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**Part of the problem and part of the solution?
Non-state armed groups and humanitarian norms in
Burma/Myanmar**

A thesis
submitted in fulfilment
of the requirements for the degree
of
Doctor of Philosophy in International Relations
at
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Stan Jagger



THE UNIVERSITY OF
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Abstract

Civil wars involving non-state armed groups in Burma have been driven by a complex mix of historical socio-political grievances and economic factors. The central government and its armed forces have conducted counterinsurgency campaigns against myriad rebel groups in ethnic areas virtually since independence in 1948. Civilian populations caught in these conflicts have suffered immensely as a consequence. The government and army have never completely controlled all the territory and people of the internationally recognised state as it exists on the map. Instead, in some areas it has been armed groups and welfare actors associated with them that have been responsible for limited administration and service provision to conflict-affected populations. Despite tolerance or support for this non-state governance in some areas, armed groups still present threats to the security of the constituencies they also claim to represent.

This thesis assesses the factors that have facilitated or obstructed armed groups' actions and the extent of their compliance (or not) in response to the norms against landmine use and the recruitment of children. While studies in other regions on armed groups and humanitarian norms have tended to consider policies of violence deliberately directed against civilians, the present study considers these less deliberate threats that armed groups in Burma present to the security of their own constituencies. It explores a set of theoretical propositions drawn from literature that has addressed armed groups from the perspectives of humanitarian engagement, sociology and political economy analysis of armed conflict. These contrasting approaches offer a more inclusive framework for analysis, considering the social, economic and coercive military and political structures influencing armed groups, affected populations and humanitarian actors engaging with them in relation to these issues.

This thesis contends that perceived legitimacy and the role of armed group associated welfare and civil society actors have been significant influences on attempts to ameliorate the impact of these issues. The perspectives

and influences of legitimacy diverge, however, between international support for the prohibition of landmine use and under age recruitment, and local perceptions, from armed group constituencies and the government, of the groups as credible armed actors. Localised economic agendas combined with geographical dispersion and weak organisational cohesion have also been factors leading to less compliance with these protection norms. The findings indicate that there is also considerable divergence in the extent of compliance between the two norms. Whereas landmine use remains perceived as militarily necessary to most armed groups in Burma and related to their maintenance of local legitimacy, children involved with armed groups are seen as less vital militarily, and external engagement with armed groups to address this issue has met with more acceptance over time. In the light of bilateral ceasefires and ongoing negotiations since 2012, the willingness and capacity of the armed groups and their welfare wings to address these concerns for conflict-affected populations will be important for their future support and for lasting political settlements.

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One of the difficulties with writing this thesis, and no doubt it is the case for many others as well, is the feeling that it is never finished. Major political developments in Burma/Myanmar in late 2015 and into 2016 demonstrate this point. The National League for Democracy's election victory in November 2015 and moves in 2016 by the new NLD government towards a renewed peace process with ethnic armed groups occurred as work on this thesis was being completed. Nonetheless, the issues that this thesis more specifically addresses are likely to remain significant in the coming months and years despite the change of political parties within a system still largely structured around the military drafted 2008 constitution. It is hoped that this thesis makes at least a modest contribution to understanding the influences on, and the processes for, improving civilian protection and increasing respect for humanitarian norms in the case of non-state armed groups in Burma.

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Notes on names of places and ethnic groups

English language spelling of place names and of names of ethnic nationality groups in Burma vary due to informal differences adopted by different authors over time, and also due to official government policy which changed the country's official name from Burma to Myanmar in 1989. The table below presents the most frequently used names and spelling for places and ethnic groups in the pre- and post -1989 versions.

Pre-1989	Post-1989	
Union of Burma	Union of Myanmar	The official name of the country was changed from the Union of Burma to the Union of Myanmar by the military government in 1989
Rangoon	Yangon	Largest city and former capital until 2006
Burman	Bamar	Largest ethnic group in Burma/Myanmar
Karen	Kayin	An ethnic national group and name of a state located in the southeast bordering Thailand
Karenni	Kayah	An ethnic national group and name of a state located in the east bordering Thailand
Moulmein	Mawlamyine	State capital of Mon state in the southeast located on the Andaman sea coast
Paan	Hpa-an	State capital of Karen/Kayin state
Tenasserim	Tanintharyi	Administrative division in the southeast bordering the Andaman sea
Irrawaddy	Ayerwaddy	Administrative division, river and river delta in the south

The choice of names for places and ethnic groups is also a political issue. As they have maintained opposition to the central government, especially in its post -1989 form, ethnic non-state armed groups and other

organisations opposed to the government have frequently retained the Union of Burma names. Even then, however, there is variation in spelling and usage.

Another objection ethnic armed groups hold to the official post-1989 government names is that they associate them with a form of internal colonialism or 'Burmanisation,' and with attempts by the government to deny their respective linguistic, social, cultural and political differences and claims for autonomy. With tentative developments towards peace and reconciliation in the country, especially over the last five years, this division has started to reduce. Those working with the ethnic opposition are also starting to use official government names as well for pragmatic reasons due to increasing opportunities to operate openly inside the country.

As this study's focus is on ethnic and pro-democracy non-state armed groups and organisations associated with them, it has adopted the pre-1989 name of Burma that is more often used by those organisations in referring to the country as a whole. It also refers to ethnic nationalities and regions using the names preferred by the ethnic armed groups, for example, Karen or Karenni rather than the government names of Kayin and Kayah. The table above includes the most commonly occurring variations of these names that appear in secondary sources, maps or interviews. Another, more practical, reason for choosing one version of a name within this author's own writing is for brevity without constant need, for example, to use Burma/Myanmar, Yangon/Rangoon, or Karen/Kayin. Inevitably, given the mix of primary and secondary sources and interviews, both versions of these terms have occurred at some stage in this dissertation.

List of Abbreviations

AA	Arakan Army
ABSDF	All Burma Students' Democratic Front
AFPFL	Anti-Fascist People's Freedom League
ALP	Arakan Liberation Party
ANSA	Armed Non-State Actor
BPHWT	Back Pack Health Worker Team
BGF	Border Guard Force
BSP	Burma Socialist Programme Party
CIDKP	Committee for Internally Displaced Karen People
CBO	Community Based Organisation
CNF/CNA	Chin National Front/ Chin National Army
CoC	Code of Conduct
CPB	Communist Party of Burma
CSCS	Coalition to Stop the use of Child Soldiers
CSI	Child Soldiers International
CSO	Civil Society Organisation
CTFMR	Country Task Force on Monitoring and Reporting
DAB	Democratic Alliance of Burma
DCA	DanChurchAid
DKBA	Democratic Karen Buddhist/ Benevolent Army
DoC	Deed of Commitment
EAG	Ethnic Armed Group
FBR	Free Burma Rangers
GAM	Gerekan Aceh Merdeka
HLP	Humanitarian Law Project
HREIB	Human Rights Education Institute of Burma
HURFOM	Human Rights Foundation of Monland
HRP	Hongsawatoi Restoration Party
HRW	Human Rights Watch
ICBL	International Campaign to Ban Landmines
ICC	International Criminal Court
ICRC	International Committee of the Red Cross

IDP	Internally Displaced Person
IHL	International Humanitarian Law
IHRL	International Human Rights Law
ILO	International Labour Organisation
INGO	International Non-Governmental Organisation
KHRG	Karen Human Rights Group
KIO/KIA	Kachin Independence Organisation/Army
KKO	Kalo Htoo Baw Karen Organisation
KMSS	Karuna Myanmar Social Services
KNDO	Karen National Defence Organisation
KNLP	Kayan New Land Party
KNPLF	Karenni Nationalities People's Liberation Front
KNPP/KA	Karenni National Progressive Party/ Karenni Army
KNU/KNLA	Karen National Union/ Karen National Liberation Army
KSNLF	Karenni State Nationalities Liberation Front
KSWDC	Karenni Social Welfare and Development Centre
LTTE	Liberation Tigers of Tamil Eelam
MPF	Mon People's Front
MNDAA	Myanmar National Democratic Alliance Army
MPC	Myanmar Peace Centre
MRDC	Mon Relief and Development Committee
MRP	Monland Restoration Party
MRE	Mine Risk Education
NCA	Nationwide Ceasefire Agreement
NCCT	Nationwide Ceasefire Coordination Team
NDF	National Democratic Front
NGO	Non-Governmental Organisation
NLD	National League for Democracy
NSA	Non-State Actor
NSAG	Non-State Armed Group
NSCN-K	National Socialist Council of Nagaland-Kaplang
NTS	Non-Technical Survey (of mined areas)

OPAC	Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict
PNLO/A	Pa'O National Liberation Organisation/Army
SSPP/ SSA-N	Shan State Progress Party/ Shan State Army-North
RCSS/ SSA-S	Restoration Council of Shan State/ Shan State Army-South
SLORC	State Law and Order Restoration Council
SPDC	State Peace and Development Council
TBC	The Border Consortium
TNLA	Ta'ang National Liberation Army
USDP	Union Solidarity and Development Party
UNFC	United Nationalities Federal Council
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations International Children's Emergency Fund
UNCTFMR	UN Country Task Force on Monitoring and Reporting
UNOCHA	UN Office for the Coordination of Humanitarian Affairs
UWSA	United Wa State Army



Burma/Myanmar

Chapter One

Introduction

In civil war situations, especially where there has been protracted low intensity armed conflict, non-state armed groups (NSAGs) have, in some instances, been willing to develop policies and practical measures for the protection of civilian populations. This is especially significant where the internationally recognised state is acting, or has acted, in gross violation of humanitarian norms. There have been many high profile instances globally where NSAGs, as well as the armed forces of states, have been responsible for a host of atrocities committed against civilians.¹ There are, however, other instances where NSAGs have established welfare functions, provided assistance to constituent populations, and attempted to demonstrate varying levels of compliance with humanitarian norms. Influences that direct NSAG behaviour towards or away from such protective roles reside in the specific social, economic and political contexts within which the NSAGs and populations are embedded. Added to these influences has been the input of local and international humanitarian actors who have engaged with NSAGs on humanitarian and protection issues. This dissertation examines these circumstances, and the actors and processes involved, in the context of NSAGs in Burma/Myanmar.²

The aim of this thesis is to identify which factors have facilitated or obstructed compliance and/or action towards compliance with humanitarian norms against landmine use and the recruitment of children by NSAGs in Burma. Furthermore, it seeks to understand how the NSAGs have been influenced regarding those two issues and why. This thesis contends there are social, economic and military factors that have shaped the policies and practices of NSAGs in Burma regarding landmine use and recruitment of children. The most significant social factors have been

¹ Recent examples globally would include the actions of armed groups in Syria, Iraq, South Sudan, Nigeria, the Ukraine, and the southern Philippines.

² From here on the name Burma will be used to refer to the country (also known as Myanmar) in this study. See the notes on the name of the country, states and ethnic nationalities pp xix-xx.

legitimacy, identity and the role of civil society; the principal economic factors are the source and allocation of material resources and the extent of geographic dispersion and organisational fragmentation of NSAGs; and the last factor is the claimed military and political necessity in the actions of NSAGs. The influence of external actors engaging with NSAGs on humanitarian issues is also considered in this study. Their input and influence overlaps, particularly, with the role of local civil society and local and international perceptions of NSAG legitimacy.

Social factors: Legitimacy, identity and civil society

Perceptions of legitimacy, while difficult to measure, are significant due to the real actions taken by both state and non-state actors in response to them.³ Concerns about legitimacy are evident in frequent opposition by recognised states to engagement with NSAGs on humanitarian issues by external actors. They are also present in NSAG statements, policies and actions that are intended to increase their local or international legitimacy. Perceptions of NSAG legitimacy vary, however. International humanitarian organisations, local civil society, external governments and businesses, the host government and armed forces, and the NSAGs' own (claimed) civilian constituencies may all interpret what constitutes that legitimacy very differently.

Compliance with international norms may lead to some small improvements for a NSAG's international legitimacy, but little tangible external support to implement them. Local legitimacy, though, may be predicated on the NSAG being perceived by constituent populations as a credible protector, or by government opponents as a credible conflict actor, rather than being primarily based on compliance with external international norms. Consequently, there may be some acceptance locally for actions that are at odds with international humanitarian norms, such as the use of landmines or recruitment of those under 18 years of age.

³ See, for example, Sukanya Podder, "Non-State Armed Groups and Stability: Reconsidering Legitimacy and Inclusion," *Contemporary Security Policy* 34, no. 1 (2013); David Steinberg, "Legitimacy in Burma/ Myanmar: Concepts and Implications," in *Myanmar: State, Society and Ethnicity*, ed. N. Ganesan and Kyaw Yin Hlaing (Singapore: Institute of Southeast Asian Studies, 2007).

Perceived legitimacy, it is argued here, has been one of the most significant motivating factors for NSAGs in Burma wishing to demonstrate adherence to humanitarian norms. This is based on the research conducted for the present study, as well as the work of researchers who have examined NSAG relations with civilian populations and compliance with humanitarian norms in other contexts.

The members of welfare and civil society organisations (CSOs) that are involved with the provision of welfare or advocacy on rights-based issues are often exposed to risks themselves in undertaking this work. Many of these local organisations in the present study, especially those that have worked cross-border from Thailand, have an association with NSAGs. Local and faith-based CSOs have also developed acceptance with NSAGs in some ceasefire areas inside Burma. These groups have been involved with assistance work in response to armed conflicts between the government armed forces (Tatmadaw) and ethnic NSAGs. The counter-insurgency strategies of the Tatmadaw have resulted in extensive displacement of people and a host of human rights violations.

The role of identity, especially when ethnically or religiously inspired, has tended to be associated with exclusion of outsiders, nationalism, and violence.⁴ However, these local civil society actors' sense of shared identity and cause with those they are assisting and working alongside, and in some instances through a genuine belief in the norms they promote, has led them to advocate for, or assist, NSAGs to ameliorate some of the threats they pose to their own populations. Furthermore, NSAG-associated welfare and civil society actors have also been valuable in working as partners with international organisations to implement these measures and to promote compliance with humanitarian norms by NSAGs.

⁴ See, for example, Marta Reynal-Querol, "Ethnicity, Political Systems, and Civil Wars," *The Journal of Conflict Resolution* 46, no. 1 (2002); Michael Ignatieff, *Blood and belonging: Journeys into the new nationalism* (London, UK: Chatto and Windus, 1993).

Material resources and funding

The sources of funding and material support available to an NSAG and how that is allocated will influence the nature of its relations with civilians. These factors may influence the NSAG towards protective or predatory behaviour and, therefore, greater or lesser interest in compliance with humanitarian norms. This perspective is drawn from the political economy of armed conflict literature.⁵ Economic factors have frequently been identified as motivating NSAGs (and state armed forces) towards abusive and predatory behaviour towards civilians.⁶ In the cases examined here, resources and funds have sometimes also been directed into the administrative and welfare functions of NSAGs and associated welfare actors. The NSAGs considered in this study do, however, engage in both protective and predatory behaviours to varying extents. The factors influencing this have depended significantly on the extent of NSAG organisational fragmentation and geographical dispersion and the related consequences for their relations with host populations.

While the ethnic conflicts in Burma have deep-seated social and political roots, economic factors have, over time, exerted an increasing set of influences on the nature of NSAG behaviour and relations with their constituencies. Access to resources and funding external to, or independent of, local populations, has led some NSAGs, or sections of them, to engage in activities that endanger civilians since they are less dependent on local people for support. Furthermore, funds raised from resources within areas controlled by NSAGs have sometimes only increased the wealth and power of NSAG elites and not greatly benefitted communities. In both these cases, there is little improvement in welfare for the general population and, equally, less NSAG interest in compliance with humanitarian norms. In other examples, sources of funding such as local resources or taxation of cross-border trade that are controlled by NSAGs

⁵ See, for example, Mats Berdal and David M. Malone, eds., *Greed and Grievance: Economic Agendas in Civil Wars* (Boulder, CO: Lynne Rienner, 2000); Karen Ballentine and Jake Sherman, eds., *The Political Economy of Armed Conflict: Beyond Greed and Grievance* (Boulder, CO: Lynne Rienner, 2003).

⁶ See, for example, David Keen, *The economic functions of violence in civil wars*, Adelphi Paper 320 (Oxford, UK: Oxford University Press, 1999).

have been used to support the provision of administration and welfare to constituent populations. In those situations, there has been more NSAG interest in engagement from humanitarian actors and in demonstrating support for humanitarian norms.

Military and political necessity

Practitioners who engage with NSAGs about compliance with humanitarian norms, while identifying the social and economic factors outlined above, have also drawn attention to NSAG rationales for the military necessity of actions that violate humanitarian norms.⁷ These claims are made by NSAGs and those associated with them, including sometimes their own constituencies, for why they continue to present threats to those populations. Landmine use, for example, is argued as necessary for the militarily weaker and smaller NSAGs to defend themselves and those they claim to represent from the state's armed forces. In a similar way, children may be recruited, permitted to reside in NSAG camps, or attend NSAG associated schools or institutions, due to pressure on the NSAGS to maintain numbers or find potential future recruits.

Military and political factors, however, may also have a positive influence on NSAG behaviour. Taking action to reduce harm to their own populations is significant for local and international legitimacy as outlined above. This, in turn, matters politically for inclusion within ceasefires and peace processes inside the country and in attracting international support to do so. Furthermore, trained and disciplined soldiers that take and treat prisoners well may thereby encourage defection or surrender of soldiers from the more abusive armed forces of opponents.

Humanitarian engagement with NSAGs

One other significant factor that is considered by this study is the influence of external organisations that have engaged with NSAGs to improve their role in civilian protection and compliance with humanitarian norms.

⁷ Olivier Bangerter, "Reasons why armed groups choose to respect international humanitarian law or not," *International Review of the Red Cross* 93, no. 882 (2011).

Effective engagement with NSAGs by local and international actors depends on the willingness of the NSAG, especially of leaders and associated welfare organisations, to enter into dialogue and to take action.⁸ Local and international humanitarian and human rights NGOs in Burma have been influential, in some instances, through appeals to NSAG concerns about their legitimacy, their claims to uphold democratic and rights-based values, and to their sense of shared identity with their constituencies. They have also worked with local NSAG-associated and other independent civil society actors in advocacy, training, and implementation of practical measures such as mine risk education. At a broader level, international humanitarian organisations have promoted these norms to some NSAGs that have sought international support and advice through their interaction with the humanitarian aid sector.

Contribution to literature and theory

This study seeks to contribute to some under researched areas within existing literature and theory addressing NSAGs and humanitarian norms. These gaps in the literature include the geographical focus; the type of NSAGs involved; the nature of the threats to security of civilians the NSAGs present, and; a theoretical approach that considers the influence of social and economic context and agency of the NSAGs and associated civil society actors, as well as the role of external international humanitarian actors.

It has been pointed out that research into humanitarian engagement with NSAGs globally has not received much attention in academic studies.⁹ While there has been some research into factors influencing NSAG behaviour towards civilians and humanitarian engagement with them in other regions (especially Africa and Latin America), there has not been a study specifically considering the case of NSAGs and humanitarian norms

⁸ See, for example, David Petrasek, *Ends and Means: Human Rights Approaches to Armed Groups* (Versoix, Switzerland: International Council on Human Rights Policy, 2000); Annysa Bellal and Stuart Casey-Maslen, *Rules of Engagement: Protecting Civilians through Dialogue with Armed Non-State Actors* (Geneva, Switzerland: ADH Geneva, 2011).

⁹ Ann-Kristin Sjoberg, "Dealing With the Devil?: Humanitarian Engagement with Non-State Actors: The Case of the National Liberation Army, Colombia" (paper presented at the Annual Convention of the International Studies Association, San Francisco, 2008), 1.

in Burma.¹⁰ However, NSAGs active in and on the borders of Burma have received attention on related issues to the present one which provide useful context for this study. These studies have included, for example, the proliferation of small arms and light weapons (SALW),¹¹ and the development of civil society associated with resistance movements on Burma's borders.¹² The social and political histories of Burma's ethnic conflicts and NSAGs have also received attention, as has the humanitarian situation more generally inside Burma and along its borders.¹³

The type of NSAGs examined in the present study also differ to those considered in many other studies, not just from a humanitarian perspective, but also from the theoretical approach to the political economy and sociology of NSAGs. NSAGs in Burma for the most part have not sought to take power at the centre of the recognised state, but have either sought to secede, and more recently, have sought greater autonomy within a federal union. This has significant implications for the nature of their behaviour towards civilians. Many NSAGs in other regions that have been assessed in terms of their methods of formation, organisation and politics and how those factors, in turn, impact on their behaviour towards civilians, have been groups focused on taking over power from the government of an existing state.¹⁴

¹⁰ For case studies in Africa and Latin America respectively, see, Carine Kaneza, "Improving Compliance with International Humanitarian Law by Non-State Armed Groups in the Great Lakes Region of Africa (unpublished thesis)" (University of Western Cape, 2006); Sjoberg, "Dealing With the Devil?: Humanitarian Engagement with Non-State Actors: The Case of the National Liberation Army, Colombia".

¹¹ Stephanie Koorey, "Orphans and Icons: Small Arms Control and Armed Groups in Southeast Asia (unpublished thesis)" (Canberra, ACT: Australian National University, 2008). Sections on Burma NSAGs pp.118-123; 128-133; 141-143; 155-159; 172-173; 180-183; 185-187; 296-305; and 318-319.

¹² Ashley South, "Ceasefires and Civil Society: The Case of the Mon," in *Exploring Ethnic Diversity in Burma*, ed. Mikael Gravers (Copenhagen, Denmark: Nordic Institute of Asian Studies, 2007). Nicholas Henry, "Civil Society amid Civil War: Political Violence and Non-violence in the Burmese Democracy Movement," *Global Society* 25, no. 1 (2011).

¹³ See, for example, Ashley South, Malin Perhult, and Nils Carstensen, "Asia Programme Paper: ASP PP 2010/04: Conflict and Survival: Self-protection in South-east Burma," (London, UK: Chatham House, 2010). Mark Duffield, "On the Edge of 'No Man's Land': Chronic Emergency in Myanmar," (Bristol, UK: School of Sociology, Politics, and International Studies, University of Bristol, 2008).

¹⁴ For example, all four rebel groups considered by Jeremy Weinstein's study of the social and material resources contributing to rebel group formation and to the consequences for violence towards civilians, were NSAGs that sought to become the

The type of threats, landmine use and recruitment of children, the NSAGs in the present study pose to the communities they claim to represent or protect are not deliberate policies of violence directed towards civilian populations. Neither are they situations of widespread asymmetric violence occurring between and/or within civilian communities. Other studies considering NSAG-civilian relations have tended to consider situations where violence towards civilians has been intentional and targeted, whether at a group or individual level.¹⁵

This thesis also contributes a point of difference in theory and methodology to existing studies on the humanitarian aspects of NSAG-civilian relations. The approach to this study is informed by a need to develop a practical, holistic and inclusive understanding of the NSAGs and the issues of landmine use and children affected by armed conflict.¹⁶ It does not view NSAGs as passive recipients of international norms, nor the populations they are involved with as passive recipients of humanitarian aid. Consequently, this study not only considers the role of external international humanitarian engagement actors with NSAGs,¹⁷ but also the actions of the NSAGs themselves and associated civil society in ameliorating (or not) threats they present to their populations, and the social and economic factors influencing them in that regard.

government of an existing state. They were RENAMO in Mozambique, the National Resistance Army in Uganda, and two factions of the Shining Path in Peru. Jeremy M. Weinstein, *Inside Rebellion: The Politics of Insurgent Rebellion* (Cambridge, UK: Cambridge University Press, 2007).

¹⁵ See, for example, Stathis N. Kalyvas, *The Logic of Violence in Civil War* (Cambridge, UK: Cambridge University Press, 2006); Ann-Kristin Sjöberg, "Challengers without responsibility?: Exploring reasons for armed non-state actor use and restraint on the use of violence against civilians (Unpublished thesis)" (Graduate Institute of International and Development Studies, 2010).

¹⁶ Elisabeth Decrey-Warner, "Characteristics and Motivations of Organised Armed Groups," in *Non-State Actors and International Humanitarian Law: Organized Armed Groups: A Challenge for the 21st Century*, ed. Marco Odello and Gian Luca Beruto (Milan, Italy: FrancoAngeli, 2010), 61.

¹⁷ For example, Jo and Bryant's study of the extent of compliance with international humanitarian law by three NSAGs in Sudan, used the number of International Committee of the Red Cross (ICRC) visits that were permitted by the NSAGs to detainees as a measure of the extent of each NSAG's compliance. Hyeran Jo and Katherine Bryant, "Taming of the Warlords: Commitment and Compliance by Armed Opposition Groups in Civil Wars," in *The Persistent Power of Human Rights: From Commitment to Compliance*, ed. Thomas Risse, Stephen C. Ropp, and Kathryn Sikkink (Cambridge, UK: Cambridge University Press, 2013).

Significance

Demonstrating an ability to represent and provide services for their associated civilian populations will become increasingly significant for ethnic NSAGs in Burma. There have been bilateral ceasefires agreed between the government and most NSAGs in Burma since 2012, and a claimed 'nationwide' ceasefire agreement joined by a smaller sub-group of these NSAGs in 2015 has opened up the potential for future political dialogue towards lasting political settlements. These developments will also impact on welfare or civil society organisations associated with, or working alongside, these NSAGs. If the NSAGs are to have a future role in administration, or as political parties in their respective areas of influence or control, the issues of landmine use and under age recruitment addressed by this study will be significant. In post-ceasefire situations, if they are to remain relevant to their constituencies they will need to maintain, or win, genuine popular support. A significant precondition for this support will be that they consult with, and are responsive to, the needs and interests of the populations they claim to represent. Demonstrating that they can protect constituent populations from security threats they themselves are implicated with will be an important step for the NSAGs increasing their legitimacy, and for improving the conditions of people living in former conflict-affected areas. The present study seeks to contribute to the research on engagement with NSAGs in Burma and factors influencing them in regard to humanitarian norms. It also intends to be of practical relevance for international actors and local civil society organisations working with NSAGs and/or addressing these issues.

The author acknowledges that lasting and equitable political settlements to the conflicts in Burma are ultimately the best solution to ending the threats

NSAGs as well as government forces present to their communities.¹⁸ Given the slow progress of any such developments, though, there is value in deepening the understanding of how those issues are influenced in the protracted situations of not quite war or peace that typify the situation in many ethnic NSAG areas of Burma.¹⁹ While the issues addressed by this study might be thought of as secondary or “proximate” to the central concern of ending armed conflict through lasting peace settlements,²⁰ those settlements are still likely to take many years to be set in place. Meanwhile, there are a range of actions and policies that are, or can be, undertaken by NSAGs and organisations engaging with them to ameliorate the threats that emanate from the NSAGs. For example, short of a complete end to landmine use, mine risk education, mapping, surveys, warnings and fencing of mined areas, or humanitarian mine clearance from non-strategic areas are measures that can be, or have been, taken.

Scope

This study does not view the NSAGs or these issues through an anthropological lens, or from the perspective of security studies or counter-insurgency. Studies of the many, varied and contested ethnic groupings in Burma have been undertaken by authors qualified to do so, and that is well beyond the scope of the present study. It is not a study of the security of states in relation to threats from NSAGs or an examination of counterinsurgency strategies to combat them. It is also not primarily

¹⁸ The researcher has had a long-standing interest (although at a distance until 2012) in Burma's politics and history. This has also been deepened by several personal friends who have worked, or are still working, with local and international education and assistance organisations on the Thai-Burma border and inside the country. Initial discussions with them indicated the complexity of the long-running armed conflicts and of the relationships between ethnic armed groups, local civil society and international organisations. An opportunity to volunteer with the resettlement programme of New Zealand Refugee Services in early 2012, working with and meeting people from Burma, some newly arrived and others who have been resident for some time, further developed the author's focus on the country and its issues.

¹⁹ Mary Callahan, *Political Authority in Burma's Ethnic Minority States: Devolution, Occupation, and Coexistence* (Washington, DC: East-West Centre, 2007), 3.

²⁰ For example, moves to ban or restrict landmine use by NSAGs or government forces in Burma have been described as a distraction from addressing the primary structural causes of the underlying armed conflicts. See, for example, South, Perhult, and Carstensen, "Asia Programme Paper: ASP PP 2010/04: Conflict and Survival: Self-protection in South-east Burma," 50.

concerned with the strategies and violations of humanitarian norms by the Tatmadaw, although they do present a backdrop to the central focus on the NSAGs.

The focus is on pragmatic humanitarian concerns for the welfare of those living in areas controlled or contested by NSAGs. In parts of Burma's ethnic areas, the recognised state has neglected the welfare of sections of its own population, or even deliberately targeted them within its own recognised borders. NSAGs have consequently become de facto authorities over territory and people in these circumstances and taken on a variety of governance and welfare functions. Those situations also place this study outside the standard understanding within the field of international relations of the sovereignty of recognised states enforced by the state's monopoly over the use of armed force. Furthermore, humanitarian actors have needed to work with non-state authorities and associated welfare and civil society actors for access to communities needing assistance and as partners in administration and delivery of that aid. This study, therefore, takes an approach that is well summarised in what Pablo Policzer has described as "humanitarian realism."

The recognition that we do not live in a world of completely sovereign states with effective coercive monopolies; that for much of the world, non-state armed groups are de facto their prime authorities; and that from the perspectives of the victims of violence it does not matter whether the perpetrators are states or non-state groups.²¹

International humanitarian norms

Humanitarian norms are understood in the context of this study as referring collectively to the combined standards contained within international humanitarian law (IHL) and international human rights law (IHRL) that are applicable to NSAGs. Using the term 'armed non-state actor' in reference to NSAGs, the international NGO Geneva Call that specialises in engagement with NSAGs on issues including landmine use and children affected by armed conflict, defines humanitarian norms as

²¹ Pablo Policzer, "Democracy and Non-State Armed Groups," in *State of Corruption, State of Chaos*, ed. Michaelene D. Cox (Lanham, MD: Lexington Books, 2008), 39.

“IHL and those IHRL standards relevant to ANSAs.”²² This is the term used by the present study as it reflects practitioner usage and encompasses the wider range of international legal obligations applying to NSAGs. The term ‘norms’ is applied in this study rather than laws, since the research considers a range of actions along a continuum of behaviour. From the perspective of sociology a norm can be understood as “a course of action that is directed towards an end.”²³ To reflect the reality of the situation this study examines, it is the actions (or not) by NSAGs towards the end of compliance and the factors influencing them that is the focus of the study rather than a dichotomy between complete compliance and non-compliance.

The humanitarian norms applying to landmine use and recruitment of children and their basis in international law

Landmine use and recruitment of children are both addressed by international humanitarian norms prohibiting their use. In the last twenty years they have also been the subject of specific international treaties that can be joined by recognised states, but not by NSAGs. The norm against anti-personnel landmine use is reflected in international and customary law which promotes the banning (in the case of the 1997 Ottawa Treaty) or restrictions in their use (in the case of the 1996 Convention Weapons Treaty). There is both a moral and now legal opposition to the indiscriminate effects and extreme harm and suffering caused by landmines. The 1997 Ottawa landmine ban treaty prohibited the production, use, stockpiling or transfer of anti-personnel landmines by signatory states. Not all states, including major powers such as the United States and the People’s Republic of China have joined the Ottawa treaty. In the case of NSAGs, it is restrictions to landmine use rather than an outright ban that can apply to them in international law. These restrictions are set out via Protocol II to the Convention on Certain Conventional Weapons (CCW) in 1996 applying to landmine use. The Protocol was

²² Elisabeth Decrey Warner, Jonathan Somer, and Pascal Bongard, "Armed Non-State Actors and Humanitarian Norms: Lessons from the Geneva Call Experience," in *Modern Warfare: Armed Groups, Private Militaries, Humanitarian Organisations, and the Law*, ed. Benjamin Perrin (Vancouver, Canada: UBC Press, 2012), 83.

²³ John K. Rhoads, *Critical Issues in Social Theory* (University Park, Penn: Pennsylvania State University Press, 1991), 173.

extended to non-international armed conflicts, and therefore to NSAGs within signatory states, in 2001. The Protocol II to the CCW restricts indiscriminate use of landmines and their use against civilians. It also requires recording of landmine placement, signage of mined areas, and removal at the end of hostilities.²⁴ Additionally, the restrictions to access to fields, crops, waterways, and general movement for civilians caused by landmines are reflected in parts of other international treaties addressing the “protection of objects indispensable to the survival of the civilian population.”²⁵ However, the Republic of the Union of Myanmar (Burma) is not a signatory to either the Ottawa Treaty or the CCW and its Protocol II. Consequently, for NSAGs, it is the norm based on international law and in the moral objection to the excessive and indiscriminate harm the weapon causes that calls for prohibition of its use.

The norm against the recruitment of children as combatants in armed conflict is more clearly reflected in several international instruments, most specifically by the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict.²⁶ As with the Ottawa Treaty and the CCW regarding landmines, NSAGs cannot join these state-based treaties applying to protection of children. However, the prohibition of child recruitment is also included in the Additional Protocol II (1977) to the 1949 Geneva Conventions applying to non-international armed conflicts, and therefore to NSAGs regardless of their agreement to comply with it or not.

Because NSAGs cannot join formal state-based treaties or contribute to those parts of those treaties that do apply to them, it is the accepted standards, the international humanitarian norms of behaviour, which can be applied to them. In both instances full compliance with the norms is

²⁴ Protocol II as amended on the 3rd of May 1996 to the Convention on Certain Conventional Weapons applying to Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices.

²⁵ Additional Protocol II to the Geneva Conventions (1977) (Article 14); The Rome Statute of the ICC Article 8.b (xx).

²⁶ Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (2000); See also, Additional Protocol II (1977) to the Geneva Conventions of 1949, Part II Article 4.3; The Rome Statute of the ICC, Article 8. b (xxvi), and UNSC Resolution 1612 in 2005.

understood as complete prohibition of the actions. The reality for many of the NSAGs in the present study is unlikely to be full compliance, even in instances where those NSAGs have made commitments to do so.²⁷ However, recognition and awareness of the norms applying to landmines and children and their basis in international law, as outlined above, also encourages NSAGs to cooperate with or facilitate activities that can ameliorate those issues even if the NSAGs themselves currently fall short of full compliance with the norms.

Landmine use and recruitment of children as indicators of compliance with humanitarian norms

Landmine use and recruitment of children are deployed in this thesis as indicators of broader compliance, and more realistically, the extent of actions towards compliance, with humanitarian norms by NSAGs in Burma. The rationale for this involves three main elements. First, prohibition of landmine use and recruitment of children in international law as it applies to states, and to a lesser extent as it applies to NSAGs, reflect wider principles recognised in IHL and IHRL and in customary international humanitarian law. These principles include the importance of distinction between civilians and combatants;²⁸ proportionality in the use of force;²⁹ prohibition of actions and weapons that cause indiscriminate and excessive harm and suffering;³⁰ protection of particular groups of persons such as children, the elderly, or disabled from the effects of armed conflict,³¹ and; the prohibition of actions that deny the civilian population

²⁷ This is in a situation internationally where powerful states and other states with ongoing internal armed conflict have not joined these treaties. There is also disagreement with the child recruitment issue about acceptable minimum ages of recruitment and differences in treaties regarding minimum ages of recruitment between NSAGs and states. See chapter three for further discussion of applicability of IHL and IHRL to NSAGs.

²⁸ Common Article Three of the four Geneva Conventions of 1949; Additional Protocol II (1977) to the Geneva Conventions of 1949; Rome Statute of the International Criminal Court, Article 8, 2 (a) and (b).

²⁹ "Launching an attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated, is prohibited." See, Jean-Marie Henckaerts and Louise Doswald-Beck, *Customary International Humanitarian Law Volume I: Rules* (Cambridge, UK: Cambridge University Press, 2005), Chapter 4, Rule 14, 46-50.

³⁰ "The use of means and methods of warfare which are of a nature to cause superfluous injury or unnecessary suffering is prohibited." *Ibid.*, Chapter 20, Rule 70 and 71, 237-50.

³¹ *Ibid.*, Chapter 39, Rules 134-38, 475-91.

access to the necessities of life.³² Second, similar criteria including landmine use, child soldiers, killing of civilians, and treatment of detainees have been identified in other studies as indicators for the level of compliance more generally with humanitarian norms by NSAGs.³³ Third, the two issues of landmine use and underage recruitment by NSAGs, as indicated above, are mentioned within the disparate parts of many international humanitarian and human rights treaties, the Geneva Conventions, customary international law, UN resolutions, and the Statute of the International Criminal Court. Consequently, the term humanitarian norms is used for brevity within the text of this thesis in referring to the prohibition of actions that are addressed across many different parts of international treaties and customary law.

NSAGs in Burma: A brief introduction

Conflicts between rebel ethnic NSAGs and the central government in Burma have continued sporadically since independence in 1948.³⁴ Unresolved political tensions at independence between the new government and a host of other ethnically and politically based organisations rapidly escalated into armed conflict as the new government attempted to consolidate itself, establish a unitary state and suppress opposition. Consequently, the prevention of the disintegration of the unitary state became the driving force for the Tatmadaw since Burma's independence in 1948, leading to its direct control of the state from 1962 up to 2011. While the ethnic NSAG challengers have now been pushed to the margins, decades of military and political struggle have also forged the

³² "Starvation of civilians as a method of combat is prohibited. It is therefore prohibited to attack, destroy, remove or render useless, for that purpose, objects indispensable to the survival of the civilian population, such as food stuffs, agricultural areas for the production of foodstuffs, crops, livestock, drinking water installations and supplies and irrigation works." Additional Protocol II (1977) to the Geneva Conventions of 1949, Part IV, Article 14.

³³ Jo and Bryant, "Taming of the Warlords: Commitment and Compliance by Armed Opposition Groups in Civil Wars," 241; Sjöberg, "Dealing With the Devil?: Humanitarian Engagement with Non-State Actors: The Case of the National Liberation Army, Colombia", 42-44.

³⁴ See Chapter Six 'Burma Background and Context' for a more detailed treatment of the ethnic conflicts in Burma.

development of parallel state-like (and sometimes overlapping with the state) administrative and welfare systems within the ethnic NSAG areas.

These conflicts have been long-running, sporadic and usually low-intensity, fought in the jungle and mountain terrain of the ethnic border regions of Myanmar, and generally outside the focus of international political or media attention. There is a wide spectrum of armed groups in Burma that range from large and long-standing ethnic armed organisations, with state-like structures, political wings and administrative functions, regular armies and territorial control, through to government-aligned-militias and small splinter factions from larger NSAGs. The NSAGs examined in this study mostly have government-like departments with differentiated political and military wings and provide varying levels of services such as health and education to the parts of the constituent populations they can access and claim to represent. These NSAGs have not engaged in deliberate policies of violence directed towards civilians on any widespread or systematic level. Use of landmines and recruitment of children are, however, two issues in contravention of humanitarian norms, that these NSAGs have been involved with, and which present threats to the security of the people they claim to represent.

Research questions

To discover why some NSAGs have taken action in relation to the humanitarian norms against landmine use and recruitment of children, while others have not, or have done so in relation to one norm but not another, requires consideration of the potential factors that contribute to or impede this.

A case study is conducted across a set of NSAGs in Burma in relation to these two issues that affect immediate and long-term civilian security.

- 1) The use, production, and stockpiling of antipersonnel landmines.
- 2) The effects of armed conflict on children, including the recruitment and involvement of children in NSAGs.

The focus of this research, therefore, is on the threats NSAGs pose to the security of civilian populations in Burma through landmine use and involvement of children in armed conflict; the actions they have taken (if any) to ameliorate these issues; and the roles of other actors that have engaged with them to this end.

The central research question is:

Which factors have facilitated or obstructed compliance and/or action towards compliance with humanitarian norms against landmine use and the recruitment of children by NSAGs in Burma?

From this central research question four secondary questions follow:

- a) What are the actions NSAGs have themselves taken (if any) to ameliorate the issues of landmine use and children affected by armed conflict?
- b) How have these been carried out?
- c) What are the roles and processes of humanitarian actors that have engaged with NSAGs to this end?
- d) How effective have they been and why?

Organisation of the thesis

The following chapter introduces the type of NSAGs operating in Burma that are the focus of the study. It also introduces the two central theoretical approaches, the political economy of armed conflict and social constructivism, relevant to the analysis of NSAG behaviour deployed in this study. Chapter three then outlines the literature from a humanitarian perspective on engagement with NSAGs and the IHL and IHRL applicable to them. It also examines writing from humanitarian practitioners regarding the reasons for NSAG compliance with, or violation of, these laws.

Chapter four reviews the literature from the political economy of armed conflict and from sociology-based research into NSAGs. A focus within

these two bodies of literature is on the factors influencing NSAG-civilian relations. It then presents a set of eight theoretical propositions derived from relevant theory and literature from chapters two through to four. They are deployed in this study to assist in answering the central and secondary research questions above. The research design, rationale for a case study approach, the choice of NSAGs, fieldwork and interviews, and methods for analysis of data are set out in chapter five. The historical and political context of Burma's ethnic conflicts is outlined in chapter six. The circumstances within which many NSAGs developed in Burma and have operated for decades is presented therein. It also details recent developments that have been influential on the NSAGs, especially ceasefires between the government and NSAGs and increasing international engagement with Burma since 2011/12.

Chapters seven through to nine present the empirical component of this research and include relevant excerpts from the interviews conducted during the fieldwork. Landmines and children affected by armed conflict, the two issues that are deployed as measures of NSAG compliance with humanitarian norms, are detailed in chapter seven. These issues are examined first at an international level, and then with specific reference to the practices of state and non-state forces in Burma. Four NSAGs operating in southeast Burma are analysed as case studies in chapter eight.³⁵ Attention is paid to their development, social, economic and political contexts, and their trajectory since formation. In seeking to answer the secondary questions a) and b) above, these NSAGs' policies, and their practices, both positive and negative, in response to the humanitarian norm issues of landmine use and involvement of children, are examined. Following the line of enquiry suggested by the secondary questions c) and d) the roles, processes and effectiveness of local and international actors that have engaged with NSAGs in Burma are examined in chapter nine. The forms of direct and indirect engagement activity with NSAGs to

³⁵ These NSAGs are the Karenni National Progressive Party/ Karenni Army (KNPP/ KA), the New Mon State Party/ Mon National Liberation Army (NMSP/MNLA), the All Burma Students' Democratic Front (ABSDF), and the Democratic Karen Buddhist/Benevolent Army (DKBA).

encourage or improve measures by them on the two protection issues are detailed.

The theoretical propositions are revisited in the findings and conclusion chapter (ten), and are assessed in the light of the issues, NSAG policies and practices, and the work of external engagement actors that have been outlined across chapters seven through nine. It also examines some themes raised during the study that are not accounted for by the existing propositions. Lastly, consideration is given to some implications for theory addressing NSAGs, and to practical policy arising from this research, and to some areas for potential future research that have been raised through the course of the study.

Chapter Two

Non-state armed groups (NSAGs) and theory

International Humanitarian Law (IHL) acknowledges the role of “organised armed groups” as parties to conflicts.³⁶ This emphasis on armed groups as organised state-like entities, is partly due to the assumption, in humanitarian terms, that effective command and control in such groups will reduce unintended harm to civilians and encourage better compliance with IHL.³⁷ Organised armed groups are also more likely to have political wings, and associated welfare or social organisations, as well as fighting forces. The significance of this aspect of organised armed groups has been acknowledged by the International Committee of the Red Cross (ICRC) in terms of determining who is considered a combatant or not in such groups. “This distinction has important consequences for the determination of membership in an organized armed group as opposed to other forms of affiliation with, or support for, a non-State party to the conflict.”³⁸ For the more organised groups, their role as political entities and de facto governments with control over people and/or territory provide significant reasons for external humanitarian organisations to engage with them.³⁹ Humanitarian engagement with NSAGs may be for access to populations under NSAG control, or to influence the NSAG itself regarding humanitarian issues.

³⁶ See, *Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II)*, 8 June 1977. Article 1 (1). The applicability of IHL to NSAGs is discussed further in chapter three.

³⁷ Lack of effective command and control due to geographic dispersion and autonomous actions by lower level commanders have been highlighted as organisational factors leading to increased predation by armed groups. See, for example, Patrick Johnston, "The Geography of Insurgent Organization and its Consequences for Civil Wars: Evidence from Liberia and Sierra Leone," *Security Studies* 17, no. 1 (2008).

³⁸ International Committee of the Red Cross, "Interpretive Guidance on the Notion of Direct Participation in Hostilities under International Humanitarian Law " *International Review of the Red Cross* 90, no. 872 (2008): 1006.

³⁹ Claude Bruderlein, *The Role of Non-State Actors in Building Human Security: The Case of Armed Groups in Intra-State Wars* (Geneva, Switzerland: HD Centre for Humanitarian Dialogue, 2000), 7.

NSAGs operating in Burma: definitions and terminology

The Burma NSAGs considered by this study have been motivated by deep-seated ethnic or political grievances that can be traced back through the post-independence, colonial, and even pre-colonial era. The formation of most NSAGs in Burma has been as a reaction to central state repression and/or neglect in peripheral areas of the country and these groups have frequently been in existence for decades. Apart from the Communist Party of Burma (CPB) up to 1989, and for a brief moment, the Karen National Union (KNU) in 1949, NSAGs have not sought to seize control at the centre of the state but, instead, have sought secession from Burma, or more recently, greater autonomy within it.⁴⁰ Economic motivations have increased over the decades of conflict, both individually for some NSAG elites, and in the access to and extraction of resources more broadly to maintain or further the NSAGs' causes. Most established ethnic NSAGs operate some system of taxation upon constituencies, but they also attempt to provide varying degrees of welfare and protection. To this end, they claim to be the legitimate representatives of their constituent populations and their grievances.

While the term NSAG is used in discussing armed groups in the literature and theoretical perspectives for this study, other terms are employed in referring specifically to armed groups in the context of Burma. In particular, the 'non-state' aspect of the label is not always appropriate for armed groups that seek to behave and represent themselves as state-like entities. To complicate the state aspect further, in Burma, many armed groups are located in 'ethnic states,' which are demarcated and administered by the central state government. Those who have worked alongside, engaged with or studied armed groups in Burma, and the armed groups themselves, often use the label ethnic armed groups (EAGs) or ethnic armed organisations (EAOs).

⁴⁰ Many of the ethnic armed groups examined in this study have sought change in the central government through participation in ethnic armed group alliances. The pro-democracy focused ABSDF also sought to bring about democratic change at the centre through participation in alliances with ethnic armed groups.

The significance of this terminology was demonstrated during negotiations in 2014 towards a potential nationwide ceasefire agreement with the government. Leaders from a coalition of ethnic NSAGs in Myanmar, the United Nationalities Federal Council (UNFC), wanted to use the label 'ethnic revolution armed group' rather than just 'armed group' preferred by the government in the wording of the draft nationwide ceasefire document.

We want to include the word 'revolution' because we engage in military means for a political purpose. We use armed struggle to demand our rights. 'Armed groups' could be any groups who hold arms for looting. They could be terrorists or pirates.⁴¹

However, groups such as the ABSDF or the former CPB, have/had primarily political rather than ethno-nationalist motivations, so NSAG remains applicable to them. While most NSAGs examined in this study fit the organised type defined above, there is still a considerable range in terms of size, motivation, and political alignment. For example, NSAGs are often referred to in terms of the status of their relations with the central government and its armed forces as 'ceasefire' or 'non-ceasefire.' Other armed groups include village-level militias (some are aligned with the government, others with ethnic NSAGs), splinter groups from larger NSAGs, and Border-Guard Forces (BGF) which are former 'ceasefire' NSAGs that have been brought under direct control of the state armed forces.⁴² These other types of armed group are usually small and localised, in the case of village militias, or larger but under direct government control, as in the case of the BGF. While they are mentioned in this thesis within the wider context of ethnic armed conflicts in Burma, these other forms of armed group are not the direct focus of this study.

