning of natural ecosystems.

Section 4.3 Forests

Article 82.

Forests and their ecosystems are essential to the livelihoods and survival of the communities of the PIST and hold immeasurable ancestral, traditional, and cultural values. For this reason, the people of PIST shall ensure the sustainable management of forests and their regeneration. The communities shall aim at protecting and restoring forests' ecological balance while meeting the needs of the communities.

Article 83.

To ensure the protection and flourishing of forests, the people and communities of PIST shall collectively establish or improve codes of practices, rules, and regulations that pertain to the use and extraction of forest resources.

Both the PIST governing committee and the designated agents of KNU Mergui-Tavoy district governments shall collaborate and unify their rules and regulations that relate to forests. In particular, they shall agree on harvesting non-timber forest products such as vegetables, fruits, herbs, rattan, bamboo, honey, and rubber and harvesting fuelwood or local timber for local construction.

Article 84.

The environmental integrity and cultural value of sacred forest sites are inviolable. The communities of PIST, regardless of ancestral background, faith, or religious orientation, shall acknowledge and take into account existing customary rules and regulations against access and use of existing forests.

Local communities and the people of PIST shall collectively ensure the respect of reserves, sacred forests, and the boundaries of community forests.

Article 85.

Illegal logging activities, development projects, extraction of resources, and exploitation of forests from both community members or outsiders without the free, prior and informed consent of the people and communities of PIST shall be halted.

Section 4.4. Wildlife

Article 86.

The people and local communities of PIST shall cooperate and collectively establish and ameliorate the existing rules, regulations, and practices related to wildlife, which include, but are not limited to, hunting limitations, nesting and foraging sites, sacred sites, wildlife sanctuaries, and protected areas.

Article 87.

The people of PIST shall endeavor to respect, maintain and care for the wildlife and preserve the environment in which the animals live.

Article 88.

The people of PIST shall follow the traditional rules of their elders and the ones established by the legitimate KNU Mergui-Tavoy district government concerning wildlife and animal conservation. Communities and the people shall not participate in the illegal wildlife trade and are strictly prohibited from hunting specific species, including but not limited to Gibbons, tigers, hornbills, and other species.

Article 89.

The people and communities of PIST shall collectively improve rules and regulations on managing wildlife, protected areas, and sanctuaries. The people shall equally respect the environmental and natural integrity of protected areas and corridors where no wildlife shall be hunted, no land cultivated, and no plants foraged.

Both PIST governing committee and the designated KNU agents of the Mergui-Tavoy district government shall manage protected areas and wildlife sanctuaries in a manner that does not hamper the rights of people to secure their livelihoods.

In the case of non-compliance to rules and regulations pertaining to wildlife conservation and animal protection, such as illegal hunting and foraging, communities, designated KNU agents, and the PIST Governing Committee will collectively decide on an appropriate course of action and consequences in compliance with relevant international law.

Article 90.

In the case where wildlife and animal species negatively impact the livelihood or community welfare of the people of PIST, the community shall consult with the PIST Governing Committee and the designated KNU Mergui-Tavoy district government to decide on an appropriate outcome to the situation.

Section 4.5. Waters

Article 91.

Pawklo rivers hold a profound spiritual and cultural significance for the communities and are vital for the subsistence of the people living within and beyond the boundaries of the PIST. For this reason, the communities shall continue to protect the free flow of these rivers and oppose any development projects that may restrict access to clean water, undermine the health of waterways or disrupt the surrounding ecosystems.

Article 92.

Rivers are vital components to ensure the survival of forests and wildlife and sustain communities' ways of life inside and outside the boundaries of the PIST. For this reason, the people shall collaborate and work together to establish and improve the rules and regulations that pertain to the use of water and aquatic resources within the park.

Article 93.

The PIST Governing Committee and the legitimate KNU Mergui-Tavoy District government shall work together to sustainably manage aquatic resources and watersheds in a way that meets the needs of the people without disturbing the ecological balance of the rivers or streams.

Article 94.

The people of PIST shall, in order to ensure that the rivers maintain their major ecological features, follow traditional rules related to overfishing and fishing in conservation areas. Since fishing and overfishing are the main contributors to water quality and health decline, people shall not use environmentally harmful and disruptive fishing practices, such as using chemicals, dynamites, or electrical shocks.

Article 95.

The people of the PIST shall aim to respect, protect and preserve aquatic resources and cause minimal interruption to the natural flow of water. All major water-related projects, such as micro-hydro systems to generate electricity or manage irrigation, shall require a cultural and environmental impact assessment along with the local communities' free, prior, and informed consent before its implementation.

Section 4.6. Infrastructure and Economic Development**Article 96.**

All economic development projects should respect and emphasize ecologically sustainable practices, cultures, traditions, and ways of life of the PIST's communities while meeting the material and immaterial needs of the people.

Projects undertaken in the park shall include rational, respectful, and considerate use of natural resources and be based on equity, justice, and solidarity values.

Article 97.