The armed groups that are considered in the present study have pursued ethnic and/or political objectives and generally have political as well as military wings. They have also been responsible for varying levels of

⁴¹ Nai Hong Sar, General Secretary of the UNFC, quoted by Saw Yan Naing, "A Word Could Delay Burma's Peace Process: Ethnic Leaders," *The Irrawaddy* January 21, 2014.

⁴² See, for an extensive typology of armed groups active in Burma/Myanmar, Kim Jolliffe, *Ethnic Conflict and Social Services in Myanmar's Contested Regions* (Yangon, Myanmar: Asia Foundation, 2014), 11-14. Paul Keenan, *By Force of Arms: Armed Ethnic Groups in Burma* (Chiang Mai, Thailand: Burma Centre for Ethnic Studies, 2012).

welfare activity as well as presenting threats to the security of civilian populations exposed to their control or influence. Most of these groups are perceived as being significant enough politically and militarily to be formally approached for ceasefires by the government. There remain approximately 20 NSAGs in Burma that fit within these parameters.

Significant organised ethnic/political non-state armed groups in Burma/Myanmar as of 2015⁴³				
	Numbers (estimated)	Founded	Ceasefire	Areas
Arakan Army (AA)	2,000	2009	-----	Kachin, Arakan
Arakan Liberation Party (ALP)	100	1968	2012	Arakan, Chin, Karen
All Burma Students' Democratic Front (ABSDF)	400	1988	2013	Karen, Kachin
Chin National Front/ Army (CNF/A)	200	1988	2012	Chin
Democratic Karen Benevolent Army/ Kalo Htoo Baw Karen Organisation (DKBA/KKO)	1,500	1994/2010	2011	Karen, Mon
Karen National Union/ Karen National Liberation Army (KNU/KNLA)	5,000	1947	2012	Karen, Mon, Bago, Tanintharyi
Karen National Union/ Karen National Liberation Army –Peace Council (KNU/KNLA-PC)	150	2007	2007	Karen
Karenni National Progressive Party/ Karenni Army (KNPP/KA)	600	1957	2012	Karenni
Kachin Independence Organisation/ Army (KIO/A)	10,000	1961	1994-2011____	Kachin, N Shan
Myanmar National Democratic Alliance Army (MNDA)	3,000	1989	-----	Kokang, N Shan
National Democratic Alliance Army (NDAA)	4,500	1989	1989	Mongla, N Shan
National Socialist Council of Nagaland –Kapleng faction (NSCN-K)	500	1980	2012	Burma/India border
New Mon State Party/ Mon National Liberation Army (NMSP/MNLA)	2000	1958	1995/2012	Mon, Karen
Pa'o National Liberation Organisation/ Army (PNLO/PNLA)	400	2009	2012	Shan
Restoration Council of Shan State/ Shan State Army-South (RCSS/SSA-S)	7,000	1964	2011	Shan
Shan State Progress Party/ Shan State Army-North (SSPP/SSA-N)	8,000	1964/1989	2012	Shan
Palaung State Liberation Front /Ta'ang National Liberation Army (PSLF/TNLA)	4,500	1992/2011	-----	Shan
United Wa State Party/ Army (UWSP/A)	20,000	1989	1989	Shan

⁴³ Information for this table is drawn from, Burma News International, *Deciphering Myanmar's Peace Process: A Reference Guide 2015* (Chiang Mai, Thailand: Burma News International, 2015); Keenan, *By Force of Arms: Armed Ethnic Groups in Burma*. Government controlled BGF and militias are not included in this table. Groups with negligible numbers (less than 100), for example the Arakan National Council (ANC), Lahu Democratic Union (LDU), or Wa National Organisation (WNO), are also not included. This raises the issue of military strength for NSAG credibility and perceived legitimacy. The three small groups (ANC, LDU and WNO) were not invited to sign the nationwide ceasefire agreement (NCA) in October 2015 for the reason that the government stated they lacked any (or sufficient) armed forces to be included.

The rationale for the use of political economy and sociology-based theoretical approaches

No one specific theory can address the range of perspectives on NSAGs. As Veronique Dudouet has stated, this is due to the “complexity of intra-national conflicts and the necessity of adopting an inclusive understanding of conflict actors.”⁴⁴ Keith Krause and Jennifer Milliken, for example, acknowledge the range of disciplines and approaches to research into NSAGs that include micro-level analysis and modelling, ethnographic fieldwork, sociology, political economy, and historical perspectives.⁴⁵

The two central reasons for why political economy analysis of armed conflict and sociology-based theoretical perspectives are combined in the present study are, first, the increasingly important role of economic factors in addition to the social and political grievances that underlie Burma’s civil wars and, second, the role of resources and funding for building legitimacy for NSAGs. Burma-focused scholars like Mary Callahan, Martin Smith, Jake Sherman and others have all made the point that the conflicts in Burma, while having a basis in long-standing ethnic, social and political grievances, have over decades increasingly taken on economic dynamics.⁴⁶ This has been due to internal and external state demands for resources from within the conflict areas, the need for NSAGs and government forces to be self-funding, and increasing fragmentation of NSAGs and competition over control of resources. All of these factors affect the civilian population. Examples of these effects, explored later in

⁴⁴ Veronique Dudouet, "From War to Politics: Resistance/Liberation Movements in Transition," (Berlin, Germany: Berghof Research Center for Constructive Conflict Management, 2009), 5.

⁴⁵ Keith Krause and Jennifer Milliken, "Introduction: The Challenge of Non-State Armed Groups," *Contemporary Security Policy* 30, no. 2 (2009): 202.

⁴⁶ See, for example, Callahan, *Political Authority in Burma's Ethnic Minority States: Devolution, Occupation, and Coexistence*, 3-4 & 20-21; Martin Smith, *State of Strife: The Dynamics of Ethnic Conflict in Burma* (Washington, DC: East-West Centre, 2007); Jake Sherman, "Burma: Lessons from the Cease-Fires," in *The Political Economy of Armed Conflict: Beyond Greed and Grievance*, ed. Karen Ballentine and Jake Sherman (Boulder, CO: Lynne Rienner, 2003); Catherine Brown, "Burma: The political economy of violence," *Disasters* 23, no. 3 (1999); Bertil Lintner, *Burma in Revolt: Opium and Insurgency since 1948* (Silkworm Books: Chiang Mai, Thailand, 1999).

this thesis, include the localised use of landmines to protect resources for business interests, and economic pressures on children to join NSAGs.

Humanitarian assistance has itself been identified as an economic variable in armed conflicts. For example, Fiona Terry identified how, in the case of refugee camps, NSAGs have made claims to legitimacy and control of populations through their control over and involvement with humanitarian assistance.⁴⁷ Authors looking at the role of NSAG rebel administrations have also pointed to the combination of material and socially constructed factors where rebel groups seek to build legitimacy. Zachariah Mampilly makes the point that it is “by replicating some of the functions and forms of the nation-state” that an NSAG can “derive support for its political authority and achieve some form of legitimacy.”⁴⁸ Sukanya Podder, in a similar vein, identifies NSAG legitimacy as being predicated on the “ability to meet every day needs of civilians.”⁴⁹ In such instances, as Podder indicates, rather than co-opting aid, “insurgents may use aid to support local services, thereby enhancing their legitimacy and support base.”⁵⁰ The logical progression that follows from NSAG concerns with building legitimacy, is that they will need access to funding and resources to build the administrations and welfare services on which they attempt to base that legitimacy. These are significant features in the case of the NSAGs in Burma considered by the present study. Consequently, the increasing role of economic factors in Burma’s ethnic conflicts and the relationship, as outlined above, between the socially constructed concept of legitimacy and the material resources and funding NSAGs need to build it, strongly suggest the combination of social constructivist and political economy approaches. Combined, they raise a more representative and inter-related set of factors influencing NSAG-civilian relations and the consequent extent of NSAG compliance with humanitarian norms.

⁴⁷ Fiona Terry, *Condemned to Repeat?: The Paradox of Humanitarian Action* (Cornell University Press: Ithaca, NY, 2002), 10.

⁴⁸ Zachariah Chierian Mampilly, *Rebel Rulers* (Ithaca, NY: Cornell University Press, 2011), 9.

⁴⁹ Podder, "Non-State Armed Groups and Stability: Reconsidering Legitimacy and Inclusion," 20.

⁵⁰ *Ibid.*, 26.

The political economy of armed conflict

Political economy analysis as applied to modern armed conflicts was initially concerned with making causal connections between economic factors, especially the presence of natural resources, and the incidence of civil wars.⁵¹ The focus of the political economy of civil wars has since broadened to recognise the role of sub-state, shadow, trans-border, or globalised, economies and how these perpetuate and maintain armed conflict. Karen Ballentine and Heiko Nitschke describe it as the study of “how the economic agendas of armed factions sustain violent conflict and inhibit durable peace,” and for understanding “the role of globalization in creating new opportunities for combatants to finance their military operations.”⁵²

Many contemporary civil wars and areas of ongoing instability and sporadic conflict involve a host of armed state and non-state actors, and also business interests. These have developed into complex systems with their own local conflict and economic dynamics that are connected across borders to regional and global economies. Mark Duffield has conceptualised the understanding of these systems, not as “complex political emergencies,” but rather as “emerging political complexes.”⁵³ Political economy analysis of armed conflicts has consequently made connections between economic factors and NSAG behaviour towards civilian populations.⁵⁴ Achim Wennmann, for example, has highlighted how “economic factors can structure the context in which armed groups fight, mobilize support, and build relationships with local populations.”⁵⁵ Duffield, also draws connections from the economy of armed conflicts and

⁵¹ See, for example, Paul Collier and Anke Hoeffler, “Greed and Grievance in Civil War: World Bank Policy Research Working Paper No. 2355 ” (2001); Michael T. Klare, “The New Geography of Conflict,” *Foreign Affairs* 80, no. 3 (2001).

⁵² Karen Ballentine and Heiko Nitschke, *Beyond Greed and Grievance: Policy Lessons from Studies in the Political Economy of Armed Conflict* (International Peace Academy Report, 2003), 2.

⁵³ Mark Duffield, *Global Governance and the New Wars* (London, UK: Zed Books, 2001), 14.

⁵⁴ See, for example, Christopher Cramer, *Civil war is not a stupid thing: Accounting for violence in developing countries* (London, UK: Hurst and Company, 2006); Weinstein, *Inside Rebellion: The Politics of Insurgent Rebellion*.

⁵⁵ Achim Wennmann, “Economic dimensions of armed groups: profiling the financing, costs, and agendas and their implications for mediated engagements,” *International Review of the Red Cross* 882, no. 93 (2011): 334.

emerging political complexes to the impacts on the people caught in them. “In today’s network wars the traditional distinctions –‘military/civilian,’ ‘combatant/non-combatant,’ etc. - that a neutral humanitarianism ideally would base itself on, no longer properly exist.” Both Wennmann and Duffield demonstrate the link, relevant to the present study, between the political economy of armed conflicts and its direct, and often negative, consequences on civilian protection. This point highlights the rationale for considering economic influences in the present study. They are significant not only in understanding the causes and perpetuation of conflicts, but for how they may contribute negatively and/or positively to relations between NSAGs and civilians, and therefore to the extent of NSAG compliance with humanitarian norms.

While the role of resources and economic incentives provides some explanatory traction on the actions of NSAGs, other researchers and theorists have pointed to the inescapable social context of armed conflicts, and of NSAG-civilian relations.⁵⁶ Understanding of the social construction of identity and legitimacy, and of the influence of norms, concepts relevant to the study of NSAGs and to humanitarianism, have come from the discipline of sociology.⁵⁷ Social constructivism is a social theory that has been adapted from sociology to IR. An example of social constructivism in IR, with considerable relevance to NSAGs, has been discussion about sovereignty and its role in the “construction of state identity.”⁵⁸ The norm of sovereignty “determines what the basic political units of the system are,” and furthermore what constitute “deviant” units within the state system.⁵⁹

⁵⁶ See, for example, Christopher Clapham, ed. *African Guerrillas* (Oxford, UK: James Currey, 1998), 11-15; Paul Richards, ed. *No War, No Peace: An Anthropology of Contemporary Armed Conflicts* (Oxford, UK: James Currey, 2005), 5 & 12-13.

⁵⁷ Structure and agency, social constructionism, identity, authority and legitimacy, and civil society, are all considered as central concepts in the study of sociology. See, Anthony Giddens and Philip W. Sutton, *Essential Concepts in Sociology* (Cambridge, UK: Polity Press, 2014).

⁵⁸ Ronald L. Jepperson, Alexander Wendt, and Peter J. Katzenstein, "Norms, Identity, and Culture in National Security," in *The Culture of National Security: Norms and Identity in World Politics*, ed. Peter J. Katzenstein (New York, NY: Columbia University Press, 1996), 45-46.

⁵⁹ Ibid.

Social constructivism

Social constructivism claims “human interaction is shaped primarily by ideational factors, not simply material ones.”⁶⁰ It emphasises the socially constructed nature of interests and identities. Constructivism views these as able to change over time, whereas realist IR theory tends to view state interests (usually power and security) as fixed and unchanging. Alexander Wendt outlined the ontological differences between realism and constructivism by highlighting realism’s focus on rational individualism extrapolated to the behaviour of states, while arguing that identities and interests, which are taken as fixed by realists, are viewed as being in a constant process of change by constructivists.⁶¹ Topics considered by constructivist research have included the use and control of weapons, the role of humanitarianism, and the influence of identity politics. Margaret Finnemore and Katherine Sikkink contend that constructivist research into these topics has “demonstrated how social structures of different kinds reshape actors’ interests, self-understandings, and behaviour.”⁶² This has placed constructivism as the main theoretical approach applied to understanding humanitarianism, humanitarian norms, and non-state actors involved with their promotion.⁶³

International treaties and NGO campaigns to address issues including landmine use and child soldiers provide examples, often cited by constructivists, of the influence of norms in IR. A coalition of NGOs, the International Campaign to Ban Landmines (ICBL), campaigned for the

⁶⁰ Martha Finnemore and Kathryn Sikkink, "Taking Stock: The Constructivist Research Program in International Relations and Comparative Politics," *Annual Review of Political Science* 4, no. 1 (2001): 393.

⁶¹ Alexander Wendt, *Social Theory of International Politics* (Cambridge, UK: Cambridge University Press, 1999).

⁶² Finnemore and Sikkink, "Taking Stock: The Constructivist Research Program in International Relations and Comparative Politics," 471.

⁶³ See, for example, Michael N. Barnett and Thomas G. Weiss, *Humanitarianism Contested: Where Angels Fear to Tread* (New York, NY: Routledge, 2011). Michael N. Barnett and Martha Finnemore, *Rules for the World: International Organizations in Global Politics* (Ithaca, New York: Cornell University Press., 2004); Margaret E. Keck and Kathryn Sikkink, "Transnational Advocacy Networks in International and Regional Politics," *International Social Science Journal* 51, no. 1 (1999).

1997 Ottawa treaty banning the use of antipersonnel landmines.⁶⁴ A similar campaign involving another coalition of NGOs, the Coalition to Stop the Use of Child Soldiers (CSCS), now Child Soldiers International (CSI), was also conducted internationally to promote norms to end the use of child soldiers. This contributed to the 2002 Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (OPAC).⁶⁵ The ICBL and CSCS promotion of norms leading to development of treaties prohibiting the use of landmines and child soldiers, in the case of states, is relevant for the parallel situation of the same issues and norms applied to NSAGs. Norms in constructivist theories of IR are understood to be accepted standards of behaviour adhered to by states or other actors in the international system. Peter J. Katzenstein defines them as “collective expectations for the proper behaviour of actors with a given identity.”⁶⁶

Norms and socialisation

The role of ideas, and the potential of some in the form of norms, to establish accepted standards of behaviour, raises the question of the processes by which they are accepted. Theorists within the constructivist tradition have pointed to the central role of socialisation in states accepting new norms.⁶⁷ In considering the role of socialisation on the acceptance by states of norms within international institutions, Alastair Iain Johnston identified two central processes; persuasion and social influence.

Persuasion is when the actor changes their mind or opinion about an issue

⁶⁴ R. Thakur and W. Maley, "The Ottawa Convention on Landmines: A Landmark Humanitarian Treaty in Arms Control?," *Global Governance* 5, no. 3 (1999); Kenneth Rutherford, "The Evolving Arms Control Agenda: Implications of the Role of NGOs in Banning Antipersonnel Landmines," *World Politics* 53, no. 1 (2000).

⁶⁵ Child Soldiers International, "Our History," http://www.child-soldiers.org/our_history.php; Peter Singer, *Children at war* (Toronto, Canada: Random House, 2005), 140-43, & 213-20.

⁶⁶ Peter J. Katzenstein, ed. *The Culture of National Security: Norms and Identity in World Politics* (New York, NY: Columbia University Press, 1996), 5.

⁶⁷ Finnemore and Sikkink present a model wherein norms at first emerge, then cascade (spread), and eventually are internalised (accepted by the recipient). They identify socialisation as a mechanism by which norms are spread, and habit and institutionalisation by which they are internalised. Martha Finnemore and Kathryn Sikkink, "International Norm Dynamics and Political Change," *International Organization* 52, no. 4 (1998): 898.

without any “overtly material or mental coercion.”⁶⁸ Johnston lists three main ways an actor may be persuaded to adhere to a norm. These are through the actor being presented with new information and counter attitudinal arguments, through the actor being influenced by their relationship with those attempting to persuade them, and through the characteristics of the particular actor that is being persuaded.⁶⁹ Social influence, on the other hand, according to Johnston, elicits “pro-norm behaviour through the distribution of social rewards and punishments.”⁷⁰ Social rewards include status and positive self-worth, while shame, exclusion or cognitive dissonance through not conforming with group expectations are viewed as social punishments. However, with social influence there can be outward demonstration of compliance with a norm even if there is not internal acceptance. Reputation through improved status, in this instance, can gain improved trust from other actors leading them to engage on other issues with an entity that is demonstrating compliance with a norm. This instrumental interest in compliance with norms is a significant feature within the role of social influence in socialisation with potential relevance to NSAGs and humanitarian norms.

Jeffrey Checkel, has also outlined the role of norm socialisation in international institutions. He summarises the work of scholars looking at socialisation in international institutions and identifies three stages of socialisation in the acceptance of norms. These are initial “strategic calculation” which is incentive based; “role playing” where the actors follow or adapt to a role because it is appropriate without deeper reflection upon it; and finally, “normative suasion”, where actors “actively and reflectively internalize new understandings of appropriateness.”⁷¹ Significantly, Checkel acknowledges a role for both social and material incentives within the initial strategic calculation phase. What starts out as instrumentally

⁶⁸ Alastair Iain Johnston, "Treating International Institutions as Social Environments," *International Studies Quarterly* 45, no. 4 (2001): 496.

⁶⁹ *Ibid.*, 496-99.

⁷⁰ *Ibid.*, 499.

⁷¹ Jeffrey T. Checkel, "International Institutions and Socialization in Europe: Introduction and Framework," *International Organization* 59, no. 4 (2005): 808-13.

based behaviour change, he points out, can lead to “sustained compliance that is strongly suggestive of internalization and preference change.”⁷²

Johnston and Checkel both identify contexts within which socialisation of actors into new norms is more likely to occur. These ‘scope conditions’ include, in the case of persuasion (normative suasion for Checkel), when the environment is outside of the regular one for the actors being persuaded; when the target actor does not hold strong pre-existing opposition to the norm being promoted; when the persuader is an authoritative member of an in-group with the target actor, and; when there is sustained contact between them.⁷³ For Checkel’s strategic calculation model, the actor’s calculation that rewards of compliance are greater than costs, and again, the importance of sustained contact are highlighted.⁷⁴ Johnston sees status, and thereby the importance of the audience or institution – the group by whom the actor wishes to be seen as legitimate – as an important context for social influence, as well as the more instrumental element of encouraging engagement from actors on other issues, as mentioned above.⁷⁵

While the constructivist research agenda has focused mostly on states, some writers have considered the influence of international norms and socialisation applied to NSAGs. In relation to NSAG involvement in post-conflict settlements and state-building, Sukanya Podder, for example, acknowledges the role of “socialization aimed at normative or contextual change in NSAG behaviour.”⁷⁶ David Capie has raised the possibilities of norm socialisation with reference to encouraging the compliance of armed groups with humanitarian norms. Drawing on the work of Johnston, Checkel and others, he suggests the application of the processes of

⁷² Ibid., 809.

⁷³ Johnston, "Treating International Institutions as Social Environments," 498-99; Checkel, "International Institutions and Socialization in Europe: Introduction and Framework," 813.

⁷⁴ Checkel, "International Institutions and Socialization in Europe: Introduction and Framework," 809-11.

⁷⁵ Johnston, "Treating International Institutions as Social Environments," 500-02.

⁷⁶ Podder, "Non-State Armed Groups and Stability: Reconsidering Legitimacy and Inclusion," 17.

“persuasion” and “social influence”⁷⁷ to assessment of the acceptance of humanitarian norms by NSAGs. Furthermore, Capie points to the need for those “who will be influential and seen as authoritative” to be involved in the engagement processes to achieve persuasion of NSAG leadership. This could involve “former or even current combatants who have some shared worldview or common sense of purpose with the target group.”⁷⁸ This echoes the importance of persuaders being seen as authoritative or from an in-group as highlighted by Johnston and Checkel, but moving the frame of reference from international institutions to NSAGs and those actors engaging with them to improve compliance with humanitarian norms.

This approach is significant both in terms of practical application, and for theorising about the potential factors and processes that may influence NSAGs, especially the leadership who drive policy and those who may have influence on the leadership such as associated civil society or religious leaders. It takes into account both the potential for actors to internalise and be persuaded by the norm, or to give it greater prominence in their calculations if they already hold it as a valid belief. It also recognises the pressure to conform, or to be seen to adhere to the norm, regardless of personal belief. This is relevant for NSAG leadership in terms of concerns about local or international legitimacy.⁷⁹ It is also significant in the role and influence of actors who have internalised or been persuaded by such norms, and who are involved with welfare or civil society activities associated with, or accepted by, NSAGs. One significant difference, however, is that non-states usually have less incentive, opportunity, or capacity, to comply with international norms. This is the case regardless of whether they have internalised it, or merely see advantage in compliance with it, for instrumental reasons.

⁷⁷ David Capie, "Influencing Armed Groups: Are there Lessons to Be Drawn from Socialization Literature?," in *Exploring Criteria and Conditions for Engaging Armed Non-State Actors to Respect Humanitarian Law and Human Rights Law: Conference Report, June 4-5 2007* (Geneva, Switzerland: PSIO, UNDIR, Geneva Call, 2007), 87-89.

⁷⁸ *Ibid.*, 93.

⁷⁹ Legitimacy concerns of NSAGs are explored further in the sociology-based literature on NSAGs in chapter five.

Armed groups are more likely to maintain their influence or de facto sovereignty with the people they claim to represent if they not only wield armed force, but also present themselves as legitimate or credible representatives. This can engender support from constituent populations and increase their legitimacy locally and/or internationally.⁸⁰ This concern with legitimacy by NSAGs has been outlined in the work of writers considering the role of NSAG governance.⁸¹ That some NSAGs have a social component beyond just the use of military force demonstrates the value of social constructivism in analysis of them. An NSAG's image, identity, support base, and legitimacy with those it claims to represent, or wishes to influence, fit within the constructivist framework of ideas, interests and identity. Equally, actors wishing to influence NSAGs towards greater respect for humanitarian norms are likely to appeal to ideational aspects of the groups and their constituencies, such as identity and legitimacy.

Regarding the work of constructivist scholars, however, Jeffrey Checkel asks why it is that international norms meet with more acceptance in some countries than in others. He further notes that "it would also be useful to consider cases when the 'dog doesn't bark,' that is, where state identity/interests, in the presence of a norm, do not change."⁸² This is also relevant to analysis of NSAGs that do not modify actions that contravene humanitarian norms, despite favourable circumstances or engagement efforts by external actors to that end. Variation in the policies, actions, or the extent of acceptance of engagement on humanitarian issues, is a central point of the present research. The cases of NSAGs in Burma present examples where one humanitarian norm has received more attention, acceptance, or action, than another, and where certain groups

⁸⁰ However, some authors argue that where NSAGs have access to economic endowments that do not require them to seek support and legitimacy from the local population they will be more abusive or predatory behaviour towards that population. See, for example, Weinstein, *Inside Rebellion: The Politics of Insurgent Rebellion*. See, further, the section on political economy of armed conflict in the literature review chapter.

⁸¹ See, for example, Mampilly, *Rebel Rulers*; Sukanya Podder, "Mainstreaming the non-state in bottom-up statebuilding: linkages between rebel governance and post-conflict legitimacy," *Conflict, Security & Development* 14, no. 2 (2014).

⁸² Jeffrey T. Checkel, "The Constructivist Turn in International Relations Theory," *World Politics* 50, no. 2 (1998): 338.

have been more amenable overall to engagement on these matters than have others.

Summary

This chapter has introduced the type of organised ethnic political armed groups in Burma that are the focus of this study. Two contrasting theoretical perspectives applied to NSAGs and their behaviour as it relates to civilian protection and humanitarian norms were then outlined. These were the political economy of armed conflict, and social constructivism. Both theories are structural, but for the actors in the constructivist understanding applied to state behaviour and extrapolated to NSAGs in this study, “the structures within which they operate are defined by social norms and ideas rather than by objective or material conditions.”⁸³ The political economy analysis of civil wars, most explicitly, takes into consideration the material and coercive structures within which NSAGs and affected populations are embedded and their actions enabled or constrained. This approach considers the sources of resources and funding for armed groups and how these influence the types of groups that develop, their motivations, and behaviour.

This study takes the political economy approach further in considering how economic factors impact on NSAG-civilian relations and, consequently, on the extent of NSAG adherence (or not) to humanitarian norms. Economic factors have often been seen in the political economy literature as potentially negative influences on NSAG behaviour towards civilians. However, they may also contribute to ceasefires between warring parties, and potentially to improved conditions and even protection for civilians, depending on the NSAG’s motivations and use of resources.

The constructivist perspective in IR, originally derived from sociology, was introduced and explored for where it intersects with NSAGs and humanitarian norms. The development and promotion of norms and the processes associated with socialisation were identified for their analysis of, and potential practical application to, NSAGs. This approach highlights

⁸³ J. Samuel Barkin, "Realist Constructivism," *International Studies Review* 5(2003): 326.

mechanisms that influence actors towards compliance with norms, whether through instrumental interests and incentives, or through internalisation and genuine acceptance. This, in particular, has implications for the influence of social factors such as identity and legitimacy on NSAGs. Based on the social constructivist approach, this study contends that perceptions of legitimacy play a major role in NSAG interest in civilian protection and the extent of their adherence to humanitarian norms. Perceived legitimacy of NSAGs from constituent populations will matter for the group's continued material and social support. Equally, the leadership and members of NSAGs will value their perceived legitimacy. Thus, the socially constructed concept of legitimacy can be either instrumental for NSAGs to maintain local or international material support, and/or internalised in terms of self-image or identity with the populations they claim to represent.

Writing from humanitarian practitioners and academics on the practical and legal implications of NSAGs, and especially NSAG-civilian relations, is explored in the following chapter three. The focus is on humanitarian engagement with NSAGs, international humanitarian and human rights law applicable to NSAGs, and the processes by which NSAGs can demonstrate adherence to those laws. The factors believed to influence NSAG compliance with humanitarian norms are then drawn on from the work of humanitarian academics and practitioners. Following the two principal theoretical approaches outlined in this chapter, literature relevant to these influences is then disaggregated between the frameworks of political economy of armed conflict and sociology in chapter four.

Chapter Three

Humanitarian perspectives on NSAGs

Literature from a humanitarian perspective on NSAGs and engagement with them has been generated by both academic researchers and practitioners. These writers have produced much of the literature relevant to the present study where it considers NSAGs, influences on their behaviour towards civilians, and the actors and processes that have attempted to address them. The areas of focus have principally been on negotiation with NSAGs for access to populations in need; engagement with NSAGs to improve their adherence to humanitarian norms; and processes by which NSAGs can demonstrate this adherence. The overall objective of all these forms of activity as they relate to NSAGs is to improve the protection of the civilian populations that are exposed to them.

This chapter outlines the literature on humanitarian engagement with NSAGs, and on international humanitarian law (IHL) and international human rights law (IHRL) that is applicable to them. It also assesses potential mechanisms that enable NSAGs' to demonstrate adherence to humanitarian norms. It further draws out a set of factors identified in the humanitarian literature that are believed to influence NSAGs' compliance with international norms, both positively and negatively.

Humanitarian engagement with NSAGs

The International Committee of the Red Cross (ICRC) has set a benchmark for modern humanitarianism. It defines itself as “an independent, neutral organization ensuring humanitarian protection and assistance for victims of armed conflict and other situations of violence.” It also “promotes respect for international humanitarian law and its implementation in national law.”⁸⁴ Today, humanitarianism is a global enterprise, with large international NGOs (INGOs) and UN agencies dedicated to providing assistance and advocating respect for humanitarian

⁸⁴ International Committee of the Red Cross, "The mandate and mission of the ICRC," <http://www.icrc.org/eng/who-we-are/mandate/index.jsp>.

norms in natural disaster and armed conflict situations.⁸⁵ Michael Barnett, while acknowledging the western roots of large scale international humanitarianism, has pointed out that “we live in a world of humanitarianisms, not humanitarianism.”⁸⁶ Barnett widens the scope of what can be considered humanitarianism in referring to it in its simplest form as “organised compassion.”⁸⁷ Barnett and Thomas G. Weiss identify, beyond the European-centric perspective, how humanitarian concepts such as charity, volunteerism and selflessness are present in all major world cultures and religions.⁸⁸

Humanitarian concerns about NSAGs and civilian protection, and humanitarian engagement with NSAGs to improve that protection, have been the focus of entire issues of academic and practitioner journals in recent years.⁸⁹ The UN Office for the Coordination of Humanitarian Affairs (OCHA) gives a broad definition of humanitarian engagement with NSAGs as including “advocacy, negotiation, mediation, and liaison interactions.”⁹⁰ Negotiation is central to providing protection and assistance to vulnerable populations and for advocating adherence to international law. As Max Glaser has stated, the purpose of these negotiations is “to obtain safe access to civilians for the provision of humanitarian aid in accordance with rules of International Humanitarian Law”.⁹¹ The difficulties facing such negotiations and those who undertake them are great. Humanitarian actors frequently have to negotiate the realpolitik concerns of states and NSAGs focused on their immediate military and political objectives.⁹²

⁸⁵ See, for example, Michael N. Barnett, *The Empire of Humanity: A History of Humanitarianism* (Ithaca, NY: Cornell University Press, 2011).

⁸⁶ *Ibid.*, 10.

⁸⁷ *Ibid.*, 15.

⁸⁸ Barnett and Weiss, *Humanitarianism Contested: Where Angels Fear to Tread*, 22.

⁸⁹ See, for example, Vincent Bernard et al, "Humanitarian debate: Law, policy, action: Engaging armed groups," *International Review of the Red Cross* 93, no. 883 (2011); Forced Migration Review, "Armed Non-State Actors," *Forced Migration Review* 37(2011); Ron Dudai and Kieran McEvoy, et al, *Journal of Human Rights Practice* 4, no. 1 (2012).

⁹⁰ Gerard McHugh and Manuel Bessler, *Humanitarian Negotiations with Armed Groups: A Manual for Practitioners* (New York, NY: United Nations Office for Coordination of Humanitarian Affairs, 2006), 5.

⁹¹ Max P. Glaser, "Negotiated Access: Humanitarian Engagement with Non-State Actors," Carr Centre for Human Rights Policy, Kennedy School of Government, Harvard University, <http://www.hks.harvard.edu/cchrp/pdf/NegotiatedAccess.pdf>.

⁹² Barnett and Weiss, *Humanitarianism Contested: Where Angels Fear to Tread*, 17.

Defining humanitarian engagement with NSAGs

Engagement by humanitarian actors with NSAGs has also been carried out to improve NSAG adherence with humanitarian norms. Short of the use of military force, there are a range of tools at the disposal of humanitarian agencies to encourage adherence to humanitarian norms and to dissuade or punish offending groups. They include the threat of prosecution,⁹³ sanctions,⁹⁴ and the public naming and shaming of groups that violate humanitarian norms.⁹⁵ There has, however, been less attention paid to other more inclusive means of modifying NSAG actions, or in providing incentives for NSAGs that are, or could be, carrying out positive actions in terms of civilian protection.⁹⁶ This is especially significant if those NSAGs are operating in a context where a recognised state is failing to meet its obligations according to international law and standards.

Non-coercive forms of engagement with NSAGs have been undertaken by a subset of international and local NGOs. For the ICRC, dialogue with parties to a conflict, including with armed groups, also involves a focus on IHL in "reminding the party of its obligations and commitments, monitoring and reporting, as well as training and capacity-building".⁹⁷ For the humanitarian engagement INGO Geneva Call, this means "engaging armed non-state actors (ANSAs) towards compliance with the norms of

⁹³ The majority of current prosecutions and arrests warrants by the International Criminal Court are for senior leaders/members of NSAGs. See, International Criminal Court, "Situations and Cases," http://www.icc-cpi.int/en_menus/icc/situations%20and%20cases/Pages/situations%20and%20cases.aspx.

⁹⁴ United Nations Security Council Department of Public Information, "Security Council Adopts Resolution Stating Readiness to Impose Sanctions on Armed Groups Persistently Violating Rights of Children," <http://www.un.org/News/Press/docs/2012/sc10769.doc.htm>.

⁹⁵ See, for example, the UN list of armed groups named for recruiting children, United Nations Human Rights Council, "A/HRC/21/38, Annual report of the Special Representative of the Secretary-General for Children and Armed Conflict, Radhika Coomaraswamy," (United Nations, 2012), 19-22.

⁹⁶ See, regarding incentives to improve NSAG compliance with IHL, Jonathan Somer, "Engaging Armed Non-State Actors to Protect Children from the Effects of Armed Conflict: When the Stick Doesn't Cut the Mustard," *Journal of Human Rights Practice* 4, no. 1 (2012).

⁹⁷ Michelle Mack and Jelena Pejic, *Increasing Respect for International Law in Non-International Conflicts* (Geneva, Switzerland: International Committee of the Red Cross, 2008), 14. See also, Olivier Bangerter, "The ICRC and Non-State Armed Groups," in *Exploring Criteria and Conditions for Engaging Armed Non-State Actors to Respect Humanitarian Law and Human Rights Law: Conference Report, June 4-5 2007* (Geneva, Switzerland: Geneva Call, PSIO and UNDIR, 2007).

international humanitarian law (IHL) and human rights law (IHRL)".⁹⁸ The NSAG engagement NGO, the South-South Network (SSN) also advocates constructive dialogue with NSAGs regarding IHL and IHRL as well as on a broad range of other issues.⁹⁹

The Geneva Academy of Humanitarian Law and Human Rights sums up the range of options included within humanitarian engagement with NSAGs. This is the definition for humanitarian engagement that is adopted in the present study. It is also useful as an outline of some of the main types of engagement activity.

By engagement is meant efforts to enhance compliance with international norms by armed non-state actors through a variety of direct or indirect means, especially awareness-raising, information sharing, persuasion, technical support/capacity-building, mediation and dialogue, advocacy, and monitoring.¹⁰⁰

Processes and issues for humanitarian engagement with NSAGs

Humanitarian engagement activity includes dialogue with NSAGs; advocacy and dissemination of IHL to NSAGs; capacity building and training to enable NSAGs to implement humanitarian policies; gaining their commitment to formal measures such as declarations or agreements to respect humanitarian norms; and reporting and monitoring of compliance.¹⁰¹ Specific issue areas addressed in humanitarian engagement with armed groups include the use and production of

⁹⁸ Geneva Call, "Humanitarian Engagement of Armed Non-State Actors," <http://www.genevacall.org/>.

⁹⁹ These include human rights, ceasefire and peace processes, reconstruction and rehabilitation, and democracy. See, South-South Network for Non-State Armed Group Engagement, "Engagement," <http://www.southsouthnetwork.com/engage.htm>.

¹⁰⁰ Geneva Academy of International Humanitarian Law and Human Rights, *Armed Non-State Actors and International Norms: Towards a Better Protection of Civilians in Armed Conflicts: Summary of Initial Research and Discussions During an Expert Workshop in Geneva in March 2010*, ed. Geneva Academy of International Humanitarian Law and Human Rights (Geneva, Switzerland 2010), 2.

¹⁰¹ See, for example, Nicholas Florquin, Pascal Bongard, and Emilia Richard, "Options for Engagement: Armed Groups and Humanitarian Norms," in *Small Arms Survey 2010: Gangs, Groups and Guns*, ed. Small Arms Survey (Cambridge, UK: Cambridge University Press, 2010), 310-14; Teresa Whitfield, "Engaging with Armed Groups: Dilemmas and Options for Negotiators," in *HD Centre Mediation Practice Series*, ed. Luc Chounet-Cambas and Katia Papagianni (Geneva, Switzerland: HD Centre, 2010); Petrusek, *Ends and Means: Human Rights Approaches to Armed Groups*; Bruderlein, *The Role of Non-State Actors in Building Human Security: The Case of Armed Groups in Intra-State Wars*.

landmines; children recruited and/or associated with armed groups; gender based violence; trafficking of small arms and light weapons (SALW); and, protection of internally displaced persons in areas of armed group control.¹⁰²

There are some central concerns for engagement actors, both in relation to their own actions and for the issues they address. One concern is deciding which armed groups should be engaged. The ICRC attempts to enter into dialogue with all relevant parties to conflicts where that engagement will improve civilian protection and increase respect for IHL.¹⁰³ Marco Sassoli argues that all armed groups, regardless of behaviour and tactics used, should be engaged with attempts to improve their compliance with international norms.¹⁰⁴ Others, however, set boundaries around some groups such as criminal gangs that are less amenable to engagement, or set minimum standards that groups need to meet for engagement to be productive.¹⁰⁵ As well as who or which NSAGs to engage, there is consideration of which international and/or local civil society actors are able to most effectively engage armed groups, or facilitate dialogue with them.¹⁰⁶

Claude Bruderlein states there are two main reasons for a lack of compliance with humanitarian norms by armed groups. These are the capacity of the group to actually implement humanitarian norms and the

¹⁰² See, for example, Geneva Call, *Engaging Armed Non-State Actors in a Landmine Ban: Geneva Call Progress Report (2000-2007)* (Geneva, Switzerland: Geneva Call, 2007); Somer, "Engaging Armed Non-State Actors to Protect Children from the Effects of Armed Conflict: When the Stick Doesn't Cut the Mustard." Small Arms Survey, *Small Arms Survey 2010: Gangs, Groups, and Guns* (Geneva Switzerland: Small Arms Survey, 2010). Forced Migration Review, "Armed Non-State Actors." DCAF and Geneva Call, "DCAF Horizon 2015 Working Paper Series: Armed Non-State Actors: Current Trends & Future Challenges," (Geneva, Switzerland: DCAF, 2011), 12. Bruderlein, *The Role of Non-State Actors in Building Human Security: The Case of Armed Groups in Intra-State Wars*, 2-3.

¹⁰³ Bangerter, "The ICRC and Non-State Armed Groups," 77-78.

¹⁰⁴ Marco Sassoli, "Engaging Non-State Actors: The New Frontier for International Humanitarian Law," in *Exploring Criteria and Conditions for Engaging Armed Non-State Actors to Respect Humanitarian Law and Human Rights Law: Conference Report - Geneva, 4-5 June 2007* (2007), 8.

¹⁰⁵ Florquin, Bongard, and Richard, "Options for Engagement: Armed Groups and Humanitarian Norms," 308; Bruderlein, *The Role of Non-State Actors in Building Human Security: The Case of Armed Groups in Intra-State Wars*, 9.

¹⁰⁶ Petrasek, *Ends and Means: Human Rights Approaches to Armed Groups*, 25-33.

willingness of the leadership to do so.¹⁰⁷ Olivier Bangerter, a former negotiator with armed groups for the ICRC, also argues that the commitment of the NSAG leadership is the vital factor in gaining compliance with humanitarian norms.¹⁰⁸ Nicholas Florquin, Pascal Bongard and Emilia Richard further point out that there are few legal incentives for NSAGs to comply.¹⁰⁹ However, practical incentives that are identified include NSAGs bringing humanitarian assistance into their areas, claiming the moral high ground over opponents, and responding to their support base.¹¹⁰ Perhaps one of the most significant incentives is the perceived legitimacy and international recognition or support that may be forthcoming for NSAGs that do attempt to comply with international norms. The reasons for NSAG interest, or lack thereof, in compliance with humanitarian norms is a central issue in this study. This theme is discussed further in this chapter, and in the next.

Strategies by which humanitarian actors attempt to improve NSAG behaviour include some that also address the group's constituency, its welfare wings, or associated civil society. Understanding the group and its economic, social, and political context are therefore recognised as central to any attempts at engagement.¹¹¹ An important interface for engagement activity is through local civil society that has acceptance or has built trust with the NSAG. David Petrasek suggests civil society actors that are close to armed groups may encourage improved behaviour by them as it is beneficial for the groups' and their constituencies' overall cause.¹¹² Mobilisation of the NSAG constituency and/or pressure from it on the

¹⁰⁷ Bruderlein, *The Role of Non-State Actors in Building Human Security: The Case of Armed Groups in Intra-State Wars*, 7.

¹⁰⁸ Bangerter, "The ICRC and Non-State Armed Groups." See also, Petrasek, *Ends and Means: Human Rights Approaches to Armed Groups*, 18-19.

¹⁰⁹ Florquin, Bongard, and Richard, "Options for Engagement: Armed Groups and Humanitarian Norms," 306.

¹¹⁰ *Ibid.*, 307.

¹¹¹ DCAF and Geneva Call, "DCAF Horizon 2015 Working Paper Series: Armed Non-State Actors: Current Trends & Future Challenges," 8-12; Petrasek, *Ends and Means: Human Rights Approaches to Armed Groups*, 14-23.

¹¹² Petrasek, *Ends and Means: Human Rights Approaches to Armed Groups*, 27; Andreas Wigger, "Engaging and Negotiating with Organised Armed Groups: A Field Perspective," in *Non-State Actors and International Humanitarian Law: Organized Armed Groups: A Challenge for the 21st Century*, ed. Marco Odello and Gian Luca Beruto (Milan, Italy: FrancoAngeli, 2010), 87-88.

NSAG to change particular behaviours are also important.¹¹³ This implies NSAGs that have a more consultative approach with host constituencies and civil society, as opposed to those that are strictly authoritarian and elite driven, are more likely to be amenable to engagement on humanitarian issues.

Assisting NSAGs to develop agreements with states, make unilateral declarations, or internal regulations inclusive of IHL, is another significant aspect of engagement. Such activities are carried out by the ICRC and Geneva Call.¹¹⁴ Sometimes, they are also carried out by smaller local organisations.¹¹⁵ Further actions undertaken for humanitarian engagement are training and capacity building in order to assist in the implementation of humanitarian norms that NSAGs have agreed to.¹¹⁶ The ability of NSAGs to implement measures they agree to and the extent (or lack) of international support to do so present further issues for humanitarian engagement. Bruderlein points out that “building the capacity of armed groups to respect international norms relies, of course, on the international community’s ability to help them do so... In this context, for example, the demobilization of child soldiers requires not only the withdrawing of their weapons, but also the provision of educational and nutritional programmes for years to come.”¹¹⁷

A set of difficulties and barriers to effective engagement with NSAGs on these issues has been noted. Three of these are the fragmentation of NSAGs, the shifting control of territory, and opposition by affected states to engagement with NSAGs.¹¹⁸ When a large armed group splits, the new factions may disregard previous humanitarian agreements or policies and

¹¹³ See, for example, Whitfield, "Engaging with Armed Groups: Dilemmas and Options for Negotiators," 32. ; DCAF and Geneva Call, "DCAF Horizon 2015 Working Paper Series: Armed Non-State Actors: Current Trends & Future Challenges," 3.

¹¹⁴ Bangerter, "The ICRC and Non-State Armed Groups," 82-83; Pauline Lacroix, Pascal Bongard, and Chris Rush, "Engaging Armed Non-State Actors in Mechanisms for Protection," *Forced Migration Review* 37(2011).

¹¹⁵ See chapters seven, eight and nine for further details of smaller local actors working with Burma NSAGs.

¹¹⁶ See, regarding such activity by Geneva Call, Decrey-Warner, "Characteristics and Motivations of Organised Armed Groups," 59-66.

¹¹⁷ Bruderlein, *The Role of Non-State Actors in Building Human Security: The Case of Armed Groups in Intra-State Wars*, 16.

¹¹⁸ International Peace Institute, *Humanitarian Engagement with Nonstate Armed Groups: Enhancing the Protection of Civilians in Armed Conflict* (New York, NY: IPI, 2011), 1-3.

disregard civilian protection concerns. Groups whose territorial control is shifting present difficulties for engagement, and for civilian populations that may be subject to a number of transitory and potentially abusive armed actors rather than one permanent presence. A related concern for external humanitarian actors is that their engagement actions may confer undue legitimacy on abusive groups.¹¹⁹

The role of states in opposing engagement with NSAGs has been identified by many authors including Soliman Santos and Dawn Steinhoff, and this also relates to the social and political issue of perceived legitimacy.¹²⁰ Steinhoff argues that opposition to improving NSAG compliance with IHL from the perspective of states has a political rather than legal basis. She points out how states refuse to recognise armed groups formally as belligerents even if the NSAGs meet the criteria set by IHL to do so. The state will claim such recognition compromises its domestic law because “granting a belligerent entity legal status will impair the state’s ability to prosecute and squash armed rebellions.”¹²¹ However, as she points out, “the political legitimacy that an insurgent group gains from legal recognition can be more harmful to a state than any loss in the state’s ability to apply domestic laws.”¹²² Steinhoff further argues that although civilians in non-international conflicts would likely benefit to some extent by NSAGs being able to formally adhere to IHL, or to be recognised as doing so, political concerns about the legitimacy this might grant them will continue to prevent it. These political concerns on the part of states are well founded. There are instances where the recognised state is failing to provide, or complicit in preventing, access to minimum standards of welfare or security to sections of its population. While, clearly, NSAGs will

¹¹⁹ Bruderlein, *The Role of Non-State Actors in Building Human Security: The Case of Armed Groups in Intra-State Wars*, 14.

¹²⁰ See, for example, Dawn Steinhoff, "Talking to the Enemy: State Legitimacy Concerns with engaging Non-State Armed Groups," *Texas International Law Journal* 45(2010). Soliman M. Santos, "A Critical Reflection on the Geneva Call Instrument and Approach in Engaging Armed Groups on Humanitarian Norms: A Southern Perspective," in *Curbing Human Rights Violations by Armed Groups* Conference, University of British Columbia, Canada, 14-15 November, 2003. (Vancouver, Canada 2003), 7; Whitfield, "Engaging with Armed Groups: Dilemmas and Options for Negotiators," 5 & 25.

¹²¹ Steinhoff, "Talking to the Enemy: State Legitimacy Concerns with engaging Non-State Armed Groups," 317.

¹²² *Ibid.*, 318.

seek legitimacy through claiming adherence to IHL, “removing avenues to gain legitimacy removes the incentive for groups to comply with IHL.”¹²³ This is central to the subject of engagement with NSAGs and their policies or practices regarding humanitarian norms. Perceptions of legitimacy as socially constructed factors influencing NSAGs are, therefore, explored further in the next chapter.

The applicability of international law to NSAGs

International humanitarian law (IHL)

While IHL was originally intended to apply to the conduct of the military forces of states in relation to each other, since 1945 it has increasingly been concerned with the protection of civilians and the actions of NSAGs. The ICRC has attempted to provide guidance in distinguishing between those who are and are not participating in hostilities, with the clear humanitarian objective of the protection of non-combatants. It identifies Common Article Three to the four 1949 Geneva Conventions and the Additional Protocol II (1977) as the central treaty documents in IHL addressing NSAGs and civilian protection in non-international conflicts.¹²⁴ Article Three in all four 1949 conventions applies to “conflicts not of an international character” and to the protection of “persons taking no active part in the hostilities.”¹²⁵ Additional Protocol II (1977) sets standards for the protection of civilians in non-international armed conflicts. In particular, it considers “armed forces and dissident armed forces or other organized armed groups which, under responsible command, exercise such control over a part of its territory as to enable them to carry out sustained and concerted military operations and to implement this Protocol.”¹²⁶ Two difficulties with the application of Protocol II in practice are the frequent

¹²³ Ibid., 320.

¹²⁴ International Committee of the Red Cross, "Interpretive Guidance on the Notion of Direct Participation in Hostilities under International Humanitarian Law ": 1002-4. See also, regarding IHL applicable to NSAGs, Liesbeth Zegveld, *Accountability of Armed Opposition Groups in International Law* (Cambridge, UK: Cambridge University Press, 2002), 9-26. Roderic Alley, *Internal Conflict and the International Community: Wars Without End?* (Aldershot, UK: Ashgate, 2004), 114-37.

¹²⁵ "Convention (IV) relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949," [http://www.icrc.org/ihl.nsf/FULL/380?OpenDocument.Article 3 \(1\)](http://www.icrc.org/ihl.nsf/FULL/380?OpenDocument.Article%203%20(1)).

¹²⁶ *Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II)*, 8 June 1977. Article 1 (1).

denial by states that the conflicts within their borders have reached the threshold to qualify as non-international armed conflicts, and the prerequisite for territorial control and sustained military operations on behalf of armed groups.¹²⁷ Another problem is that, unlike Common Article Three, Additional Protocol II has not been universally ratified. The range of states that have not ratified Protocol II, for example, include the USA, China, Russia, India, Syria, and Myanmar.¹²⁸

Article 8 (2) of the Statute of the International Criminal Court (ICC) also recognises the responsibility of armed groups to protect civilians via Common Article 3 of the Geneva Conventions.¹²⁹ It has a lower threshold for applicability that acknowledges the reality of most internal conflicts, referring to protracted conflicts involving armed groups. It does not make NSAG recognition as parties to the conflict contingent on territorial control and sustained operations.¹³⁰ Regarding the accountability in international criminal law of individual leaders of NSAGs for violations committed on their orders, the ICC has been the most active forum since coming into existence in 2002.¹³¹

Other IHL treaties on cluster munitions and conventional weapons have also acknowledged non-international conflicts and, by implication, NSAGs as parties to them. The 2008 Convention on Cluster Munitions includes a specific reference to armed groups.¹³² The Amended Protocol II on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices to the Certain Conventional Weapons treaty (CCW)

¹²⁷ Andrew Clapham, "Human rights obligations of non-state actors in conflict situations," *International Review of the Red Cross* 88, no. 863 (2006): 496; Zegveld, *Accountability of Armed Opposition Groups in International Law*, 143-44.

¹²⁸ International Committee of the Red Cross, "States Party to the Geneva Conventions and the Additional Protocols," ICRC, <https://www.icrc.org/por/assets/files/annual-report/current/icrc-annual-report-map-conven-a3.pdf>.

¹²⁹ *Rome Statute of the International Criminal Court U.N. Doc. A/CONF.183/9 2002*, Article 8(2)(c).

¹³⁰ *Ibid.*, Article 8 (2)(f). "It applies to armed conflicts that take place in the territory of a state when there is protracted armed conflict between governmental authorities and organized armed groups or between such groups."

¹³¹ See, regarding leaders of NSAGs facing prosecution at the ICC, International Criminal Court, "Situations and Cases."

¹³² Diplomatic Conference for the Adoption of a Convention on Cluster Munitions, "Convention on Cluster Munitions," <http://www.stopclustermunitions.org/wp/wp-content/uploads/2008/06/englishfinaltext.pdf>.

acknowledges Common Article 3 to the Geneva Conventions by specifically referring to conflicts not of an international character.¹³³ This Protocol does not ban the use of landmines, as does the 1997 Ottawa Landmine treaty (to which only states can be parties), but it does stipulate restrictions on their use.¹³⁴ Moreover, it states that “all feasible precautions” should be taken to reduce the risk to civilians posed by landmines such as “fencing, signs, warning and monitoring” of mined areas by the parties responsible for laying them.¹³⁵

A variety of shortcomings and gaps in the existing international legal framework as it applies to NSAGs have been identified.¹³⁶ Jean-Marie Henckaerts identifies five main impediments to application of IHL to NSAGs. These are: a lack of ratification by states where NSAGs are active; NSAGs cannot ratify international treaties; the threshold of application; lack of rules within the applicable IHL; and, lack of combatant status for NSAG fighters.¹³⁷ The difficulties in applying IHL to conflicts inside states and to NSAGs has received increasing academic and practitioner coverage in the last 15 years. These problems include a lack of non-combatant immunity, a lack of awareness among NSAGs of their IHL obligations, the deliberate denial of access to humanitarian organisations, and denial by states that conflicts in their territory qualify as non-international armed conflicts.¹³⁸ While a few individual leaders or

¹³³ *Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices as amended on 3 May 1996 (Protocol II to the 1980 Convention as amended on 3 May 1996)*. Article 1. (2), (3)

¹³⁴ See, regarding discussion about weapons control treaties such as the CCW and Ottawa becoming recognised as parts of IHL, Thakur and Maley, "The Ottawa Convention on Landmines: A Landmark Humanitarian Treaty in Arms Control?."

¹³⁵ *Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices as amended on 3 May 1996 (Protocol II to the 1980 Convention as amended on 3 May 1996)*, Article 3. (10) (b).

¹³⁶ See, for example, George J. Andreopoulos, "The International Legal Framework and Armed Groups," *Human Rights Review* 11, no. 2 (2010): 230-31; Marco Sassoli, "Taking Armed Groups Seriously: Ways to Improve Their Compliance with International Humanitarian Law," *Journal of International Humanitarian Legal Studies* 1, no. 1 (2010): 7-9. M Cherif Bassiouni, "The New Wars and the Crisis of Compliance with the Law of Armed Conflict by Non-State Actors," *Journal of Criminal Law & Criminology* 98, no. 3 (2008): 728-34.

¹³⁷ Jean-Marie Henckaerts, "Binding Armed Opposition Groups through Humanitarian Treaty Law and Customary Law," in *Relevance of International Humanitarian Law to Non-State Actors: Proceedings of the Bruges Colloquium 25th-26th October 2002.*, ed. Marc Vuyilsteke, Christine Reh, and Christopher Reynolds (Council of Europe/ ICRC, 2003).

¹³⁸ Alley, *Internal Conflict and the International Community: Wars Without End?*, 114-17.

members of armed groups may face prosecution through the ICC, armed groups as organisations have no legal personality. There are no established international legal forums within which armed groups as entities, rather than individual members or leaders, can be held accountable.¹³⁹

International Human Rights Law and relevance to NSAGs

While IHL has some direct application to NSAGs, international human rights law (IHRL) as developed by states has also been assessed for its applicability to NSAGs. For example, the OPAC acknowledges “armed groups that are distinct from the armed forces of a state” on the issue of recruitment under the age of 18.¹⁴⁰ The applicability of IHRL more generally to NSAGs is problematic given the assumption implicit in IHRL treaties that it only addresses the rights of citizens in relation to an established government of a recognised state. Again, there is also the concern that including NSAGs in IHRL may lend them undue legitimacy.¹⁴¹ However, when some NSAGs do perform the role of de facto governments, express commitments to IHRL and/or agree to peace agreements that include IHRL, “it would seem strange not to welcome this simply because other states do not formally recognise their authority or because they cannot be admitted to the UN.”¹⁴²

The means of expressing adherence to humanitarian norms by NSAGs

There are a variety of instruments through which NSAGs can be bound by, or express their adherence to, IHL/IHRL.¹⁴³ They include: special or bilateral agreements between NSAGs and states; inclusion of IHL/IHRL in

¹³⁹ Zegveld, *Accountability of Armed Opposition Groups in International Law*, 162.

¹⁴⁰ *Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict A/RES/54/263 of 25 May 2000*, Article 1 (4).

¹⁴¹ Andrew Clapham, "The Rights and Responsibilities of Armed Non-State Actors: The Legal Landscape & Issues Surrounding Engagement," (Unpublished Draft: Geneva Academy of International Humanitarian Law and Human Rights, 2010), 22.

¹⁴² Petrusek, *Ends and Means: Human Rights Approaches to Armed Groups*, 61.

¹⁴³ See, for example, Sandesh Sivakumaran, "Binding Armed Opposition Groups," *International and Comparative Law Quarterly* 55(2006): 387-93; Mack and Pejic, *Increasing Respect for International Law in Non-International Conflicts*, 16-29; Sophie Rondeau, "Participation of armed groups in the development of the law applicable to armed conflicts," *International Review of the Red Cross* 93, no. 883 (2011): 663-67; Florquin, Bongard, and Richard, "Options for Engagement: Armed Groups and Humanitarian Norms," 310-13.

ceasefire or peace agreements; unilateral declarations by NSAGs; action plans with UN agencies; and, inclusion of IHL in NSAG internal regulations or codes of conduct.

There are existing provisions within Common Article Three to the 1949 Geneva Conventions for armed groups and states to make bilateral agreements to comply with IHL. "The Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention. The application of the preceding provisions shall not affect the legal status of the Parties to the conflict."¹⁴⁴ Michelle Mack and Jelena Pejic have outlined special agreements between armed groups and states which are "based on mutual consent and commitment, which clearly allots equal IHL obligations to all parties."¹⁴⁵ Such agreements, however, since they require acknowledgement by the concerned state of armed groups operating inside its borders, have not been invoked very often. Examples where special agreements have been made include Yemen in 1962, Nigeria in 1967, and Chad in 1978.¹⁴⁶

Agreements between states and NSAGs that include IHL and IHRL have also been a part of wider ceasefire or peace negotiations. An example of this is the San Jose Agreement facilitated by the UN between the FMLN and the government of El Salvador in 1990. The agreement included specific reference to human rights law applicable to both parties and established an initial monitoring role for the UN.¹⁴⁷ The 1998 agreement between the government of the Philippines and the National Democratic Front of the Philippines (including the Communist Party of the Philippines and the New People's Army) presents another example. It explicitly recognised both IHL and IHRL.

¹⁴⁴ Common Article Three (2) to the Four Geneva Conventions of 1949. Conflicts not of an international character.

¹⁴⁵ Mack and Pejic, *Increasing Respect for International Law in Non-International Conflicts*, 17.

¹⁴⁶ *Ibid.*; see also, Sivakumaran, "Binding Armed Opposition Groups," 391; Rondeau, "Participation of armed groups in the development of the law applicable to armed conflicts," 664.

¹⁴⁷ A formal ceasefire was not finally agreed until 1992.

It is understood that the universally applicable principles and standards of human rights and of international humanitarian law contemplated in this Agreement include those embodied in the instruments signed by the Philippines and deemed to be mutually applicable to and acceptable by both Parties.¹⁴⁸

NSAGs have also made agreements in some instances with humanitarian agencies. For example, between Operation Lifeline Sudan (UNICEF) and the Sudan People's Liberation Movement/Army in 1995.¹⁴⁹

Many armed groups have issued unilateral declarations or statements regarding their adherence to IHL, or to some aspects of it. For example, The African National Congress, the Southwest African People's Organisation, the Kurdistan Workers' Party, and the Ejército de Liberación Nacional in Colombia have, in the past, all made unilateral declarations of adherence to the Geneva Conventions.¹⁵⁰ In the last 15 years unilateral declarations have most often been made by NSAGs via the NGO Geneva Call in 'deeds of commitment' (DoC). Initially, these addressed NSAGs in a parallel document to the formal state-based Ottawa landmine ban treaty. Geneva Call has developed further DoCs in 2010 and 2012 applying to the protection of children from the effects of armed conflict and to prevention of sexual violence and gender-based discrimination.¹⁵¹ The deeds of commitment enable NSAGs to express commitment publicly to international humanitarian norms. They are then required to undertake action plans, such as destroying landmine stockpiles or releasing underage soldiers from their ranks, and allowing self and third-party reporting and monitoring of these actions. They also receive some

¹⁴⁸ Comprehensive Agreement on Respect for Human Rights and Humanitarian Law between the Government of the Republic of the Philippines and the National Democratic Front of the Philippines, March 16, 1998. Part II, Article 4.

¹⁴⁹ "Agreement on Ground Rules between the Sudan People's Liberation Movement/Army (SPLM/A) and Operation Lifeline Sudan (OLS) (UNICEF) ", <http://www1.umn.edu/humanrts/monitoring/chapter16.html#appendix>.

¹⁵⁰ Michel Veuthey, "Learning from History: Accession to the Conventions, Special Agreements, and Unilateral Declarations," in *Relevance of International Humanitarian Law to Non-State Actors: Proceedings of the Bruges Colloquium 25th-26th October 2002.*, ed. Marc Vujiusteke, Christine Reh, and Christopher Reynolds (ICRC/ College of Europe, 2003), 142-44; Mack and Pejic, *Increasing Respect for International Law in Non-International Conflicts*, 20.

¹⁵¹ Geneva Call now has 48 ANSA signatories to its Deed of Commitment (DoC) on landmines, 13 for the DoC on child protection, and 12 for the DoC on prevention of sexual violence and gender-based discrimination. See details of the Docks and signatory armed groups, Geneva Call, "What We Do," <http://www.genevacall.org/what-we-do/>.

assistance with training and capacity building, usually through Geneva Call partnering with local civil society groups, to achieve this.

The United Nations has developed action plans with some NSAGs in addressing the recruitment of children. This relates to the list of states and armed groups in the annex to the Secretary General's reports identified as responsible for recruitment of children.¹⁵²

Where an ANSA is listed in such an Annex, the UN, especially through UNICEF and the support of the Special Representative of the UN Secretary-General for Children and Armed Conflict, seeks to address the underlying causes by negotiation and adoption of so-called Action Plans. The ANSA can then be de-listed when the necessary action has been taken.¹⁵³

The Moro Islamic Liberation Front (MILF) in the Philippines, for example, entered into an action plan for the demobilisation of child soldiers from its ranks with the UN in 2009. The action plans also carry a potential threat of sanctions from the UN for listed groups that fail to enter into action plans, or fail to implement them once they have agreed to them.¹⁵⁴

The adoption of IHL into internal rules or codes of conduct is another way in which NSAGs can demonstrate adherence to, and practical implementation of, IHL. For NSAGs that have issued unilateral declarations, incorporating IHL into their internal regulations is a logical progression.¹⁵⁵ Internal regulations range from extensive written documents through to verbal oaths. Olivier Bangerter has conducted a study of various means of internal control in NSAGs and compiled those that were accessible.¹⁵⁶ While many NSAG regulations do not conform

¹⁵²See, for example, United Nations Human Rights Council, "A/HRC/28/54, Annual report of the Special Representative of the Secretary-General for Children and Armed Conflict, Leila Zerrougui," (United Nations, 2014).

¹⁵³ Bellal and Casey-Maslen, *Rules of Engagement: Protecting Civilians through Dialogue with Armed Non-State Actors*, 32.

¹⁵⁴ Anthea Roberts and Sandesh Sivakumaran, "Lawmaking by Nonstate Actors: Engaging Armed Groups in the Creation of International Humanitarian Law," *The Yale Journal of International Law* 37, no. 1 (2012): 128-29.

¹⁵⁵ Mack and Pejic, *Increasing Respect for International Law in Non-International Conflicts*, 22-23.

¹⁵⁶ Olivier Bangerter, *Internal Control: Codes of Conduct within Insurgent Armed Groups* (Geneva, Switzerland: Small Arms Survey, 2012). See also, the compilation of armed group codes of conduct in the *International Review of the Red Cross*, 93 (882), 2011, 483-501.

strictly to IHL, and some do not acknowledge or comply with it at all,¹⁵⁷ they frequently address issues that are also included in formal IHL. For example, armed group standing orders in some instances have included who and what may be targeted, treatment of the population, treatment of prisoners, and who may be recruited.¹⁵⁸ Two difficulties with NSAG internal regulations for practitioners and academics are that “written regulations do not exist for all armed groups” and “groups often consider them confidential and are not necessarily willing to discuss their content with outsiders.”¹⁵⁹

NSAGs in Burma and expressions of compliance with humanitarian norms

The armed groups in Burma examined in the present study have been engaged with by humanitarian actors, both local and international. Some of these NSAGs have made declarations, agreements, or developed policies regarding landmine use, and/or recruitment or involvement of children with armed conflict.¹⁶⁰ Humanitarian norms related to these issues have also been incorporated into versions of a ceasefire code of conduct accompanying the nationwide ceasefire agreement (NCA) that has been negotiated between a coalition of NSAGs and the government.¹⁶¹

The factors influencing NSAG compliance or violation of humanitarian norms

Mack and Pejic, Bangerter, Anyssa Bellal and Casey Maslen, among others, have considered which factors influence NSAGs to comply with or ignore IHL.¹⁶² The factors they consider are significant to the literature

¹⁵⁷ Sandesh Sivakumaran, "Lessons for the law of armed conflict from commitments of armed groups: identification of legitimate targets and prisoners of war," *International Review of the Red Cross* 93, no. 882 (2011): 467.

¹⁵⁸ Bangerter, *Internal Control: Codes of Conduct within Insurgent Armed Groups*, 19.

¹⁵⁹ Florquin, Bongard, and Richard, "Options for Engagement: Armed Groups and Humanitarian Norms," 313.

¹⁶⁰ See, for example, collected deeds of commitment by Burma NSAGs with Geneva Call, Geneva Call, "Burma/Myanmar," <http://www.genevacall.org/where-we-work/burma-myanmar/>.

¹⁶¹ Burma NSAG expressions of compliance with humanitarian norms are further detailed in chapters eight and nine in this thesis. Examples of some of these are also presented within the appendices.

¹⁶² See, for example, Mack and Pejic, *Increasing Respect for International Law in Non-International Conflicts*, 30-31; Bangerter, "Reasons why armed groups choose to respect

reviewed in the next chapter and to the rest of the study that follows. Bangerter states that to get armed groups “to respect that law, or to respect it better, we need to understand the factors that influence their choices.”¹⁶³ He draws on Michael Veuthey’s study of international law and guerrilla movements in pointing out the importance of non-legal factors on NSAG compliance with IHL and humanitarian norms. Veuthey identified “reciprocity, public opinion, military efficacy, the economy, the return of peace, and ethics” as “factors favouring respect for humanitarian law.”¹⁶⁴ Bangerter further identifies a set of rationales that can lead to compliance, or non-compliance, by NSAGs with IHL. These include self-image, public relations, military advantage, combatants’ morale, popular support, reciprocity, asymmetric conflicts, control of populations, and the quality of those recruited by NSAGs.¹⁶⁵

In particular, Bangerter identifies self-image and military advantage as the main reasons why NSAGs do comply with IHL. The self-image of NSAG members includes their perception of themselves as fighting a just cause; their moral, cultural, political or religious beliefs; and public relations. Military advantage in compliance comes from maintaining the morale of fighters, maintaining public support, the efficient use of resources, weakening the enemy by making surrender possible, and reducing long-term problems or grievances following peace or victory.¹⁶⁶

However, military advantage, objectives, and the nature of IHL, are also put forward by Bangerter, as reasons for NSAG non-compliance with IHL.¹⁶⁷ Military advantage, from this perspective, is thought to come from the use of tactics that violate IHL and also due to the nature of asymmetric conflicts.¹⁶⁸ Consequently, as Bellal and Casey-Maslen point out, there is

international humanitarian law or not.”; Bellal and Casey-Maslen, *Rules of Engagement: Protecting Civilians through Dialogue with Armed Non-State Actors*, 5-7.

¹⁶³ Bangerter, “Reasons why armed groups choose to respect international humanitarian law or not,” 354.

¹⁶⁴ Michel Veuthey, cited by Bangerter, Michel Veuthey, *Guérilla et droit humanitaire* (Geneva, Switzerland: ICRC, 1983), 339 & 73.

¹⁶⁵ Bangerter, “Reasons why armed groups choose to respect international humanitarian law or not,” 358-82.

¹⁶⁶ *Ibid.*, 358-67.

¹⁶⁷ *Ibid.*, 368-83.

¹⁶⁸ Bassiouni, “The New Wars and the Crisis of Compliance with the Law of Armed Conflict by Non-State Actors,” 714-15.

a perceived advantage in the use, for example, of banned weapons such as landmines, underage recruits, or hiding in and launching attacks from the civilian population.¹⁶⁹ The groups may believe that their objectives justify non IHL-compliant actions.¹⁷⁰ Lack of knowledge of, or objection to, the norms of IHL, may also contribute to violations.¹⁷¹ An objection that is often made to IHL is that it is seen as a 'western' creation and imposition, and that pre-existing religious or ideological beliefs over-ride it.¹⁷² Another point raised by some authors for the lack of NSAG compliance is the likelihood of prosecution. NSAG members may be prosecuted for membership of armed groups under domestic law since states do not recognise them as legitimate belligerents. On the other hand, overall, they are unlikely to face prosecution domestically or internationally for violations of IHL. These two factors combine to undermine incentives for compliance.¹⁷³

Literature that considers the impact on civilians of NSAG compliance or violation with humanitarian norms

The factors believed to influence NSAG compliance with humanitarian norms, identified above, and the literature addressing these, can be gathered within two broad categories. Economic, political and military factors related to control of populations and territory can be grouped within a political economy theoretical framework, and in literature applied to analysis of armed conflicts. Public support/opinion, identity, legitimacy, or self-image, are essentially socially constructed factors, understood within the field of sociology, and within a social constructivist theoretical framework. These are collectively significant influences on NSAGs' relationships with, and treatment of, civilian populations. This contributes to the rationale for inclusion of literature from political economy analysis of

¹⁶⁹ Bellal and Casey-Maslen, *Rules of Engagement: Protecting Civilians through Dialogue with Armed Non-State Actors*, 5.

¹⁷⁰ Mack and Pejic, *Increasing Respect for International Law in Non-International Conflicts*, 12.

¹⁷¹ Ibid.

¹⁷² Bellal and Casey-Maslen, *Rules of Engagement: Protecting Civilians through Dialogue with Armed Non-State Actors*, 6.

¹⁷³ Bassiouni, "The New Wars and the Crisis of Compliance with the Law of Armed Conflict by Non-State Actors," 715; Bellal and Casey-Maslen, *Rules of Engagement: Protecting Civilians through Dialogue with Armed Non-State Actors*, 6.

armed conflicts and from sociology based studies of NSAGs that is reviewed in the following chapter. In particular, this writing is explored where it intersects with NSAG-civilian relations as that is where NSAG compliance with humanitarian norms, and the influences on it, will be evident.

Summary

This chapter has reviewed the academic and practitioner literature on NSAGs from a humanitarian perspective. It defined humanitarian engagement with NSAGs and outlined the main methods by which humanitarian actors engage with armed groups and the reasons for doing so. The issue of perceived legitimacy for NSAGs was raised as a central concern for states and, indeed, for NSAGs. International humanitarian and human rights law and its applicability to NSAGs was then explored. Attention was given to gaps in the current legal framework and to the existing means by which NSAGs can demonstrate compliance with IHL. From this a variety of policy instruments and processes enabling NSAGs to demonstrate compliance to humanitarian norms were identified. These included bilateral agreements between states and NSAGs, unilateral declarations by NSAGs, action plans with the UN, and incorporation of IHL and IHRL into NSAG internal regulations and codes of conduct. These processes are explored in the case of Burma NSAGs in chapters eight and nine.

A feature of the literature reviewed in this chapter is the recognition of NSAGs as a source of threats, and as actors with whom it is necessary to engage. This is due to the reality of NSAGs often being the most relevant authorities to reduce those threats. Writers and practitioners within the humanitarian and international law literature have also recognised the positive and negative incentives on NSAG behaviour in relation to compliance with humanitarian norms. They, therefore, consider both their

“destructive and protective potential”¹⁷⁴ in recognising they “are not just part of the problem, but also part of the solution.”¹⁷⁵

The latter part of the chapter has considered the input of humanitarian practitioners and writers on the reasons for NSAG compliance with, or violation of, humanitarian norms. The literature reviewed in the next chapter develops these themes further. Material-based or coercive structures due to resources, military power, or funding, and that are believed to influence NSAG behaviour, are addressed within the political economy of armed conflict literature. Some factors related to physical geography and proximity to borders are also included within this. Social factors influencing NSAG behaviour, including identity and legitimacy, are placed within a broad category of writing from sociology, which also includes some studies of NSAGs from anthropology and political science perspectives. Themes drawn out from those works, and some from the writing from the humanitarian perspective in the present chapter, are then developed into a set of propositions that will be tested in the present case study.

¹⁷⁴ DCAF and Geneva Call, "DCAF Horizon 2015 Working Paper Series: Armed Non-State Actors: Current Trends & Future Challenges," 6.

¹⁷⁵ Somer, "Engaging Armed Non-State Actors to Protect Children from the Effects of Armed Conflict: When the Stick Doesn't Cut the Mustard," 121.

Chapter Four

The political economy of armed conflict and sociology of NSAG-civilian relations

Introduction

The rationale for the literature reviewed in this chapter is based on the set of economic and social variables believed to influence NSAG compliance with the humanitarian norms that was identified in the previous chapter. The contrasting economic and social constructivist theoretical perspectives outlined in chapter two, recognising the interaction between material and socially based influences on NSAG behaviour, also contribute to this selection of literature. Following the logic of those two theoretical approaches, the range of influences on NSAGs can be divided between those that are material and/or coercive, and those that are socially constructed.

This chapter examines the writing on NSAGs and NSAG-civilian relations from the perspective of political economy analysis of armed conflict and from sociology. Relevant literature on NSAG-civilian relations within these two main categories is included for its humanitarian implications, rather than for strict adherence to rigid disciplinary boundaries. Consequently, there is inclusion within the political economy analysis section of some aspects of physical geography as it relates to NSAGs and the nature of conflicts. In a similar vein, some studies of NSAG-civilian relations from political science or anthropology are incorporated within the sociology section. After each section, themes relevant to the present research are drawn out and briefly related to the Burma context. Theoretical propositions to be tested by the empirical research for this study are then presented. In particular, themes are considered for their intersection with NSAG-civilian relations and humanitarian engagement with NSAGs.

Literature on the political economy of armed conflict and NSAGs

Some scholars have considered the relationships between resources, methods of NSAG formation and motivations of NSAG members, and how these, in turn, impact on the extent of NSAG violence towards civilians. Jeremy Weinstein's study of NSAGs from Africa and Latin America approached the study of rebel groups from this perspective. He considered the initial conditions and resources available to NSAGs when they formed, and how that, in turn, shaped their behaviour towards civilian populations. According to his analysis, the use of violence towards civilians by NSAGs in some contexts and not in others, can be understood as "a result of a process of organisational formation."¹⁷⁶

Factors that raise or lower the barriers to organization by insurgent leaders – in particular whether material resources to finance warfare can be easily mobilized without civilian consent – shape the types of individuals who elect to participate, the sorts of organizations that emerge to fight civil wars, and the strategies of violence that develop in practice.¹⁷⁷

It should be noted that all four armed groups examined in Weinstein's study were, however, seeking to take power at the centre of an existing state.¹⁷⁸ Weinstein acknowledges both material and social endowments as significant factors for an NSAG leadership in overcoming the difficulties of obtaining recruits, arms, and civilian support (including food, labour and intelligence), during NSAG formation. Weinstein also pointed to a dichotomy in the motivations of recruits to NSAGs. He identifies those motivated by political causes as "activists" and those joining out of economic incentives for self-enrichment as "opportunists."¹⁷⁹ This dichotomy of economic and social factors identified by Weinstein echoes the set of factors influencing NSAG compliance (or not) with humanitarian norms identified by Bangerter, Veuthey and others in the previous chapter.

¹⁷⁶ Weinstein, *Inside Rebellion: The Politics of Insurgent Rebellion*, 11.

¹⁷⁷ *Ibid.*, 7.

¹⁷⁸ *Ibid.*, 17.

¹⁷⁹ *Ibid.*, 9-10.

It also broadly corresponds with the elements examined within the political economy and sociology literature reviewed in the present chapter.

Rebel leaders may draw on two types of endowments: economic endowments, which come from diverse sources including natural resource extraction, taxation, criminal activity, or external patronage; and social endowments, including shared beliefs, expectations, and norms that may exist in (or be mobilized from within) certain ethnic, religious, cultural, or ideological groups.¹⁸⁰

The political economy of NSAG-civilian relations and sources of funding

The political economy approach has been valuable in demonstrating how the means by which NSAGs are able to raise funds has an effect on the relationship they have with their host populations. This is instructive in understanding why some armed groups provide protection while others are largely predatory. For example, Željko Branović and Sven Chojnacki have theorised about armed groups as competing in “security markets” within failed states. The number of competing armed groups and their size and strength due to resources, they argue, provides “rationales behind the decisions of armed groups either to use violence against the civilian population or to invest in the provision of security.”¹⁸¹

External funding from an overseas diaspora, extraction of valuable resources, or external state support for an NSAG, it has been argued, will make it less reliant on local populations. Less reliance for support locally may then lead to more abusive practices directed towards civilians. This has been identified in cases of NSAGs that have been supported by funding from diaspora groups beyond the local population directly exposed to them. In turn, this can lead to the diaspora-supported NSAG becoming more abusive towards civilians if the local population’s support is not as necessary for the group’s survival.¹⁸² For example, Kyle Beardsley and Brian McQuinn compared the effects of a catastrophic natural event, the

¹⁸⁰ Ibid.

¹⁸¹ Željko Branović and Sven Chojnacki, "The logic of security markets: Security governance in failed states," *Security Dialogue* 42, no. 6 (2011): 554.

¹⁸² Maria Koinova, "Diasporas and secessionist conflicts: the mobilization of the Armenian, Albanian and Chechen diasporas," *Ethnic and Racial Studies* 34, no. 2 (2010).

2004 Boxing Day Tsunami, on the outcome of conflicts in Sri Lanka and the Indonesian province of Aceh. They assessed the behaviour of the respective NSAGs, the Liberation Tigers of Tamil Eelam (LTTE) in Sri Lanka and the Gerakan Aceh Merdeka (GAM) in Indonesia. Following this event, the Aceh conflict reached a negotiated settlement, while the Sri Lanka conflict was resumed. They claim “the availability of lucrative resources outside the country has made the LTTE leadership inimical to compromise, threatened by relief aid, and less reliant on the local population.”¹⁸³ An important feature of the LTTE’s continued existence, and relative successes, until its final military defeat in 2009, was the role of external funding from the Tamil diaspora which has also been highlighted in other studies.¹⁸⁴ Beardsley and McQuinn make the point that, in comparison,

Lacking access to such high-return funding sources, the Free Aceh Movement (Gerakan Aceh Merdeka, GAM), on the other hand, was more closely linked to the needs of the local population and found greater value in both outside international aid and a comprehensive settlement.¹⁸⁵

Beardsley and McQuinn highlight the many abuses committed by the LTTE against its own population,¹⁸⁶ but point out how the GAM was able to foster support among its own people without excessive resort to coercion.¹⁸⁷

Lucy Hovil and Eric Werker reached similar conclusions about “the impact of outside financing on violence against civilians”¹⁸⁸ in the case of the Allied Democratic Forces (ADF) in Uganda in the late 1990s and early 2000s. The difference to the LTTE example is that the ADF was in a

¹⁸³ Kyle Beardsley and Brian McQuinn, "Rebel Groups as Predatory Organizations : The Political Effects of the 2004 Tsunami in Indonesia and Sri Lanka," *Journal of Conflict Resolution* 53, no. 4 (2009): 624.

¹⁸⁴ See, for example, Rohan Gunaratna, "Feeding the Tamil Tigers," in *The Political Economy of Armed Conflict: Beyond Greed and Grievance*, ed. Karen Ballentine and Jake Sherman (Boulder, CO: Lynne Rienner, 2003); Neil DeVotta, "The Liberation Tigers of Tamil Eelam and the Lost Quest for Separatism in Sri Lanka," *Asian Survey* 49, no. 6 (2009).

¹⁸⁵ Beardsley and McQuinn, "Rebel Groups as Predatory Organizations : The Political Effects of the 2004 Tsunami in Indonesia and Sri Lanka," 624.

¹⁸⁶ *Ibid.*, 632-35.

¹⁸⁷ *Ibid.*, 635-37.

¹⁸⁸ Lucy Hovil and Eric Werker, "Portrait of a failed rebellion - An account of rational, sub-optimal violence in western Uganda," *Rationality and Society* 17, no. 1 (2005): 25.

“financier-insurgent relationship” rather than receiving funds from an overseas diaspora. Hovil and Werker argue the ADF carried out atrocities against civilians to demonstrate commitment and thereby continue receiving funding from external backers including the state of Sudan and Al Qaeda.¹⁸⁹ Beardsley and McQuinn, and Hovil and Werker, make a clear argument for a link between the sources of funding available to NSAGs and the nature of their relations with civilians.

NSAG control and extraction of easily lootable natural resources such as diamonds or timber have also been identified in the case of some NSAGs as leading to more predatory or abusive behaviour towards local populations.¹⁹⁰ Lasana Gberie’s account of the RUF in Sierra Leone epitomized this issue. Work by Gberie and others eventually led to attempts to control the international trade in so called ‘conflict diamonds’ that were believed to be motivating and funding the RUF’s civilian-directed atrocities.¹⁹¹ The civil wars in Sierra Leone and Liberia were influential in developing the resource-based view of armed conflicts and explanations for the atrocities committed by conflict actors on all sides.

The political economy literature, therefore, makes a clear connection between resource availability and extraction by NSAGs and their relationships with civilian populations. Where an NSAG has access to resources or funding independent of host populations, there is a greater likelihood of violence by the group directed towards civilians. This economic dimension to NSAG-civilian relations has clear implications, both for external humanitarian engagement with NSAGs for civilian protection and for NSAG interests in the protection, or predation, of the local population. Little has been written from the political economy of armed conflict perspective about instances where NSAG access to resources has contributed to improved protection or welfare for constituent populations.

¹⁸⁹ Ibid., 13-14, 24-28.

¹⁹⁰ See, for example, Philippe LeBillion, "The political ecology of war: natural resources and armed conflict.," *Political Geography* 20(2001); Patrick Johnston, "Timber Booms, State Busts: The Political Economy of Liberian Timber," *Review of African Political Economy* 31, no. 101 (2004).

¹⁹¹ William Reno, "A Dirty War in West Africa: the RUF and the destruction of Sierra Leone," *Journal of Modern African Studies* 46, no. 2 (2008).

Studies into NSAG governance and legitimacy, from political science and sociology have, however, considered this aspect, and are explored later in this chapter.

The geography of civil wars and NSAGs

An important element in analysing civil wars and NSAGs is physical geography. Mountain and jungle terrain, location of natural resources and access to them, proximity to borders, and distance from centres of government all influence how a conflict is fought. Patrick B. Johnston has pointed out that “leaders of geographically concentrated insurgencies are better able to broadcast power directly over subordinates than leaders of geographically deconcentrated groups.”¹⁹² He further points to geographic dispersion, and the consequent lack of monitoring or discipline of subordinates in the field, as central factors in explaining why some NSAGs became more preoccupied with looting and predation, while others succeed in controlling violence and establishing a basic administrative apparatus.¹⁹³ Halvard Buhaug and Scott Gates have also highlighted the significance of geography on insurgencies.

From our analysis, we found that the scope of conflict is associated with such geographical factors as the total land area of the country, whether or not the conflict zone is adjacent to the border of a neighbouring country, and whether there are natural resources in the conflict zone.¹⁹⁴

The significance of proximity to the boundaries of recognised states has been raised by Michael Pugh, Neil Cooper, and Johnathan Goodhand who have identified the role of border areas in the regional dynamics of conflict economies. These areas provide rear bases, supplies and recruits, and access to shadow cross-border economies.¹⁹⁵ Areas just across borders in other states from conflict zones, therefore, provide sanctuaries “used by refugees and militias.”¹⁹⁶

¹⁹² Johnston, "The Geography of Insurgent Organization and its Consequences for Civil Wars: Evidence from Liberia and Sierra Leone," 112.

¹⁹³ Ibid., 136-7.

¹⁹⁴ Halvard Buhaug and Scott Gates, "The Geography of Civil War," *Journal of Peace Research* 39, no. 4 (2002).

¹⁹⁵ Michael Pugh, Neil Cooper, and Jonathan Goodhand, *War Economies in a Regional Context: Challenges of Transformation* (Boulder, CO: Lynne Rienner, 2004), 2.

¹⁹⁶ Ibid., 37.

Proximity to borders, combined with the co-option of humanitarian assistance by NSAGs, has been identified as contributing to the political economy of conflicts and influencing NSAG-civilian relations. Fiona Terry considered the role of assistance delivered via refugee camps in neighbouring countries in perpetuating conflicts, and in maintaining NSAG claims to legitimacy and control over populations.¹⁹⁷ She outlined examples of armed groups that benefitted from humanitarian assistance in refugee camps across the borders from conflict affected states. These included Hutu militias in refugee camps in Zaire bordering Rwanda in 1994-6; Afghan Mujahedeen in Pakistan bordering Afghanistan in the 1980s; and the Khmer Rouge in Thailand bordering Cambodia in the 1980s. In these situations, armed groups based in refugee camps in neighbouring states diverted humanitarian aid to “refugee warriors”¹⁹⁸ to continue the fighting across the border. Consequently, humanitarian aid itself has been identified as having an impact upon the political economy of armed conflicts.

Themes from the political economy analysis of armed conflict and relevance to Burma NSAGs

An important concept for this study drawn from political economy analysis is the idea that NSAG-civilian relations are influenced by the extent of reliance the groups have on host populations. Examples have been highlighted where external funding has increased NSAG violence towards civilians. A corollary of this perspective is that if financial and material support does come significantly from the local population rather than external sources, armed groups would be less abusive and more likely to provide welfare or governance. Related to this is the extent to which economic or ‘greed-based’ motivations of NSAG members and leaders may overshadow any longer-term political goals or provision of public goods to a constituency. A second relevant theme is the influence of geography. Geographic dispersion presents challenges for organisational

¹⁹⁷ Terry, *Condemned to Repeat?: The Paradox of Humanitarian Action*.

¹⁹⁸ *Ibid.*, 5. Terry credits the origin of the term ‘Refugee Warriors’ to Astride R. Zolberg, Astri Suhrke, and Sergio Aguayo, *Escape from Violence: Conflict and the Refugee Crisis in the Developing World* (New York, NY: Oxford University Press, 1989).

control over NSAG units by their central leadership. This attenuation leads to greater risks of predation for people exposed to geographically dispersed armed groups with weak command and control over locally autonomous units or leaders. Proximity to borders and distance from centres of military or government control also count in terms of NSAG ability to maintain territory and therefore control over populations and, potentially, access to cross-border material support. The role of humanitarian assistance co-opted by NSAGs combines the issues of external material support with geographic proximity to borders. It also raises questions about the use of these resources. Where NSAGs are facilitating or associated with delivery of assistance to local populations, there will be implications for the socially constructed concept of their perceived legitimacy.

In the case of Burma and NSAGs operating there, economic factors have been identified as playing a significant role in the conflicts and ceasefires. Mark Duffield's concept of emerging political complexes as a theoretical model for understanding the political economy of civil wars has been influential on the writing of scholars addressing Burma's ethnic conflicts and NSAGs. Mary Callahan, Martin Smith, Ashley South and Duffield himself, have all deployed the emerging political complex model to understanding the economic dynamics of Burma's civil wars, the overlapping nature of state and non-state governance, and ceasefires between the army and some NSAGs.¹⁹⁹ In an earlier political economy assessment of the civil wars in Burma, Catherine Brown highlighted how the military government and leadership in some ethnic armed groups both benefited from ceasefire agreements. These agreements in the late 1980s and early 1990s tended to serve the economic interests of a few Tatmadaw and NSAG elites rather than leading to lasting political settlements.²⁰⁰ Other studies have also highlighted the mutually beneficial aspect of those ceasefires for the government and armed group

¹⁹⁹ See, for example, Callahan, *Political Authority in Burma's Ethnic Minority States: Devolution, Occupation, and Coexistence*, 3-6; Smith, *State of Strife: The Dynamics of Ethnic Conflict in Burma*, 5-6; Ashley South, "The Politics of Protection in Burma," *Critical Asian Studies* 44, no. 2 (2012): 197-98; Duffield, "On the Edge of 'No Man's Land': Chronic Emergency in Myanmar," 22.

²⁰⁰ Brown, "Burma: The political economy of violence."

leaderships, especially in relation to the drugs trade.²⁰¹ Regarding the impact on civilian populations, Brown mentions the continued abuses committed by all armed actors against the ethnic civilians in those areas despite the ceasefires.²⁰² More recent assessments of the ceasefires of the 1990s have recognised the reduction in abuses committed against civilians and the development of civil society in those areas, although the lack of political settlements has meant the grievances remain.²⁰³

While the political economy approach has much traction in the case of Burma, Martin Smith points out that economic 'greed' factors alone do not explain the longevity of the conflicts there. Instead, he points to "political grievance and denial of ethnic rights" as underlying causes, while economic factors have become "integral elements in the structures of conflict as the decades have passed."²⁰⁴

Another factor with a connection to political economy for armed groups in Burma has been geographical location in mountain and jungle border areas and proximity to, or control over, border crossings. This has been a significant element in maintaining resistance for some NSAGs.²⁰⁵ For NSAGs and associated welfare organisations on the Thai-Burma border, this has also included access to international humanitarian assistance.²⁰⁶

The dynamics of geographical dispersion and the organisational cohesion of NSAGs in Burma have received attention from Paul Kenny. He points out that the KNU had more territorial control up to the mid-1990s, but

²⁰¹ See, for example, Sherman, "Burma: Lessons from the Cease-Fires."; Patrick Meehan, "Drugs, insurgency and state-building in Burma: Why the drugs trade is central to Burma's changing political order," *Journal of Southeast Asian Studies* 42, no. 3 (2011). Lee Jones, "The Political Economy of Myanmar's Transition," *Journal of Contemporary Asia* 44, no. 1 (2014): 152-54.

²⁰² Brown, "Burma: The political economy of violence," 252.

²⁰³ See, for example, Mikael Gravers, "Ethnicity Against State -State Against Ethnic Diversity?," in *Exploring Ethnic Diversity in Burma*, ed. Mikael Gravers (Copenhagen, Denmark: Nordic Institute of Asian Studies, 2007); Ashley South, *Ethnic Politics in Burma: States of Conflict* (New York, NY: Routledge, 2008).

²⁰⁴ Smith, *State of Strife: The Dynamics of Ethnic Conflict in Burma*, 6.

²⁰⁵ See, for example, Martin Smith, *Burma: Insurgency and the Politics of Ethnicity* (London, UK: Zed Books, 1999); South, *Ethnic Politics in Burma: States of Conflict*.

²⁰⁶ See, for example, Alexander Horstmann, "Sacred Spaces of Karen Refugees and Humanitarian Aid Across the Thailand-Burma Border," *ASEAS – Austrian Journal of South-East Asian Studies*, 4, no. 2 (2011); Ashley South, *Burma's Longest War: Anatomy of the Karen Conflict* (Amsterdam, Netherlands: Transnational Institute/Burma Centre Netherlands, 2011), 30-33.

lacked cohesion due to the localised economic agendas of individual commanders. Following loss of territory after government offensives in the 1990s, it then became more concentrated and this contributed to greater organisational cohesion, efficiency and less predatory behaviour. In contrast, the DKBA, which split from and fought against the KNU at this time, was geographically dispersed with weak centralised command and control and became associated with the predatory economic agendas of local commanders.²⁰⁷

Sociological approaches to the study of NSAGs

All conflicts and conflict actors are embedded within a social context. Paul Richards, introducing a compilation of studies of NSAGs and their relations with host populations, has pointed out that “war is inescapably sociological.”²⁰⁸ Mao Zedong’s water and fish analogy for the relationship between the people and guerrillas recognises this importance.²⁰⁹

Regarding these relations, Mao further pointed out that it is “undisciplined troops who make the people their enemies and who, like the fish out of its native element, cannot live”.²¹⁰

Christopher Clapham, in writing about African rebel groups, recognised the vital importance of relations with civilian populations, especially constituencies they claim to represent. For him, “insurgencies are intensely dependent on their relations with host societies.”²¹¹ Whether through popular support, coercion or a combination of both, NSAGs rely on host populations and consequently those populations are threatened both by the resident NSAG and by state armed forces or other armed actors opposing it.

²⁰⁷ Paul D. Kenny, "Structural Integrity and Cohesion in Insurgent Organizations: Evidence from Protracted Conflicts in Ireland and Burma," *International Studies Review* 12, no. 4 (2010).

²⁰⁸ Richards, ed. *No War, No Peace: An Anthropology of Contemporary Armed Conflicts*, 4.

²⁰⁹ Mao Zedong, *Guerilla Warfare* (London, UK: Cassell, 1961), 67.

²¹⁰ Ibid.; Stathis N. Kalyvas and Laia Balcells, "International System and Technologies of Rebellion: How the End of the Cold War Shaped Internal Conflict," *American Political Science Review* 104, no. 3 (2010): 419-21.

²¹¹ Clapham, ed. *African Guerrillas*, 8.

Identity and civil war violence

Civil wars have often been noted for their exceptional savagery, and consequently attempts have been made to explain this. Marta Reynal-Querol makes a “distinction between ethnic and revolutionary civil wars” in highlighting the role of ethnicity in the nature of such conflicts.²¹² Michael Ignatieff has also highlighted the role of ethnic nationalism, in particular as a driving force in the civil wars of the post-Cold War 1990s.²¹³ He makes a telling point about ethnic identity, nationalism, and war in reporting a conversation with a Serb militiaman during the Yugoslav wars in the 1990s. He describes the man as “at the edge of recognizing his enemies as individuals, only to succumb to the nationalist fantasy of their radical otherness.”²¹⁴ Ignatieff, recalling Freud, describes such ethnic nationalism as being driven by “the narcissism of minor differences” between competing ethnic groups.²¹⁵

The idea of ethnic, religious or political identity in belonging to a group and the violence directed towards members of groups different to one’s own, has been a feature of many civil wars. Daniel Rothbart and Karina Korostelina have explored this and define social identity as “an individual’s sense of connection to a social group and the social category, a connection that affects perceptions and behaviours.”²¹⁶ According to them it is the social construction of outsiders, and “perceived identities of these others as infallible truths” that therefore provide “a basis for decisions, commands, and policies that endanger civilians.”²¹⁷ The population of the other as a whole is, therefore, seen as culpable for the actions of that other’s armed actors. In regard to this, Paul Gilbert notes, “it is exactly this presumption of inescapable complicity in the actions of the group that poses a threat to civilian immunity when those actions lead to war.”²¹⁸

²¹² Reynal-Querol, "Ethnicity, Political Systems, and Civil Wars," 29.

²¹³ Ignatieff, *Blood and belonging: Journeys into the new nationalism*.