Development and economic activities shall only be undertaken to meet the needs of the people residing in the PIST and must not hamper the people's rights, livelihoods, or disrupt the natural environment. Infrastructure and invasive projects such as road construction, transportation, healthcare infrastructure, and cemeteries shall be carried out in a sustainable and environmentally-friendly manner and ensure the continuation of the people of PIST's ways of life, self-sufficiency, and material welfare.

Article 98.

The communities, alongside the PIST governing committee and the designated members of the KNU Mergui-Tavoy district government, shall cooperate in formulating, establishing, and enforcing the rules and regulations that pertain to business agreements, commercial activities, and infrastructure development in the PIST.

Article 99.

Prior to the establishment of any development projects, the designated government authorities and community members shall be informed by the corporation, individual, group, or company undertaking the project. In addition, there should be adequate time for public consultations and scrutiny among the affected communities, and their approval shall be required to move forward with the project.

If infrastructure or commercial activities fail to obtain the support of the communities or if there is a lack of consensus as to whether a project can take place ; in that case, it shall be suspended and will not be supported as a socially legitimate structure.

Article 100.

All profits generated from development projects and the extraction of nonrenewable natural resources that are not the personal or collective property of the people of PIST shall be declared to the communities residing in the area, the PIST Governing Committee, and to the designated KNU Mergui-Tavoy authorities. The people shall have the right to collectively demand a portion of the revenue derived from these commercial activities or have the right to prevent its implementation.

PIST's land and surrounding resources are rightfully owned, managed, and occupied by indigenous peoples and local communities. For this reason, the profits received by the entity undertaking the projects shall not exceed the profits received by the communities directly impacted by such activities

Article 101.

The PIST Governing Committee will be in charge of monitoring activities and distributing the funds and benefits in a fair and equal manner to the concerned communities.

Communities shall endeavor to collectively develop dispute resolution mechanisms and negotiate benefit-sharing agreements between communities to ensure that no injustice, harm, or discrimination arises from the undertaking of extractive activities and development projects.

Article 102.

In order to prevent environmental degradation and mitigate the effects of climate change within the PIST area, the legitimate KNU Mergui-Tavoy District government and local communities shall work towards reducing greenhouse gas emissions by promoting and prioritizing the use of clean and non-polluting sources of energy.

Indigenous people and local communities of PIST shall have the right to be included in the decision-making processes and shall be informed by the responsible authorities of the KNU Mergui-Tavoy District government if renewable energy transitions or development activities may threaten human health or lead to the impairment of the environment.

Chapter 5. Land and Cultural Heritage

Section 5.1. Principles of Land Ownership and Tenure

Article 103.

The undermentioned articles are intended to contribute to and assist in the formulation of rules, policies, laws, and regulations regarding land ownership and tenure rights within the PIST. In a manner that does not undermine communities' existing governance systems or infringe on individual rights, the following articles aim to fulfill the communities' aspirations and wishes.

Article 104.

The land is the foundation for the lives, identity, traditions, and culture of communities and residents of PIST. For this reason, indigenous communities of PIST have the right to be informed, consulted, and to participate in making processes on legislation or policy and shall not agree to the implementation of any activities that may impact or alter their models of living.

Article 105.

In PIST, local communities and indigenous people have the right to the lands, territories, and resources they have traditionally owned and occupied. They shall not be displaced, evicted, or kept away from their ancestral domain.

The KNU Mergui-Tavoy district government and the PIST Governing Committee shall agree on similar regulations and laws concerning land ownership, including the demarcation, zoning, purchase, transfer, inheritance, or sale of land and its use.

Article 106.

Land and boundary demarcation shall be conducted collectively between the communities of PIST, the PIST Governing Committee, and the designated members of the legitimate KNU Mergui-Tavoy district government in a comprehensible, open and equitable manner.

Article 107.

Communities' distinct and traditional land tenure systems, such as the Village lands and customary land rights, shall not be violated and must be respected by all residents of the PIST.

Land in the PIST structured under the indigenous Village lands system rightfully belongs to the communities and villages that form these lands. The people of the given Village lands are responsible for managing their lands and establishing rules and regulations within their Village lands according to indigenous Karen customs and traditions.

Article 108.

Sacred territories and ancestral lands shall not be violated, including cemeteries and Loh (areas inhabited by spirits). Thus, it is fundamental to preserve their cultural and ecological integrity by working together to identify the considered sacred and establish related guidelines that respect indigenous Karen and local communities' culture.

Article 109.

Land areas that are used for ku (rotational agriculture) are comunally owned by the people of a given village. Every village or community shall collectively decide on the rules and regulations surrounding the division and period of legitimate tenure of such areas allocated for individuals, groups or households.

Article 110.

Individuals, corporations, organizations, and non-legitimate government authorities who are outsiders and do not represent the PIST are forbidden to access, control, or own any land in the area.

Article 111.

If land in the PIST is to be transferred or sold under the legitimate KNU Mergui-Tavoy District government's authority to outsiders, the people of PIST shall have the right to be informed by the responsible actors promptly prior to the transfer or sale of land.