²¹⁴ Michael Ignatieff, *The Warrior's Honour: Ethnic War and the Modern Conscience* (London, UK: Chatto and Windus, 1997), 70.

²¹⁵ *Ibid.*, 48-62.

²¹⁶ Daniel Rothbart and Karina V. Korostelina, *Why they die: Civilian devasation in violent conflict* (Ann Arbor, MI: University of Michigan Press, 2011), 4.

²¹⁷ *Ibid.*, 3.

²¹⁸ Paul Gilbert, "Civilian Immunity in the 'New Wars'," in *Civilian Immunity in War*, ed. Igor Primoratz (Oxford, UK: Oxford University Press, 2007), 215-16.

This goes some way towards explaining the frequent lack of distinction by armed actors between civilians and combatants in civil wars.

Identity, therefore, is a socially constructed concept with deep historical roots that may provide a sense of belonging and empathy with fellow group members, an identification of those outside the group as others, often with a set of negative attributes attached to them. Writing about identity often assumes its influence on armed actors, whether state or non-state, results in increased violence towards civilian 'others.' However, there is also the question of how armed groups build or maintain support with civilian populations (constituencies) that they do claim to represent and/or protect. Identity cannot be discounted as also providing motivation to protect or assist those one feels a common identity with. Such action may also result in varying degrees of perceived legitimacy for such actors.

NSAGs and legitimacy

A feature of some studies of NSAGs has been an examination of attempts by them to build legitimacy with constituent populations. Regarding the role of Hamas in Gaza, Sara Roy makes the claim that "it was from the social sphere primarily - not the ideological one - that Hamas derived its legitimacy and constructed a broad popular base."²¹⁹ This issue is also echoed by other authors in assessing the nature of NSAG-civilian relations. For example, Podder recommends considering how to "relate the criteria for inclusion in peace agreements with the existence of local socio-political legitimacy."²²⁰ According to Podder, "popular support, internal cohesion of the organization, and international legitimacy" are factors "likely to influence the group's willingness to cooperate in state-building activities."²²¹

Legitimacy considerations, the present study argues, will also influence a NSAG's willingness to demonstrate adherence to humanitarian norms. Soliman Santos from the South-South Network has made the observation

²¹⁹ Sara Roy, *Hamas and Civil Society in Gaza: Engaging the Islamist Social Sector* (Princeton, NJ: Princeton University Press, 2011), 6.

²²⁰ Podder, "Non-State Armed Groups and Stability: Reconsidering Legitimacy and Inclusion," 17.

²²¹ *Ibid.*, 34.

that international legitimacy is “a major consideration for armed groups.”²²² Furthermore, he notes, “it is probably politics (the political nature and function) of international law, rather than international law per se which attracts the adherence of such groups which are invariably highly political rather than legal.”²²³ Writers that address the issue of humanitarian norms with NSAGs have frequently raised NSAG concerns about legitimacy as a factor encouraging positive actions or expressions of compliance.²²⁴ How legitimacy is perceived, though, can differ between international and local perspectives. David Petrasek, for example, points out that although “resistance can be legitimate does not mean of course that abuses committed are justified. As a practical matter, however, tolerance for abuse (especially among the armed group’s constituency) will be related to this question of legitimacy.”²²⁵

NSAG governance and welfare provision

Related to the question of legitimacy is the governance role of NSAGs. Prior to their final military defeat in 2009, the LTTE in Sri Lanka were the subject of a number of studies that considered their role in administration and welfare provision. Kristian Stokke identified the authoritarian and centralised nature of the LTTE administration focused on “guaranteeing external and internal security in the context of protracted warfare,” but also noted its role in the “welfare and development of the Tamil community.”²²⁶ Janine Lilja claims that dependency on constituent support and territorial control over civilian populations influenced the LTTE’s behaviour towards those they claimed to represent. She suggested these factors reduced the group’s use of violent and coercive means for recruitment and support.²²⁷

²²² Santos, "A Critical Reflection on the Geneva Call Instrument and Approach in Engaging Armed Groups on Humanitarian Norms: A Southern Perspective," 7.

²²³ Ibid.

²²⁴ See, for example, Claudia Hofmann and Ulrich Schneckener, *NGOs and Nonstate Armed Actors: Improving Compliance with International Norms* (Washington, DC: United States Institute of Peace, 2011), 3, 10 & 11; Whitfield, "Engaging with Armed Groups: Dilemmas and Options for Negotiators," 5 & 25. Bruderlein, *The Role of Non-State Actors in Building Human Security: The Case of Armed Groups in Intra-State Wars*, 9 & 11.

²²⁵ Petrasek, *Ends and Means: Human Rights Approaches to Armed Groups*, 35.

²²⁶ Kristian Stokke, "Building the Tamil Eelam State: emerging state institutions and forms of governance in LTTE-controlled areas in Sri Lanka," *Third World Quarterly* 27, no. 6 (2006): 1024.

²²⁷ Janine Lilja, "Trapping Constituents or Winning Hearts and Minds? Rebel Strategies to Attain Constituent Support in Sri Lanka," *Terrorism & Political Violence* 21(2009).

Elisabeth Wood identified the LTTE's strict discipline and control as a significant factor in preventing incidents of rape by its fighters, despite cases occurring on the government side.²²⁸ "The organization prohibits sexual violence and effectively enforces that decision through a tightly controlled military hierarchy in which punishment is swift and severe."²²⁹ Another factor to consider in regard to this issue, was that in the later stages of the Tamil conflict the LTTE also recruited significant numbers of women fighters.²³⁰

Stokke, Lilja and Wood's perspectives on the governance of the LTTE diverge from the political economy approach applied by Beardsley and McQuinn highlighted earlier. Beardsley and McQuinn found the LTTE was not responsive to the local population's needs due to external diaspora funding. Stokke argues that the LTTE provided "administrative efficiency" but prevented "democratic accountability."²³¹ Considering both economic and social perspectives would indicate that little autonomy or dissent was tolerated within the relatively efficient governance and welfare structures the LTTE did develop with the aid of external funding. They achieved efficiency, but without democratic input from the constituent population. Yet, as Neil DeVotta identifies, despite the potential support it could have gained, the LTTE's recruitment of children, targeted assassinations and lack of concern for civilian casualties "guaranteed it eventual pariah status among the international community and even many Tamils."²³²

Mampilly identifies secessionist and/or ethno-nationalist armed groups as being more interested in developing "an effective system of governance than groups that seek to capture power at the centre."²³³ Co-option of humanitarian assistance is another significant factor that he suggests

²²⁸ E. J. Wood, "Armed Groups and Sexual Violence: When Is Wartime Rape Rare?," *Politics & Society* 37, no. 1 (2009).

²²⁹ *Ibid.*, 152.

²³⁰ Peng Wang, "Women in the LTTE: Birds of Freedom or Cogs in the Wheel?," *Journal of Politics and Law* 4, no. 1 (2011).

²³¹ Stokke, "Building the Tamil Eelam State: emerging state institutions and forms of governance in LTTE-controlled areas in Sri Lanka," 1024.

²³² DeVotta, "The Liberation Tigers of Tamil Eelam and the Lost Quest for Separatism in Sri Lanka," 1023.

²³³ Mampilly, *Rebel Rulers*, 77.

correlates with the administrative roles of armed groups.²³⁴ If NSAGs are able to provide some administration and welfare in areas they control to enhance their legitimacy, it then follows that those groups may be more willing to facilitate the provision of humanitarian assistance.

There are at least three possible motivations for NSAGs doing so. The group may simply want the material aid for its own troops, or to sell to raise funds for its continued armed action. The group may also wish to increase its perceived legitimacy by association with the provision of welfare to civilians. Lastly, the group, especially members of associated welfare wings, may intrinsically wish to provide for the needs of the assumed constituencies with whom they themselves identify. The significance here is that there may be both instrumental motivations and/or internalised and genuinely held beliefs at work for such actors. Therefore, in contrast to the mostly negative view of the political economy of armed conflict towards the use of humanitarian assistance by NSAGs, there is a potential for NSAGs to use it, or facilitate it, to the benefit of constituent populations.

Terry, however, points out how NSAG involvement with humanitarian aid via refugee camps in neighbouring countries helps NSAGs to control populations and enhance legitimacy, even if it is not deserved.²³⁵ Interest from NSAGs to facilitate humanitarian assistance, nonetheless, presents an opening for engagement with them on humanitarian norms by external actors. Claude Bruderlein makes this argument in relation to engagement with armed groups and their development of humanitarian, health and social services. Such “humanitarian wings” can then help “promote a stricter compliance to international standards within the ranks of the group.”²³⁶ In discussing the potential inclusion of NSAGs in processes to improve protection of civilians, he also highlighted the issue of NSAG capacity to undertake such activity.²³⁷ Capacity for NSAGs and their

²³⁴ Ibid., 90.

²³⁵ See, Terry, *Condemned to Repeat?: The Paradox of Humanitarian Action*. 65-72; 97-99; 101-103; 133-141; and 175-182.

²³⁶ Bruderlein, *The Role of Non-State Actors in Building Human Security: The Case of Armed Groups in Intra-State Wars*, 12.

²³⁷ Ibid., 15-16.

welfare or governance organs to actually implement actions that protect civilians is often lacking, and international assistance to increase this is frequently resisted by concerned states. For the NSAG, this is also a question of the available resources, abilities and education of those that may undertake such activity. Another issue with both economic and social implications, pointed out by Mampilly, is the choice made by an NSAG leadership regarding use of resources.²³⁸ Whether they are directed towards improving the group's governance capacity or towards personal accumulation, will in turn, influence the extent of the group's ability to implement more protective, humanitarian-focused policies.

NSAG legitimacy questioned

The concepts of popular support and legitimacy for rebel movements and how that can be potentially measured, if at all, have been problematized. Stathis Kalyvas, in his study of violence in civil wars, has explored the idea of popular support that is often claimed by armed actors from constituent populations. Although frequently cited as a significant variable in studies of NSAGs, and by the groups themselves for their claimed legitimacy, Kalyvas points out that popular support, at the best of times, is difficult to measure. Rebel groups will claim the population supports them because they are fighting to redress alleged wrongs committed against the people. Equally, government or other armed actors opposing the rebels will argue civilians only show support or collaborate with the rebel side due to coercion. Kalyvas here identifies that the relationship is more complex, and that it is not as if civilians actually have a choice in the matter.²³⁹ In situations of contested territorial control there is pressure for civilians to collaborate with armed actors, or outwardly show support, to avoid being perceived as supporting the other side. This, in turn, leads to questioning claims of legitimacy made by those armed actors. "The absence of alternatives often produces collaboration irrespective of the level of popular satisfaction or lack thereof, which may be wrongly interpreted as a reflection of legitimacy."²⁴⁰ Drawing on a host of empirical studies, Kalyvas

²³⁸ Mampilly, *Rebel Rulers*, 235-36.

²³⁹ Kalyvas, *The Logic of Violence in Civil War*, 92-93.

²⁴⁰ *Ibid.*, 93.

makes the point that actually few members of a host population where a rebel group is present are committed supporters, while the majority generally demonstrate malleability in terms of displaying support. This is due to a mix of sympathy for the rebel cause and fear of them on the part of the population, and persuasion and coercion of the civilian population on the part of the rebels.²⁴¹ This is an important caveat in relation to the present study, in understanding legitimacy and the extent to which it is present. Nonetheless, legitimacy is an important aspect of NSAG-civilian relations. Some, though not all, NSAGs demonstrate concern with demonstrating they have it, or that they deserve it. It influences their policies and practices towards civilians and, therefore, towards humanitarian norms.

Themes from the sociology of NSAGs and relevance to Burma NSAGs

The overall themes raised by the work of authors that have studied NSAGs from a social perspective are the importance of understanding NSAGs within their social context, the role of identity, the functions of NSAG governance and civil society, and perceptions of legitimacy in NSAG-civilian relations. Ethnic identity has been a central and complicated element of the civil wars in Burma.²⁴² Armed groups claiming to represent the many ethnic nationalities such as Karen, Karenni, Mon, Shan or Kachin, have been in conflict with the ethnically Burman dominated central state, in some instances, since independence.²⁴³ Mampilly's point about ethno-nationalist or separatist groups being more concerned with establishing governance structures in areas they control, compared to groups that wish to take control of the central state, is significant for the Burma context. Many of the major ethnic armed groups have established rudimentary state-like administrations and various,

²⁴¹ Ibid., 101-05.

²⁴² See, Gravers, "Ethnicity Against State -State Against Ethnic Diversity?." The role of ethnicity and identity in Burma's civil wars is dealt with further in the Burma context chapter six.

²⁴³ Details of the background causes of these conflicts is provided in the Burma context chapter six, and in case studies of four NSAGs in chapter eight.

though often limited, services for constituent populations over many decades.²⁴⁴

Burma NSAGs and civil society

The influences of identity, perceived legitimacy and non-state governance in Burma, the present study contends, have contributed to the development of welfare and civil society actors, some who are close to, and others more independent from, NSAGs. The relationships between local civil society and Burma NSAGs identified in this study can be seen as parallel to the relationships that have been described between civil society and recognised states. The term civil society has been applied very broadly and has evolved in meaning over time and across cultures.²⁴⁵

The World Health Organisation, for example, refers to civil society as a “social sphere,” and civil society organisations (CSOs) as “non-state, not-for-profit, voluntary organisations formed by people in that social sphere,” but sometimes “state involvement in the funding and establishment of CSOs /NGOs may blur the borders between state and non-state bodies.”²⁴⁶ In much the same way, the influence of state-like politically motivated actors in the form of non-state armed groups on CSOs may also blur this distinction. Here, civil society refers collectively to non-profit, voluntary, service delivery or advocacy focused organisations. Theories about civil society usually assume it has a relationship with the state that enables it to be “working outside of the state, perhaps parallel to it, sometimes in opposition to it.”²⁴⁷ In the context of this thesis, that is extrapolated onto local CSOs and their relationships often encompassing both NSAGs and INGOs. CSOs stretch across a broad range of actors in

²⁴⁴ See, for example, description of the administration, governance and associated welfare organisations of the KNU. Jonathan Falla, *True Love and Bartholomew: Rebels on the Burmese Border* (Cambridge, UK: Cambridge University Press, 1991); Jack Fong, *Revolution as Development: The Karen Self-Determination Struggle against Ethnocracy* (Boca Raton, FL: Universal, 2008).

²⁴⁵ John Ehrenberg, "Civil Society: The Critical History of an Idea," (New York, NY: New York University Press, 1999).

²⁴⁶ World Health Organization, "Civil Society," <http://www.who.int/trade/glossary/story006/en/>.

²⁴⁷ James Swift, *Civil Society in Question* (Ottawa, Canada: South Asia Partnership, 1999), 4.

Burma including rights and faith-based groups and local community based organisations (CBOs).

Some local welfare and assistance focused organisations with a close relationship to NSAGs are also the local partners to INGOs. For example, the internal functioning of refugee camps has been, in some instances, devolved to the administrative apparatus of an NSAG, such as in the case of the Karen National Union (KNU)-connected Karen Refugee Committee (KRC) administration in seven of the refugee camps along the Thai-Burma border.²⁴⁸ Other CSOs, however, are more independent organisations that also receive some donor funding from INGOs. These organisations pursue cross-border (usually from Thailand) assistance or advocacy activities that might otherwise compromise sovereignty-respecting INGOs. The issue of international support and funding for these groups has been a sensitive issue, especially with changes in donor funding priorities following the start of reforms inside Burma since 2011.²⁴⁹

Burma NSAGs and perceived legitimacy

The concept of legitimacy and different perceptions of it are significant in the case of NSAGs in Burma. What is perceived as legitimate will vary from the perspective of western states and international agencies promoting democracy, human rights or free markets, to the Burma Army's claims to be preventing the disintegration of the Union and being seen as a credible military and governing force. For NSAGs in Burma, legitimacy often involves presenting themselves as representative of all of the above concerns depending on the audience and the issue. This may involve advocating democratic rights-based policies internationally, showing interest in economic development to external business interests, demonstrating to local populations and to the central government their ability to resist its armed forces, and upholding ethnic political causes for constituent populations while also being seen as a provider of welfare and protection for them. These activities involve the NSAGs' military, political

²⁴⁸ Kirsten McConnachie, "Rethinking the 'Refugee Warrior': The Karen National Union and Refugee Protection on the Thai-Burma Border," *Journal of Human Rights Practice* 4, no. 1 (2012).

²⁴⁹ See further discussion of the roles of these organisations and issues involving them in chapter nine.

and welfare arms as well as other more independent CSOs and, sometimes, international actors. As David Steinberg has commented, legitimacy in Burma “not only involves a government and its political opposition, but a virtual myriad of minorities, each of whom may have their own assessment of what constitutes legitimacy for their own or central government administrations.”²⁵⁰

External perspectives on NSAG legitimacy vary, however, and this is complicated by the myriad splinter factions from larger NSAGs and state-aligned militias operating in ethnic areas. As Ashley South has observed regarding the decades of conflict and the role of Burma NSAGs, “for many insurgent groups, identity and the claim to legitimacy have come to reside in the act of rebellion itself.”²⁵¹ In his detailed study of Burma’s long-running civil wars, Martin Smith referred to the case of NSAGs in Burma as “insurgency as a way of life.”²⁵²

Theoretical propositions drawn from the literature

Propositions developed from the literature reviewed in the present and previous chapter are presented here. They address relevant aspects, identified in the literature, for their effect on NSAGs, and on NSAG-civilian relations. These factors, therefore, are seen as having an impact on the extent of compliance, or non-compliance, with humanitarian norms by NSAGs.

The first proposition is largely based on the writing of humanitarian practitioners and international legal scholars that was outlined in chapter three. For many NSAGs, military necessity, driven by political and economic imperatives, may result in their resorting to actions that threaten constituent populations. Deliberate use of methods, weapons or tactics, such as landmines, and underage or forced recruitment, are likely to be claimed as necessary by the NSAG to maintain its position, protect constituencies, and even for its survival. These elements of intentional NSAG policy pose both direct and indirect threats to civilian populations,

²⁵⁰ Steinberg, "Legitimacy in Burma/ Myanmar: Concepts and Implications," 109.

²⁵¹ South, *Ethnic Politics in Burma: States of Conflict*, 32.

²⁵² Smith, *Burma: Insurgency and the Politics of Ethnicity*, 88-101.

even if the NSAG claims to represent and protect them. Based on Bangerter, Veuthey, Mack and Pejic, and Bellal and Casey Maslen (discussed in chapter three), regarding military factors influencing compliance or violation of humanitarian norms, the following proposition will be examined.

1. NSAGs will carry out actions that threaten the security of the populations they claim to represent or protect, in violation of humanitarian norms, out of claimed military and/or political necessity.

The political economy of armed conflict approach considers sources of funding, resources, and economic support available to NSAGs as central influences on their formation, tactics and membership. These factors, in turn, are believed to influence how NSAGs treat civilians. This study contends, therefore, that these factors will also affect the extent of their compliance with humanitarian norms. This was evident in Weinstein's idea of the initial material and social endowments of rebel groups influencing the types of organisations that they became and, consequently, the amount of violence directed at civilians. This is incorporated into the following proposition.

2. The extent and nature of material and social resources for an NSAG at formation will significantly influence the nature of the groups' future relations with civilian populations and, therefore, the extent of NSAG conformity with humanitarian norms.

Beardsley and McQuinn's, and Hovil and Werker's research points to the role of external funding and support for NSAGs as contributing to less concern for populations in their areas and more abusive or predatory behaviour. This leads to the following proposition regarding the role of external funding and support for NSAGs, and the consequences for relations with civilian populations.

3. Where an NSAG has substantial funding and/or access to resources independent of its constituent population, its policies and

practices will be more abusive towards civilians, and therefore less conforming with humanitarian norms.

Geographical dispersion and organisational fragmentation are also considered relevant to NSAG treatment of people in their areas of control. As indicated by Johnston, and Buhaug and Gates, resource availability extraction and use, distance and terrain impact on NSAG command and control. Location of resources will influence NSAG dependence or autonomy from local populations. Furthermore, as indicated by Kenny in relation to NSAGs in Burma, distance and dispersion of NSAG units will influence whether those units act more autonomously from the central command and engage in predatory activity locally. Abuses against civilians, in this case, may remain unreported or unpunished by the central NSAG command. This brings forward the following proposition.

4. Where an NSAG is dispersed over territory, is fragmented, and/or has weak command and control over individual units, their practices (even if there is policy) will be more abusive or predatory towards civilians and therefore less congruent with humanitarian norms.

Proximity to borders, as indicated by Pugh et al, and Buhaug and Gates, presents opportunities for taxation of border trade and a rear base for insurgents. Access to refuge across borders enables contact with external influences, including humanitarian actors. Diversion of assistance, as highlighted by Terry, is also a significant factor in NSAG survival and their relations with host populations. The next proposition acknowledges this factor in relation to its consequences for NSAG-civilian relations and NSAG compliance with humanitarian norms.

5. NSAGs that control or cross international borders can access or co-opt material, financial and/or humanitarian assistance enabling less reliance on constituent populations. Therefore, they are more likely to be abusive towards civilians and less congruent with humanitarian norms.

Themes raised by sociological perspectives on NSAGs, for example in case studies of NSAGs compiled by Richards and by Clapham, have emphasised the social and political context and centrality of NSAG-civilian relations. Ethnic and religious identity, in particular, has been identified by writers such as Ignatieff, Ryenal-Querol, and Rothbart and Korostelina as a force that binds a sense of belonging to a group. This then potentially, also, leads to a stereotyped and negative view of the ‘other’ promoting violence towards outside groups.

Identity with fellow members of an ethnic or religious group, however, may also engender more concern for their welfare or protection from persecution or suffering. This is a factor not well explained by the rational actor economic model, yet it is present in local forms of “organised compassion” as alluded to by Barnett’s summation of humanitarian action.²⁵³ The present study argues that it is a relevant factor that influences NSAG policies or practices. This may be directly through the leadership, or indirectly through the role of NSAG-associated welfare, or civil society organisations. These actors are in a position to have influence to varying degrees on the NSAG’s relations with civilians, and compliance with humanitarian norms. They are also a potential partner or point of entry for international humanitarian engagement actors attempting to influence NSAGs towards greater compliance. This leads to the following proposition based on Smilie, Petrusek, and Florquin et al (in chapter three), and Roy, Mampilly and Bruderlien (in the present chapter), regarding the role of local civil society actors working with, or that have access to, NSAGs.

6. NSAGs that have developed, work alongside, or are amenable to, local welfare, advocacy, or service provision organisations, are more likely to take action to conform to humanitarian norms.

Establishing systems of government and welfare services for constituent populations are central means as identified by Podder, Mampilly, Stokke, and DeVotta that NSAGs have used to gain legitimacy with local

²⁵³ See Barnett, *The Empire of Humanity: A History of Humanitarianism*, 15.

populations. NSAG attention to relations with their constituent populations, and with external actors, is related to their perceived legitimacy, locally and internationally. Legitimacy is likely to have a consequent influence on the degree of NSAG interest in demonstrating compliance with humanitarian norms. This suggests the following proposition regarding NSAG interests in legitimacy.

7. NSAGs will pursue policies that contribute to civilian protection, and therefore conform more closely to humanitarian norms, out of concerns with local and/or international legitimacy.

Lastly, consideration needs to be given to the dynamics of situations where NSAGs do attempt to undertake actions that increase compliance with humanitarian norms. This may be motivated by a need for material support, legitimacy and/or by identification with constituent populations, as outlined in the literature and propositions above. This raises the issue of NSAG capacity, identified by Bruderlein, Petrusek, and Mampilly (in the present chapter) and by the ICRC, Geneva Call, and Mack and Pejic (in chapter three), to actually implement such actions in terms of human and material resources.

8. NSAG action to reduce threats to their constituencies may contribute to local support and legitimacy. However, even when willing to do so, NSAGs are constrained by their capacity in terms of the material and human resources available to effect such action.

In summary, the propositions set forth above address the following influences on NSAGs, and NSAG-civilian relations. Each factor, it is proposed, has a flow on effect that can further increase, or decrease, the extent of NSAG compliance with humanitarian norms. These factors are:

- Claimed military and political necessity
- Material and social resources at formation
- External funding and/or access to resources, independent of a constituent or host population
- Geographic dispersion/ fragmentation of the NSAG

- Proximity to borders and external assistance
- Civil society/ welfare organisations associated with NSAGs
- Perceptions of local and international legitimacy
- Capacity to implement policies leading to improved protection

Summary

The literature outlined in this chapter on NSAGs and their relations with host populations, has addressed those relationships through the theoretical lenses of the political economy of armed conflict, and sociology. The former brings economic agendas and the sources of NSAG funding to the fore in attempting to understand armed group behaviour. Resources have been widely understood as motivations for predatory or abusive behaviour. Yet, as is the case with the use of resources by the governments of formally recognised states, this study contends they also present opportunities, in the case of NSAGs, to improve conditions for those they claim to represent, and strengthen their legitimacy and role in governance. This, in turn, can potentially lead to situations where NSAGs have the motivation to improve compliance with humanitarian norms.

The importance of the social context for NSAGs, and of socially constructed ideas, such as identity and legitimacy, have been explained within the writing from a sociological perspective. While the politicisation of identity provides motivations for violence directed at those outside one's own group, this study argues it can also provide incentives for improving the conditions of those that are identified with. Equally, perceptions of legitimacy are also a significant element in NSAG concerns with provision of governance, welfare, and compliance with humanitarian norms. The motivations to be seen to adhere to international norms may be instrumental or they may be more genuinely internalised. Either way, if they influence the actions and policies of NSAGs they are worth considering. The themes raised in the literature have been developed into a set of propositions, set out above, to be tested against the findings from the empirical case studies of NSAGs in Burma and humanitarian engagement with them in later chapters. The following chapter presents the research design and the methodology that is employed in this study.

Chapter Five

Research design and methodology

Introduction

Having outlined the relevant literature in the previous two chapters, and established a set of propositions drawn from it for testing, this chapter now presents the research design and methodology for this study. The rationale for the choice of an overall qualitative approach and a case study research design is first established. The sources of primary and secondary data are then outlined. In particular, the fieldwork, procedure for obtaining interview subjects, conduct of interviews, obtaining consent, offers of anonymity, and uses of translation, are explained. The topic prompts for the semi-structured interviews are then set forth. The logic for the choice of issues, the actors chosen as units of analysis, and the range of organisations from which interview respondents were drawn, is discussed. Then, the process for analysis of the interview transcripts and relating of themes identified by this back to the research topic, literature and propositions is outlined. The limitations of this study and potential biases that may be present in the research and data are also acknowledged. Finally, the research context and, in particular, ethical considerations around conducting research in Burma, are assessed.

It is important to “understand how a particular view of the world affects the whole research process”²⁵⁴ Protection for conflict affected populations from threats posed by NSAG landmine use and recruitment of children is a core value that drives this research enquiry. The present study deals with real world events, and although they are interpreted in different ways by different actors, they do occur, and have very real effects on the lives of people affected by them. However, regarding the means by which these issues can be known about and understood, the epistemological position

²⁵⁴ Johnathan Grix, *The Foundations of Research* (Basingstoke, UK: Palgrave MacMillan, 2004), 66.

in this study is that of interpretivism.²⁵⁵ It accepts that there will be multiple perspectives on these issues that need to be understood within their relevant contexts. It is concerned with an understanding of human behaviour as influenced by both social and material/coercive structures as outlined in the literature and theory informing the propositions. These 'structures,' however, are socially constructed concepts and understood through the subjective meanings that actors attach to them. Therefore, a social constructivist research approach will best fit this study as events and processes can be given "thick description" through "interpretations of the people most knowledgeable about the case".²⁵⁶ A qualitative case study research design is the most appropriate strategy for collection of data, and for analysis, that can respond to the research questions, and to relating this study's findings back to the theoretical propositions.

Qualitative research

Qualitative research is concerned with an "understanding of the social world through an examination of the interpretation of that world by its participants."²⁵⁷ Katherine Hakim points out that a qualitative approach is appropriate where explanations of social phenomena, the motivations of actors, and of connections between factors are being considered.²⁵⁸ This is the case in the present study. What can be known about NSAG behaviour in relation to humanitarian norms, and the factors influencing them, in the case of Burma, will depend on the input into the study of the subjective experiences of those involved. Therefore, it draws on the perspectives of humanitarian NGOs, IGOs, local civil society

²⁵⁵ Bryman states that interpretivism is "predicated upon the view that a strategy is required that respects the differences between people and the objects of the natural sciences and therefore requires the social scientist to grasp the subjective meaning of social action." Alan Bryman, *Social Research Methods (4th Ed)* (Oxford, UK: Oxford University Press, 2012), 30.

²⁵⁶ Robert E. Stake, *The Art of Case Study Research* (Thousand Oaks, California: Sage 1995), 102.

²⁵⁷ Bryman, *Social Research Methods (4th Ed)*, 380.

²⁵⁸ See, Katherine Hakim, *Research Design: Strategies and Design in the Design of Social Research* (New York, NY: Routledge, 1992), 28; David E. McNabb, *Research Methods for Political Science: Quantitative and Qualitative Methods* (New York, NY: M. E. Sharpe, 2004), 344.

organisations, civilians, NSAG leadership and members, and other observers such as academics and the media.

Qualitative researchers interact directly with people they study and their interpretations of their social environment use mostly non-statistical sources of data collection, acknowledge their own subjectivity, and focus on the “understanding of social interactions and processes”.²⁵⁹ The present study, therefore, involved fieldwork in and on the borders of Burma using in-depth semi-structured interviews, focus group discussions, and observations, as well as analysis of other primary and secondary documents and audio-visual sources. While acknowledging the qualitative nature of social research, this study approaches the research design, research questions and theoretical propositions for testing in a systematic manner. A case study research design is considered the most suitable approach for this study given the complex nature of the phenomenon that is being studied (factors influencing NSAG compliance with humanitarian norms), and the importance of the context (social, political, and economic).

Research design

A case study

McNabb argues that in designing case study research it is necessary to frame the case. Framing requires a rationale for why the case study method is deployed, why this specific case has been chosen, and why the behaviours or phenomenon under consideration are selected for research.²⁶⁰

Why the case study method?

The case of NSAGs in Burma, their relationship with civilians, and the extent of compliance with humanitarian norms (or not) requires consideration of military, political, historical, economic and social contexts. These are features Creswell points out as most amenable to exploration through case study analysis.²⁶¹ As Robert Yin summarises, “a case study

²⁵⁹ McNabb, *Research Methods for Political Science: Quantitative and Qualitative Methods*, 341-43.

²⁶⁰ *Ibid.*, 362.

²⁶¹ John Creswell, *Qualitative Inquiry and Reserach Design: Choosing among Five Traditions* (Thousand Oaks, CA: Sage, 1998), 61.

is an empirical inquiry that investigates a contemporary phenomenon within its real-life context, especially when the boundaries between phenomenon and context are not clearly evident".²⁶² The complexity of the context and the issues under examination in this study make a strong argument for application of a case study approach.

In Burma there has been a dearth of reliable statistical data for most aspects of the country, its people, and economy. This is due both to deliberate bias or distortion of numbers on the part of government and/or its opponents, and to a simple lack of reliable record keeping.²⁶³ This is even more so in the ethnic borderland regions where the relative size of populations of ethnic minority groups is disputed between the central government and those minorities.²⁶⁴ These issues serve to illustrate "how dark a statistical shadow was cast by the country's half-century under a military dictatorship."²⁶⁵ As well as the lack of data, there is the question for the present study of how much detail or context any analysis of statistical data would provide. For example, reported landmine incidents are documented by some organisations.²⁶⁶ While recording the incident and details about a victim the data will generally not reveal if it was a state or non-state actor who placed the mine, or if the incident resulted in further actions such as mapping, non-technical surveys, demining, fencing, signage, mine risk education, or which actors undertook such actions. However, while the present study is not quantitative, when numerical sources of information are available, they have been incorporated into the study to illustrate certain points, or the extent to which a particular phenomenon has been observed.

²⁶² Robert K. Yin, *Case Study Research: Design and Methods* (Thousand Oaks, California: Sage, 2003), 13.

²⁶³ As an example, in 2014, the government of Burma/Myanmar conducted its first census since 1983. The results revealed a population of only 51.4 million, over 8 million below the projected 60 million, it had expected to find.

²⁶⁴ David Steinberg, *Burma/Myanmar: What Everyone Needs to Know (Second Edition)* (Oxford, UK: Oxford University Press, 2013), xxiv-xxvii.

²⁶⁵ The Economist, "Myanmar's missing millions: The leftovers," <http://www.economist.com/blogs/banyan/2014/09/myanmars-missing-millions>.

²⁶⁶ See, for example, Karen Human Rights Group, "Landmine injuries in Mone Township, Nyaunglebin District since January 2013," (Thailand: KHRG, July 8, 2013).

The type of case study

The present study is an embedded single case study design, wherein a single case study consists of a set of sub-units of analysis.²⁶⁷ Yin uses as an example of this type of research design, a case study of a public program that contains funded projects, where the funded projects are the embedded units of analysis. In the present study, Burma is the country-specific case study context.²⁶⁸ The NSAGs are the embedded sub-units of analysis within the case study, or the “cases within the case.”²⁶⁹ Material and social factors, as outlined in the propositions, are examined as potential contributory factors to the extent of NSAG compliance or divergence from humanitarian norms. Beyond identification of which factors have the greatest impact, the research questions also seek to understand how and why any identified elements do influence the extent of compliance with norms by NSAGs. That is, understanding the processes by which they occur. Hakim makes the point that case studies “focus on analytical social units and social processes.”²⁷⁰ In this study, the practices and policies of NSAGs, and of actors engaging with them on humanitarian norms, are the social processes being explored across a range of NSAGs, the sub-units of analysis.

A case study is considered to be either intrinsic, in that the case is focused on for its own particular uniqueness, “or it may be on an issue or issues, with the case used instrumentally to illustrate the issue.”²⁷¹ The present study has both intrinsic and instrumental relevance. It is of intrinsic interest in terms of its specific Burma focus. That is its practical interest for the range of CSOs, NSAGs, NGOs and civilian communities in Burma, as well as international actors addressing humanitarian and conflict issues in the country. However, it is also of wider theoretical interest for what it can

²⁶⁷ Yin, *Case Study Research: Design and Methods*, 42-43.

²⁶⁸ King, Keohane and Verba, include “a person, country, year, or political party” as examples of the types of elements that can potentially be units of observation and analysis within a case study. Gary King, Robert Keohane, and Sidney Verba, *Designing Social Inquiry: Scientific Inference in Qualitative Research* (Princeton, NJ: Princeton University Press, 1994), 76-77.

²⁶⁹ Robert E. Stake, “Case Studies,” in *Strategies of Qualitative Inquiry* ed. Norman K. Denzin and Yvonna S. Lincoln (Thousand Oaks, CA: Sage, 2003), 153.

²⁷⁰ Hakim, *Research Design: Strategies and Design in the Design of Social Research*, 32.

²⁷¹ Creswell, *Qualitative Inquiry and Reserach Design: Choosing among Five Traditions*, 62.

contribute to the literature addressing NSAG compliance with humanitarian norms, which is this study's instrumental significance. Robert Stake acknowledges that case studies can be both instrumental and intrinsic and that there is frequently no clear boundary delineating the two types, but instead "a zone of combined purpose separates them."²⁷²

A major criticism of the case study method is the lack of generalisability of a case to other cases. However, as Yin points out, case studies are "generalizable to theoretical propositions and not to populations or universes."²⁷³ This study has developed a set of theoretical propositions drawn from literature on NSAGs and issues in other regional contexts in chapter four, and these are examined against the empirical evidence gathered in the case study of NSAGs in Burma.

The research process

To begin, relevant literature pertaining to NSAGs was assessed for the issues that helped shape the rest of the case study.²⁷⁴ Scholarly and practitioner material was considered that addressed NSAGs, NSAG-civilian relations, and NSAG compliance with humanitarian norms. The researcher was able to check constantly the theoretical propositions and empirical data from fieldwork against recent developments in scholarly literature, and reports and media emerging from the Burma case study context.

Next, initial contacts were established and preliminary interviews conducted in early 2012 with members of local and international humanitarian organisations. Some had experience in other regional contexts as well as experience in Burma regarding the role of NSAGs and NGO relations with them on humanitarian matters. Members of the Burma refugee community in New Zealand contributed valuable perspectives, and further contacts for fieldwork were developed during May to July

²⁷² Stake, "Case Studies," 137.

²⁷³ Robert K. Yin, *Case Study Research: Design and Methods (5th ed)* (Thousand Oaks, CA: Sage, 2014), 20.

²⁷⁴ Stake advocates conceptually structuring of a case study around thematic issues, Stake, "Case Studies," 142-43.

2012.²⁷⁵ Interviews during periods of fieldwork, approximately four to five months at a time, were undertaken on the Thai-Burma border and inside Burma during 2012, 2013, and 2014.²⁷⁶ A set of thematic prompts were developed for the semi-structured interviews and these were further refined after the first interviews in the field in August and September 2012. Interview subjects were accessed from across the range of actors involved with the issues in this study. This included NSAG leadership and members, members of INGOs, local NGOs, CSOs, academics, journalists, and other informed observers.²⁷⁷

Sources of data

Both primary and secondary data has been collected and assessed for this study. The secondary sources include books, journal articles, NGO, CSO, UN, and state government reports and websites, news media, and a variety of other grey literature (unpublished reports and policy documents).²⁷⁸ News media reports, audio-visual material such as documentaries and other images and footage of civilians, NGOs and NSAGs in the region that were available were also examined to provide extra input that increased the available information and some corroboration of other sources.

To reduce the inevitable gaps in the available information, the issues, were assessed in detail across four NSAGs as units of analysis, (mini case studies within the case). The chapter dealing with humanitarian engagement actors and processes also included information on three further Burma NSAGs besides the four examined in the detailed case studies. The extra groups, however, reflected many of the same attributes of those that were included in the detailed case studies. This helped deepen the understanding of the engagement processes, in particular. While there was similarity across the NSAGs, they also differed on some

²⁷⁵ The author worked as a volunteer with NZ Refugee services at this time, working with new Burmese refugees to NZ and the existing Burmese refugee community.

²⁷⁶ See, below regarding details of the field work and interview processes.

²⁷⁷ See further below in this chapter, regarding the process of selection of interview respondents.

²⁷⁸ Lena Dahlberg and Colin McCaig, eds., *Practical Research and Evaluation: A Start to Finish Guide for Practitioners* (London, UK: Sage,2010), 83-84.

vital issues such as ceasefire status, geographic dispersion, or economic support base.

Obtaining the perspectives of affected civilian populations in rural ethnic areas of NSAG control or influence was problematic. This was due to the difficulties presented by official denial of access to conflict-affected ethnic areas inside Burma, the range of different ethnic languages spoken in these areas, and the limitations for a researcher who was a western foreigner. While it was possible to access a couple of NSAG controlled areas, with NSAG permission, from across the Thai-Burma border, access to ethnic NSAG controlled civilian areas within Burma more generally was less practical. However, a valuable dataset of video interviews of villagers from rural township areas where NSAGs were active in Karen, Mon and Karenni states was collated in 2013 by a grouping of Thailand-based INGOs, The Border Consortium (TBC).²⁷⁹ Local CSOs working with the TBC, and often working cross-border from Thailand, were able to ask a set of questions of villagers in these areas. The 'What Villagers Say' interview videos were conducted in the appropriate local languages, and most were then translated with Burmese subtitles.²⁸⁰ A trusted local translator who spoke and read Burmese and Karen was enlisted by the researcher to further translate and transcribe these videos (available online from the TBC YouTube channel) into English. This data set was useful as it enabled perspectives from the affected populations to be considered. Questions that were asked of the villagers in the videos included their opinions on the ceasefires between the government and ethnic armed groups since 2012, their protection and security concerns, the potential return of refugees, and basic living conditions in their areas.²⁸¹

Most of the primary data for this study was collected through approximately 65 formal semi-structured interviews, as well as four focus group discussions, and numerous personal communications and observations. Interviews were conducted with the range of actors involved

²⁷⁹ The Border Consortium, "The Border Consortium (TBC)," <http://www.theborderconsortium.org/>.

²⁸⁰ There was one short 10-minute summary that already had English subtitles.

²⁸¹ See, for example, TBC, "What Villagers from Kyaukgyi Township in Southeast Myanmar Say..." https://www.youtube.com/channel/UCRy4VF4tReMOuOPG_ahhdwg

with the NSAGs and with the issues under consideration. The author also kept a research journal during fieldwork recording thoughts and impressions of situations and developing ideas as they came. Any relevant personal communication that occurred in day to day conversations, work, or other situations in the field that provided further insight into the topic was also noted in the journal. In some instances, these have been called upon when they add depth, or another perspective, to a particular issue.

As Lisa Brooten and Rosalie Metro point out, in discussing the ethics of research in Burma “it is wise not to leave the scene of your research without contributing something to it — at the very least your time, and financial support or labor may be appropriate.”²⁸² As part of the fieldwork process the author undertook periods of volunteer work with some local, mostly education-focused, organisations on the Thai-Burma border and inside Burma. These activities included teaching, working on project funding proposals, and drafting and editing documents and material for locally developed text books. This was a way to contribute a little to the communities and organisations in which the author was involved and improve understanding of the local context. It also produced further contacts in the course of these activities leading to further interviews. Working with local education organisations known to other local organisations, and to some NSAGs, and sometimes having an introduction from respected individuals from some of these, was often recognised by interview subjects when making first contacts via email, phone or in person. It also assisted when making introductions and establishing rapport at the outset of interviews.

Interviews

The interviews were semi-structured so as to allow flexibility to follow other valuable directions instigated by the interviewee that may not have been initially anticipated by the researcher.²⁸³ Most interviews were from 45

²⁸² Lisa Brooten and Rosalie Metro, "Thinking about ethics in Burma Research," *Journal of Burma Studies* 18, no. 1 (2014).

²⁸³ Dahlberg and McCaig, eds., *Practical Research and Evaluation: A Start to Finish Guide for Practitioners*, 130-32.

minutes to just over an hour depending on the circumstances of the respondents and what they could offer on these topics.

The selection of participants was initially carried out by a purposive sampling strategy. This is where “those sampled are relevant to the research questions being posed,” and “differ from each other in terms of the key characteristics relevant to the research question.”²⁸⁴ The aim of this approach was, therefore, to gain multiple perspectives from relevant stakeholders involved with or affected by the issues under examination. Individuals drawn from organisations within three broad categories were approached for interviews. These categories were humanitarian engagement actors; observer groups; and NSAGs.

Humanitarian engagement actors were from those organisations working directly with NSAGs on humanitarian issues. This included international, national and local organisations. Some of these organisations specifically worked with NSAGs on humanitarian norms, landmines or child protection. Other groups were engaged with NSAGs as part of work dealing with human rights, refugee or IDP protection, health, welfare, or education. The ‘observer’ actors provided perspectives on the wider context of populations, NSAGs, economic and political conflict dynamics, and often on the role of the state itself in the conflicts and ceasefires. Some were from international agencies or local civil society, while others were long-term academics, researchers or journalists, with considerable knowledge of Burma, its ethnic conflicts and NSAGs. The ‘NSAG’ actors provided perspectives specific to the NSAGs themselves, their view of the issues, their policies and practices, and of any agreements they have made or other action they have taken in relation to the issues. Further interview participants were able to be incorporated due to snowball sampling where other interview subjects with useful knowledge and or experience were suggested to the researcher by those that were initially interviewed. That is where “sampled participants propose other participants who have had the experience or characteristics relevant to the research.”²⁸⁵

²⁸⁴ Bryman, *Social Research Methods (4th Ed)*, 418.

²⁸⁵ *Ibid.*, 424.

An important aspect of this study is also to examine alternate viewpoints and explanations for changes (or not) observed in NSAG behaviour and the material and social factors believed to influence them. Triangulation of information from interviews was, therefore, sought from other sources including news media, journalists and other observers. This enabled some method triangulation, through using both interviews and analysis of local and international media, and data triangulation, by including interview data from interested stakeholders and from observers with more objective distance from the issues.²⁸⁶ This diversity of method and sources helped verification and also consideration of alternate viewpoints or explanations of the information gained from the NSAGs and humanitarian actors who were the principal focus of the study.

Recruiting participants

Contact emails and phone numbers of staff working for particular organisations of interest to this study were compiled and they were approached initially by email or phone. Many interview subjects came to the attention of the researcher or were recommended by others, once in the field. In some cases, potential participants were met during the course of day-to-day activities. The author also had some existing personal contacts with people working for local organisations in the Thai-Burma border area who were also able to provide further initial contacts.

Information and consent for participants

Information about the study was initially developed into a one-page document that was sent as an email attachment to prospective interview participants, or given to them in person as background prior to commencing the actual interview. As the process for generating interviews progressed, the most relevant details from the form were condensed to a shortened version that was sent as a part of the text of emails requesting interviews. Each email was customised to the organisation and individual wherever possible. The information outline and emails briefly introduced the researcher, explained the research focus, requested an interview, or

²⁸⁶ See, regarding types of triangulation, Jonathan Grix, *The Foundations of Research (Second Edition)* (New York, NY: Palgrave MacMillan, 2010), 135-37.

recommendations for others known to the recipient who could give one. It also offered anonymity for the participant and for their organisation, and thanked them for their consideration of the request.

A consent form to be signed by respondents was originally developed prior to fieldwork, and modified slightly during the process. While it was feasible in situations where the interview subjects could read in English to use this, in some situations where a translator was involved, it was easier to explain the nature of the form via the translator. In some more spontaneous situations, it was also not always feasible to interrupt the flow of conversations or group discussions for the purposes of signing a form. The decision to offer blanket anonymity to participants also made the main reason for the form largely redundant, since participants were no longer required (as was asked on the form) to choose whether to be anonymous or not; they all were. Nonetheless, where possible, the forms were still used and collected as they also presented proof of the interviews having been conducted.

Anonymity and recording interviews

All interview participants were offered anonymity for themselves and for their organisation. Some participants generously agreed to their names being used in the consent process. However, for the future security of participants the decision was made to not identify individuals. However, some organisations that people represented are acknowledged if that participant agreed to that organisation being named. In some instances, interview participants within the same interview, spoke 'on the record' as representatives of organisations, and 'off the record,' in providing more sensitive information they did not wish identified with themselves personally or their organisation. This information has, where feasible, been used without compromising either personal or organisational anonymity. The off-record input, where it is valuable to the study, is incorporated, but it is not attributed to any specific organisation and, if quoted, is assigned a second different designation, and different time and place. Most interviews were able to be voice recorded and transcribed as soon as possible afterwards. A few participants requested not to be recorded, and hand

written notes were taken during those interviews. All identities and interview data are safely stored and remain in the possession of the author.

For members of international or national humanitarian organisations, the offer of anonymity was mostly for protection of their positions or careers inside their organisation. This would be the case with most studies involving interviews of members of an organisation if, for example, they were critical of some aspect of that organisation. The sensitive and confidential nature of some engagement activity and negotiations conducted by NGOs and by NSAGs was another reason why anonymity for staff was maintained, and why anonymity for organisations was also required in some instances. Former or current members of NSAGs were offered anonymity expressly for their personal safety.

Translation

While most interview subjects spoke English to varying degrees of proficiency, in some instances an intermediary translator was required. In these situations, the translation was performed by someone known to and trusted by the participant. This was usually done by another person from the same, or an associated, organisation to that of the respondent. This helped the respondents to relax and reduced any potential concerns over security if unknown translators had been brought in from outside.

Semi-structured interview prompts

The interviews followed a short set of thematic areas and prompts based on the questions and central issues of concern to the study. These were:

- Landmines, their use or non-use, NSAG policies, practices, or agreements regarding these;
- Children affected by armed conflict and/or associated with NSAGs, NSAG practices, policies, or agreements regarding these;
- Identification of wider political, social, economic or military factors respondents believed influenced the humanitarian situation and the role of the NSAGs regarding these issues;

- The policies and practices of other actors that engage with armed groups on these matters; and,
- Opinions, perspectives, or anecdotes of the respondents about the issues, NSAGs or actors engaging with NSAGs.

Selection of organisations and groups

Humanitarian engagement NGOs

Organisations that undertake engagement with NSAGs on humanitarian norms, or on one of the issue areas (landmines and children), and contributed interviews for this study, included: the ICRC; Geneva Call; the International Labour Organisation; a number of INGOs such as Norwegian People's Aid and DanChurch Aid involved with mine risk education and/or demining; INGOs involved with protection of children, UN agencies, and other independent and local or cross-border CSOs concerned with health, IDP welfare, human rights, or education. For ongoing security reasons, many of these organisations cannot be directly identified.²⁸⁷ These groups have a more specific focus on engagement with NSAGs than the general aid and development NGOs that have been included in the third grouping below.

NSAGs

The NSAGs of interest to this study are diverse in terms of their ethnicity, geographic location and distribution, size and strength, access to resources, interaction with external actors, and awareness of, or compliance with, humanitarian norms. They do share a similar historical and political context of protracted conflict with the central state, establishment of some systems of governance in their areas of control, and claims to represent and protect their respective constituencies. Significantly, for this study, they have all been involved to varying degrees in the past, or into the present, with the issue of landmines and of children affected by conflict. Also, ceasefires between the government and most major NSAGs have been agreed since 2012, and a coalition of ethnic

²⁸⁷ It became evident during fieldwork that CSOs, some close to NSAGs, that were involved with human rights advocacy, reporting and documentation, have had a significant role, both direct and indirect, in engagement with some Burma NSAGs, and are included in this group

NSAGs have since been involved in negotiations with the government towards a nationwide ceasefire agreement (NCA). A ceasefire military code of conduct (CoC) that addresses landmine and recruitment issues (as well as disposition and movement of forces) is a part of this agreement. The NSAGs in this study have also been the subjects of various humanitarian engagement initiatives from external and local actors.

A total of four NSAGs are examined in detailed case histories in chapter eight: the Karenni National Progressive Party/Karenni Army (KNPP/KA); the New Mon State Party/ Mon National Liberation Army (NMSP/MNLA); the All Burma Students' Democratic Front (ABSDF); and the Democratic Karen Buddhist/Benevolent Army (DKBA). The ABSDF is a pro-democracy, pan-ethnic, political armed group, ideologically opposed to the military junta in Burma. It was formed by students following the military crackdown on pro-democracy protests in 1988. The KNPP and NMSP ethno-nationalist armed organisations have been in conflict with the state of Myanmar/Burma periodically since the 1950s. The DKBA is an example of the factionalism that has occurred periodically among Burma NSAGs, in that it split from the KNU in 1994 and supported government offensives against the KNU up until 2010, when the DKBA itself split.

As outlined earlier, choosing a range of four NSAGs provided more detail across the issues and the policies and practices of interest to the study. These four NSAGs are long-standing having been in existence for at least twenty years, and over fifty years in the case of the NMSP and KNPP. They have varied in the past in terms of their ceasefire status or lack of it with the government and participation in alliances with other NSAGs. They have all been involved to some extent in administrative activity in the areas they control or influence. Regarding landmine use and children involved with armed conflict, some groups have undertaken action on one issue and not another, while others have undertaken action, developed agreements or deeds of commitment through working with local organisations, and others have done so with international organisations. The choice of these groups, therefore, gives the best coverage of the

range of policies and practices generated by the groups, and by humanitarian actors that have engaged with them. Apart from representing differing objectives (political change, democracy/ethnic autonomy, economic concerns, or reaction to intra-ethnic divisions), the NSAGs have also been chosen for practical reasons of accessibility to leadership and members, and to organisations that are close to, or involved with, them.

In chapter nine's assessment of the role of external actors (local and international) that have engaged with the NSAGs on humanitarian norms, three other NSAGs are also considered. These are the Karen National Union/Karen National Liberation Army (KNU/KNLA), the Kachin Independence Organisation /Kachin Independence Army (KIO/KIA) and the Chin National Front/Chin National Army (CNF/ CNA). While not dealt with in the detailed case histories in chapter eight, these groups are included in discussion of humanitarian engagement processes and actors undertaking this in chapter nine. The rationale for their inclusion in that chapter is their frequent mention in interviews and other reports in regard to the issues discussed, and their similarity in terms of history, conflict with the central government and organisation with the four NSAGs covered in detail in chapter eight. The KNU is the longest-established NSAG in Burma and has received considerable attention from academics and journalists.²⁸⁸ While it is not presented as a distinct case history in chapter eight, its trajectory is comparable to that of the KNPP and NMSP which are dealt with there. The KNU helped to found the KNPP and NMSP with which it was allied and shares a long common history of resistance to the central state. The KIO is a large ethnic NSAG in Burma's northern Kachin state.²⁸⁹ Like the NMSP in Burma's southeast, it agreed to a ceasefire with

²⁸⁸ See, for example, Ashley South, "Karen Nationalist Communities: The "Problem" of Diversity," *Contemporary Southeast Asia* 29, no. 1 (2007); Mikael Gravers, "Ethno-nationalism in Burma/Myanmar: The long Karen struggle for autonomy," in *Burma/Myanmar: Where Now?*, ed. Mikael Gravers and Flemming Ytzen (Copenhagen, Denmark: NIAS Press, 2014); Fong, *Revolution as Development: The Karen Self-Determination Struggle against Ethnocracy*.

²⁸⁹ See, for discussion of the Kachin conflict and the KIO, Mandy Sadan, *Being and becoming Kachin: Histories beyond the state in the borderworlds of Burma* (Oxford, UK: Oxford University Press, 2013); Wai Moe, "The struggle for peace in northern Myanmar," in *Burma/Myanmar: Where Now?*, ed. Mikael Gravers and Flemming Ytzen (Copenhagen, Denmark: NIAS Press, 2014).

the government in the mid-1990s after decades of conflict. The KIO's ceasefire, however, collapsed in 2011, while the NMSP's remains intact at present. The CNF is a relatively small NSAG compared to the others in this study.²⁹⁰ It is also unusual as its area of operation is on the Burma-India border, rather than the border with Thailand or China. However, its leaders have been involved with external engagement actors in third party countries. Like the ABSDF, it was formed following the 1988 democracy uprising and is currently small, and, also like the KNU, KNO, KNPP and NMSP, it has been involved in ethnic NSAG coalitions. These three NSAGs are therefore relevant to the engagement processes discussed in chapter nine, which also include the four case study NSAGs from chapter eight. For the purposes of brevity, however, these additional three ethnic NSAGs have not received detailed biographies in chapter eight.

'Observer groups'

A third set of groups including aid and development NGOs, religious and civil society groups, UN agencies, and individual academics and journalists, were asked for their input into the study. They were able to provide different perspectives on the NSAGs and on humanitarian engagement with them. The interviews and data from these organisations enabled further verification of any causal claims made by interviewees from the other two groups. Organisations in this dataset included major international aid NGOs and UN agencies active in and around Burma, academics and journalists, as well as some local faith-based and independent civil society groups.

Analysis

Chapters seven and eight, and nine, in particular, draw heavily on the interview data. The interviews provided both specific information via key informants on particular policies and practices, as well as a broad set of themes raised in response to the interview question topic prompts.

McNabb suggests a six step process for analysis of data in case study research. The steps are organisation of data; generation of categories and

²⁹⁰ See, for overview of the CNF, Keenan, *By Force of Arms: Armed Ethnic Groups in Burma*, 240-53; Burma News International, *Deciphering Myanmar's Peace Process: A Reference Guide, 2014* (Chiang Mai, Thailand: Burma News International, 2014), 105-13.

themes; coding; application of themes and categories to the data; consideration of alternative explanations; and, writing up of the results.²⁹¹

Following initial transcription of interviews, analysis involved repeated reading of interview transcripts, and organisation of relevant excerpts from them into categories. The categories were initially informed by the central question and the topics raised in the semi-structured interviews regarding influences on NSAG behaviour. The practices and policies on the two issues chosen as indicators of adherence or otherwise with humanitarian norms (landmines and children affected by armed conflict), were developed as categories across which contributory factors (positive and negative) to NSAG behaviour and humanitarian engagement with them were able to be positioned. For example, attention was given to where respondents may have referred to economic or resource factors, to issues of legitimacy or identity, limitations to capacity, to the work of local civil society, or to military or political necessity, and so forth. Themes also included consideration of specific actions or processes, for example, mine risk education or demobilisation of child soldiers, as well as other aspects of these issues raised in the interviews that had not initially been considered. The categories were further disaggregated between those policies and practices of NSAGs that contributed to improved civilian protection and norm compliance, and those that did not, and the reasons for that.

Coding was carried out within word documents using different colour highlighting for relevant excerpts. During the reading and re-reading for coding, key informant responses that provided particular insight into an issue or provided an effective summation or representative example about how that issue was perceived or understood were also noted. These excerpts were collated respectively in documents dedicated to significant themes or issues raised in the interviews. As Yin states regarding the use of theoretical propositions during analysis generated from the literature, they help to point to “relevant contextual conditions to be described as well

²⁹¹ McNabb, *Research Methods for Political Science: Quantitative and Qualitative Methods*, 367.

as explanations to be examined.”²⁹² Therefore, attention was focused, not only on where respondents were in agreement on thematic issues, but also where they diverged, and where alternative explanations not foreseen by the original propositions were raised. This meets McNabb’s fifth step, of considering alternative explanations. It also helped with taking into account different perspectives on the issues being addressed. This triangulation from “multiple perspectives” provides not only verification, but also “serves to clarify meaning by identifying different ways the phenomenon is being seen.”²⁹³ The interview themes were also assessed against other data sources including from the academic and practitioner literature, UN and NGO reports, and local media. The findings were then summarised and assessed in terms of the Burma case study as a whole, and compared against the original theoretical propositions developed for the study. The interview responses were deployed in analysis of the landmine and child soldier issues in chapter seven, in the individual case studies of the NSAGs in chapter eight, and assessment of humanitarian engagement processes with them in chapter nine.

Limitations and selection bias

The focus of the study is engagement with, and action by, NSAGs to improve civilian protection in line with humanitarian norms. It was far beyond the scope or resource capacity of this research to conduct extensive surveys of the civilian populations in the ethnic areas of Burma affected by these issues and groups. However, some local organisations have produced over a long period, many very systematic and detailed reports on the issues faced by these populations. Local organisations such as Karen Human Rights Group (KHRG), the Human Rights Foundation of Monland (HURFOM), Back Pack Health Worker Team (BPHWT), and Free Burma Rangers (FBR), among others, have interviewed, recorded, documented and reported extensively on conditions for local people in areas affected by conflict between government forces and NSAGs. These groups by necessity for access and security often

²⁹² Yin, *Case Study Research: Design and Methods (5th ed)*, 136.

²⁹³ Stake, "Case Studies," 148.

have a good relationship with some NSAGs and therefore the potential for bias in reporting is clearly acknowledged.

As noted earlier, a dataset of video interviews with villagers in south eastern Burma about issues of interest to this study was also accessed, translated, and transcribed. This too, is liable to some degree of bias, given that CSOs undertaking the interviews would likely have been acceptable to the NSAGs in those areas. Likewise, the interview subjects may have been influenced in their responses due to support for, or concerns at consequences for not supporting, particular groups.²⁹⁴ As previously mentioned, alternative perspectives were also sought through interviews with third party observers and from sources presenting their views/observations. These were also assessed to provide a balance to potential bias from any one perspective being over represented.

An obvious limitation in the present research due to lack of access and a dearth of information or any engagement on humanitarian issues, is some of the large NSAGs in Shan state. These successor NSAGs to the Communist Party of Burma after its collapse in 1989, are the United Wa State Army (UWSA), the Myanmar National Democratic Alliance Army (MNDAA) and the National Democratic Alliance Army (NDAA). The UWSA, in particular, due to its size, weaponry, and close relationship with neighbouring China, has the most independent state-like area of all the NSAGs in Burma. The MNDAA has come into conflict with the government in 2009 and again in 2015, but the UWSA administered Wa state has remained closed and also free of any conflict with the government since 1989. The UWSA has been identified as a significant recruiter of children in UN and NGO reports.²⁹⁵

To be clear, this research is about influences on NSAGs in Burma in relation to issues addressed by humanitarian norms, and engagement with

²⁹⁴ See, regarding the potential for selection bias on the part of cross-border CBO reports and interviews in NSAG areas of south east Burma, South, "The Politics of Protection in Burma," 186.

²⁹⁵ See, for example, United Nations Security Council, *A/68/878-S/2014/339 Children and armed conflict: Report of the Secretary-General* (2014), 23. Human Rights Watch, *Sold to be Soldiers: The Recruitment and Use of Child Soldiers in Burma* (New York, NY: Human Rights Watch, 2007), 97-98.

them by humanitarian actors regarding those issues. While the role of the Burma armed forces are central to the conflicts, and they have been extensively documented for violations of these norms, it is the NSAGs' behaviour as it affects their own constituent populations, rather than behaviour of government armed forces, that is the focus of this study.

Ethical considerations

Beyond concerns about security and anonymity for the respondents, the author recognises the value, and also possible problems, associated with the use or misuse of this research politically. There is a need to anticipate potential ways that research may be misconstrued or otherwise used in ways unintended by the researcher.²⁹⁶ This research does not intend to uncritically support, or demonise, the NSAGs in particular, or present a simplistic good/bad dichotomy between resistance organisations and the Burma Army, or on the issues addressed, as noted above. The focus is on the policies and practices of the NSAGs and NSAG relationships with constituent civilian populations and organisations that work with them, where that intersects with humanitarian norms. The range of political issues underlying the conflicts in Burma are, nonetheless, outlined and acknowledged. An equitable political settlement and peaceful conclusion to armed conflicts in Burma is to be supported, and this is potentially closer now than at any time since the creation of the Union of Burma in 1948.

The position of the researcher regarding the political situation in Burma was also of significance to those who participated in interviews.

Respondents, local and international, were almost always generous with their time and knowledge. The researcher had been advised early in the field work that some individuals, armed groups, or civil society actors, especially operating along the Thai-Burma border, could be concerned about how the research might be used. In particular, this stemmed from some writing that was believed by local organisations to have influenced the international community in terms of reducing funding to the border, and

²⁹⁶ See, regarding this issue in Burma research, Brooten and Metro, "Thinking about ethics in Burma Research," 19-20.

questioning the legitimacy of NSAGs and local civil society groups.²⁹⁷ Despite the possibility of receiving the 'party line' from various CSOs or NSAGs, the range of responses on the issues raised in interviews was actually very broad. The researcher maintained an informed empathetic stance, while also avoiding overt statements of support for any particular group. It was found early in the interviewing process that demonstrating awareness of the political and humanitarian context and issues by the researcher often helped respondents to relax, and to go further in depth on particular issues. This had to be balanced with making sure that the more difficult questions were also asked. In a number of valuable instances, this approach produced a more critical appraisal from the interview subject towards their own organisations or about particular issues (sometimes in 'off the record' statements).

Another concern for researchers is to not "spoil the field" for future researchers through treating research participants as commodities.²⁹⁸ Therefore, the research was not conducted in one rushed period of time, but over three periods of four to five months at a time. As indicated earlier, the researcher contributed volunteer work, where feasible, with local organisations while in the field. Those interviewed for this study were located in a wide range of locations along the Thai-Burma border and inside parts of Burma. Some relationships with contacts were able to be maintained on return visits as they were located in places the researcher regularly spent more time, such as Mae Sot or Yangon. However, it was also recognised in the case of others who were already very busy (in some cases negotiating ceasefires, or dealing with serious humanitarian emergencies), that although emails were sent to maintain contact, they were simply too busy to reply. Also some participants in Burma were located in places that were visited for shorter periods of time and email contact was not reliable, or they had been contacted in-country by phone or met in person via other contacts.

²⁹⁷ See, for discussion of these issues in terms of cross-border aid, local CBOs and NSAGs, Anne Décobert, "Sitting on the Fence?: Politics and Ethics of Research into Cross-Border Aid on the Thailand-Myanmar/Burma Border," *Journal of Burma Studies* 18, no. 1 (2014): 44-47.

²⁹⁸ Brooten and Metro, "Thinking about ethics in Burma Research," 16-17.

Summary

In this chapter, the overall research design and methodology has been outlined. Rationales were given for the use of a case study approach, the choice of Burma as a case study context, and the choice of the landmine and children affected by armed conflict issues as observable indicators for the extent of compliance and engagement with humanitarian norms. The process for the gathering of data and its analysis in this case study were then set out. The sources of data and the rationale for the range of organisations from which interview respondents have been drawn were also outlined. Throughout this research, analysis is an ongoing and iterative process. Therefore, as well as categorising interview data and data from other sources within the thematic framework of the questions and propositions established at the outset, alternative explanations and themes that arise from the interviews and other data are also considered and incorporated. Lastly, the limitations, potential biases and ethical considerations that present challenges to this study in the context of Burma have been considered. A qualitative approach accepts that there will be multiple perspectives on any issue. That is also the case with the research presented here, which will inevitably also reflect the perspective of the researcher, and this is acknowledged. However, as has been outlined in this chapter, every effort is made to include all relevant view points, and to engage with difficult issues realistically, but with a view to the potential for positive action by all the actors concerned.

In the following chapter, the country-specific, historical, geographic, and political context of Burma/Myanmar is presented. It is within that context that landmine use, children affected by armed conflict, and NSAG practices and policies in relation to those issues are then outlined in chapters seven and eight.

Chapter Six

Burma: Background and context

To illustrate the circumstances within which NSAGs have developed in Burma, this chapter briefly examines the modern historical context of the conflicts and the NSAGs involved in them. In particular, attention is given to the social and political basis of the ethnic conflicts and their evolving political economy. The counter-state governance roles of ethnic NSAGs, recent ceasefires since 2012, and the nation-wide ceasefire process since 2013, are then outlined.

The colonial era

Following the first and second Anglo-Burmese wars in 1824-26 and 1852 respectively, the British removed and exiled the last King of Burma following the third Anglo-Burmese war in 1885.²⁹⁹ Burma was then administered as a province of British India up to 1937, but it was not all administered in the same manner.³⁰⁰ The British occupied and directly administered "Ministerial Burma" or "Burma Proper,"³⁰¹ which developed as a major rice producing and exporting region in the British Empire, as well as a source of minerals and oil. In the highland "Frontier Areas,"³⁰² the British "largely left intact the traditional political structures of the peripheral regions."³⁰³ This was for "reasons of economy and simplicity of administration."³⁰⁴ Nonetheless, the era of British colonial rule reified the already existing divide between lowland Burmans and the upland ethnic groups via the systems of administration. This was further deepened by the recruitment of soldiers from ethnic minorities, especially Karen, Chin and Kachin, for the British colonial army that was used to suppress

²⁹⁹ Thant Myint-U, *The River of Lost Footsteps: Histories of Burma* (New York, NY: Farrar, Straus and Giroux, 2006), 3-30.

³⁰⁰ Robert Taylor, "British Policy towards Myanmar and the Creation of the 'Burma Problem'," in *Myanmar: State, Society and Ethnicity*, ed. N. Ganesan and Kyaw Yin Hlaing (Singapore: Institute of Southeast Asian Studies, 2007), 78-82.

³⁰¹ Rachel Safman, "Minorities and State-building in Mainland Southeast Asia," in *Myanmar: State, Society and Ethnicity*, ed. N. Ganesan and Kyaw Yin Hlaing (Singapore: Institute of Southeast Asian Studies, 2007), 53.

³⁰² Taylor, "British Policy towards Myanmar and the Creation of the 'Burma Problem'," 75.

³⁰³ Alan Smith, "Burma/Myanmar: The Struggle for Democracy and Ethnic Rights," in *Multiculturalism in Asia*, ed. Will Kymlicka and Baohang He (Oxford, UK: Oxford University Press, 2005), 264.

³⁰⁴ Taylor, "British Policy towards Myanmar and the Creation of the 'Burma Problem'," 75.

Burman revolts.³⁰⁵ Missionaries also found ready converts among the animist frontier peoples compared to the resistance they faced from the Buddhist Burmans.³⁰⁶ As Mikael Gravers has described it “a double exclusion took place as a result of this policy of difference: the Christian from the Buddhist and the ethnic minorities from the majority.”³⁰⁷ Alongside separate administration of the periphery regions, and administrative, religious and military differentiation from the Burman centre, some of the frontier ethnic groups, especially the Karen and the Kachin, were also involved in supporting the British against the Japanese invasion of Burma of 1941-45 during the Second World War. Whereas, initially, some Burmans supported the Japanese invasion as a means to end British colonial rule. This ethnic minority/Burman divide would have marked consequences for Burma’s independence after World War Two. The events of the Japanese invasion and its aftermath, are significant in that they “created political opportunities for the military and transformed the resistance movement itself into a legitimating factor for those aspiring to lead the post-independence state.”³⁰⁸ This helped to establish the central role played by the Burma Army (the Tatmadaw) in Burma’s future politics.

Independence and the outbreak of insurgencies

Within a year of independence in 1948, a Communist Party of Burma (CPB) insurgency as well as several ethnic rebellions had started. These included Karenni and Mon³⁰⁹ uprisings, an Islamic insurgency in northern Arakan,³¹⁰ and ultimately, a Karen rebellion that broke out in January of

³⁰⁵ See, for example, Gravers, "Ethnicity Against State -State Against Ethnic Diversity?," 17; Smith, "Burma/Myanmar: The Struggle for Democracy and Ethnic Rights.," 265; Taylor, "British Policy towards Myanmar and the Creation of the 'Burma Problem'.", 75.

³⁰⁶ See, for example, Lian H. Sakhong, "Christianity and Chin Identity," in *Exploring Ethnic Diversity in Burma*, ed. Mikael Gravers (Copenhagen, Denmark: Nordic Institute of Asian Studies, 2007); Mikael Gravers, "Conversion and Identity: Religion and Fomation of Karen Ethnic Identity," in *Exploring Ethnic Diversity in Burma*, ed. Mikael Gravers (Copenhagen, Denmark: Nordic Institute of Asian Studies, 2007).

³⁰⁷ Gravers, "Ethnicity Against State -State Against Ethnic Diversity?," 14.

³⁰⁸ Tin Maung Maung Than, "Dreams and Nightmares: State Building and Ethnic Conflict in Myanmar (Burma)," in *Ethnic Conflicts in Southeast Asia*, ed. Kusuma Snitwongse and W. Scott Thompson (Singapore: Institute of Southeast Asian Studies, 2005), 72.

³⁰⁹ Smith, *Burma: Insurgency and the Politics of Ethnicity*, 106-09.

³¹⁰ Thant Myint-U, *The River of Lost Footsteps: Histories of Burma*, 259.

1949.³¹¹ Karen hopes for an independent state had been dashed with the creation of the unitary Burmese state and inter-ethnic tensions and escalating violence saw Karen units in the army and Karen National Defence Organisation (KNDO) militias rally around the Karen National Union (KNU) which had formed in 1947.³¹²

At this time, the KNU also helped develop other ethnic NSAGs waging insurgencies in Mon and Karenni areas and, in the wake of the Second World War, there were many armed and trained former soldiers who now joined the insurgencies.³¹³ A number of leaders, and future leaders, of the developing ethnic NSAGs had previous military training and experience in the recent war. The KNPP's original leader, Saw Maw Reh, was a veteran of the British Army as were the original brigade commanders of the KNU after 1948 and the later KNU leaders Bo Mya and Tamla Baw, while future KIA leader Zau Seng had trained as an intelligence officer with US forces in Kachin.³¹⁴

Military rule and insurgencies 1962-2010

Following the 1962 military takeover led by General Ne Win, communist and ethnic insurgencies increased in number and intensity.³¹⁵ New ethnic insurgent organisations such as the Kachin Independence Organisation (KIO), New Mon State Party (NMSP) and Shan State Army (SSA) proliferated. A significant consequence of the failed economic policies of Ne Win's Burma Socialist Programme Party (BSPP) during the 1960s and 1970s was that ethnic NSAGs that operated on the borderlands of the Burmese state were able to exploit the extensive cross-border shadow economy. Taxation of cross-border trade routes with Thailand helped finance ethnic NSAGs who controlled the border crossings, while the

³¹¹ Tin Maung Maung Than, "Dreams and Nightmares: State Building and Ethnic Conflict in Myanmar (Burma)," 75.

³¹² Smith, *Burma: Insurgency and the Politics of Ethnicity*, 110-12.

³¹³ Lintner, *Burma in Revolt: Opium and Insurgency since 1948*, 10-22; Smith, *State of Strife: The Dynamics of Ethnic Conflict in Burma*, 15.

³¹⁴ See for short biographies of the leaders and important members of Burma NSAGs up to the 1990s, Lintner, *Burma in Revolt: Opium and Insurgency since 1948*, 496-526.

³¹⁵ David Steinberg, *Burma/Myanmar: What Everyone Needs to Know* (Oxford, UK: Oxford University Press, 2010), 66-67.

opium trade out of Shan state was controlled by various pro and anti-government NSAGs.³¹⁶

Student-led pro-democracy protests in response to Burma's dire economic situation and demonetization of its currency in 1988 led to Ne Win's resignation, and another military-led takeover by a group of generals; the State Law and Order Restoration Council (SLORC).³¹⁷ The military then suppressed protests in major cities with considerable loss of life and thousands of students consequently fled to ethnic NSAG-held areas on Burma's borders. Some of those students then formed the All Burma Students' Democratic Front (ABSDF) to fight alongside ethnic NSAGs against the SLORC.

SLORC Intelligence Chief, General Khin Nyunt, quickly seized an opportunity when the CPB collapsed in 1989 to negotiate ceasefires with the CPB's successor ethnic NSAGs in north and northeast Burma.³¹⁸ These groups were permitted to retain their arms and administer their respective areas as virtual mini-states.³¹⁹ These ceasefires allowed the Tatmadaw to then concentrate its forces against remaining resistance ethnic NSAGs, especially the KNU, KNPP, and NMSP, along the Thai border.³²⁰ Later ceasefire agreements were negotiated with other major NSAGs in the mid-1990s including the KIO in northern Burma in 1994,³²¹ and the NMSP in southeast Burma in 1995.³²² These later ceasefire arrangements gave less autonomy to the KIO and NMSP compared to the

³¹⁶ Brown, "Burma: The political economy of violence." See, also, South, *Ethnic Politics in Burma: States of Conflict*, 39; Bertil Lintner, *Outrage: Burma's Struggle for Democracy* (London, UK: White Lotus, 1990).

³¹⁷ Many observers believe Ne Win was the real architect of the "coup by consent" as many of the SLORC leaders were close to him. In June 1989, Aung San Suu Kyi publicly named him as the force behind the 1988 coup, Aung San Suu Kyi, *Freedom from Fear and other Writings* (London, UK: Penguin, 1991), 273,309.

³¹⁸ Smith, *Burma: Insurgency and the Politics of Ethnicity*, 374-83. These groups included the United Wa State Army (UWSA) in Wa territory, the Myanmar National Democratic Alliance Army (NMDAA) in Kokang, and the National Democratic Alliance Army (NDAA) in Mongla.

³¹⁹ Kathryn Theobald and Hui Hui Ooi, "The Wa State, Burma," *National Strategy Forum Review* 20, no. 3 (2011): 1.

³²⁰ Ashley South, *Mon Nationalism and Civil War in Burma: The Golden Sheldrake* (London, UK: RoutledgeCurzon, 2003), 166-68; Lintner, *Burma in Revolt: Opium and Insurgency since 1948*. 413-414.

³²¹ Lintner, *Burma in Revolt: Opium and Insurgency since 1948*, 405-06.

³²² South, "Ceasefires and Civil Society: The Case of the Mon," 165.

earlier ceasefires with post-CPB groups, and despite some limited development activity, long-term political settlements remained off the table. Three significant groups, the KNU, KNPP and Shan State Army-South (SSA-S) remained outside of these agreements until another round of ceasefires in 2011-2012.³²³

The USDP Government (2011- 2015)

In 2010, a national election was held by the SPDC controlled government which was boycotted by the main opposition party, the National League for Democracy (NLD). Consequently, the military-backed but nominally civilian Union Solidarity and Development Party (USDP) came to power with former General Thein Sein as President. The period of 2011-2015 saw the government establish ceasefires with most of the remaining NSAGs,³²⁴ the release from house arrest of the NLD leader Daw Aung San Suu Kyi, and her subsequent success along with many other NLD candidates in by-elections in April 2012.³²⁵ This contributed to a relaxation of economic sanctions from western states,³²⁶ and the start of an apparent foreign investment boom.³²⁷ However, active armed conflict resumed in Kachin state in June 2011 between the Tatmadaw and the KIA, (who previously had a ceasefire with the government since 1994).³²⁸ Sporadic conflict has also continued, or reignited, with some other NSAGs.³²⁹

³²³ See, for example, Naw Noreen, "Karenni rebels reach out to locals over peace talks," *Democratic Voice of Burma* April 18, 2012. Burma News International, "KNU and Burma Government Delegations Kick-off Ceasefire Talks," *Burma News International* April 5, 2012; Phanida, "SSA-S Accepts Burmese Government's Offer to Start Peace Talks," *Mizzima News*, 6 October 2011.

³²⁴ The SSA-S agreed a ceasefire in December 2011, the KNU in January 2012, and the KNPP in March 2012. Burma News International, *Deciphering Myanmar's Peace Process: A Reference Guide*, 2014.

³²⁵ Al Jazeera, "Myanmar's Suu Kyi 'wins landmark election'," 2 April 2012; Rachel Harvey, "What now for Burma after Election Landslide?," *BBC News* April 4, 2012.

³²⁶ BBC News, "Burma Sanctions: Obama lifts Restrictions on US firms," <http://www.bbc.com/news/world-asia-18798162>; Agence France Press, "West must lift Myanmar Sanctions 'without delay': Think-tank," *BurmanetNews*, 11 April 2012.

³²⁷ Lucy Hooker, "Could Burma be the next emerging market miracle?," *BBC News*, 17 June 2012.

³²⁸ Ba Kaung, "Burmese Army mounts multi-front offensive against KIA " *The Irrawaddy*, 11 October 2011. Edward Wong, "Myanmar: Offensive Against Kachin Army goes on," *New York Times*, 25 January 2012.

³²⁹ In particular, in Shan state with the Shan State Army-North (SSA-N) despite it having a ceasefire with the government, with the Ta'ang National Liberation Army (TNLA) since 2011, and the Myanmar National Democratic Alliance Army (MNDAA) in the Kokang special region bordering China, since February 2015. There have also been sporadic

The situation of Burma until very recently was one of limited democratic reforms that facilitated the lifting of many western sanctions and encouraged foreign investment. On the other side of these developments was the continuance of political, ethnic, and economic grievances, and the military's retention of its overall hold on power. An election, contested this time by the NLD, resulted in a comprehensive victory for the NLD in November 2015. However, the 2008 military-drafted constitution remains central to politics in Burma up to the present. It enshrines the role of the military in government, preserving 25 percent of the seats for serving members of the armed forces in both the People's Assembly (*Pyithu Hluttaw*) and the Upper House (*Amothya Hluttaw*). The constitution requires a 75 percent majority to make changes to it, thereby effectively giving the military power of veto over any such changes.³³⁰

Nationwide ceasefire negotiations

Following the establishment of individual ceasefires with most NSAGs in 2012, the government and the NSAGs started working towards a nationwide ceasefire agreement (NCA). To this end, the government, with assistance from the EU, created the Myanmar Peace Centre (MPC) in 2012. Members of the MPC acted as a technical team for chief government ceasefire negotiator, Aung Min. Most of the major ethnic NSAGs formed a renewed coalition in 2011, the United Nationalities Federal Council (UNFC)³³¹ which negotiated the NCA from 2013 onwards through its nationwide ceasefire coordination team (NCCT). In October 2015, eight NSAGs, including the KNU, SSA-S, ABSDF and DKBA, signed the NCA with the government, while the remaining NSAGs, including the

outbreaks of fighting in Karen state, mostly between government forces, or government aligned Border Guard Forces (BGF), and splinter factions of the DKBA.

³³⁰ Steinberg, *Burma/Myanmar: What Everyone Needs to Know (Second Edition)*, 143-45. The constitution also contains a specific article, 59 (f), preventing those with spouses or children who are foreign nationals from running for the office of President. This effectively prevents Aung San Suu Kyi, who was married to a UK national and whose children are UK nationals, from being able to run for the office of President. An attempt to have this changed in the 2008 Constitution in order to allow her to stand in the 2015 election was, predictably, prevented by the 25 percent military voting bloc in June 2015. Kyaw Phyoo Tha, "Parliament Votes Against Constitution Reform, Reserves Military Veto," *The Irrawaddy* June 25, 2015.

³³¹ Various combinations of NSAGs have formed alliances throughout the post-independence era. These have included the National Democratic Front (NDF) in the 1970s, and the Democratic Alliance of Burma (DAB) in the 1990s.

KIO, NMSP and KNPP, decided against it.³³² The NCA and an as yet unreleased code of conduct address military issues like the demarcation of areas of control and troop movements, and include references to humanitarian concerns including landmine use and recruitment.³³³

The political economy of ethnic conflicts

Most of the last fifty-three years since the 1962 coup in Burma have been dominated by military rule. Throughout this period, the military has played a central role in the state through decades of armed conflict with ethnic and communist rebels, and via military backed political parties such as the BSPP or USDP. The military has also been involved in economic and business interests at state, local and cross border levels.³³⁴ This has included Tatmadaw generals,³³⁵ local commanders, some ceasefire NSAGs³³⁶ (since 1990), foreign governments, private businesses, and even organised criminal interests.³³⁷ The period from 1962 to 1988 was also marked by an isolationist foreign policy and, since then, selective economic openness, such as with Thailand or China, focused on lucrative resource extraction deals with businesses from those states. With the recent moves towards democratic reform, many western governments and businesses, as well as Burma's neighbours, are now keen to do business with resource rich Burma. This has caused further concerns in conflict-

³³² The reason for those NSAGs not signing the NCA at that time was ostensibly because of the exclusion of the MNDAA, TNLA and AA from signing the NCA by the government as they did not have pre-existing bilateral ceasefire agreements. There have also been ongoing clashes in Kachin, Shan and Karen states between NSAGs and the Tatmadaw. Burma's largest NSAG, the UWSA, also remained outside of the NCA. The eight signatory NSAGs to the NCA were also suspended from membership of the UNFC, by the other non-signatory groups, effectively dividing the overall ethnic NSAG coalition.

³³³ The 'ceasefire code of conduct' that has been included as a part of various NCA drafts is discussed further in chapters eight and nine. The draft NCA text as signed by the NSAGs in October 2015 is included in the appendices to this thesis. See, in particular, chapters three and four.

³³⁴ "Myanmar's army and the economy; The road up from Mandalay," *The Economist*, 20 April 2012.

³³⁵ Brian McCarten, "Myanmar Military in the Money," *Asia Times*, 28 February 2012.

³³⁶ Theobald and Ooi, "The Wa State, Burma."

³³⁷ For example, the case of drug lord Khun Sa, Lintner, *Burma in Revolt: Opium and Insurgency since 1948*, 421.

affected ethnic states where many of the resources and development projects are, or will be, located.³³⁸

A consistent feature of the long period of military rule, whether under the BSPP or SLORC/SPDC, has been the regime's reluctance towards long-term political solutions to the ethnic conflicts. Moreover, it has paid little attention to improving the welfare and development of the ethnic regions, whose resources have usually been extracted for the benefit of the central state, or external states and business interests. The wealth from such deals has often accrued with the military and their business associates.

The organisation and political economy of NSAGs

It is within this context that the larger and longer established NSAGs such as the KNU, KNPP, NMSP and KIA, besides armed conflict with the central state for political independence or autonomy, have attempted to provide some form of government and administration in the remaining areas they control or contest. They have developed, to varying extents, political, governance, and welfare structures (such as health and education services).³³⁹ Over lengthy periods, the central state has often neglected, deliberately targeted, or actively withheld such support as part of counterinsurgency operations in ethnic areas. The gradual loss of control over resource rich areas and over taxation of border trade from the 1980s onwards has increasingly limited the extent of the ethnic NSAGs' ability to fund the running of their proto-state administrations.³⁴⁰ At the same time, their ability to resist Tatmadaw offensives has decreased and it has consequently been civilian villagers who have borne the brunt of the Tatmadaw's counterinsurgency campaigns originally provoked by the NSAGs.³⁴¹

³³⁸ John Buchanan, Tom Kramer, and Kevin Woods, *Developing Disparity: Regional Investment in Burma's Borderlands* (Amsterdam, The Netherlands: Transnational Institute, 2013).

³³⁹ Smith, *State of Strife: The Dynamics of Ethnic Conflict in Burma*, 12.

³⁴⁰ Bertil Lintner notes that even when fleeing students arrived in ethnic NSAG areas in 1988, those NSAGs were already struggling to maintain their administrations and supplies of food and weapons. Lintner, *Outrage: Burma's Struggle for Democracy*, 155.

³⁴¹ South, Perhult, and Carstensen, "Asia Programme Paper: ASP PP 2010/04: Conflict and Survival: Self-protection in South-east Burma," 147-48.

Another influence on the political/military structure of the NSAGs was the development of military and political wings. This has been an organisational structure passed down from the CPB that has persisted among many of the ethnic NSAGs up to the present day. This involves “political and military wings reaching down to the village levels” that are “administered under central committee and central executive committee (or politburo) systems that operate as the effective governments of their movements.”³⁴² These structures have often proved to be inflexible and intolerant of dissension. Internal disagreements in NSAGs along personal, religious, or ideological lines, have led to factionalism and the proliferation of further breakaway NSAGs. Furthermore, like the state and its armed forces that they oppose, the NSAGs have tended to be hierarchical and often centred on long-standing charismatic leaders. Just as the long period of Ne Win’s leadership was significant for the Burmese state, so too was the lengthy leaderships of General Bo Mya for the KNU,³⁴³ Saw Maw Reh for the KNPP, and Nai Shwe Kyin for the NMSP.³⁴⁴ It is likely that with age these leaders and their associated leadership structures within the NSAGs grew less flexible. The KNPP-KNPLF split in 1977, the KNU-DKBA split in 1994, and NMSP-MRP split in 2001, occurred after decades with the same leaders.³⁴⁵ Bo Mya and other aging KNU leaders’ lack of attention to the developing dissatisfaction among frontline Buddhist soldiers in the KNLA, for example, has been identified as contributing to the development of the DKBA in 1994.³⁴⁶

Mary Callahan, in analysing politics and conflict in Burma’s ethnic states in 2007 developed a typology of the roles taken by armed ethnic organisations in these states in terms of their administration and relations with the central government. Callahan outlined three theoretical models, that of devolution, occupation, or coexistence.³⁴⁷ Accordingly, she places

³⁴² Smith, *State of Strife: The Dynamics of Ethnic Conflict in Burma*, 16.

³⁴³ Bo Mya established the modern KNLA in the late 1960s and went on to chairmanship of the KNU from 1976 to 2000, he died in 2006.

³⁴⁴ See, for further details, the NSAG case histories in chapter eight.

³⁴⁵ See, for further details of these splits within NSAGs, the NSAG case histories in chapter eight

³⁴⁶ South, *Ethnic Politics in Burma: States of Conflict*, 57-58.

³⁴⁷ Callahan, *Political Authority in Burma's Ethnic Minority States: Devolution, Occupation, and Coexistence*.

ethnic NSAGs within one of these three categories; the UWSA and MNDAA in Shan state (both had early ceasefires with the government in 1989, although the MNDAA ceasefire has broken down more recently) operate with a large degree of autonomy and the central state has devolved authority to local leaders of these groups; the KNU and KNPP until very recently were engaged in armed conflict in opposing the military occupation of Karen and Karenni states; and in the case of the KIO in Kachin state (from 1994 to 2011) Chin National Front (CNF) in Chin state, the NMSP in Mon state or the DKBA (from 1994 to 2010) in Karen state, there has been varying degrees of coexistence between central government and NSAG authority.³⁴⁸ To understand humanitarian policies and practices of, and engagement with, these NSAGs, this typology is useful as it situates them within their respective political economies, societal, and conflict/ceasefire contexts.

This categorisation also informs the rationale for the inclusion of the KNU, KIO, and CNF in the discussion of humanitarian engagement policies and practices in chapter nine. NSAGs in situations of ‘devolution’ are not considered by the present study. This is due to their long period of non-conflict with the central government and lack of access or available information (in the case of the UWSA and MNDAA) on the issues. The KNPP and KNU have been in situations of conflict in resisting occupation by the Tatmadaw in their areas up to 2012. The coexistence model of the KIO, NMSP, CNF and DKBA have exhibited periods of conflict and periods of uneasy coexistence during ceasefires, with the KIO ceasefire breaking down completely in 2011. The KNPP, NMSP, and DKBA are dealt with in chapter eight while the KNU, KIO and CNF are also included in consideration of humanitarian engagement actors and processes in chapter nine.

One NSAG not dealt with by Callahan’s typology, but considered in the next chapter, is the smaller, pro-democracy focused ABSDF. Originally made up of students who fled to ethnic NSAG controlled areas after the crackdown on pro-democracy protests in the cities in 1988, it has since

³⁴⁸ Ibid., 25-47.

fought in solidarity alongside ethnic NSAGs, notably the KNU, KNPP and KIA. It has therefore become a part of the ethnic NSAG proto-state systems. Martin Smith has pointed to the arrival of fleeing student protesters in the ethnic borderlands following the 1988 crackdown, and their discovery of the pre-existing governance structures of the ethnic armed groups. "Arriving in small bedraggled groups at dozens of rebel camps across the country, many were shocked to find schools, hospitals and the machinery of well-run governments and armies functioning around most of the ethnic borderlands."³⁴⁹

Summary

Since the Second World War, and especially since the 1962 coup, the role of the military and the militarisation of society in Burma increased. This saw the military take a central role in running the state and its economy, and the corresponding counter-state role of ethnic NSAGs in administration and economic activity in areas they control. The long era of military rule witnessed a steady running down of basic services and infrastructure, such as health, education and transport, while spending on the military remained high.³⁵⁰ As well as armed resistance, in response to the central state's neglect and/or offensives, NSAGs developed parallel administrations and taxed cross-border black market economic activity in areas they controlled to maintain them.

Social and material resources at formation for NSAGs (proposition 2)

As outlined in this chapter, recurring features of Burma's ethnic conflicts and for many of the NSAGs involved in them is their basis in pre-independence social movements and political grievances, differentiated political and military wings, CPB influenced organisational structures, and frequent lengthy periods under leaders with previous Second World War military experience. It is these social and human resource factors at formation that have been influential on the patterns of insurgency that have existed since. Another result of the longevity of the conflicts and their

³⁴⁹ Smith, *Burma: Insurgency and the Politics of Ethnicity*, 385.

³⁵⁰ Prior to 2011, spending on health was 2% of GDP, and spending on education, only 1-2%. Marie Ditlevsen, "Social Issues," in *Burma /Myanmar: Where Now?*, ed. Mikael Gravers and Fleming Ytzen (Copenhagen, Denmark: NIAS Press, 2014), 126-32.

social and political basis is the development of parallel NSAG administrations in areas they control.

Access to funding and resources (proposition 3), and proximity to borders (proposition 5) for NSAGs

Economic dimensions to the conflicts have steadily increased as a consequence of state economic policy especially during the 1960s to 1980s, NSAG control and taxation of border crossings at that time, and the increasing demand for resources in ethnic areas from all conflict actors and external business interests since the 1980s and 1990s onwards. The consequences of this have included the ability for some established NSAGs to develop their administrations during the BSPP era of the 1960s to 1980s, and later the setbacks to their funding with the loss of control of border trade due to military setbacks or as part of ceasefire agreements. The localised humanitarian consequences for civilian populations due to the economic demands of armed actors are explored further in the following chapters.

The nascent moves towards limited democracy since 2011 were also initiated by the military who assumed a civilian government role in administering “disciplined democracy.”³⁵¹ Since 2011/12, the government has achieved bilateral ceasefires with most major NSAGs, many of whom have been in conflict with the government for decades. The ceasefires remain shaky, and progress towards a nationwide ceasefire and a lasting settlement encompassing all groups has been slow. Burma’s partial opening up has encouraged business interests from its neighbours and further afield that often have an interest in resource rich, but conflict affected, ethnic areas. The people living there have experienced decades of conflict and displacement as fighting has ebbed and flowed through their areas. A central theme of the armed conflicts in Burma, and the NSAGs engaged in them, is that the government has never completely controlled all of the territory and people of the unitary recognised state as it exists on the map. It is within this context, that the next chapter

³⁵¹ Flemming Ytzen and Mikael Gravers, "Whither Burma?," in *Burma/Myanmar: Where Now?*, ed. Mikael Gravers and Flemming Ytzen (Copenhagen, Denmark: NIAS Press, 2014), 421.

considers landmine use, and children affected by armed conflict, and the involvement of Burma's NSAGs with these two issues.

Chapter Seven

Landmine use and children affected by armed conflict

Introduction

The NSAGs in Burma examined in this study have been involved with the use of landmines and children affected by armed conflict, both as perpetrators, and in some instances, with stated policies or practical measures to ameliorate these threats. These issues present both immediate and long-term security concerns for communities exposed to the sporadic and low intensity conflict situations that are “neither war, nor peace.”³⁵² As outlined in the methodology in chapter five, these issues are deployed as indicators of the extent of compliance (or not) with humanitarian norms by the NSAGs examined in this study. This chapter first provides an introductory overview of each of the two issues, of landmine use and of children affected by armed conflict. It then outlines them in the context of Burma, considering government armed forces and NSAG involvement with these issues.

Landmines

The use of landmines in modern warfare can be traced back to the US Civil War. Extensive use of anti-personnel and anti-tank landmines did not, however, really emerge until the Second World War.³⁵³ Anti-personnel landmines have been a feature of most armed conflicts since that time. Not only were they used against armed opponents, but “mines were used to terrorise civilians and control their movements.”³⁵⁴ Clearly, such indiscriminate use of these weapons presents a chronic threat to those living in mine affected areas and brings into focus the reasons for the

³⁵² Tom Kramer, *Neither War nor Peace: The Future of the Cease-fire Agreements in Burma* (Amsterdam, Netherlands: Transnational Institute, 2009).

³⁵³ Stuart Maslen, *Anti-Personnel Mines under Humanitarian Law* (Antwerp, Netherlands: Intersentia, 2001), 5-7.

³⁵⁴ *Ibid.*, 10.

attention given to landmines by humanitarian actors and, more recently, by international treaties addressing the issue.

Arriving at a definition of landmines is problematic as it depends on what types of explosive weapons are included. The 1996 Amended Protocol II to the Convention on Certain Conventional Weapons (Protocol II CCW) defines an anti-personnel landmine as “a mine primarily designed to be exploded by the presence, proximity or contact of a person and that will incapacitate, injure or kill one or more persons.”³⁵⁵ The 1997 Ottawa treaty, which had been promoted by the advocacy campaign of the International Campaign to Ban Landmines (ICBL) attempted to ban the use of landmines by states.³⁵⁶ However, the world’s most militarily powerful states have not joined the treaty. Those countries include the United States, Russia and China. Other landmine using or producing states that did not join the treaty also included Israel, Sri Lanka and Myanmar.³⁵⁷ Despite the claimed success of this treaty, it clearly has some major limitations. States that have had ongoing civil wars or insurgencies or that are major producers remain outside the ban, whereas for the states that have joined, these weapons were often seen as redundant anyway. Another problem with the treaty, and of most relevance to NSAGs, was that it applied to and could only be ratified by states.