The people shall then have the right to participate in the decision-making processes and deliberate in a public forum to collectively decide on the situation's outcome.

In the case that the KNU authorities sell any lands without following the correct procedures and community-based FPIC, then justice must be provided in accordance with the Kawthoolei Land Policy procedures.

Article 112.

Organizations, corporations, and companies, as well as other persons and illegitimate government authorities, who are not affiliated with the individuals of PIST, do not have the right to take over or exercise any influence on the lands inside the territory.

Section 5.2. Cultural heritage preservation and revitalization

Article 113.

Oppressive military occupation and restrictive assimilation policies have deeply challenged and undermined the people of PIST's core values, knowledge, and traditions, depriving them of their identities and integrity as distinct people. For this reason, local communities of PIST shall have the right to develop, practice, and revitalize manifestations of their cultures, traditions, and customs, such as animist faith and beliefs, language, literature, and poetry.

The people and communities of PIST shall also collaborate and collectively work to preserve and revalidate their ancestral knowledge and traditional practices that have eroded in order to preserve them for future generations.

Article 114.

Local communities and indigenous people of PIST shall have the right to participate in, belong, and freely associate with one or various communities and access diverse cultural experiences. No form of discrimination or prejudice may arise from exercising such rights.

Article 115.

The traditional knowledge of the Village lands leaders, their position, and responsibilities shall be respected and preserved by the people of PIST, the elders' council, healers, judges, and other indigenous leaders.

Suppose the ceremonial leaders of a Village lands are no longer part of a village or community or have passed away without transmitting their knowledge and expertise; in that case, the people shall collectively decide if the Village lands system or its traditional structure, organization, rules, and regulations be reinstated.

Article 116.

The people of PIST must respect and preserve Indigenous Karen identity in order to protect their recognition as distinct people. Thus, Karen ancestral culture, language, literature, healing methods, traditional crafts, music, art, and animist faith and beliefs must be valued and retained. Education of youth regarding Karen identity, heritage, and practices is a priority.

The people of Pawklo River Basin shall endeavor to keep records of their written and oral histories, such as myths, stories, legends, chants, and knowledge passed down from the ancestors, which are all essential components of the communities' cultural heritage and traditional belief systems.

Article 117.

Education is an indispensable means for local communities of PIST to achieve their self-determination rights and strengthen their social, economic, political, and cultural autonomy. The people of PIST shall have the ability to access, develop and control their educational systems and institutions, provided in their own language and teaching and learning methods.

The PIST Governing Committee and the legitimate KNU Mergui-Tavoy District government shall collaborate and collectively establish an educational institution that guarantees the preservation of local communities and indigenous Karen's cultural traditions.

Article 118.

Persistent conflict in Burma has not only negatively impacted the tangible heritage of Mergui-Tavoy communities but has also diminished and eroded aspects of people's intangible cultural heritage, such as language. Local communities shall have the right to openly practice, revitalize and teach their distinct languages, including spoken dialects and variations of the Karen languages.

Article 119.

Communities of PIST are proud practitioners of their traditional cultures. They shall have the right to freely maintain and strengthen their distinctive spiritual relationship with territories, resources, forests, water, and land.

Annex/ Glossary

Collective and public affairs : The environmental, socioeconomic, political and legal elements that support the general welfare of the people of the PIST.

Commercial projects : Refers to businesses run by individuals, communities, companies or corporations that require a large amount of land, or may lead to environmental impacts on common pool resources such as air, soil and water. Commercial projects such as mines, agricultural or timber plantations shall be subject to public approval beforehand.

Community : Refers to a single village or- for areas that continue to be administered according to the traditional Village lands system.

District Government : Refers to the District level authorities of the Mergui-Tavoy District government, including all administrative levels under the jurisdiction of the Mergui-Tavoy District government, such as Township and Village tract level authorities and representatives.

Designated agents and authorities : Refers to individuals that have been formally or informally designated by the PIST Governing Committee, with the communities' consent, to manage or undertake specific tasks or activities within the PIST. Designated agents and authorities can include, but is not limited to, the Mergui-Tavoy District and Township government departmental and administrative staff, KNU District judges, village heads, local community representatives and leaders, and civil society or community-based organization representatives.

Governance : Refers to the structure of the decision-making processes and how power and responsibilities are exercised between citizens, leaders and stakeholders.

Public approval and deliberation : In a situation where activities lead to negative socioeconomic, political or transboundary environmental impacts and hamper the well-being of individuals, groups or communities within the PIST, the prior and informed consent of the concerned community or village is required to move forward with the project.

Traditional and spiritual or religious leaders : Refers to individuals that are designated or considered by a community to be one or more of the following :

- Customary authorities of a Village lands and indigenous land management systems,
- Elders that are valorized and respected for their long-standing contributions and indigenous knowledge,
- Traditional natural resource experts that possess key insights and knowledge on wildlife and biodiversity,
- Religious leaders who possess deep understandings of their communities.