For NSAGs, the so called “poor man’s weapon,”³⁵⁸ the landmine, has remained an effective, cheap, indiscriminate, and frequently civilian-harming option. Landmine use by NSAGs in terms of the number of countries where it was occurring decreased in the first decade of the 21st

³⁵⁵ *Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices as amended on 3 May 1996 (Protocol II to the 1980 Convention as amended on 3 May 1996)*, Article 2 (3).

³⁵⁶ The full title of this treaty is, *The Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction*.

³⁵⁷ See, for a list of the 161 states parties to the Ottawa mine ban treaty as of 2014, International Committee of the Red Cross, “States Party to the Following International Humanitarian Law and Other Related Treaties as of 10 March 2014,” [http://www.icrc.org/IHL.nsf/\(SPF\)/party_main_treaties/\\$File/IHL_and_other_related_Treaties.pdf](http://www.icrc.org/IHL.nsf/(SPF)/party_main_treaties/$File/IHL_and_other_related_Treaties.pdf).

³⁵⁸ Martin Revai Rupiya, “One man's terrorist is another man's liberator: The landmine ban and non-state actors,” in *Engaging Non-State Actors in a Landmine Ban, Geneva. Full Conference Proceedings, 24th and 25th March 2000*, ed. Swiss Campaign to Ban Landmines (Quezon, Philippines: Swiss Campaign to Ban Landmines, 2001), 21.

century.³⁵⁹ However, in some chronic conflict situations, such as that in Burma, both state and NSAG use of landmines has continued.

Landmine use in Burma

Landmines have been used extensively by all armed actors in Burma's conflicts over many decades. The impacts on the civilian population in mined areas have been documented by international and local NGOs, and other researchers.³⁶⁰ A major problem with the use of landmines is that they remain a threat long after ceasefires have been agreed and fighting has stopped. The UN High Commissioner for Refugees has estimated that in Burma/Myanmar "more than 450,000 refugees and internally displaced people can't return home because of land mines in northern and south-eastern states."³⁶¹

There are an estimated five million people living in mine contaminated areas in Burma.³⁶² In those areas there have been 3,450 known casualties from landmines between 1999 and 2015.³⁶³ Despite ceasefires between the government and most NSAGs since 2012, there were still 106 landmine casualties recorded in 2012, and 101 in 2013.³⁶⁴

Extensive reports on landmines in Burma, by Geneva Call and Dan Church Aid in 2011, and the Karen Human Rights Group (KHRG) in 2012, have documented the conditions for those living in landmine contaminated

³⁵⁹ Yeshua Moser-Puangsuwan, "Outside the Treaty Not the Norm: Nonstate Armed Groups and the Landmine Ban," in *Banning Landmines: Disarmament, Citizen Diplomacy and Human Security*, ed. Jody Williams, Stephen D. Goose, and Mary Wareham (Lanham, MD: Rowman and Littlefield, 2008).

³⁶⁰ See, for example, Back Pack Health Worker Team, *Situation Update: Conflict and Displacement in Burma's Border Areas 30th June 2011* (Thailand: BPHWT, 2011). Yeshua Moser-Puangsuwan, "Anti-personnel landmines in Myanmar: a cause of displacement and an obstacle to return," *Humanitarian Exchange* 41(2010). International Campaign to Ban Landmines, *Landmine Monitor 2013* (International Campaign to Ban Landmines – Cluster Munition Coalition (ICBL-CMC), 2013), 14-15.

³⁶¹ United Press International, "Myanmar polluted with land mines," http://www.upi.com/Top_News/Special/2013/04/03/Myanmar-polluted-with-land-mines/UPI-60071364996910/.

³⁶² Flemming Ytzen, "Casualties of War," in *Burma/Myanmar: Where Now?*, ed. Mikael Gravers and Flemming Ytzen (Copenhagen, Denmark: NIAS Press, 2014), 259.

³⁶³ The casualties consist of 348 killed, 2898 injured, and 204 unknown. Landmine and Cluster Munition Monitor, *Landmine Monitor Report: Myanmar/Burma 2013* (International Campaign to Ban Landmines, 2014), 7.

³⁶⁴ *Ibid.*

areas.³⁶⁵ These reports make it clear how landmines contribute to an already serious humanitarian crisis situation in eastern Burma. As well as being responsible for fatalities and serious injuries, landmines also prevent or restrict the return of refugees or IDPs, prevent access to fields and sources of freshwater, and the ability for movement generally of villagers. The conflict zones, and now often recent ceasefire zones of the ethnic borderlands, are still heavily mined due to a lack of methodical mapping or demining by the various armed actors (both government and opposition) who originally laid them. There are however, some variations between government forces and NSAGs in production, deployment, mapping, warnings to civilians (if any), mine risk education (MRE), and demining activity.

Landmine use by government forces

The use of landmines by government forces and armed groups allied with them has been frequently cited as a major humanitarian issue by their opponents, NGOs, governments and the UN.³⁶⁶ The Burma Army (Tatmadaw) mostly uses professionally manufactured anti-personnel landmines. The source for most of these is China as well as now through manufacture in factories inside Burma.³⁶⁷ These sources of government landmines were also reiterated in interviews.³⁶⁸

The government armed forces use locally manufactured copies of Russian PMN or American M 14 mines. These often don't have much metal in the components and this makes them hard to detect.³⁶⁹

³⁶⁵ Geneva Call and DCA Mine Action, *Humanitarian Impact of Landmines in Burma/Myanmar* (Geneva, Switzerland: Geneva Call, 2011). Karen Human Rights Group, *Uncertain Ground: Landmines in eastern Burma* (Thailand: KHRG, 2012).

³⁶⁶ See, for example, Landmine and Cluster Munition Monitor, "Myanmar/Burma Mine Action Contamination and Impact," http://www.the-monitor.org/index.php/cp/display/region_profiles/theme/2031.

³⁶⁷ A. Selth, "Landmines in Burma: Forgotten Weapons in a Forgotten War," *Small Wars & Insurgencies* 12, no. 2 (2001): 31-2.

³⁶⁸ Former Tatmadaw child soldier, interview via translator, Mae Sot, October 19th 2012; A local member of an international NGO involved in mine action and education, interview, Chiang Mai, November 28th, 2012. International technical demining consultant working with a local CBO, personal communication, Mae Sot, June 25, 2014. Interviews with local and international staff of demining INGOs, Yangon August/ September 2013, Loikaw and Yangon, September 2014.

³⁶⁹ A representative of an international mine action NGO, interview, Yangon, September 15th, 2014

Landmines and counterinsurgency strategy

The Tatmadaw is reported to have laid landmines as part of its counterinsurgency strategy to prevent support for NSAGs from local villagers. Landmines are laid in village pathways, in fields, and other locations that prevent any return to areas that the Tatmadaw believes it has cleared of insurgent activity.³⁷⁰ Indeed, landmines have been an integral part of the 'four cuts' counter-insurgency strategy of the Tatmadaw, as they provide an ever-vigilant potentially lethal form of coercion to separate insurgents from their supposed supporters. "In the Maoist parlance once favoured by the Tatmadaw, landmines are seen as a means by which the army can help deny the guerrilla fish a sea of peasants in which to swim."³⁷¹ The tactic of leaving landmines in areas to discourage return of villagers or insurgents was also confirmed in interviews.

When Wei Kyi camp moved over the border to Burma it was briefly attacked and held by the Tatmadaw but they couldn't maintain their hold for very long. They only stayed 3 or 4 days, and then when they left they left landmines behind. A few months later, a friend of mine, a medic, was walking down past the beach when he stepped on the landmine which blew his leg off.³⁷²

We see a lot of Burma Army coming in and burning a village or coming and threatening to burn a village so the villagers all leave and they lay landmines in the village.³⁷³

This explains at least part of the government's unwillingness to allow or enter into dialogue about demining, MRE, mapping of mined areas, or to joining international treaties limiting or banning landmines. They are a relatively cheap and effective means of limiting, isolating and slowly strangling the many insurgencies it has faced since independence. Since 2013, the government has facilitated MRE with INGOs and local NGOs. Permission for demining for INGOs in Burma from the government

³⁷⁰ Back Pack Health Worker Team, *Chronic Emergency: Health and Human Rights in Eastern Burma* (Thailand: BPHWT, 2006), 47; Selth, "Landmines in Burma: Forgotten Weapons in a Forgotten War."

³⁷¹ Selth, "Landmines in Burma: Forgotten Weapons in a Forgotten War," 24.

³⁷² A former ABSDF associate, interview, Mae Hong Son, December 21, 2012

³⁷³ A senior member of a cross-border humanitarian assistance organisation, interview, Chiang Mai, November 26th, 2012

remains dependent on the ongoing nationwide ceasefire negotiations (as of 2015) and any peace process following on from that.³⁷⁴

‘Business’ and local ‘protection’ landmines

The deployment of landmines to protect resources for business interests is another contributing factor to the landmine problem. The Tatmadaw and NSAGs (both government-aligned and anti-government) have been documented as using ‘business mines’ to protect valuable resources such as gold mines and forests: sometimes at the behest of external or connected business interests.³⁷⁵ This reveals the deep influence the control, access and extraction of resources has at the local level on conflict dynamics and consequently on the lives of local people. A CBO worker reported to the KHRG that “the mines laid in Karen/Kayin State in 2009 were only for business purposes.”³⁷⁶ In some cases these landmines are deployed to secure resources for particular armed groups.

Between 2009 to 2010, DKBA soldiers came to dig gold and took care of their security by planting landmines on the mountains, along the mountain ranges, and in the valleys along the west side of the Bu Loh River.³⁷⁷

This issue of landmine use to protect land and resources was also acknowledged in interviews for the present study. “They may also have perceived benefits in landmines in terms of protecting resources, and obviously land allocation is a huge sticking point.”³⁷⁸

Maybe there is a forest and they want to protect it, they don’t want people to do logging or anything like that, they go ‘oh we have planted the landmines’.³⁷⁹

With the ceasefires since 2012, the significance of land grabbing, and demand for access to and extraction of resources in former conflict areas, has increased. Consequently, there has been a reported proliferation of

³⁷⁴ This was reiterated in interviews with staff of several mine action INGOs in Myanmar.

³⁷⁵ Geneva Call and DCA Mine Action, *Humanitarian Impact of Landmines in Burma/Myanmar*, 13.

³⁷⁶ Ibid.

³⁷⁷ Karen Human Rights Group, *Uncertain Ground: Landmines in eastern Burma*, 185.

³⁷⁸ Senior staff member of an international mine action NGO, interview, Yangon, September 6th, 2013.

³⁷⁹ A local member of an international NGO involved in mine action and education, interview, Chiang Mai, November 28th, 2012

non-military landmine use by local communities and business interests aside from NSAGs and the Tatmadaw. This form of 'self-protection' also needs to be taken into account as some villagers themselves are also contributing to the landmine problem by deploying them.³⁸⁰ In some instances business people and local villagers have been given mines by armed groups. They have also been documented as using these for security to protect villages, land, timber, mining and other economic activities.³⁸¹

Landmine use by NSAGs

Landmines have become integral to reducing the considerable numerical and technical disadvantages Burma NSAGs face in defending what territory they still hold. The civilian population living in contested areas are consequently also at risk from these weapons deployed by the very actors who often claim to be providing 'protection' for them against predatory government forces.

Claimed differences in use and production of landmines compared to government forces

A number of points of difference have been made by NSAGs themselves, and by some external observers, about landmine use and production by the NSAGs compared to that of the Tatmadaw. According to reports in the 1990s, the KNU/KNLA, one of the largest NSAGs, was still deploying some military standard, manufactured landmines purchased from supplies left over from the conflicts in Cambodia and Vietnam.³⁸² Other sources of mines were captured, dug up and reused, or some even purchased from the government forces. Mostly, however, the opposition NSAGs have been making their own.³⁸³ These landmines are often made from cans, bottles, pipes or bamboo with battery operated detonators. It is claimed by

³⁸⁰ Gregory Cathcart, "Landmines as a form of protection between conflict and ceasefire," in *2015 ANU Myanmar/Burma Update Conference (podcast)* (Canberra, Australia: ANU College of Asia & the Pacific, June 2015).

³⁸¹ Geneva Call and DCA Mine Action, *Humanitarian Impact of Landmines in Burma/Myanmar*, 3, 9, & 25; Karen Human Rights Group, *Uncertain Ground: Landmines in eastern Burma*, 23, 81-87.

³⁸² Selth, "Landmines in Burma: Forgotten Weapons in a Forgotten War," 31.

³⁸³ Karen Human Rights Group, "Notes on Landmine Use: SLORC and KNLA," KHRG, <http://www.khrg.org/khrg96/landmine96.html>.

NSAGs that they have a shorter lifespan before they degrade, compared to factory manufactured mines.³⁸⁴

These improvised mines are quite effective at close ranges, but usually have a limited life, often no more than six months, as the batteries tend to run out of power after that time. Also, they are often susceptible to the weather.³⁸⁵

Members of international organisations working on the landmine problem, and an experienced demining expert working with a local CBO, offered counter perspectives to this position.³⁸⁶ In particular, the 'homemade' landmines, it was pointed out, tended to vary greatly compared to factory assembled mines in construction and the strength of charges used. This could make them more dangerous to remove or dismantle. Another point about mine use by NSAGs, was the use of aboveground 'stake' mines (essentially a grenade on a stick) with attached trip wires that were deployed quickly to target pursuers.³⁸⁷ This type of mine use would clearly endanger civilians who might at a later stage use the same paths. However, frequent downpours and constant leaf-fall and other debris, as well as animals, render tripwires ineffective in a short period, but the mine itself remains.³⁸⁸

Frequent victims of all forms of landmines have been local villagers, and the NSAG soldiers themselves, either when deploying them, or in efforts to remove their own or the enemy's mines. 35.1 per cent of mine accident victims were engaged in military activity according to the 2011 Geneva Call/DCA report.³⁸⁹ As an example of the threat to their own soldiers of NSAG landmine use, out of 10 people reported

³⁸⁴ These claims were made in interviews with members of NSAG leadership and commented on in interviews conducted with several mine action INGOs in Burma.

³⁸⁵ Selth, "Landmines in Burma: Forgotten Weapons in a Forgotten War," 34.

³⁸⁶ Representative of Geneva Call, interview, August 16, 2013; Senior member of a mine action INGO, interview, Yangon, September 6th, 2013; Technical demining consultant working with a local CBO, personal communication, Mae Sot, June 25, 2014.

³⁸⁷ International technical demining consultant working with a local CBO, personal communication, Mae Sot, June 25, 2014.

³⁸⁸ Ibid.

³⁸⁹ Geneva Call and DCA Mine Action, *Humanitarian Impact of Landmines in Burma/Myanmar*, 15.

injured by landmines in Kachin state from 2009-2010, nine were from the Kachin Independence Army (KIA) and one was a civilian.³⁹⁰

NSAGs, demining and mine risk education (MRE)

What removal of landmines has been carried out by NSAGs is reported as often being for the purpose of reuse rather than for strictly humanitarian reasons. This differentiation was pointed out in interviews with staff of NGOs involved in mine action.

They will go in and try to clear the landmines, sometimes their own landmines and sometimes enemy landmines. And it's just for themselves to reuse or to take back to base and stuff like that. It's not like civilian demining.³⁹¹

They often remove those mines and relay them. As a military outfit, I don't think you could call anything they do humanitarian demining. They may do it in some cases for the benefit of civilians.³⁹²

Therefore, any demining that does occur is generally ad hoc and unsystematic.³⁹³ Another factor that slows or prevents demining is that the NSAGs have not consistently mapped or kept records of where they have deployed mines, or the mines they are attempting to remove were laid by opposing forces. Despite claims of action on this issue, KHRG in 2012 reported that,

No significant mine action has been undertaken and landmine removal by armed actors has been incomplete, unsystematic and not necessarily motivated by a desire to protect civilians.³⁹⁴

In terms of providing warnings about the location of their own landmines or those of the government forces and allied groups, opposition NSAGs have also been patchy in their use of signage or other methods of warnings to civilians. Most groups claim they provide warnings for civilians near areas

³⁹⁰ Ibid., 13. See, as evidence of this, a photo of a group of 7 former KNPP soldiers with landmine injuries, some from their own landmines, Dean Chapman, *Karenni: The Forgotten War of a Nation Besieged* (London, UK: Dewi Lewis, 1998), 76 & 100.

³⁹¹ A local member of an international NGO involved in mine action and education, interview, Chiang Mai, November 28th, 2012

³⁹² A senior staff member of a mine action INGO, interview, Yangon, September 6th, 2013

³⁹³ There have been initiatives by some NSAGs and CBOs. See the following chapters for details.

³⁹⁴ Karen Human Rights Group, *Uncertain Ground: Landmines in eastern Burma*, 10.

they have mined, but this would depend on the defensive or offensive reasons for the mines being laid.

The controversial issue we had was you should put up a warning sign 'danger landmines' and their argument was we can't always do that tactically.³⁹⁵

Verbal warnings rather than signage or fencing were the preferred means by which NSAGs claimed to warn villagers of the presence of mines they had laid. "We know also the KNU inform the villagers and maybe sometimes there will be some kind of accident."³⁹⁶

Some NSAGs, while being users of landmines, have also been involved in MRE initiatives. This has been the case, for example, with the KNU.³⁹⁷ The MRE was carried out in partnership with a cross-border CBO that had access and acceptance from the host NSAG. The Burma government, however, was not involved with this activity and did not permit external organisations to carry out demining. This also demonstrates the need for any effective action to be conducted with the acquiescence of the NSAG.

As MRE is not officially permitted by the national authorities the activities have to be performed discretely and in cooperation with local ethnic minority authorities, typically non-ceasefire NSAs.³⁹⁸

This is significant as some NSAGs, especially those accessible by humanitarian actors across the border from Thailand, have been more active in allowing and facilitating mine action, especially MRE, in areas they control than has the government of Burma.

Landmine use summary

The involvement of NSAGs with the use of landmines is clearly a problem that has long-term implications for the security of communities exposed to them. NSAGs and associated CSOs, have in some instances, also

³⁹⁵ Former ABSDF associate involved in IHL training and child soldier demobilisation, interview via skype from Paris, January 4th 2013.

³⁹⁶ Senior member of ABSDF leadership, interview, Mae Sot, December 4th, 2012.

³⁹⁷ See, for example, Yeshua Moser-Puangsuwan, "Mine Risk Education in Kawthoolei Liberated Area: An Experiment in Creating a Program of MRE in a Non-State-Controlled Area of Burma," *Journal of ERW and Mine Action* 8, no. 2 (2004).

³⁹⁸ Geneva Call and DCA Mine Action, *Humanitarian Impact of Landmines in Burma/Myanmar*, 21.

engaged in activities to reduce these threats to the people they claim to represent. This has mostly been through facilitating MRE by cross-border humanitarian actors. Demining undertaken by NSAGs has been unsystematic and ad-hoc, as have attempts to warn civilians of the location of these threats. As well as use by armed actors on all sides, landmines have been deployed to protect business interests such as land or natural resources.

Child soldiers and the protection of children from the effects of armed combat

Two important aspects to the issue of children and armed conflict that need to be considered are direct participation in armed conflict due to the recruitment of children (whether forced or by their own volition) and the wider impacts on children more generally due to the effects of armed conflict. Many of these issues were highlighted in the report compiled by Grac'a Machel for the UN in 1996. This drew attention to both the recruitment and direct use of child soldiers in conflicts and the impact on the vast majority of children who were not participating in conflict, but who were affected by it.³⁹⁹ The report identified many threats to children due to armed conflict, including living as IDPs or refugees, lack of access to health care or education, exploitation and gender based violence, and exposure to landmines and other explosive remnants of war.

The involvement with and use of children in the armed forces of states and in armed groups can further be disaggregated. There are those in "supporting roles, as cooks, porters, messengers and spies," and those directly recruited or conscripted into combat roles. Recruitment of children as direct combatants has been cited as being "because they are 'more obedient, do not question orders and are easier to manipulate than adult soldiers'".⁴⁰⁰

A difficulty presented by attempting to define child soldiers and/or those associated with armed forces, is in the variation in the ages at which

³⁹⁹ Grac'a Machel, "The Impact of Armed Conflict on Children," (United Nations, 1996).

⁴⁰⁰ Ibid., 11.

individuals are considered to be children, youths, or adults. This has been the case across different cultural and religious traditions and even between different national laws and international treaties.⁴⁰¹ For example, the Additional Protocol I to the Geneva Conventions, the 1989 UN Convention on the Rights of the Child, and the 1998 Rome Statute of the ICC, state 15 years as the age below which military recruitment is outlawed. However, the 2002 OPAC⁴⁰² states the minimum age of recruitment is 18 years.⁴⁰³ Equally, the minimum age of recruitment into state armed forces varies, for example, from 16 in the UK (with parental consent), Jordan, Saudi Arabia and India, through 16 and a half in Singapore, to 17 in the US and New Zealand. The majority of states, however, have 18 years as the minimum age of recruitment.⁴⁰⁴

The problem of children affected by and/or participating in armed conflict has received considerable attention over the last 20 years from the UN, NGOs, and NGO coalitions, especially the Coalition to Stop the use of Child Soldiers.⁴⁰⁵ A set of principles initially developed in 1997 by UNICEF and a coalition of NGOs, was specific to Africa.⁴⁰⁶ A similar document that took into consideration developments since that time, and with global application, was then developed in Paris in 2007.⁴⁰⁷ In response to the problem of children and armed conflict, the UN also established the office and position of the Special Representative of the Secretary-General for Children and Armed Conflict.⁴⁰⁸ The definition of

⁴⁰¹ Kendra E. Dupuy and Krijn Peters, *War and Children : A Reference Handbook* (Santa Barbara, CA: ABC-CLIO, 2009), 11-17.

⁴⁰² UN General Assembly, "Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts," <http://www.refworld.org/cgi-bin/texis/vtx/rwmain?docid=47fd180>.

⁴⁰³ Dupuy and Peters, *War and Children : A Reference Handbook*, 15-17.

⁴⁰⁴ See, Appendix II, Data Summary on Recruitment Ages of National Armies, Child Soldiers International, *Louder than Words: An agenda for action to end state use of child soldiers* (London, UK: Child Soldiers International, 2012), 141-60.

⁴⁰⁵ Originally, member organisations included Save the Children, Human Rights Watch, Amnesty International, and Jesuit Refugee Services, among others. It was renamed Child Soldiers International in 2008, and became an independent organisation in 2011. Child Soldiers International, "Our History."

⁴⁰⁶ UNICEF, "Cape Town Principles and Best Practices: Adopted at the Symposium on the Prevention of Recruitment of Children into the Armed Forces and on Demobilisation and Reintegration of Child Soldiers in Africa," (1997).

⁴⁰⁷ UNICEF, "The Paris Principles: Principles and Guidelines on Children Associated with Armed Forces or Armed Groups," (2007).

⁴⁰⁸ United Nations, "Office of the Special Representative of the Secretary-General for Children and Armed Conflict," <http://childrenandarmedconflict.un.org/>.

children associated with the armed forces of states and of NSAGs used in the 2007 Paris Principles will be used in this study as it acknowledges both direct participation in hostilities as fighters, and other support activities that are associated with armed conflict. It states:

A child associated with an armed force or armed group refers to any person below 18 years of age who is or who has been recruited or used by an armed force or armed group in any capacity, including but not limited to children, boys and girls, used as fighters, cooks, porters, messengers, spies or for sexual purposes. It does not only refer to a child who is taking or has taken a direct part in hostilities.⁴⁰⁹

An important aspect of the issues around children affected by armed conflict has been the recognition of the agency of children themselves rather than them being viewed as uniformly helpless and powerless victims.⁴¹⁰ This comes to the fore when considering so-called voluntary recruitment of children to armed forces or groups. Augustine Park has addressed this point by conceptualising “voluntary recruitment of children as a child’s deliberate membership in an armed group (usually) under ‘structurally coercive conditions.’”⁴¹¹ These conditions such as poverty, hunger, insecurity and the need for protection are due to wider “conditions of possibility” that Park considers “social, cultural and political-economic structures that shape society.”⁴¹²

Park’s point about structural conditions echoes the rationale for the theoretical approach taken in this study. There are push and pull factors influencing behaviour for NSAGs and for the communities affected by them. This is the case, it is argued here, for the child soldier issue (and also the use of landmines). The factors that influence these activities, either making them more likely to occur, or inhibiting them, involve both coercive military and economic structures, and socially constructed concepts such as identity, legitimacy or belief in a cause.

⁴⁰⁹ UNICEF, "The Paris Principles: Principles and Guidelines on Children Associated with Armed Forces or Armed Groups," Article 2 (1).

⁴¹⁰ Dupuy and Peters, *War and Children : A Reference Handbook*, 13-14.

⁴¹¹ Augustine S. J. Park, "Child soldiers and distributive justice: addressing the limits of law?," *Crime Law and Social Change* 53(2010): 339.

⁴¹² Ibid.

Child soldiers and children affected by armed conflict in Burma

The child soldier issue in Burma, especially as it related to NSAGs, was epitomized by 'God's Army', a small splinter group from the KNLA in the late 1990s. The group was supposedly led by two twin 10 year old boys, Johnny and Luther Htoo, who were believed to be only 13 years old when they finally surrendered to Thai forces in 2000.⁴¹³ The story and image of these small children, and others in the group, dwarfed by their oversize camouflage uniforms and weapons was relayed internationally through newspapers, TV news, and documentaries.⁴¹⁴ However, the relative isolation of Burma's ethnic conflicts has meant that the use of child soldiers on all sides has received less attention than has been the case in conflicts in other regions such as Africa, South Asia, and the Middle East.

Child soldiers in the Tatmadaw

There are similarities as well as differences with children involved with the armed forces of the Burma government and those with NSAGs. One common feature that has been raised by those working to demobilise child soldiers is the lack of any ability to verify their ages. The birth registration system in Burma is poor, especially in the conflict-affected border regions of ethnic states.⁴¹⁵ Consequently, the actual ages of the young people involved with all armed actors is often unknown, including even to the children themselves.

One of the reasons why that problem is caused is because the birth registration in Burma is not good enough. Sometimes it is not bothered with, there's no record of how old people are.⁴¹⁶

The government of Burma has been consistently criticised by the UN and human rights NGOs for the presence of large numbers of child soldiers in

⁴¹³ Bertil Lintner, "Where Htoo Now?," *Far Eastern Economic Review* February 1, 2001.

⁴¹⁴ See, for example, ABC Australia, "Twin Crusade," (Journeyman Pictures, 2000). Robert Horn, "Little Lords of the Jungle," *Time* January 29, 2001; Ron Moreau, "Terror Twins," *Newsweek* February 7, 2000.

⁴¹⁵ Child Soldiers International, *Chance for a Change: Ending the recruitment and use of child soldiers in Myanmar* (London, UK: Child Soldiers International, 2013), 19-21.

⁴¹⁶ Director of a CBO working with former child soldiers, interview, Mae Sot, August 30th, 2012

its armed forces for a long time. This criticism has highlighted both the age of the soldiers and their forcible recruitment and brutal treatment in the army.⁴¹⁷ They are also frequently exposed to injury or death in actual armed combat with opposition NSAGs in the ethnic states where they were deployed.⁴¹⁸ In response to criticism, the Burma government set up the Committee for the Prevention of the Recruitment of Underage Children, ostensibly to prevent the recruitment of underage soldiers into the Tatmadaw and demobilise those already there. The chairman of the committee in 2004 was the then general, and later president from 2011 to 2015, Thein Sein.⁴¹⁹

Forced recruitment of children into the Tatmadaw is often carried out to meet quotas for new recruits set by the government and army, and this factor has been identified as largely responsible for the presence of child soldiers in the government army.⁴²⁰ Another element aiding recruitment of child soldiers is the pressure on children in conditions of poverty to provide income for their families through being in the army.⁴²¹ A former Tatmadaw child soldier reported:

I got 8000 a month and that was not enough when I was beginning and when I arrived to the national assembly I got like 15000. So I sent almost all of my money to my parents.⁴²²

The numbers of child soldiers in the Tatmadaw was believed to have increased in the 1990s and early 2000s as part of an attempt by the army to increase its strength. It was also faced with increasing casualties, desertions and a lack of volunteers. Commenting on the drive to increase

⁴¹⁷ See, for example, Karen Human Rights Group, "Forced recruitment, child soldiers and abuse in the army: Interviews with SPDC deserters KHRG #2009-F9," (Thailand: KHRG, 2009); Human Rights Watch, *Sold to be Soldiers: The Recruitment and Use of Child Soldiers in Burma*; Child Soldiers International, *Chance for a Change: Ending the recruitment and use of child soldiers in Myanmar*.

⁴¹⁸ Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004* (London, UK: Coalition to Stop the Use of Child Soldiers, 2004), 186-87.

⁴¹⁹ Human Rights Education Institute of Burma, *Despite Promises: Child Soldiers in Burma's SPDC Armed Forces* (Chiang Mai, Thailand: HREIB, 2006), 36.

⁴²⁰ Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2008* (London, UK: Coalition to Stop the Use of Child Soldiers, 2008), 241-52.

⁴²¹ Human Rights Education Institute of Burma, *Despite Promises: Child Soldiers in Burma's SPDC Armed Forces*, 20-25.

⁴²² Former Tatmadaw child soldier, interview via translator, Mae Sot, October 19th 2012. Note: the pay quoted is in Kyat, the Myanmar currency. 1000 Kyat = approximately 1.2 \$.US.

the size of the armed forces after 1988, Human Rights Watch pointed out that of child soldiers recruited to the Tatmadaw, “more than half of them were recruited after 1997.”⁴²³ The poor conditions, brutality and high rate of desertion all presented pressures on the Tatmadaw that were met with increasing reliance on under age recruits. “The Myanmar army wasn’t popular, they didn’t treat their soldiers well, they did everything but not fighting, they had people who were permanently running away, and that was a way just to fill the ranks.”⁴²⁴ The increase in children in the Tatmadaw’s front-line forces was also observed by their opponents at the same time.

We estimated there was about one fifth of the strength of their frontline units were made up of these very young soldiers.... From about 1997 onwards, you noticed more and more child soldiers.⁴²⁵

Recent moves to demobilise child soldiers from the Tatmadaw through an action plan between the government and the UN have achieved some discharge of child soldiers.⁴²⁶ However, the continued presence of underage soldiers in the Tatmadaw has also been raised by human rights reports,⁴²⁷ and recent interviews.

I was in Rakhine state about six weeks ago and we ran into an enormous Burma Army patrol and it was on the side of the road. There were probably half a dozen child soldiers in this group.⁴²⁸

Child soldier recruitment by government allied NSAGs and BGF has also been identified as a problem.⁴²⁹ A particular concern now that Burma has

⁴²³ Human Rights Watch, *My Gun was as Tall as Me: Child Soldiers in Burma* (New York, NY: Human Rights Watch, 2002), 8.

⁴²⁴ Senior staff member of an international humanitarian NGO working with child soldier issues in Burma, interview, Yangon, September 12th, 2014

⁴²⁵ Former ABSDF associate involved in IHL training and child soldier demobilisation, interview via skype from Paris, January 4th 2013

⁴²⁶ 376 children were released from the Tatmadaw from the start of 2014, see, United Nations Human Rights Council, "A/HRC/28/54, Annual report of the Special Representative of the Secretary- General for Children and Armed Conflict, Leila Zerrougui," 6. However, recruitment of 37 children into the Tatmadaw and 196 already recruited, were also reported in 2013, United Nations Security Council, *A/68/878-S/2014/339 Children and armed conflict: Report of the Secretary-General*, 23.

⁴²⁷ Child Soldiers International, *Under the Radar: Ongoing recruitment and use of children by the Myanmar army* (London, UK: CSI, 2015).

⁴²⁸ International consultant advisor working with NSAGs on ceasefire negotiations, interview, July 23, 2014.

⁴²⁹ Child Soldiers International, *Under the Radar: Ongoing recruitment and use of children by the Myanmar army*, 14.

agreed to a joint action plan on child soldiers with UNICEF is the movement to and recruitment of child soldiers into BGF units rather than into the Tatmadaw. Former NSAGs with ceasefires who have now been absorbed into the BGF such as the Karenni National People's Liberation Front (KNPLF)⁴³⁰ and sections of the DKBA⁴³¹ were known to have recruited child soldiers. Therefore, the problem is that even if the government reduces or ends the presence of child soldiers in the regular army, it may have just shifted or disguised the problem within the BGF.⁴³²

Children in NSAGs in Burma

There are some differences between the Tatmadaw and NSAGs in the numbers, methods of recruitment and reasons for involvement of children with them. Some NSAGs have also assisted the desertion of child soldiers from the Tatmadaw. Ceasefire agreements, state opposition to humanitarian engagement with them, and the concerns of some NSAGs about their legitimacy locally and internationally are also identified as having influenced their policies and practices on this issue. These are explored further in relation to specific NSAGs in chapters eight and nine.

Ceasefire NSAGs

Some NSAGs have, or have had, large numbers of child soldiers in their ranks and have actively recruited them. The CSCS in both its 2008 Global Report⁴³³ and 2011 shadow report to the UN Committee on the Rights of the Child on Myanmar⁴³⁴ makes a differentiation when outlining children involved with NSAGs in Burma. This distinction is between 'ceasefire groups', and what were then (until 2012) 'non-ceasefire groups.'⁴³⁵ The

⁴³⁰ Human Rights Education Institute of Burma, *Forgotten Future: Children Affected by Armed Conflict in Burma* (Chiang Mai, Thailand: HREIB, 2008), 59.

⁴³¹ Human Rights Watch, *Sold to be Soldiers: The Recruitment and Use of Child Soldiers in Burma*, 109, 13.

⁴³² Child Soldiers International, *Chance for a Change: Ending the recruitment and use of child soldiers in Myanmar*, 2.

⁴³³ Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2008*, 242.

⁴³⁴ Coalition to Stop the Use of Child Soldiers, *Report to the Committee on the Rights of the Child in advance of the examination of Myanmar's report on the Convention on the Rights of the Child* (London, UK: Coalition to Stop the Use of Child Soldiers, 2011), 10-12.

⁴³⁵ See further discussion of typologies and terminology for Burma NSAGs in Methodology, chapter five, and the background to the ceasefires of the 1990s in chapter 6. See, also, regarding ceasefire groups in the 1990s, the DKBA and NMSP profiles in the next chapter.

ceasefire groups mostly reached agreements with the government in the 1990s which allowed them to maintain arms and control of territory in parts of ethnic states. Some of the ceasefire groups have continued with the recruitment of children to keep up numbers in their ranks so as to give them leverage in future negotiations with the government and in the event of the ceasefires breaking down.⁴³⁶ NSAGs using ceasefire periods to increase numbers, and potentially recruit more children, was also raised in interviews.⁴³⁷ Resumption of conflict with former ceasefire groups has occurred with the MNDAA in northeast Shan state in 2009 and again in 2015, and with the KIO/KIA since June 2011.

Children and non-ceasefire NSAGs (prior to 2012)

There is little accurate data on the numbers of children that are, or have been, involved with opposition or 'non-ceasefire' NSAGs in Burma. A 2002 report by HRW interviewed a KNPP General who estimated that up to 20 percent of the Karenni Army's 1200 soldiers were under 18 at the time.⁴³⁸ The KIA, in 2015, was believed by CSI to have at least 1000 soldiers aged under 18 in its ranks out of an army estimated to be 10,000 strong.⁴³⁹ These two very rough estimates, indicate between 10 and 20 percent of soldiers in opposition NSAGs may be, or have been, under 18. However, CSI also acknowledges the difficulty of gaining accurate data on the numbers of children in Burma NSAGs.

The 2012 Annual Report of the Special Representative of the Secretary-General on Children and Armed Conflict still included the KNU/KNLA, KNPP/KA, DKBA, UWSA, SSA-S, and KIA as NSAGs that "recruit and use children" in Burma. It also identified the Tatmadaw and BGF for these violations.⁴⁴⁰ However, the report also noted that the KNU and KNPP had

⁴³⁶ Human Rights Watch, *Sold to be Soldiers: The Recruitment and Use of Child Soldiers in Burma*, 95.

⁴³⁷ Senior member of an INGO involved in child protection, interview, Yangon, September 16th, 2014; A local member of a CBO, interview, Sangkhlaburi, September 24, 2013.

⁴³⁸ Human Rights Watch, *My Gun was as Tall as Me: Child Soldiers in Burma*, 137.

⁴³⁹ Child Soldiers International, *A Dangerous Refuge: Ongoing Child Recruitment by the Kachin Independence Army* (London, UK: Child Soldiers International, 2015), 6.

⁴⁴⁰ United Nations Human Rights Council, "A/HRC/21/38, Annual report of the Special Representative of the Secretary-General for Children and Armed Conflict, Radhika Coomaraswamy," 20.

attempted in 2007 to “conclude an action plan with the United Nations”⁴⁴¹ in response to UNSC resolutions 1529 (2004) and 1612 (2005) on children and armed conflict. The UN had been prevented by the government from further engagement with these NSAGs after 2007. A 2013 report from CSI also mentions the continued lack of access due to government restrictions for independent observers to monitor KNU and KNPP compliance with the age of recruitment.⁴⁴² This point clearly highlights the difficulties posed by state-based opposition for some NSAGs that attempt to demonstrate a willingness to comply with international humanitarian standards and for the agencies that attempt to engage with them towards this end. It also provides an excuse for some NSAGs in avoiding international scrutiny regarding the age of those in their ranks.⁴⁴³

Another issue relevant to territorially dispersed NSAGs with relatively autonomous local commanders is the effectiveness of implementation and compliance with any NSAG internal regulations applying to age of recruitment. This was raised, for example, in regard to the KNU.

I don't think cohesive is a word that you could ever use about the KNU...It's very difficult to quantify simply because the KNU is pretty much every brigade for itself right now. So if the brigadier is a good person and an educated person and sticks to the rules then they won't have any child soldiers in their ranks. If the brigadier doesn't care about international law, for example, then they've probably got some child soldiers in their ranks.⁴⁴⁴

Recruitment and motivations

How children become involved in NSAGs is complex and less straightforward than is the case of the usually forcible recruitment practised by the Tatmadaw. Nonetheless, some children are recruited for similar reasons, especially to make up numbers, or due to desertion or

⁴⁴¹ Ibid.

⁴⁴² Child Soldiers International, *Chance for a Change: Ending the recruitment and use of child soldiers in Myanmar*, 29.

⁴⁴³ For example, in 2015, the KIO/A, which has been in resumed armed conflict since 2011 and subject to restrictions on access for international actors by the government, was identified in a specific report with the on-going recruitment of underage soldiers, and the presence of children in its camps. See, Child Soldiers International, *A Dangerous Refuge: Ongoing Child Recruitment by the Kachin Independence Army*.

⁴⁴⁴ Director of a CBO working with former child soldiers, interview, Mae Sot, August 30th, 2012.

losses. NSAGs often require recruitment quotas from villages in areas they claim to protect or represent.⁴⁴⁵

Another motivating factor for recruitment to NSAGs, including those under age, is as a response to the extreme counter-insurgency measures of government forces that have been carried out for decades against ethnic groups. As a consequence, many under age recruits to the NSAGs have volunteered rather than been forcibly recruited. Recruits, including those under 18, to opposition NSAGs frequently have personal experience of violence from government forces. Others have family members who have been killed, maimed, raped, displaced or forcibly recruited for labour by the Tatmadaw and/or allied groups. These types of motivations were raised in interviews and have also been identified in reports on children in NSAGs.⁴⁴⁶

During the 2010 elections in Burma I was in Nu Po camp and I started to think about, you know, fighting back. So I decided 'I would rather risk fighting against the military government instead of staying in the refugee camp for nothing.'⁴⁴⁷

I asked what is your future goal? What would you like to become, a doctor, a teacher, or an engineer? They said 'I want to become a soldier, a soldier of KIO, and I then will shoot the government and the army.'⁴⁴⁸

Sometimes, children are sent by families to meet obligations or quotas for NSAGs because adults are needed for work at home, or because supplying a recruit to a NSAG will bring about better treatment from the group for the family as it has met its requirements to the group.

The issue really is can the father be spared? If not, then who's going to go? Because they feel an obligation to go and so quite regularly what you'd find is one of their sons will go.⁴⁴⁹

⁴⁴⁵ See, for example, Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2008*, 242.

⁴⁴⁶ Human Rights Education Institute of Burma, *Forgotten Future: Children Affected by Armed Conflict in Burma*, 57.

⁴⁴⁷ Former DKBA soldier via translator, interview Mae Sot, October 21st, 2012.

⁴⁴⁸ Local member of an NGO that worked in KIO controlled areas of Kachin state, interview, Yangon, August 22, 2013.

⁴⁴⁹ Senior member of a UN agency working on child soldier issues, interview, December 13th 2012, Yangon.

Some armed groups impose recruit quotas on villages, and families called upon to supply a recruit often send a child under 18—either to retain the older, more productive family members needed for family survival, or because they have no children over 18.⁴⁵⁰

The motivation to join an NSAG may not always be forced. Pride, identity or affinity, felt by families and individuals to their particular ethno-nationalist cause, may be a motivating factor. This is especially the case if a parent or older sibling has previously been involved with an NSAG, and this can prompt those underage to volunteer.

It's a pride thing I think. For some kids that's all they want to do is be like their dad. If they have got child soldiers, they have probably got quite a lot that way.⁴⁵¹

Walking through villages the kids would come up and it's just the most glamorous thing they'd ever seen and they just wanted to join the ABSDF and fight these bastards, and the ABSDF have to go like 'no go away, go back, go back to school.'⁴⁵²

In some cases, children are present in NSAGs' camps but the NSAGs claim they are not present as soldiers. The reasons presented are that they are unable to be looked after by their parents, or that they are orphans of parents killed by government forces, or they want to volunteer but are under age. Some NSAGs have claimed rebellious or difficult to manage teenagers from communities or refugee camps have been sent to non-combat roles with the NSAG as a means of punishment and to prevent further misbehaviour.⁴⁵³ In other cases children are located in training or educational facilities associated with NSAGs.⁴⁵⁴

Children can apply to and attend one of several KIA-funded military educational establishments, such as the Htoi Ningshawng or "Shining at

⁴⁵⁰ Human Rights Watch, *Sold to be Soldiers: The Recruitment and Use of Child Soldiers in Burma*, 95-96.

⁴⁵¹ Director of a CBO working with former child soldiers, interview, Mae Sot, August 30th, 2012

⁴⁵² Former ABSDF associate involved in IHL training and child soldier demobilisation, interview via skype from Paris, January 4th 2013.

⁴⁵³ See, regarding this 'corrective recruitment,' Kirsten McConnachie, *Governing Refugees: Justice, Order, and Legal Pluralism* (Abingdon, Oxon, UK: Routledge, 2014), 110; Child Soldiers International, *A Dangerous Refuge: Ongoing Child Recruitment by the Kachin Independence Army*, 19-20.

⁴⁵⁴ Child Soldiers International, *A Dangerous Refuge: Ongoing Child Recruitment by the Kachin Independence Army*.

the Front" and "Serve and Study" where they receive training in weaponry and are stationed in a military training environment. Schools established by the KIA provide incentives for enlistment such as no school fees.⁴⁵⁵

HREIB researchers interviewed six children between the ages of 13 and 15 who tried to join the KIA between November 2007 and January 2008. All six aspiring soldiers were rejected entry into the KIA, but allowed to stay in Laiza (KIA headquarters) to continue schooling.⁴⁵⁶

But one thing under the KNU condition, the situation is sometimes difficult to understand about the child soldiers, because some children they have no parents. So the KNU leaders, they have to accommodate them.⁴⁵⁷

There are also relative differences in the treatment of underage recruits in NSAGs compared to that of the Tatmadaw. Most of the information available on this comes via human rights sources that have investigated the dire treatment of children in the government army and have conducted extensive interviews with former child soldiers outlining extreme brutality in training and conditions in the army.⁴⁵⁸ This list of brutalities does by comparison make the hard and potentially dangerous life in insurgent forces seem a better option. However, it does not excuse the requirements of international humanitarian law for NSAGs as much as for states.

One difference that holds veracity, though, is in the often limited capacity in terms of material and human resources for NSAGs and their associated welfare or social services to provide for demobilised child soldiers or other children associated with them. Such shortcomings were mentioned in interviews discussing NSAG projects for former child soldiers.

They deposited him in a house, a leaky house, with no electricity, a drunk old man just there, supposed to be taking care but not really. No food, no money, no work, no nothing. The boy had to then run away again.⁴⁵⁹

⁴⁵⁵ Ibid., 7.

⁴⁵⁶ Human Rights Education Institute of Burma, *Forgotten Future: Children Affected by Armed Conflict in Burma*, 58.

⁴⁵⁷ Senior member of the KNU leadership, interview, Mae Sot, November 24, 2012.

⁴⁵⁸ See, for example, descriptions of recruitment, training and conditions for child soldiers in the Tatmadaw, Preethi Nallu and Kim Jolliffe, "Men at Fifteen," (Vimeo, 2011); Human Rights Watch, *My Gun was as Tall as Me: Child Soldiers in Burma*; Karen Human Rights Group, "Forced recruitment, child soldiers and abuse in the army: Interviews with SPDC deserters KHRG #2009-F9."

⁴⁵⁹ Director of a CBO working with former child soldiers, interview, Mae Sot, August 30th, 2012

When the groups know that we are working on the child soldier issue, they always report to us like 'oh we have a child soldier here, what are we going to do?' But we also have no capacity to do to take care of them. We try to find a shelter and an aid group for them. But no one is really doing this.⁴⁶⁰

Protection of children from the effects of armed conflict

Beyond direct recruitment as under age soldiers, children in areas contested or controlled by NSAGs and the Tatmadaw also face other threats to their safety, security and well-being. Displacement due to conflict, malnutrition, inadequate access to health care and education, and exposure to conflict related dangers such as landmines and unexploded munitions are examples of the potential dangers for children in conflict and post-conflict areas.

That also seems to happen a lot with the children where they see unexploded ordinance they go and play with them, pick them up, put in the fire, throw them, kick them.⁴⁶¹

The conflicts in themselves are the root cause of many of these other dangers to children's safety. However, short of comprehensive political settlements that address the concerns of the affected populations, armed political conflict actors, and the government, more immediate measures have been and still are required. The lack of state provision of services such as healthcare and education inside Burma, coupled with active targeting of parts of the civilian populations in ethnic areas, have had a severe impact on the lives of children, physically and mentally. The consequences for children living under such conditions of militarisation have been extensively documented by KHRG in the words and the perspectives of children affected in Karen state.⁴⁶²

The ethnic NSAGs have, to varying degrees, provided basic education services to children in areas they control. For example, the KNU, NMSP and KNPP education departments have developed school systems. The KNU in refugee camps in Thailand and inside areas of Karen state

⁴⁶⁰ A senior staff member of a local human rights NGO who engaged with NSAGs on the child soldier issue, interview, Chiang Mai, October 23rd, 2012.

⁴⁶¹ A local member of an international NGO involved in mine action and education, interview, Chiang Mai, November 28th, 2012.

⁴⁶² Karen Human Rights Group, *Growing up under militarisation: Abuse and agency of children in Karen State* (Thailand: KHRG, 2008).

controlled by them, the NMSP in their areas in Mon state,⁴⁶³ and the KNPP mainly in two Karenni refugee camps in Thailand.⁴⁶⁴ It is significant that education is valued by these armed groups. However, while it is certainly beneficial, it is not unproblematic in terms of the politicisation of education. Education in these circumstances has also reflected ethno-nationalist agendas and reinforced a separate ethnic identity as defined by the armed group. This may, therefore, maintain some children's support and future potential recruitment.⁴⁶⁵

Summary

Claimed military necessity (proposition 1)

The two issues outlined in this chapter are complex and vary within different contexts as the NSAGs provide some protective functions while also being a source of some of the threats. Landmines present the NSAGs with one of the few weapons that allow them to still hold territory inside Burma, or with which to delay attacking forces. This is significant when they are at a greater disadvantage in terms of numbers and equipment. While rarely acknowledged as militarily necessary, children have been recruited by all sides in the conflicts. The Tatmadaw's use of child soldiers was believed to have increased in the late 1990s due to it struggling with desertions and finding fighting age volunteers. For NSAGs, children have also been recruited as part of attempts to bolster numbers, notably in ceasefire periods.

Access to resources and funding (proposition 3)

As well as their use for military purposes to defend frontlines and bases, the use of landmines to protect economic resources was raised. This has become an increasing concern given the importance placed on access to resources by NSAGs, and also sometimes through their cooperation with external business interests. Various forms of structural coercion such as

⁴⁶³ South, *Ethnic Politics in Burma: States of Conflict*, 31-32.

⁴⁶⁴ Sandra Dudley, "Reshaping Karenni-ness in Exile: Education, Nationalism and Being in the Wider World," in *Exploring Ethnic Diversity in Burma*, ed. Mikael Gravers (Copenhagen, Denmark: Nordic Institute of Asian Studies, 2007).

⁴⁶⁵ Ibid. See also, regarding NSAG education systems in Burma, Marie Lall and Ashley South, "Education, Conflict and Identity: Non-state ethnic education regimes in Burma," (2012).

recruitment quotas imposed by an armed group on a family or village, are also significant in maintaining the presence of child soldiers in non-state armed forces. The consequent economic pressure to maintain working age adults and pressures on families to meet NSAG recruitment quotas have been identified as contributing to children being sent in lieu of older siblings or parents.

Variation and extent of landmine use and recruitment

The differences in landmine use for NSAGs compared to the government forces are in the frequent home-made manufacture of NSAG landmines. In particular, there are contested claims of a shorter active lifetime for these mines compared to the factory manufactured ones used by the Tatmadaw. In terms of protection activity, the role of NSAGs in some ad hoc demining and their willingness to assist MRE in areas they control or have access to, have been acknowledged. However, NSAGs have not been consistent about providing warnings or signage about landmine placement, or methodical in mapping and removal of landmines that have been deployed.

According to human rights reporters and practitioners who engage with NSAGs, overall the numbers of children under 18 in NSAGs are considerably less than those recruited by the Tatmadaw.⁴⁶⁶ However, this does not excuse the continuing presence of some under age recruits in NSAGs. “There’s a big difference in the number used by both sides, but still there’s some groups use the child soldiers and we cannot deny it.”⁴⁶⁷ The reasons for the presence of children in, or associated with, NSAGs also differs in some respects to that of state armed forces. The motivations for some children to join NSAGs includes revenge or a wish to fight against those who have attacked their families or villages. It has also included a sense of obligation to families or to wider ethnic or political causes. NSAG associated training and education facilities also provide a pathway for some underage recruits into NSAGs. Significant factors

⁴⁶⁶ Human Rights Watch, *Sold to be Soldiers: The Recruitment and Use of Child Soldiers in Burma*, 6.

⁴⁶⁷ Director of a local human rights NGO that engages with NSAGs, interview, Mae Sot, September 15th, 2012.

identified for children becoming involved with armed forces on all sides were poverty and lack of age verification. Some NSAGs have claimed a necessity to provide shelter and education for orphaned children under their care, however, they are still in a militarised environment, and are essentially associated with armed conflict.

NSAG policies and actions on landmines and underage recruitment

A variety of policies and plans addressing these issues have been developed with the NSAGs over the last decade, and especially recently, including unilateral declarations and statements, deeds of commitment (DoC), action plans, and potentially as part of the NCA with the government.⁴⁶⁸ The KNPP, NMSP, KNU and CNF have all, from 2012 to 2014, agreed to the Geneva Call DoC for the protection of children from the effects of armed conflict. This raises further questions about implementation, capacity, and monitoring of the agreements, and who will or can do this.⁴⁶⁹ This indicates the NSAGs can potentially be part of the solution as well as part of the problem. Humanitarian engagement processes on these issues and the local and international actors working with NSAGs on them are dealt with in chapter nine. In the following chapter eight, the KNPP, NMSP, ABSDF, and DKBA will be outlined for their involvement as sources of both threat and of protection in the case of landmines and children affected by armed conflict.

⁴⁶⁸ Sections pertaining to landmine use and recruitment in the NCA and the accompanying CoC were acknowledged in interviews with consultants working with the UNFC, NSAG negotiators, and observers to the ceasefire negotiations. See the text of the NCA in appendix one.

⁴⁶⁹ NSAG actions and policies on these issues are addressed in chapter eight, and policy instruments developed with external actors and with the government in addressing these issues are explored further in chapter nine.

Chapter Eight

NSAG case studies

Introduction

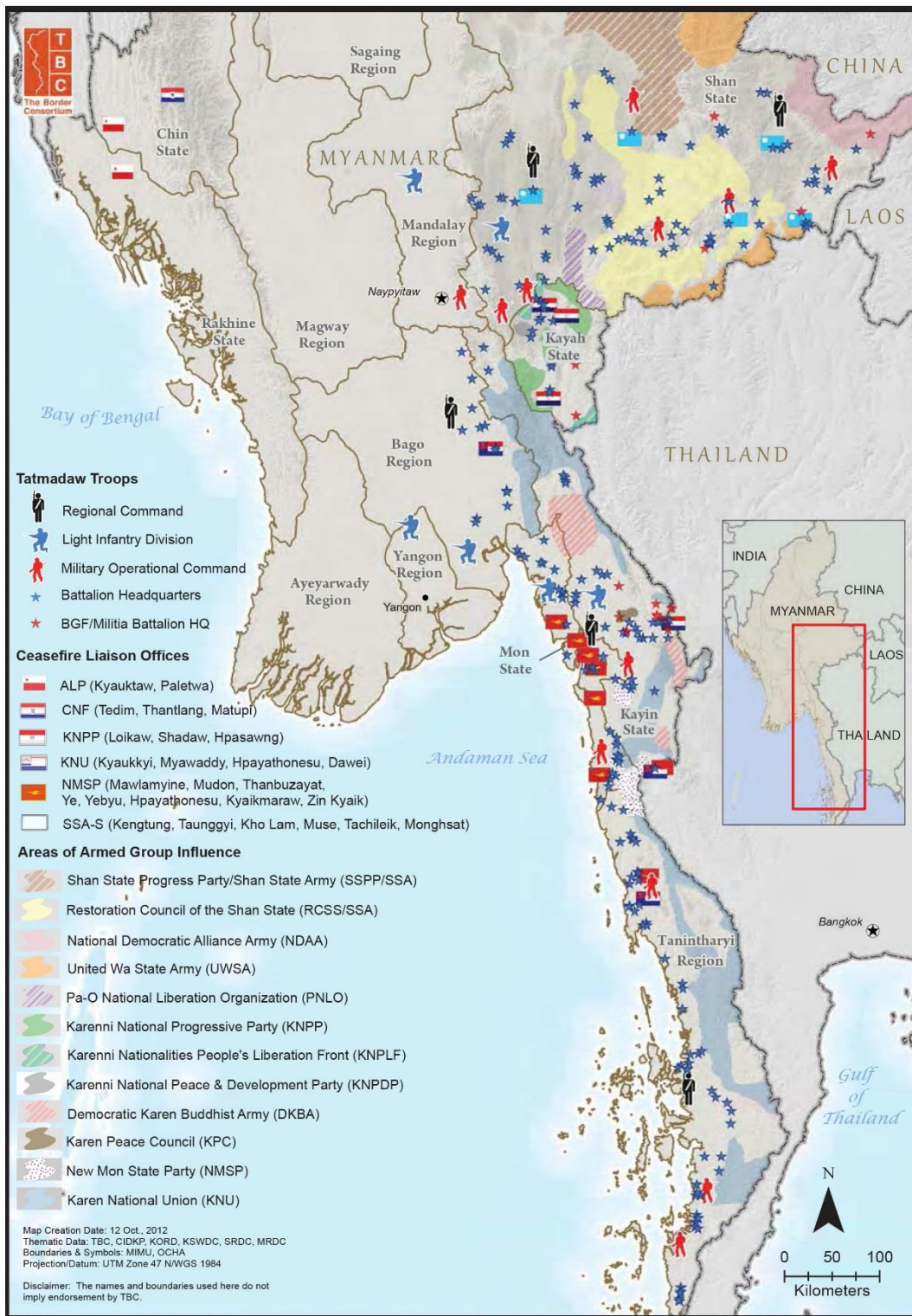
The focus of this chapter is on the development of ethno-nationalist and political NSAGs that have evolved from the numerous and diverse ethnic communities at various stages since the establishment of the Union of Burma in 1948. It is, however, far beyond the scope of the present study to provide comprehensive historical and anthropological backgrounds of each individual ethnic group. This has been done elsewhere by those more qualified to do so.⁴⁷⁰ This chapter outlines the background of four NSAGs in Burma, and the range of economic, political and social factors that have influenced their behaviour towards civilian communities. It examines, in particular, their involvement with the issues of landmine use, and children affected by armed conflict, as indicators of the extent of their compliance, or actions towards compliance, with humanitarian norms.

The four NSAGs selected for the study present a range of conflict circumstances, both ceasefire and non-ceasefire (prior to 2012), and behaviours in relation to civilian protection. Their inclusion also enables analysis of a range of policy instruments and practices, dealt with in detail in the following chapter, that have been undertaken to address landmine use and children affected by conflict. The four NSAGs considered in this chapter are: the Karenni National Progressive Party/Karenni Army (KNPP/KA); the New Mon State Party/Mon National Liberation Army (NMSP/MNLA); the All Burma Students' Democratic Front (ABSDF), and the Democratic Karen Buddhist/Benevolent Army (DKBA). These four NSAGs have all been active in southeast Burma in areas close, to or bordering, with Thailand. The time period is from 1949 through to 2015. However, most documentary information and interview data regarding the issues of

⁴⁷⁰ See, for example Thant Myint-U, *The River of Lost Footsteps: Histories of Burma*; Michael Aung-Thwin and Matrii Aung-Thwin, *A History of Myanmar Since Ancient Times: Traditions and Transformations* (London, UK: Reaktion Books, 2012); Emmanuel Guillon, *The Mons: A Civilization of Southeast Asia* (Bangkok, Thailand: Siam Society, 1999); Mikael Gravers, ed. *Exploring Ethnic Diversity in Burma* (Copenhagen, Denmark: NIAS Press, 2007); Sadan, *Being and becoming Kachin: Histories beyond the state in the borderworlds of Burma*.

landmines and children affected by armed conflict, covers the period from the 1990s to the present day. Each group's historical background, political, economic, and social dimensions are first outlined. The NSAGs' involvement with landmines and children affected by armed conflict, especially threats they pose themselves through these issues to constituent populations, is then examined. This chapter concludes with an assessment of the factors identified as influencing the NSAGs in regard to these two issues.

Contested Areas in South East Burma/Myanmar



Map used by permission of The Border Consortium (TBC)

The Karenni National Progressive Party/Karenni Army (KNPP/KA)

Karenni or Kayah state,⁴⁷¹ located to the north of Karen state and to the south of Shan state on the Thai-Burma border, is the geographically smallest of the ethnic states in Myanmar. It has an estimated population of 250,000,⁴⁷² with Christianity being the dominant religion although Buddhism is also present.⁴⁷³ The small state has a series of mountain ranges and rivers running north-south through it. The two major rivers are the Salween to the east and the Pon to the west running north-south through the state.⁴⁷⁴ Karenni state's most significant natural resources are teak forests that have been heavily logged and depleted over decades by all parties to the conflict, as well as by external Thai business interests. The logging of these forests has been a major economic activity the profits of which have helped fund the KNPP insurgency and other NSAGs as well as the Burma government itself.⁴⁷⁵ Tin is also mined at Mawchi in a government controlled part of the state.⁴⁷⁶ Hydro-electric power from the Lawpita Dam on the Belauchaung river (a tributary of the Pon) near Loikaw supplies 20 per cent of Burma's electricity.⁴⁷⁷ It has been "providing electricity for the national grid for half a century and yet local villages remain dependent on candlelight."⁴⁷⁸ The natural resources of the state have, therefore, benefitted external actors, armed groups and the central Burmese government, but rarely the local civilian population and have been a major factor in the conflicts there. Karenni remains one of the poorest states in Burma with an ongoing lack of health care services, high

⁴⁷¹ The official government name for Karenni state is Kayah state. Karenni is the name used by the KNPP.

⁴⁷² Karenni Homeland, "Background Information: The People, Geography, Political History," <http://www.karennihomeland.com/ArticleArticle.php?ContentID=58>.

⁴⁷³ Callahan, *Political Authority in Burma's Ethnic Minority States: Devolution, Occupation, and Coexistence*, 37.

⁴⁷⁴ Vicky Bamforth, Steven Lanjouw, and Graham Mortimer, *Conflict and Displacement in Karenni: The Need for Considered Approaches* (Chiang Mai, Thailand: Burma Ethnic Research Group, 2000), 12-13.

⁴⁷⁵ *Ibid.*, 23-4.

⁴⁷⁶ *Ibid.*, 23-25.

⁴⁷⁷ Callahan, *Political Authority in Burma's Ethnic Minority States: Devolution, Occupation, and Coexistence*, 38.

⁴⁷⁸ The Border Consortium, *Poverty, displacement and local governance in Southeast Burma/Myanmar* (Bangkok, Thailand: TBC, 2013), 11.

levels of displacement, and resource depletion. Villagers have often been called upon for taxation, recruitment and forced labour from multiple armed actors. These have included the Tatmadaw, government-aligned ceasefire groups, and the main NSAG opposed to the government in Karenni state, the KNPP. Consequently, Karenni has been one of the most badly affected areas in Burma by over 60 years of civil war.⁴⁷⁹

Karenni state was left as a separate state by the British during the era of colonial administration and the Karenni assumed, especially following their support for the British against the Japanese in the Second World War, that it would be an independent state after Burma gained independence in 1948.⁴⁸⁰ However, it was occupied by the Burma army in August of 1948. The larger Karen National Defence Organisation (KNDO) and the KNU based in Karen state to the south helped to develop armed resistance in Karenni in the late 1940s.⁴⁸¹ This was part of the wider wave of ethnic and communist insurgencies that faced the Union of Burma government immediately after independence in 1948. Initially, the independent Karenni state and army led by Sao Wunna, with surplus weapons left-over from the Second World War, was able to hold parts of the state including the copper mines at Mawchi.⁴⁸² However, by the mid-1950s the government army controlled the main towns such as Loikaw, Shadaw, and Mawchi.

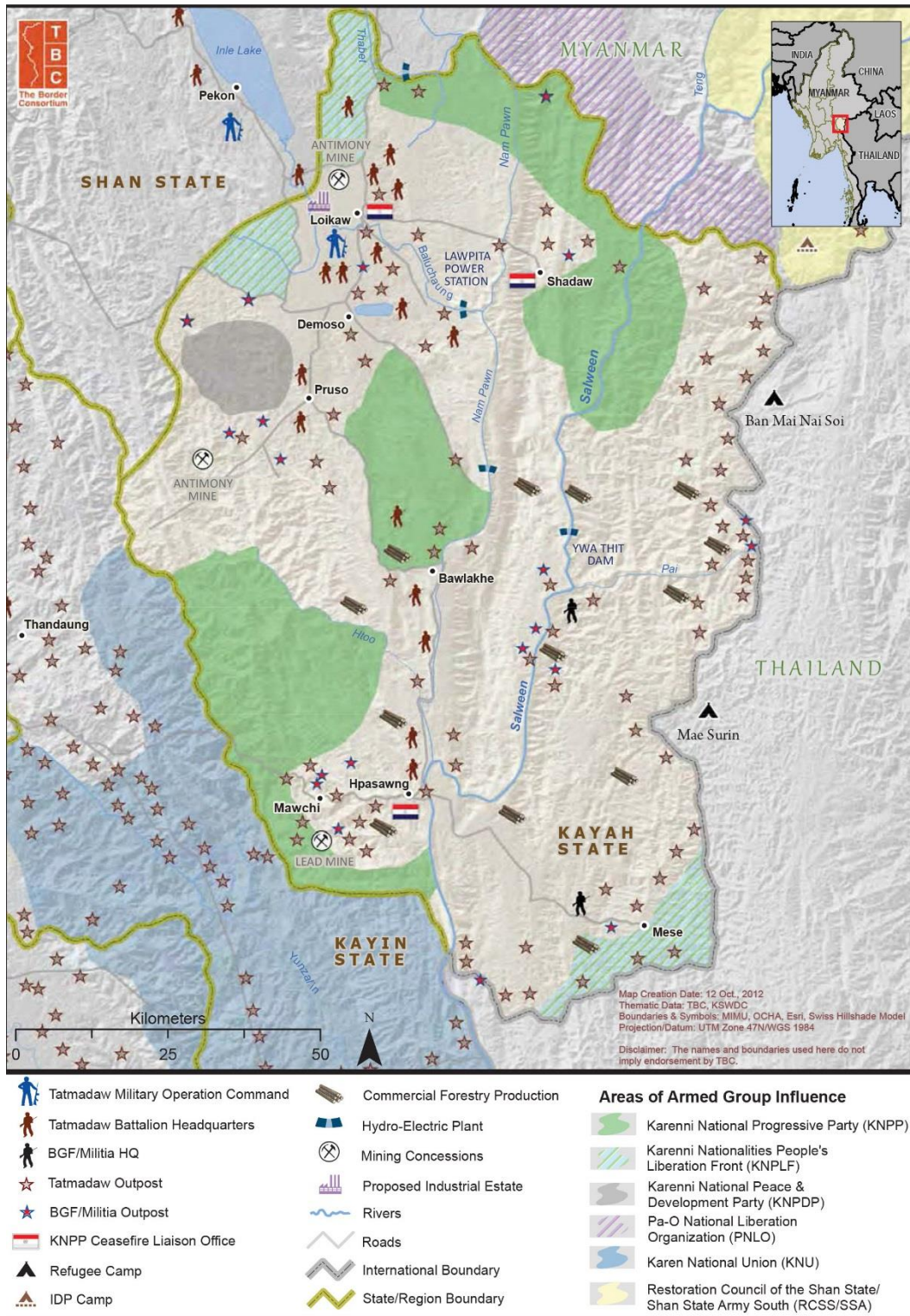
⁴⁷⁹ See for example, Carl Grundy-Warr and Elaine Wong Siew Yin, "Geographies of Displacement: The Karenni and The Shan Across The Myanmar-Thailand Border," *Singapore Journal of Tropical Geography* 23, no. 1 (2002); Bamforth, Lanjouw, and Mortimer, *Conflict and Displacement in Karenni: The Need for Considered Approaches*.

⁴⁸⁰ Smith, *Burma: Insurgency and the Politics of Ethnicity*, 72.

⁴⁸¹ Bamforth, Lanjouw, and Mortimer, *Conflict and Displacement in Karenni: The Need for Considered Approaches*, 16.

⁴⁸² *Ibid.*, 39.

Map 8 : Karenni / Kayah State



Map used by permission of The Border Consortium (TBC)

The KNPP was formed in 1957 to oppose this occupation.⁴⁸³ However, during the following decades, the Tatmadaw steadily increased its numbers in the state to contain insurgency and to protect the government controlled mines and hydro-power resources. The KNPP maintained an armed resistance to the Burma army up to 2012, and, although considerably weakened, it is still able to operate in parts of the north and southwest (adjacent to KNU areas) of Karenni state.⁴⁸⁴ “You know that when you go to Shadaw, when you go beyond this area this is the area of the KNPP. Only the town is controlled by the government. Beyond the town is KNPP.”⁴⁸⁵

Shadaw township is their area. To the north, the northern part of Loikaw. This area was always under control by the KNPP...Another area is in Mawchi region, maybe the western part of Pruhso township is also, and the eastern part of Demoso township. They operate and they control and influence previously, but now, the government deploy their troops, many troops.⁴⁸⁶

The KNPP, like the KNU and other NSAGs operating adjacent to the Thai border, has also made use of the proximity of Thailand across the border as a safe area and source of financial support, supplies and arms.⁴⁸⁷

The KNPP split during the late 1970s and early 1980s along the then Cold War ideological divide, with the leftward leaning and Communist Party of Burma (CPB)-influenced Karenni State Nationalities Liberation Front (KSNLF)⁴⁸⁸ eventually breaking away and fighting the more ethno-nationalist focused KNPP. This conflict seriously damaged the strength and cohesion of the KNPP which had previously enjoyed broad popular support.⁴⁸⁹ From its formation in 1957, the KNPP was led for the next

⁴⁸³ Ibid., 31.

⁴⁸⁴ See, The Border Consortium, "Contested areas in Southeast Burma/ Myanmar," <http://www.theborderconsortium.org/media/58069/12-11-contested-areas-in-south-east-burma-myanmar.pdf>.

⁴⁸⁵ Local member of an INGO involved in MRE in Karenni state, interview, Loikaw, September 2nd, 2014

⁴⁸⁶ Member (with access to NSA areas) of a local NGO involved in MRE in Karenni state, interview, Loikaw, September 4th, 2014.

⁴⁸⁷ Bamforth, Lanjouw, and Mortimer, *Conflict and Displacement in Karenni: The Need for Considered Approaches*, 35.

⁴⁸⁸ Christina Fink, *Living Silence: Burma Under Military Rule* (Bangkok: White Lotus, 2001), 47.

⁴⁸⁹ Smith, *Burma: Insurgency and the Politics of Ethnicity*, 345-47.

twenty years by Saw Maw Reh, a former soldier who had fought with the British against the Japanese during the Second World War. He was eventually replaced in 1977 by Htae Buphe who led the KNPP until his death in 2011.⁴⁹⁰ It has since been led by Abel Tweed.

Following the 1988 upheavals in Burma's urban centres and the 1989 ceasefires with the former CPB groups in northern Burma, the SLORC and the Tatmadaw was able to refocus its attention on the remaining non-ceasefire NSAGs along its eastern borders with Thailand. The KNPP (as well as the KNU and NMSP) faced Tatmadaw offensives in 1989-1991, with the KNPP losing its main base on the Pai river in 1989.⁴⁹¹ A short-lived ceasefire in 1995 broke down within a few months. Major relocations of the civilian population were carried out by government forces during further offensives in 1996. The relocations and displacement present an example of the Tatmadaw's 'four cuts' counter-insurgency strategy, to clear contested territory of populations that could potentially offer support to rebel NSAGs. In Karenni, this resulted in considerable internal displacement and movement of refugees across the border into Thailand.⁴⁹²

In 1994, other NSAGs active in Karenni state, the Karenni Nationalities People's Liberation Front (KNPLF, formerly the KSNLF), Kayan New Land Party (KNLP), and the Shan State Nationalities Liberation Organisation (SSNLO) agreed to ceasefires with the government.⁴⁹³ The KNPLF also took control of the lucrative border crossings that had previously been in the hands of the KNPP and that had supplied much of the KNPP's revenue.⁴⁹⁴ This further marginalised the KNPP politically and economically. It remained the only non-ceasefire group active in Karenni

⁴⁹⁰ Karenni Homeland, "KNPP chairman passes away," <http://www.karennihomeland.com/NewsFrontLineArticle.php?ContentID=266>.

⁴⁹¹ Smith, *Burma: Insurgency and the Politics of Ethnicity*, 413.

⁴⁹² Bamforth, Lanjouw, and Mortimer, *Conflict and Displacement in Karenni: The Need for Considered Approaches*, 43-44.

⁴⁹³ Smith, *Burma: Insurgency and the Politics of Ethnicity*, 446.

⁴⁹⁴ Callahan, *Political Authority in Burma's Ethnic Minority States: Devolution, Occupation, and Coexistence*, 37.

state, while parts of the state remained under the control of the Tatmadaw and ceasefire groups.

The KNPP continued to wage a low intensity guerrilla war against the government⁴⁹⁵ until a ceasefire agreement was finally reached in March 2012.⁴⁹⁶ The KNPLF and some smaller ceasefire groups,⁴⁹⁷ meanwhile, agreed to become part of the BGF under Tatmadaw control in 2009.⁴⁹⁸ The reduction politically of the role of the ceasefire NSAGs to BGF units may have also assisted the KNPP in again presenting itself to the Karenni population as a more representative or legitimate opposition NSAG in the post-2012 ceasefire era.

As a result of the breakaway factions and sustained government offensives, the KNPP leadership, as well as refugees, have been largely forced into exile in Thailand since the mid-1990s. In 2012, there were still approximately 13,000 refugees from Karenni state in two refugee camps near the Thai-Burma border in Mae Hong Son province and another 34,600 IDPs inside Karenni state.⁴⁹⁹ The numbers have previously been higher, especially following the 1990s offensives in Karenni state, with an estimated 17,000 refugees from Karenni state⁵⁰⁰ in Thai refugee camps in 2002.⁵⁰¹

The KNPP, since the March 2012 ceasefire, has also been involved in some initial civilian protection related peace-building activities (as have the KNU and NMSP) that involve consultations with civilian populations. These have been undertaken with assistance from the Myanmar Peace Support Initiative (MPSI) with local communities and CBOs inside Karenni

⁴⁹⁵ Sai Wan Mai, "Karenni troops launch attack on Burmese Army outpost," *Mizzima News* October 29th, 2010.

⁴⁹⁶ "Burma: Government, Rebels Sign Ceasefire," *Eurasia Review* March 8, 2012.

⁴⁹⁷ The Kayan National Guard (KNG), The Karenni National Unity League (KNUL), the Naga and Hoya groups, South, *Ethnic Politics in Burma: States of Conflict*, 70.

⁴⁹⁸ Ashley South, *Prospects for Peace in Myanmar: Opportunities and Threats* (Oslo: Peace Research Institute (PRIO), 2012), 38.

⁴⁹⁹ The Border Consortium, *Programme Report July to December 2012* (Bangkok, Thailand: The Border Consortium, 2012), x, 9.

⁵⁰⁰ People from Karenni state identify themselves within a variety of ethnic groups – Kayah, Kayan, Shan etc. The number refers to people from the geographic territory of Karenni state rather than from a specific ethnicity.

⁵⁰¹ Grundy-Warr and Wong Siew Yin, "Geographies of Displacement: The Karenni and The Shan Across The Myanmar-Thailand Border," 109.

state.⁵⁰² The 2012 ceasefire agreement also enabled the KNPP to establish companies and conduct limited business activities to support the organisation, including exploration for lead mining and the timber trade.⁵⁰³

KNPP and civilian protection issues

KNPP and landmines

The armed wing of the KNPP, the Karenni Army (KA), was listed as a landmine user in the 2005 Geneva Call report on landmines and non-state actors in Burma,⁵⁰⁴ and was still mentioned as a producer of landmines on the 2012 Landmine and Cluster Munition Monitor Myanmar/Burma country profile.⁵⁰⁵ The KA has used landmines as part of its strategy against the government forces, often to defend positions. Most of its landmines, according to the present leadership, are home-made. The claims made by other NSAGs about the supposed short life of such landmines, were also repeated.

For the Karenni Army, we have limited landmines, we cannot buy them easily...we can make a handmade landmine for a short period for use. It can only last 2 or 3 months or 6 months no more beyond that.⁵⁰⁶

The use of home-made landmines by the KA against the Tatmadaw was also mentioned by observers with access to the front lines from the KA side who witnessed the 1995-97 fighting during the Tatmadaw offensives in Karenni state.⁵⁰⁷ The KNPP has also used landmines to protect resources on which it relied to sustain itself through trade. For example, the KNPP laid landmines around a mountain in eastern Karenni state where valuable minerals were located in order protect their business and resource interests.⁵⁰⁸

⁵⁰² Naw Noreen, "Karenni rebels reach out to locals over peace talks."

⁵⁰³ Burma News International, *Deciphering Myanmar's Peace Process: A Reference Guide 2015*, 67.

⁵⁰⁴ Geneva Call, *Armed Non-State Actors and Landmines: Volume One: A Global Report Profiling NSAs and their Use, Acquisition, Production, Transfer and Stockpiling of Landmines* (Geneva, Switzerland: Geneva Call, 2005), 75-7.

⁵⁰⁵ Landmine and Cluster Munition Monitor, "Myanmar/Burma Mine Action Contamination and Impact."

⁵⁰⁶ Senior member of leadership, KNPP, interview, Mae Hong Son, December 23rd, 2012

⁵⁰⁷ Chapman, *Karenni: The Forgotten War of a Nation Besieged*, 8-9.

⁵⁰⁸ A member of a local NGO who had grown up in this area of Karenni state, focus group discussion, Yangon, September 12, 2013.

A protection role that KNPP soldiers have been identified with, related to the landmine issue, was in assisting some Karenni refugees to move across eastern Karenni state and over the border into Thailand. This was a consequence of the Tatmadaw policy of creating a 'free-fire zone' from east of the Salween river up to the Thai border, with the intention in the 1990s of emptying the area of civilians and any potential support to the KNPP. This area was "heavily mined by both the Tatmadaw and by the KA."⁵⁰⁹ Consequently, KNPP assistance to civilians through the difficult terrain to avoid government forces, and avoid Tatmadaw and KA landmines, would have been valuable for those attempting to flee to the border.

The KNPP issued a unilateral statement in 2006 about its use of landmines. According to the KNPP, regarding landmines and MRE, and potential future landmine clearance,

The KNPP are willing to cooperate with legitimate individuals or organizations that engage in landmine education or lobby to ban the production of landmines in order to reduce their use. This cooperation would help ensure the clearance of landmines when peace finally comes to our country.⁵¹⁰

Since the government at the time would not allow any external MRE, clearance, or monitoring activity inside the country, the KNPP was unlikely to have been visited by international organisations to monitor its claims. The KNPP could have been reasonably sure of no external organisations being allowed to monitor inside Burma (and in areas where the KNPP/KA were active) at this time, so it was unlikely to be tested on the statements it made. However, this was reiterated more recently in an interview with the leadership regarding their openness to external organisations being allowed access to KNPP areas. "If it is part of their work, they will come.

⁵⁰⁹ Grundy-Warr and Wong Siew Yin, "Geographies of Displacement: The Karenni and The Shan Across The Myanmar-Thailand Border," 105.

⁵¹⁰ Karenni National Progressive Party, "Statement No. 02/06: Statement on the use of landmines," (2006). See a copy of this statement in appendix 2.

We have no reason to say no to anybody or any organisation if they are allowed by the government to do so.”⁵¹¹

The KNPP’s 2006 statement about landmines makes the point, also made by some other NSAGs, about their use for defensive purposes and makes the claim that they attempt to avoid their use in civilian areas.

However, in certain circumstances we use them to defend our troops as we lack alternative means of defence. Our use of landmines is extremely limited and steps are taken to avoid civilian casualties.⁵¹²

Significantly, the KNPP acknowledges the claimed military necessity for the continued use of landmines in this statement.

The question of whether the KA warned civilians about the location of mined areas, or if they marked them, was also raised in an interview with a KNPP leader.

If we intentionally have to plant the landmines for some reason, that will be the place where no civilians can access, or if we think that there can be danger to civilians we will not do that.⁵¹³

Interview respondents confirmed the use, in the past, of verbal warnings, but not signs, by the KNPP (and KNPLF) regarding the location of landmines to villagers. “Long ago if they know about mines are there they inform people ‘don’t go there.’ They don’t set up signs. KNPLF also inform the people.”⁵¹⁴

The KNPP leadership also indicated that they retained a supply of landmines and the potential to use them should current negotiations or ceasefires not hold. This was given as a reason for why they had not yet agreed to a unilateral declaration and renunciation of landmine use and accompanying practical measures to achieve this.

⁵¹¹ Senior member of leadership, KNPP, interview, Mae Hong Son, December 23rd, 2012.

⁵¹² Karenni National Progressive Party, "Statement No. 02/06: Statement on the use of landmines."

⁵¹³ Senior member of leadership, KNPP, interview, Mae Hong Son, December 23rd, 2012.

⁵¹⁴ Member of a local NGO (a) involved in MRE in Karenni state, interview, Loikaw, September 3rd, 2014.

Without a concrete ceasefire agreement with the government we cannot ensure there is peace and no more need to plant landmines and that's the challenge that we have.⁵¹⁵

In 2012, all seven township areas in Karenni state still had serious landmine contamination problems due to decades of landmine deployment by government and NSAG forces.⁵¹⁶ KA soldiers have been involved in some limited attempts at mine clearance which is evidenced by a report from the FBR that two KA soldiers and an FBR medic were killed during demining operations in 2011.⁵¹⁷ Villagers interviewed by CBOs for the TBC indicated continued landmine contamination, the KA's role in landmine use, and acknowledged the need for government or KNPP soldiers to undertake clearance. "In the south of our village, there used to be a Karenni soldiers' camp, so we have to be worried about landmines around that place."⁵¹⁸

Our villagers do not know how to clean the landmines, so it is better for those who know how to clean the landmines. We also do not know what type of mine it is and we do not know what kind of shape the landmines are too. So, it will be better that the government or the Karenni troops can check and clean the landmines.⁵¹⁹

Interview respondents indicated the KNPP has also been involved, more systematically, in MRE. "Especially like MRE activities we try to discuss with the KNPP, because in the KNPP they have a group who is doing MRE activities."⁵²⁰

There is a group who work for the community to educate the people in terms of the mine risk education under control of the KNPP... Since 2003, they did the mine risk education low profile. So they organised the people and bring the people to the forest or where no one can see. They educate

⁵¹⁵ Senior member of leadership, KNPP, interview, Mae Hong Son, December 23rd, 2012.

⁵¹⁶ Landmine and Cluster Munition Monitor, "Myanmar/Burma Mine Action Contamination and Impact."

⁵¹⁷ Free Burma Rangers, "FBR Report: FBR Karenni Team Member Dies," <http://www.freeburmarangers.org/2011/04/08/fbr-karenni-team-member-dies/>.

⁵¹⁸ Villager (a) Mu So village, Hpruso Township, Karenni State, 2013 (interviewed by a CBO for TBC "What villagers say").

⁵¹⁹ Villager (a), Yae Ni Pouk village, Bawlake Township, Karenni state, 2013 (interviewed by a CBO for TBC "What villagers say").

⁵²⁰ Local member of an INGO involved in MRE in Karenni state, interview, Loikaw, September 2nd, 2014.

the people. I used to be one of the participants of the training. What they educate people was about the various kinds of mines and also how to avoid the mined areas.⁵²¹

KNPP and children affected by armed conflict

The KNPP has been listed by the UN as a NSAG that uses child soldiers. The Karenni Army was identified in a 2010 report that identified states and groups using child soldiers as having used them in the five years prior to 2010.⁵²² The presence of child soldiers in the KA was documented in print and in photos by a photojournalist who documented life in the front lines with the KA during intense fighting in 1996-7. The account mentions, at different times, a 13-year-old combatant and a 15-year-old trainee in the KA. The 13 year old additionally stated that revenge for the Burma Army's forced relocations and its abuses to his own family were his motivations for joining the KA.⁵²³ This resonates with other accounts both in secondary sources and in interviews conducted for this study about the motivations for some, but certainly not for all, children joining ethnic NSAGs. A 2002 HRW report identified the KA as having potentially 20 per cent of its forces, claimed by the KA itself to be around 1200 in total, under the age of 18. This estimate was supplied to HRW by a KA general at the time.⁵²⁴ "General Aung Mya estimates that 20 per cent of the soldiers in his army are under eighteen years old, which implies 200 to 250 child soldiers in total."⁵²⁵

The HRW report from 2002, however, identified the KNPP/KA as being the most open of the Burma NSAGs it had interviewed about the child soldier issue regarding the presence of children in its ranks, and the most willing to take action to address the problem.⁵²⁶ The KA General further highlighted the difficulties that confront the KNPP (and potentially other NSAGs, should they be willing) to adhere to international standards on the

⁵²¹ Member (with access to NSA areas) of a local NGO involved in MRE in Karenni state, interview, Loikaw, September 4th, 2014.

⁵²² United Nations News Centre, "UN identifies most persistent users of child soldiers in armed conflicts,"

<http://www.un.org/apps/news/story.asp?Cr=coomaraswamy&NewsID=34778>.

⁵²³ Chapman, *Karenni: The Forgotten War of a Nation Besieged*, 7 & 97.

⁵²⁴ Human Rights Watch, *My Gun was as Tall as Me: Child Soldiers in Burma*, 136.

⁵²⁵ *Ibid.*, 137.

⁵²⁶ *Ibid.*, 143.

age of recruitment. These are to do with resources, education and recognition.

We'd like to abide by the international protocol [on children in armed conflict] and have these rules within our Karenni Army too, but it is hard to get support because no one recognizes us as a legal organization...No resources means no skills. Not only for our boy soldiers, but also for the young [Burma army] deserters.⁵²⁷

This comment touches on the economic difficulties for the KNPP in taking action on this protection issue and this is acknowledged in the lack of resources and capacity. The question of legitimacy is also raised in the mention of the group's lack of legality and international recognition.

It is interesting to note that General Aung Mya mentions Burma army child soldier deserters as well as the KA's own children. This infers the role that some NSAGs have taken in the defection of child soldiers from the Tatmadaw and which has also been mentioned in other interviews with NSAG leaders, and local and international NGOs. However, the HRW report also pointed out that the KA could have released remaining under age soldiers in its ranks at the time to allow them to return to school.⁵²⁸

The KNPP/KA has taken active measures between 2002 and 2014 to remove children from its army and has attempted to make this known internationally. It has issued unilateral statements, agreed to a deed of commitment and action plan with the UN, engaged in training and workshops with local human rights NGOs, and has invited external monitoring and verification of its implementation of these measures. The KNPP initially made a public statement on the issue of child soldiers in 2006, acknowledging the presence of child soldiers previously in the Karenni Army in the 1970s and 1980s (although clearly they were still present in the 1990s and into the early 2000s). It claims they were not forcibly recruited and that the KNPP constitution prohibits such recruitment.

⁵²⁷ Ibid.

⁵²⁸ Ibid.

However, during the 1970-1980 period of the resistance movement, a number of young people under the age of 18 voluntarily joined the Karenni Army. In view of the fact that our Constitution clearly prohibits the recruitment of child soldiers, we, the KNPP, would publicly like to reiterate our stance that we do not conscript underage youths, or even adults, to be soldiers in the movement against the Burmese regime.⁵²⁹

The KNPP's 2006 statement on non-recruitment of child soldiers was followed by a deed of commitment (DoC) it signed with UNICEF in May 2007 stating that it did not recruit children into its armed forces and agreeing to undertake an action plan to remove any that were still present.⁵³⁰ Despite this commitment, the KNPP continued to be included on subsequent UN lists of NSAGs that used child soldiers in Burma. The KNPP consequently issued a statement regarding this inclusion and refuting the UN report's inclusion of them as "based on hearsay and old reports."⁵³¹

The KNPP followed this with further calls to be removed from the list in 2008 and 2009.⁵³² In its 2007 report on Burma NSAGs and child soldiers, HRW stated that it had corroborated through interviews with local NGOs, CSOs and health agencies that the KA no longer had children in its ranks⁵³³ and recommended that the KNPP be removed from the UN list.⁵³⁴ However, the UN was unable to verify the situation and the KNPP remained on the list. The 2012 UN Report of the Special Representative to the Secretary General on Children and Armed Conflict still included the

⁵²⁹ Karenni National Progressive Party, "Statement No. 01/06: Statement on the use of child soldiers," (August 31, 2006). See a copy of this statement in appendix 2.

⁵³⁰ A signed copy of this agreement is included in the appendix to Human Rights Watch, *Sold to be Soldiers: The Recruitment and Use of Child Soldiers in Burma*. See further discussion of this DoC (also signed by the KNU) in chapter nine. See the KNPP UN DoC in appendix 2.

⁵³¹ Karenni National Progressive Party, "Statement No. 02/07: In response to the UN's report on the use of Child Soldiers by Non-State Actors in Burma," (November 26, 2007). See a copy of this statement in appendix 2.

⁵³² Karenni National Progressive Party, "Press Release No. 1/08: Call for the Karenni Army's name to be removed from the list of non-state armed groups making use of child soldiers in armed conflict" (February 12, 2008). Karenni National Progressive Party, "Press Release No. 02/09: Appeal for the Karenni Army's name to be removed from the list of non-state armed groups making use of child soldiers in armed conflict," (April, 2009). See copies of these statements in appendix 2.

⁵³³ Human Rights Watch, *Sold to be Soldiers: The Recruitment and Use of Child Soldiers in Burma*, 99-100.

⁵³⁴ *Ibid.*, 102.

KNPP.⁵³⁵ The problem of the KNPP remaining on the UN list despite having taken active measures to remove children from its army was also highlighted by a CBO that works with former child soldiers:

I thought the UN didn't contact the KNPP or whoever about their use of child soldiers but it's because they're not allowed to contact. The KNPP has to contact them. So they've just gone ahead and put together this list based on rumour basically, they haven't checked with any of the non-state actors whether they actually use child soldiers or not. They got on the list by default.⁵³⁶

While engagement with the KNPP conducted at the level of the UN was unable to be continued due to state resistance, smaller, independent and less sovereignty-bound NGOs have managed to continue dialogue with the group on the child soldier issue. The Human Rights Institute of Burma (HREIB) conducted child rights training with KA commanders in 2008, who also reiterated the policy of non-recruitment under the age of 18.⁵³⁷ An issue noted by the HREIB at this stage was the definition of what constituted a child soldier. The norm HREIB advocated was that all children under 18 should not be involved in military activities. The continuing presence of children under 18 in KNPP camps, or in non-combat duties, indicated this was not as well understood by the KA commanders who attended the training and who were interviewed by HREIB.⁵³⁸ A local CBO working with former child soldiers also raised the problem of children in KNPP camps or in non-combat duties, and of these children's own wishes sometimes to join the army while they were still under age.

⁵³⁵ United Nations Human Rights Council, " A/HRC/21/38, Annual report of the Special Representative of the Secretary-General for Children and Armed Conflict, Radhika Coomaraswamy," 20.

⁵³⁶ Director of a CBO working with former child soldiers, interview, Mae Sot, August 30th, 2012.

⁵³⁷ Three staff/former staff members of HREIB, confirmed in three different interviews, (August/ October 2012, and June 2015) that HREIB had engaged with and undertaken training, as well as facilitated engagement for international NGOs and UN agencies with the KNPP on the child soldier issue.

⁵³⁸ Human Rights Education Institute of Burma, *Forgotten Future: Children Affected by Armed Conflict in Burma*, 61.

KNPP last time I visited them had six kids who they were desperately trying to keep in school who desperately wanted to go into the army and they were struggling with keeping them in school.⁵³⁹

A 2015 interview by the Open History Project with a Karenni male now aged 22 mentions not being permitted to join the KA at age 14 (this would have been approximately 2007) when he first tried. He eventually joined a CBO.

I made the decision to leave home to join the Karenni army. At that time, I was fourteen years old. When I got there, they did not allow me to be a soldier as I was very young for the Karenni army. I was sent to a refugee camp by the commander and went to school in grade nine. I went to school for two years until I graduated grade ten. After I had graduated from grade ten, I continued studying at the Social Development Center an NGO providing education on college level for refugees training course for ten months. But in the end, I joined an organisation and work as a community worker until now.⁵⁴⁰

The KNPP has, therefore, made attempts to have its non-use of children in its army known and has been willing to have this monitored and verified by independent external observers. The opposition of the host state and sometimes of a neighbouring state has inhibited such action. This was how the leadership of the KNPP viewed the situation in December 2012.

I wonder very much whether the Burmese government would agree to allowing the international observers to come into the country and access to the area where we are, to survey or to explore a situation on the ground.⁵⁴¹

The UN and HREIB engagement with the KNPP was also at the outset of engagement with the KNPP by the INGO, Geneva Call. The Geneva Call

⁵³⁹ Director of a CBO working with former child soldiers, interview, Mae Sot, August 30th, 2012.

⁵⁴⁰ A 22-year-old male Karenni refugee interviewed by the Open History Project, July 27, 2015. Open History Project, "I'd like to Share my Story," <http://www.openhistoryproject.com/id-like-to-share-my-story/>.

⁵⁴¹ Senior member of leadership, KNPP, interview, Mae Hong Son, December 23rd, 2012.

Deed of Commitment for the Protection of Children from the Effects of Armed Conflict was eventually signed by the KNPP in August of 2012.⁵⁴²

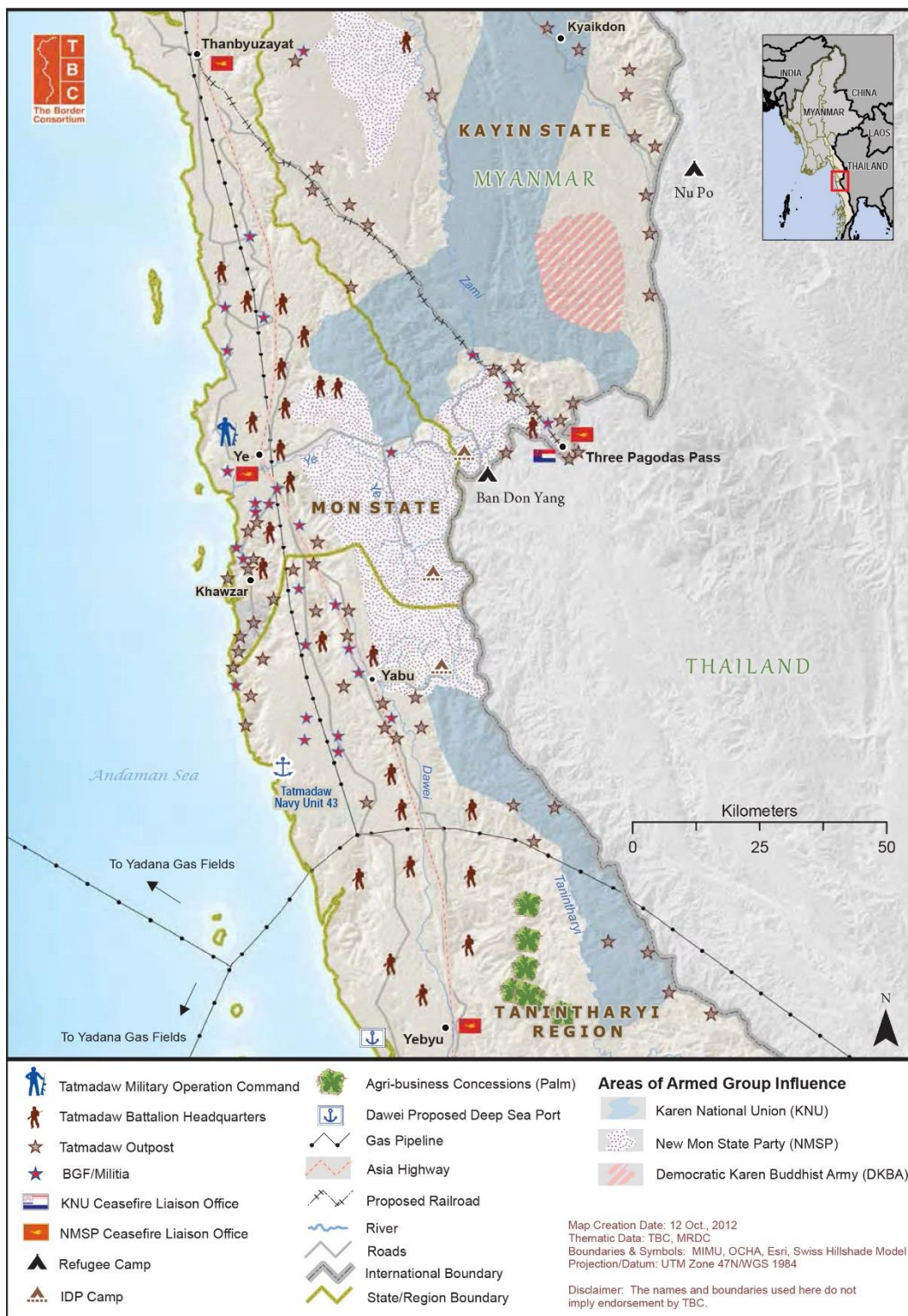
The New Mon State Party/Mon National Liberation Army (NMSP/MNLA)

Mon state consists of a narrow strip running northwest to southeast with a coastline on the Gulf of Martaban and the Andaman Sea, with Karen state and Bago (Pegu) division to its north, the Tanintharyi (Tenasserim) division of Myanmar to the south, and a mountainous border with Karen state to its east. It has a small border area with Thailand in the southeast. The Mon language is distinctly separate from Burmese and comes from the Mon-Khmer group of languages; however, the Mon religion is predominantly Buddhist like that of the majority of ethnic Burmans in Burma. Due to conflict and incomplete government census data the Mon population can only be roughly estimated at one and a half million, although not all of those people necessarily speak the Mon language.⁵⁴³

⁵⁴² Geneva Call, "Karenni National Progressive Party: Declaration on the Deed of Commitment for the Protection of Children from the Effects of Armed Conflict," http://www.genevacall.org/resources/nsas-statements/f-nsas-statements/2001-2010/2012_2agu_KNPP.pdf. The Geneva Call engagement and DoC process with Burma NSAGs is discussed further in detail in chapter nine.

⁵⁴³ South, *Mon Nationalism and Civil War in Burma: The Golden Sheldrake*, 19-23.

Southern Mon Areas



Map used by permission of The Border Consortium (TBC)

Mon nationalism found expression in the All Rammonya Mon Association formed in 1937, and the Mon Youth Organisation in 1941.⁵⁴⁴ Unlike the Karen, the Buddhist Mon were not recruited into colonial forces or very involved in the British led resistance to Japanese occupation during the Second World War.⁵⁴⁵ Mon nationalist leaders, however, opposed the Burman dominated government of U Nu from the time of Burma's independence in 1948 as did the Karen and many other ethnic groups. Consequently, some Mon went 'underground' and took up arms in unity with the Karen rebellion. The Mon National Defence Organisation and Mon United Front, were developed with the assistance of the KNDO in 1949.⁵⁴⁶ From 1953 the Mon People's Front (MPF) fought the government forces of U Nu. In 1958 the MPF agreed a ceasefire in return for limited concessions and a role inside government.⁵⁴⁷ The NMSP was established at this time by Nai Shwe Kyin,⁵⁴⁸ a leading figure in the MPF who was opposed to the 1958 settlement and who consequently formed the NMSP to continue the armed struggle.⁵⁴⁹ The goals of the NMSP were for either a separate Mon state, or an autonomous Mon state within a genuinely federal Burma state structure that would allow sufficient self-determination.⁵⁵⁰

Since Mon state shared a border area with Thailand, the NMSP throughout the 1960s to late 1980s was able to control lucrative border trade routes (particularly at Three Pagodas Pass near the Thai town of Sangkhlaburi) as did the larger KNU to its north. As a result of the disastrous economic policies of military dictator Ne Win's Burma Socialist Programme Party (BSPP) government after he took power in a coup in 1962 through until 1988, a thriving illicit trade in goods across the border from Thailand developed. The NMSP and KNU were, therefore, able to

⁵⁴⁴ Smith, *Burma: Insurgency and the Politics of Ethnicity*, 53.

⁵⁴⁵ South, *Mon Nationalism and Civil War in Burma: The Golden Sheldrake*, 95.

⁵⁴⁶ Smith, *Burma: Insurgency and the Politics of Ethnicity*, 86; Lintner, *Burma in Revolt: Opium and Insurgency since 1948*, 488.

⁵⁴⁷ New Mon State Party, "Mon History," <http://www.nmsp.info/monhis.php>.

⁵⁴⁸ Nai Shwe Kyin led the NMSP from 1958 to 2003. His leadership was temporarily interrupted in 1981 when he was replaced by Nai Non Lar. However, in 1987 Nai Shwe Kyin returned to the leadership until his death in 2003.

⁵⁴⁹ South, *Mon Nationalism and Civil War in Burma: The Golden Sheldrake*, 119.

⁵⁵⁰ New Mon State Party, "Our Aim," <http://www.nmsp.info/aim.php>.

derive tax revenue to finance their armed struggle and the running of the administration of their micro-states.⁵⁵¹ The 1960s and 1970s were the most fertile period for the NMSP and many other ethnic NSAGs in terms of income from taxes and control over border toll gates and black market economies that grew as a result of the breakdown of Ne Win's BSPP economic policies.⁵⁵² Politically, at the state level, the NMSP also received some covert assistance from Thailand at this time as it guarded the border as a proxy for the Thai military.⁵⁵³

By 1971 the NMSP had formed a separate military wing, the Mon National Liberation Army (MNLA), in keeping with other ethnic NSAGs like the KNU, KNPP, or KIO, with corresponding political and armed wings. At this time it had over 1000 troops operating in "small mobile columns and guerrilla units" in Mon state.⁵⁵⁴ At the height of its powers during this period in the 1970s the NMSP/MNLA was able to conduct operations in southern Mon state as well as in the northern Tenasserim division and into southern Karen state.⁵⁵⁵ Following Ne Win's coup in 1962, and especially from the 1970s onwards, government policies outlawing the use of the Mon language and counter-insurgency tactics against the NMSP, drove many Mon villagers into the NMSP controlled areas under a parallel NMSP state system. This, consequently, contributed to the NMSP's support, legitimacy with their own population, and recruits to its cause.⁵⁵⁶

The MNLA established a battalion structure corresponding to NMSP geographic regions in Mon state in much the same way as the KNLA brigade structure corresponds to KNU administered districts in Karen state. The NMSP and KNU coordinated operations against the Burma Army throughout most of the period from the 1960s up to the NMSP-SLORC 1995 ceasefire, with the larger KNU providing support to the smaller Mon NSAG.⁵⁵⁷ Indeed, in many respects "the history of Nai Shwe

⁵⁵¹ South, *Mon Nationalism and Civil War in Burma: The Golden Sheldrake*, 125-26.

⁵⁵² Sherman, "Burma: Lessons from the Cease-Fires," 232.

⁵⁵³ South, *Mon Nationalism and Civil War in Burma: The Golden Sheldrake*, 126.

⁵⁵⁴ Smith, *Burma: Insurgency and the Politics of Ethnicity*, 222.

⁵⁵⁵ Human Rights Watch, *My Gun was as Tall as Me: Child Soldiers in Burma*, 144.

⁵⁵⁶ South, *Ethnic Politics in Burma: States of Conflict*, 32.

⁵⁵⁷ *Ibid.*, 31.

Kyin's NMSP mirrored that of the KNU.⁵⁵⁸ However, there was a short armed conflict between the two groups in 1988 over control of the lucrative Three Pagodas Pass toll gate on the Thailand/ Burma border.⁵⁵⁹

The MNLA was estimated to have 8000 soldiers in the early 1990s but, by the time of the 1995 ceasefire, the group's strength was estimated to be about 2000,⁵⁶⁰ to 2500.⁵⁶¹ A potential economic explanation for this was the reduction in ammunition and supplies due to its loss of control over the Thai-border black market trade. Nonetheless, an NSAG of 2500 soldiers is still a significant force on the scale of NSAGs operating in Burma, many of whom (the KNPP for example), have even fewer troops. A 2005 report described the group in its post-ceasefire incarnation as "a small but well equipped armed force."⁵⁶² However, a lack of central control had also been identified. "The Mon army was not noted for the effectiveness of its command structure....troops were as likely to be loyal to local commanders as to Central."⁵⁶³ The problem of involvement in economic activities such as logging leading to local commanders behaving autonomously in warlord-type activity independent of central control (also a feature of local Tatmadaw and allied NSAG commanders) is a potential fracture line that has led to splinter groups breaking away from the NMSP following the 1995 ceasefire. The NMSP's fear of factionalism resulting in breakaway armed groups has also been identified as a contributing factor in it agreeing to the 1995 ceasefire.⁵⁶⁴ This was likely to have also been influenced by the NMSP having witnessed the disastrous consequences for the KNU of its split with the DKBA in 1994-1995.

⁵⁵⁸ South, *Mon Nationalism and Civil War in Burma: The Golden Sheldrake*, 131.

⁵⁵⁹ Lintner, *Outrage: Burma's Struggle for Democracy*, 151-52. This conflict occurred in July and August 1988 at the same time as the pro-democracy protests in Rangoon were being put down by the army.

⁵⁶⁰ Geneva Call, *Armed Non-State Actors and Landmines: Volume One: A Global Report Profiling NSAs and their Use, Aquisition, Production, Transfer and Stockpiling of Landmines*, 77.

⁵⁶¹ South, *Mon Nationalism and Civil War in Burma: The Golden Sheldrake*, 226.

⁵⁶² Geneva Call, *Armed Non-State Actors and Landmines: Volume One: A Global Report Profiling NSAs and their Use, Aquisition, Production, Transfer and Stockpiling of Landmines*, 77.

⁵⁶³ South, *Mon Nationalism and Civil War in Burma: The Golden Sheldrake*, 222.

⁵⁶⁴ Ibid.

At the start of the 1990s, having established ceasefires with former CPB groups in northern Shan state, and then with the KIO in 1994 in northern Burma, the Tatmadaw was able to concentrate on the remaining non-ceasefire groups, the KNU, KNPP, and NMSP, along its eastern border with Thailand. At this time, relations between Thailand and Burma also improved due to the growth of Thai government and business interests in Burma. These interests included logging concessions from the SLORC government in Burma, the development of a gas pipeline from the Gulf of Martaban across Mon state to Thailand, the development of a deep sea port on the Mon state coast, and a road from it across Mon state into Thailand.⁵⁶⁵ These developments meant the Thai government was less well disposed towards the insurgent groups operating from its territory and blocking potentially lucrative development projects on its border.⁵⁶⁶

The Tatmadaw offensives against the NMSP in the early 1990s drove thousands of Mon refugees up to, and across, the borders with Thailand.⁵⁶⁷ The NMSP's closest and strongest ally, the KNU, then came under sustained attack and lost its main base at Mannerplaw and much of its remaining territory in Karen state in 1995 due to the internal KNU split with the breakaway government-allied DKBA faction. At the same time, the Tatmadaw attacked NMSP outposts in Mon state where the NMSP was increasingly hard pressed. The NMSP suffered from a shortage of ammunition, and increasing internal pressure from pro-ceasefire advocates from within the group, and from within the civilian population, for an agreement to halt the fighting.⁵⁶⁸ Faced with being overrun by Burma government forces, and threats from the Thai government to forcibly repatriate the thousands of Mon refugees, the NMSP agreed to a ceasefire in June 1995.⁵⁶⁹

⁵⁶⁵ Kramer, *Neither War nor Peace: The Future of the Cease-fire Agreements in Burma*, 26.

⁵⁶⁶ *Ibid.*, 10-11.

⁵⁶⁷ Human Rights Foundation of Monland, *Destination Unknown: Hope and Doubt Regarding IDP Resettlement in Mon State* (Thailand: Human Rights Foundation of Monland, 2012), 17-18.

⁵⁶⁸ Zaw Oo and Win Min, *Assessing Burma's Ceasefire Accords* (Washington, DC: East-West Centre, 2007), 21.

⁵⁶⁹ *Ibid.*, 27.

The NMSP ceasefire differed in some respects to the ceasefires in 1989 with the former CPB NSAGs. The early ceasefire groups managed to negotiate better deals in terms of territory and economic development opportunities, while the later ones had to negotiate from a weaker position militarily.⁵⁷⁰ The 1994 KIO and 1995 NMSP ceasefires, and the short-lived one with the KNPP in 1995, were also negotiated as part of the government's attempts to isolate the strongest remaining non-ceasefire NSAG, the KNU, from its National Democratic Front (NDF) allies.

Under the ceasefire agreement, the NMSP was able to retain its arms and keep some of the territory it controlled. It was also allowed to establish businesses although these proved, initially, to be not very successful.⁵⁷¹ The NMSP businesses, however, have continued and now include construction, farming and transport.⁵⁷² Other significant incentives for the NMSP to agree to a ceasefire included the offer of development projects, the ability to teach Mon language in their schools, and the possibility of international aid agencies in Mon state as potential monitors for the ceasefire.⁵⁷³ The NMSP enclaves consisted of an area bordering Thailand in the southeast of Mon state (the largest), an area in northeast Mon state bordering Karen state and a couple of smaller areas. The NMSP had to move out of some other areas that it still held.⁵⁷⁴ Significantly, the NMSP was not granted any areas that would be near to the planned gas pipeline from the Gulf of Martaban to Thailand and rail projects across Mon state. Following the ceasefire, the Tatmadaw was able to reinforce its positions closer to the NMSP areas and build roads for better access and resupply.⁵⁷⁵ For the Mon population the most relevant consequence of the agreement was both an end to direct conflict between the government and

⁵⁷⁰ Ibid., 12-13.

⁵⁷¹ South, *Mon Nationalism and Civil War in Burma: The Golden Sheldrake*, 227.

⁵⁷² The Ramanya International and Hansawati companies were formed after the ceasefire in 1995 and Ramanya United Company after the 2012 ceasefire. Burma News International, *Deciphering Myanmar's Peace Process: A Reference Guide 2015*, 67.

⁵⁷³ Zaw Oo and Win Min, *Assessing Burma's Ceasefire Accords*, 25.

⁵⁷⁴ See the map of Mon state/Southern Karen state and NMSP controlled areas in Thailand Burma Border Consortium, *Protracted Displacement and Militarisation in Eastern Burma* (Bangkok, Thailand: TBBC, 2009), 25.

⁵⁷⁵ Mi Thuzar, "The Impact of Poverty Among Mon IDPs at the Bee Ree Resettlement Site in Northern Ye Township," in *Where the Change Has Yet to Reach Exposing Ongoing Earth Rights Abuses in Burma*, ed. Earth Rights International (Chiang Mai, Thailand: EarthRights International, 2012).

the NMSP, and the Mon refugees were able to return from Thailand into NMSP controlled areas inside Mon state. However, other abuses related to the Burma Army presence and development projects also worsened after 1995.⁵⁷⁶

A feature of the post-1995 ceasefire situation in Mon state was the development of splinter groups (which had not existed prior to the ceasefire) that have broken away from the NMSP.⁵⁷⁷ Land confiscations and continued abuses by the Tatmadaw as well as local economic motivations led to the formation of small splinter groups, dissatisfied with the ceasefire agreement, that have reverted to armed struggle.⁵⁷⁸ The most significant has been the Monland Restoration Party (MRP), also known as the Hongsawatoi Restoration Party (HRP) which broke away from the NMSP in 2001. The MRP was led by former MNLA second in command Nai Pan Nyunt. There are also some smaller groups that often join forces with the MRP which have fought intermittently with the Tatmadaw, and sometimes also with the NMSP.⁵⁷⁹

The NMSP is believed, by external observers, to still have a relatively good level of popular support among the Mon population.⁵⁸⁰ Some of its constituency, however, are unhappy about the group's inability, due to its ceasefire agreement, to resist abuses from the government forces in non NMSP-controlled areas of Mon state. This is compounded as well by the absence of development in NMSP areas that had been hoped for with the 1995 ceasefire agreement.⁵⁸¹ The MNLA also struggled to maintain troop numbers, which is significant as most NSAGs have used ceasefire periods to increase their numbers.⁵⁸²

⁵⁷⁶ Human Rights Foundation of Monland, *Destination Unknown: Hope and Doubt Regarding IDP Resettlement in Mon State*, 22-24.

⁵⁷⁷ Kramer, *Neither War nor Peace: The Future of the Cease-fire Agreements in Burma*, 15.

⁵⁷⁸ South, "Ceasefires and Civil Society: The Case of the Mon," 164.

⁵⁷⁹ Human Rights Foundation of Monland, "Living between two fires: Villager opinions on armed insurgency," *Mon Forum* 1(2009).

⁵⁸⁰ Geneva Call, *Armed Non-State Actors and Landmines: Volume One: A Global Report Profiling NSAs and their Use, Acquisition, Production, Transfer and Stockpiling of Landmines*, 77.

⁵⁸¹ Similar disillusionment was expressed after the 1994 KIO ceasefire in Kachin state.

⁵⁸² As, for example, the UWSA is believed to have done, Human Rights Watch, *Sold to be Soldiers: The Recruitment and Use of Child Soldiers in Burma*, 97-98. This pattern was

Right now they are struggling to maintain their force, to be honest.... When I first arrived, I found a lot of troops with a lot of ammunition and a lot of support, but after 1995 they were linked with the business activities and also maybe the capacity of the military is a little weakened... So nowadays, let me say like 40 percent left from 1995 to here.⁵⁸³

In 2012, it was believed to be able to call upon a total strength of 2000 including reservists, but with about 800 regular troops.⁵⁸⁴

When the government attempted to get ceasefire groups to agree to become a BGF under Tatmadaw control in 2009/10, the NMSP refused to comply which led to fears of renewed conflict.⁵⁸⁵ However, with the new government and new peace initiatives, the NMSP eventually renewed its ceasefire with the government in 2012. Isolated clashes have occurred between the NMSP and the Tatmadaw, for example, in July 2013.⁵⁸⁶

Tensions have also continued over forced displacement, land confiscation, and other ongoing abuses in Mon areas.⁵⁸⁷

NMSP and civilian protection issues

NMSP and landmines

The NMSP used landmines during its armed struggle with the Burma Army up to 1995. It was also reported to have used anti-vehicle as well as anti-personnel mines in 1993,⁵⁸⁸ but has claimed to have not used landmines since the 1995 ceasefire.⁵⁸⁹ It has been alleged, though, that the NMSP used landmines again from around 2001 in its conflict with the breakaway MRP.⁵⁹⁰ The Landmine Monitor (LM) in 2000 listed the NMSP as a former

also confirmed in interviews with staff of INGOs working on child protection issues in Burma.

⁵⁸³ Local staff member of a CBO with access to NMSP areas, interview, Sangkhlaburi, September 24th, 2013.

⁵⁸⁴ Keenan, *By Force of Arms: Armed Ethnic Groups in Burma*, 215.

⁵⁸⁵ Human Rights Foundation of Monland, "Like water poured in the sand: Southeastern Burma in a post-ceasefire world," *Mon Forum*, no. 5 (2010).

⁵⁸⁶ Human Rights Foundation of Monland., "2 NMSP soldiers killed and 3 arrested in clash with Burmese military," <http://rehmonnya.org/archives/2813>.

⁵⁸⁷ Human Rights Foundation of Monland, *Disputed Territory: Mon Farmers' Fight Against Unjust Land Acquisition* (Thailand: HURFOM, 2013).

⁵⁸⁸ Selth, "Landmines in Burma: Forgotten Weapons in a Forgotten War," 34.

⁵⁸⁹ Anthony Faraday, "Landmine Use in Burma Continues," *The Irrawaddy* September 11, 2003.

⁵⁹⁰ Geneva Call, *Armed Non-State Actors and Landmines: Volume One: A Global Report Profiling NSAs and their Use, Acquisition, Production, Transfer and Stockpiling of Landmines*, 77.

landmine user and producer, but still in possession of stockpiles and mines within its territory.⁵⁹¹ The NMSP would likely still have had landmines for the purpose of defending its remaining territory following the 1995 ceasefire.

The NMSP was then relisted as a landmine user by the LM in 2002/03 due to its conflict with the MRP at that time.⁵⁹² By comparison, other NSAGs, including the KNU/KNLA, KNPP/KA and DKBA are consistently highlighted in the LM reports from 2000 to 2012 for their production and use of mines, whereas the NMSP is only really believed to have maintained a stockpile and is not mentioned as a landmine producer, or a current user, apart from the MRP conflict. The NMSP-MRP conflict was largely over after 2003 when the MRP dwindled in numbers and support.⁵⁹³ The NMSP leadership acknowledged they still have a landmine stockpile should the 2012 ceasefire with the government breakdown.

We are like Shan North and Shan South, they have signed the ceasefire agreement, but up to now and from time to time they are fighting...What will happen in our territory we don't know. That's why we have to keep our stockpile.⁵⁹⁴

Asked about whether the NMSP would sign the Geneva Call DoC on landmines, the point about the uncertainty of the future of the ceasefire and the government was reiterated. "We consider about [whether] the government might go back and fight again. We consider about this. So, no, we have not signed this yet."⁵⁹⁵

NMSP and children affected by armed conflict

Significantly, the NMSP/MNLA has not been considered as a frequent recruiter of child soldiers. According to a HRW report in 2002, children

⁵⁹¹ Landmine and Cluster Munition Monitor, "Burma (Myanmar)," http://www.the-monitor.org/index.php/publications/display?act=submit&pqs_year=2000&pqs_type=lm&pqs_report=burma&pqs_section=.

⁵⁹² Landmine and Cluster Munition Monitor, "Burma (Myanmar)," http://www.the-monitor.org/index.php/publications/display?act=submit&pqs_year=2003&pqs_type=lm&pqs_report=burma&pqs_section=.

⁵⁹³ South, "Ceasefires and Civil Society: The Case of the Mon," 164.

⁵⁹⁴ Senior member of leadership of the NMSP (a), interview, Sangkhlaburi, November 13th, 2012.

⁵⁹⁵ Senior member of leadership of the NMSP (a), interview, Sangkhlaburi, November 13th, 2012.

were observed working at MNLA checkpoints in NMSP controlled areas. The presence of children in the MNLA may have risen following the ceasefire in an attempt to increase numbers.⁵⁹⁶ Attempts to boost numbers by other ceasefire NSAGs following the 1990s ceasefires had also been noted. According to the leadership, the MNLA has a code of conduct that does not permit recruitment under the age of 18.⁵⁹⁷ The 54 articles of the MNLA code of conduct also include protection of civilians, media and medical facilities. This code was reiterated in an interview with the NMSP leadership.

In MNLA we have how we act during the war and how to protect the civilians during the conflict and targeting. So you have to avoid the media and hospital and like that. Effectively there are 54 articles. The MNLA soldiers have to obey the code of conduct, and it's very strict in the New Mon State Party.⁵⁹⁸

In 2007, HRW identified the main child protection issue with the NMSP/MNLA as the presence of children at military bases engaged in non-combat activities, but not officially recruited into the army.⁵⁹⁹ This raises the problem where the children present are not in the regular fighting forces or even carrying arms, but are still in a military base and consequently potentially in harm's way. It is an area that falls within the scope of the wider definition in the Paris Principles of children associated with armed forces or groups.⁶⁰⁰ This is also acknowledged, for example, in the Geneva Call DoC addressing NSAGs and children affected by armed conflict.⁶⁰¹

⁵⁹⁶ Human Rights Watch, *My Gun was as Tall as Me: Child Soldiers in Burma*, 145-46.

⁵⁹⁷ Human Rights Watch, *Sold to be Soldiers: The Recruitment and Use of Child Soldiers in Burma*, 112.

⁵⁹⁸ Senior member of leadership of NMSP (b), interview, Sangkhlaburi, November 13th, 2012.

⁵⁹⁹ Human Rights Watch, *Sold to be Soldiers: The Recruitment and Use of Child Soldiers in Burma*, 113.

⁶⁰⁰ UNICEF, "The Paris Principles: Principles and Guidelines on Children Associated with Armed Forces or Armed Groups," Article 2 (1).

⁶⁰¹ Article Three, Geneva Call, "Deed of Commitment under Geneva Call for the Protection of Children from the Effects of Armed Conflict," http://www.genevacall.org/resources/deed-of-commitment/f-deed-of-commitment/CANSA_DoC_EN.pdf. However, while the Geneva Call Deed specifically prohibits all involvement of children in direct hostilities, and association of children with armed groups by compulsion, it does not expressly address all forms of association, for example, those that are voluntary or by family connection.

Tensions between the NMSP and the government over its refusal to convert to a BGF, which contributed to clashes in Kokang in northern Shan state in 2009, with a faction in the DKBA in 2010, and with the KIO in 2011, are likely to have motivated the NMSP to try to increase its strength again. Use of ceasefire periods by NSAGs to increase recruitment have been documented previously in regard to the NMSP.⁶⁰² The drive to do this was implied in the NMSP leadership's concerns about the government's resumption of fighting with other ceasefire groups, and also by observers to NMSP areas.

The leadership are trying to focus to maintain their force and also trying to do another like military basic training with the young people in the community. So they are trying to maintain their armed force by giving the training to other people. ... This is because in other parts they have challenge, they see in the north and in the east, you know, Wa and Shan they have some conflict, so this kind of fighting also awakens them, reminds them of this.⁶⁰³

Following approaches from the HREIB on the child soldier issue, the NMSP initially made a unilateral statement that it no longer recruited children.⁶⁰⁴ From 2011, Geneva Call approached the NMSP about its DoC on the protection of children via the HREIB working as a local partner organisation.⁶⁰⁵ The NMSP formally signed the DoC addressing this in August 2012. The NMSP constitution, as was pointed out by the leadership, already contained the basic concepts of protection of children. "In the NMSP constitution, the child protection is included, but in detail not explained."⁶⁰⁶ This pre-existing recognition of protection of children, even if not in formal international legal terms, alongside the current low level of children in the group and non-combat roles of any that are present, would likely have made getting the NMSP agreement to the Geneva Call DoC easier to achieve. The NMSP has also maintained a long-standing and

⁶⁰² Human Rights Watch, *My Gun was as Tall as Me: Child Soldiers in Burma*, 145.

⁶⁰³ Local staff member of a CBO with access to NMSP areas, interview, Sangkhlaburi, September 24th, 2013.

⁶⁰⁴ Director of a local human rights NGO who engaged with NSAGs on the child soldier issue interview, Mae Sot, September 15th, 2012.

⁶⁰⁵ *Ibid.*

⁶⁰⁶ Senior member of leadership, NMSP (a), interview, Sangkhlaburi, November 13th, 2012.

effective Mon National Schools system, which has also garnered it legitimacy with its constituency, making its position on child protection more credible.⁶⁰⁷ The process of negotiation leading up to the signing of the DoC involved the NMSP/MNLA in many workshops with Geneva Call on child rights and IHL.⁶⁰⁸

The All Burma Students' Democratic Front (ABSDF)

The ABSDF, unlike its ethnic NSAG allies, does not have separate political and armed wings, or represent any specific ethno-nationalist cause. The student army, as it is also known, was originally formed in November 1988 in KNU held territory in Karen state. It was formed by students who had fled to the ethnic border regions following the bloody army crackdown in the cities of Burma against the student pro-democracy movement of August and September 1988. As an ally of the ethnic NSAGs, the ABSDF joined the National Democratic Front ethnic NSAG alliance to form the Democratic Alliance of Burma (DAB), a coalition that included both ethnic NSAGs and ethnic Burman groups.

The National Democratic Front, announced on the radio they welcome people oppressed by the military regime. If we want to come to their area, we are welcome to come to their areas to fight against the military regime. So when the ABSDF was formed by the representatives from different student camps, the NDF supported that a lot.⁶⁰⁹

About 10,000 students fled to the ethnic borderlands of Burma in 1988/89.⁶¹⁰ They formed a number of camps in areas controlled by the existing ethnic resistance armies. These were in ethnic NSAG areas on the borders of Thailand, China and India. There, the newly arrived students and their fledgling army received some initial support in getting established. By 1990, the ABSDF had approximately 5000 soldiers, plus many other members engaged in education, health and other support activities in KNU, KNPP, NMSP, KIO and other smaller Pa'O and Arakan

⁶⁰⁷ Lall and South, "Education, Conflict and Identity: Non-state ethnic education regimes in Burma," 29-42.

⁶⁰⁸ Senior member of leadership, NMSP (a), interview, Sangkhlaburi, November 13th, 2012.

⁶⁰⁹ Senior member of leadership, ABSDF, interview, Mae Sot, December 4th, 2012.

⁶¹⁰ International Institute of Social History., "All Burma Students' Democratic Front Archives," <http://www.iisg.nl/archives/en/files/a/ARCH02236full.php#N1011C>.

ethnic NSAG controlled areas.⁶¹¹ For example, the KNU supplied the ABSDF units in its areas with some food and also provided basic military training although this assistance was limited as the ethnic NSAGs were barely able to feed and equip their own forces from the taxation of border toll gates.⁶¹² "In the Karen area, the Karen gave military training and also other kinds of stuff, such as food and clothes, also in Kachin, Pa-O, Mon..."⁶¹³

The ABSDF's early leaders developed the fundamental objectives of the group which were liberation of the people of Burma, democracy, human rights, peace and federalism.⁶¹⁴ The federal aspect of the group's aims reflected the interests of ABSDF's ethnic NSAG allies for whom federalism was a central goal. The ABSDF constitution reflects these central objectives. It initially also attempted to develop a military code of conduct for its soldiers, but this met with less success.

We have how to treat civilians in our constitution, not a code of conduct. We wrote a military code of conduct before 1994 and we discussed it in the conference but also some of the parts are difficult to get agreement on, so it faded out. We used some of the points in the code of conduct - how to treat civilians, how to organise- we wrote down some of these points in our constitution.⁶¹⁵

The ABSDF's fortunes, like that of other NSAGs, were affected by the KNU's loss of its bases in 1995-97. Accounts of fighting, especially during the 1990s of ethnic NSAGs such as the KNU, KNPP, and NMSP often also mention the presence of ABSDF soldiers fighting alongside the ethnic NSAGs.⁶¹⁶ Tensions were still present, such as regarding an early failed joint ABSDF-NMSP offensive in 1990.⁶¹⁷ The ABSDF also suffered internal leadership struggles which divided it into two factions in the period

⁶¹¹ Smith, *Burma: Insurgency and the Politics of Ethnicity*, 410.

⁶¹² Lintner, *Outrage: Burma's Struggle for Democracy*, 156.

⁶¹³ Senior member of leadership, ABSDF, interview, Mae Sot, December 4th, 2012.

⁶¹⁴ International Institute of Social History., "All Burma Students' Democratic Front Archives."

⁶¹⁵ Senior member of leadership, ABSDF, interview, Mae Sot, December 4th, 2012.

⁶¹⁶ See, for example, Smith, *Burma: Insurgency and the Politics of Ethnicity*; Chapman, *Karenni: The Forgotten War of a Nation Besieged*; South, *Mon Nationalism and Civil War in Burma: The Golden Sheldrake*.

⁶¹⁷ South, *Mon Nationalism and Civil War in Burma: The Golden Sheldrake*, 148-50.

1991 to 1996 before reunification under a new generation of leadership.⁶¹⁸ The leadership struggle was largely personality based,⁶¹⁹ rather than being along ethnic, religious or ideological lines. Therefore, it did not lead to a permanent split or direct armed conflict between factions, as has been the case in some other ethnic NSAGs.

The most damaging and still controversial incident for the ABSDF was its own trial and execution of approximately 35 members of the ABSDF northern battalion, suspected of being government spies. This occurred in Kachin state in 1992.⁶²⁰ This was due to a concern from ethnic NSAGs allied with the ABSDF about the presence of Burmese government spies within the ABSDF. "One problem the ABSDF has always had is the perception that they contain lots of spies."⁶²¹ This increased pressure on the group to conduct internal investigations that culminated in the trials and executions in Kachin state. Following its ceasefire with the government in 2013, the ABSDF has conducted an investigation into the killings of its own members in the early 1990s in Kachin state. Of note was the group's own findings that stated: "the Karen State-based headquarters 'had little to no effective control over the ABSDF-Northern camp at the time of the incidents due to geographic distance, communication challenges,' and a loosely defined command structure."⁶²² While directed towards its own members, this incident is also revealing of the issues for other NSAGs with geographically dispersed units and diffuse lines of communication and control.

The ABSDF, however, also had an internal justice system that followed the group's laws and procedures, especially after outrage at the northern battalion killings, and this reduced further excesses. Consequently, "the

⁶¹⁸ Smith, *Burma: Insurgency and the Politics of Ethnicity*, 444.

⁶¹⁹ Senior member of leadership, ABSDF, interview, Mae Sot, December 4th, 2012.

⁶²⁰ Bertil Lintner, "Myanmar: Old atrocity, new implications," *Asia Times Online* November 1, 2012.

⁶²¹ ABSDF associate, interview, Mae Hong Son, December 21, 2012.

⁶²² Nyein Nyein, "ABSDF Report Finds Torture, Leaves Questions in Killing of Its Own," *The Irrawaddy* March 16, 2015.

organization's leadership saw the urgent need to reassert proper legal checks and balances over its operations."⁶²³

The ABSDF, they had what they called the 'student law.' They had a body of law, how they would govern it. That had a legal commission of three judges who would travel from unit to unit to hear cases.⁶²⁴

Unlike most of the ethnic NSAGs, the ABSDF did not develop separate political and armed wings. Instead, those who wished to do so left the ABSDF to form completely separate political parties or civil society organisations.⁶²⁵ The Network for Democracy and Development (NDD) was the separate political organisation that evolved out of the ABSDF. Since the ABSDF was originally formed by students, education became an important part of the group's role within the refugee and migrant communities on the Thai-Burma border. This was reiterated in an interview by the director of a CBO that has worked closely with the ABSDF.

That's the one thing to understand about the ABSDF, that it came from a student base, almost a student union type base. They are the students they love education they immerse themselves in education. They believe education to be the way forward, that's why they've done what they've done and that's why they've incorporated it all into the same organisation.⁶²⁶

In terms of broad civilian protection activities, ABSDF members and former members have been involved in a variety of local education, health, human rights and welfare organisations.⁶²⁷ For example, members and former members of the ABSDF have been involved in projects such as the Back Pack Health Worker Team (BPHWT), the HREIB, the Mae Tao Clinic, and schools in refugee camps.⁶²⁸

⁶²³ Aung Naing Oo, "Justice Has a Place in the Law of the Jungle," *The Irrawaddy* August 1, 2008.

⁶²⁴ Former ABSDF associate and trainer in Geneva Conventions and child soldier demobilisation, interview via skype from Paris, January 4th 2013.

⁶²⁵ Senior member of leadership, ABSDF, interview, Mae Sot, December 4th, 2012.

⁶²⁶ Director of a CBO working with former child soldiers, interview, Mae Sot, August 30th, 2012.

⁶²⁷ Ko Yeni, "Soldiers of Misfortune," *The Irrawaddy* February, 2006.

⁶²⁸ Personal communication with former and current ABSDF members who work for education and medical organisations on the Thai-Burma border, Mae Sot, Chiang Mai, Mae Hong Son, 2012, 2013 and 2014.

By 2006, the ABSDF's numbers as an armed force were estimated at only a few hundred,⁶²⁹ and today new recruits for the greatly reduced army mostly come from local ethnic villages. The current strength of the ABSDF is estimated at 600.⁶³⁰

It's gotten smaller. Most of the people who came out in 1988 have left for third countries. The private soldiers now are not 88 generation, they're village lads from Karen villages.⁶³¹

The reduction of international donor funding to groups that were involved in armed struggle and the temporary listing of the ABSDF on the US list of proscribed terrorist organisations further weakened and isolated the group in the first decade of the 21st century. The ABSDF's education and health activities as well as its military were especially affected by the consequences of the reduction in funds from USAID.

It's IRC who distributes the money for USAID here. A new staffer came in who didn't approve of armed resistance around 2001 or 2002. It wasn't specifically the ABSDF they didn't want to fund it was anything cross-border... anything to schools or refugee camps across the border.⁶³²

Yeah, in the American government, ABSDF is one of the terrorist groups on the list at the time. Most of the NGOs who support us are from the US, so most of the NGOs cut off support, they disagree with armed struggle.⁶³³

The ABSDF northern battalion has been involved in fighting alongside the KIA and Arakan Army against the Tatmadaw in Kachin state since the resumption of fighting there in June 2011.⁶³⁴ The ABSDF eventually signed a bilateral ceasefire agreement with the government in August 2013 and was one of eight NSAGs that signed the NCA in October 2015.

⁶²⁹ Ko Yeni, "Soldiers of Misfortune."

⁶³⁰ Burma News International, *Deciphering Myanmar's Peace Process: A Reference Guide*, 2014, 93.

⁶³¹ Former ABSDF associate, interview, Mae Hong Son, December 21, 2012.

⁶³² Former ABSDF associate, interview, Mae Hong Son, December 21, 2012.

⁶³³ Senior member of leadership, ABSDF, interview, Mae Sot, December 4th, 2012.

⁶³⁴ Ibid.

The ABSDF and civilian protection issues

ABSDF and landmines

The ABSDF, like its ethnic NSAG allies, has used landmines. Given that it operates in alliance with other NSAGs that also rely on the use of landmines, it would be strategically and politically unlikely the group could avoid using them. To do so would undermine its own positions and that of larger allied ethnic NSAGs. Reliance on the use of landmines for defensive purposes was acknowledged by an ABSDF leader in a 2005 Geneva Call report.⁶³⁵ This was also reiterated in recent interviews as well. “We use [landmines] in the front line for our self-defence. We do not want to use them. We do not want to plant them inside, just to protect our post.”⁶³⁶

There was a lot of passive defensive techniques being adopted by getting more seriously into landmines, you know, landmine laying, and also landmine clearance.⁶³⁷

An aspect of landmine use by the ABSDF with its declining numbers, support and finances, has been the use of homemade landmines, rather than factory manufactured ones. They also claim that they inform local residents about the whereabouts of landmines.

Our landmines are most of them handmade, not too long lasting under the ground, about three months to six months... We inform the villagers around us not to go there where we put landmines. We say like that but we do not know.⁶³⁸

The ABSDF, as a member of the DAB, was approached by Geneva Call on the landmine issue in 2006 or 2007.⁶³⁹ However, as confirmed in interviews in 2012, it still retained the option to use them.⁶⁴⁰

⁶³⁵ Geneva Call, *Armed Non-State Actors and Landmines: Volume One: A Global Report Profiling NSAs and their Use, Acquisition, Production, Transfer and Stockpiling of Landmines*, 69.

⁶³⁶ Senior member of leadership, ABSDF, interview, Mae Sot, December 4th, 2012.

⁶³⁷ Former ABSDF associate and trainer in Geneva Conventions and child soldier demobilisation, interview via skype from Paris, January 4th 2013.

⁶³⁸ Senior member of ABSDF leadership, interview, Mae Sot, December 4th, 2012

⁶³⁹ Former ABSDF associate and trainer in Geneva Conventions and child soldier demobilisation, interview via skype from Paris, January 4th 2013.

⁶⁴⁰ Senior member of leadership, ABSDF, interview, Mae Sot, December 4th, 2012.

ABSDF and children affected by armed conflict

There were under age soldiers in the early ABSDF as the 'student army' included former high school students who were under the age of 18 when they fled the military crackdown in 1988. However, it has not been identified with child soldiers in its ranks since the early 1990s. A significant feature of the ABSDF, in terms of the protection of children from the effects of armed conflict, has been its involvement in facilitating the defection of child soldiers from the Tatmadaw.⁶⁴¹ The Burmese-speaking ABSDF were best placed to deal with child soldiers from the Tatmadaw who defected to, or were captured by, other ethnic NSAGs.

In Fifth brigade area of the KNLA there were so many child soldiers they didn't know what to do with them. So rather than just shooting them, the ABSDF said 'ok bring them to our headquarters' and then we made a base and that's still across the border. We made a base in Fifth brigade area, which we don't use anymore, which is why I can talk about it.⁶⁴²

They'd come in twos, threes, sometimes six or eight and so that was challenging enough and it didn't work as well as I wanted, but it did work well enough that in 2008 when I went back I was informed that the Burma Army had withdrawn underage soldiers from the Brigade Five area which was the focal point.⁶⁴³

This activity is an interesting example of the meeting of realpolitik military and political concerns with ostensibly humanitarian motivations. The ABSDF role in supporting the defection and demobilisation of child soldiers was clearly preferable to the captured child soldiers potentially becoming POWs, or worse, being executed. Execution of captured Tatmadaw soldiers by the ethnic NSAGs has been documented, and was also mentioned to the author by medics associated with NSAGs and former NSAG members.⁶⁴⁴

⁶⁴¹ The defection of child soldiers from the Tatmadaw into Thailand across the Thai-Burma border was documented by CSCS in 2008. Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2008*, 243.

⁶⁴² Director of a CBO working with former child soldiers, interview, Mae Sot, August 30th, 2012.

⁶⁴³ Former ABSDF associate involved in IHL training and child soldier demobilisation, interview via skype from Paris, January 4th 2013

⁶⁴⁴ This was mentioned in personal communication with NSAG members and a medic associated with NSAGs, Karen state, November 2012. See, also, mention of execution of prisoners, and of some students, by ethnic NSAGs, Phil Thornton, *Restless Souls*:

The defection of child soldiers from the Tatmadaw, and the role the Burmese-speaking ABSDF could take within that project, had a clear political and military agenda according to the co-founder of an ABSDF-associated organisation working with former child soldiers.

I saw this as a unique opportunity for ABSDF, being a Burman speaking organisation, to make itself useful in ethnic controlled territory and the way in which it could really strike a disproportional blow against the military capabilities of the Tatmadaw.⁶⁴⁵

Engagement with the ABSDF on humanitarian norms and civilian protection initially came from local or Burmese CBOs and NGOs. A potential explanation for this engagement from fellow exile Burmese human rights and legal organisations is the ABSDF's pro-education stance, involvement in civil society organisations on the Thai-Burma border from the early 1990s, and its Burmese-speaking constituency.

Yes, some of the human rights group came to our military post and gave human rights trainings... HREIB, one of the guys, and BLC, you know, Burma Lawyers' Council, and some of the BWU, Burma Women's Union.⁶⁴⁶

External international advocacy on IHL with the ABSDF initially came from the ICRC. An interesting point about ICRC information that had been translated into Burmese was the relevance of the examples that were given. The state-centred view of armed conflict, even in the 1990s and early 2000s, had not in this case recognised that NSAGs may have different needs and perceptions.

We were provided with some small handbooks [by the ICRC] about the Geneva Conventions in simplified form in Burmese script.... The problem was it had all been written from the point of view that it was the government army.... All the soldiers [in illustrations in the handbook] wore

Rebels, refugees, medics and misfits, on the Thai-Burma border. (Bangkok, Thailand: Asia Books, 2006), 19-20. Benedict Rogers, *A Land Without Evil: Stopping the Genocide of Burma's Karen People* (Oxford, UK: Monarch, 2004), 131.

⁶⁴⁵ Former ABSDF associate, trainer in Geneva Conventions, and child soldier demobilisation, interview via skype from Paris, January 4th 2013.

⁶⁴⁶ Senior member of leadership, ABSDF, interview, Mae Sot, December 4th, 2012.

helmets and they all had heavy gear... it wasn't written for guerrilla soldiers.⁶⁴⁷

The Democratic Karen Buddhist Army (DKBA)

In a KNU area in eastern Karen state during 1994, a Buddhist monk, U Thuzana, became a spiritual focus for a group of approximately three hundred battle hardened, mostly Buddhist, KNLA soldiers. They were dissatisfied with the largely Christian KNU leadership, and pointed to discrimination and abuses perpetrated against the soldiers at the front lines.⁶⁴⁸ They believed that the KNU leadership had become out of touch with the Buddhist Karen majority, and corrupted by personal economic interests. During the long period of the KNU leadership of General Bo Mya (who was a Seventh Day Adventist) since 1976, disaffected Buddhists also believed they had been marginalised and had been allowed less say in the KNU's policies and direction compared to those close to the Christian leadership elite.⁶⁴⁹ It was the belief that Buddhist soldiers in the KNLA were doing the most fighting and had the worst conditions that helped precipitate the breakaway group from the KNU.⁶⁵⁰ However, despite the Buddhist label, the DKBA, which rapidly grew in size in 1994-95, also had Christian and animist members.

⁶⁴⁷ Former ABSDF associate and trainer in Geneva Conventions and child soldier demobilisation, interview via skype from Paris, January 4th 2013.

⁶⁴⁸ Smith, *Burma: Insurgency and the Politics of Ethnicity*, 446.

⁶⁴⁹ South, *Burma's Longest War: Anatomy of the Karen Conflict*, 19.

⁶⁵⁰ Kenny, "Structural Integrity and Cohesion in Insurgent Organizations: Evidence from Protracted Conflicts in Ireland and Burma," 542.

Central Karen / Kayin State



Map used by permission of The Border Consortium (TBC)

The defection to the government side of the DKBA with valuable knowledge of KNU positions, quickly brought about the loss of the last major KNU bases inside Karen state.⁶⁵¹ This included the loss of the headquarters of the KNU, ABSDF and the exiled National Coalition Government of the Union of Burma at Mannerplaw in January 1995. This major military setback resulted in the KNU being forced to adopt guerrilla tactics in contested areas inside Karen state, with its leadership now exiled across the border in Thailand.⁶⁵² The DKBA, meanwhile, now controlled large parts of Karen state and most of the taxation of trade across the Thai-Burma border.⁶⁵³

The DKBA, which operated in many parts of Karen state between 1995 and 2010, was notable for having a loose command and control structure.

DKBA units enjoyed considerable operational autonomy, while answering in general terms both to local Tatmadaw commanders and to the DKBA leadership at Myaing Gyi Ngu.⁶⁵⁴

The DKBA's membership changed after 1996, as former KNLA soldiers who had originally defected from the KNU to it in 1994-5 left, disillusioned with its subordination to the Tatmadaw. New members, according to KHRG interviews with DKBA deserters, were motivated by better conditions for themselves and treatment for their families, and/or by opportunities for personal economic gain.⁶⁵⁵ Additionally, some soldiers who had been in low ranking positions in the KNU/KNLA and not well educated were now promoted as high-ranking officers within the DKBA.⁶⁵⁶ After initially supporting the DKBA, the government later reduced its material support to it and the armed group had to become largely self-sustaining.⁶⁵⁷ This set of circumstances for the DKBA "encouraged the

⁶⁵¹ The DKBA, as former KNLA soldiers, knew how to navigate hidden tracks and avoid minefields around Mannerplaw.

⁶⁵² Fong, *Revolution as Development: The Karen Self-Determination Struggle against Ethnocracy*, 167-72; South, *Ethnic Politics in Burma: States of Conflict*, 56-57.

⁶⁵³ Keenan, *By Force of Arms: Armed Ethnic Groups in Burma*, 186-88.

⁶⁵⁴ South, *Burma's Longest War: Anatomy of the Karen Conflict*, 19.

⁶⁵⁵ Karen Human Rights Group, *Abuse under orders: The SPDC & DKBA Armies through the Eyes of their Soldiers* (Thailand: KHRG, 2001), 62.

⁶⁵⁶ Karen Human Rights Group, "Inside the DKBA," <http://www.khrg.org/1996/03/khrg96b23/inside-dkba>.

⁶⁵⁷ Karen Human Rights Group, *Abuse under orders: The SPDC & DKBA Armies through the Eyes of their Soldiers*, 59-60 & 66-69.

decentralization of operations, self-seeking activity, and general disintegration.”⁶⁵⁸

The decentralised nature of the DKBA, plus the need for individual units to support themselves, enabled local commanders to engage in various business activities. These involved logging, mining, and cross-border trade activities that were believed to include the production and trafficking of drugs, especially methamphetamines.⁶⁵⁹ These ‘conflict entrepreneurs’ with a focus on local economic agendas have tended to be less accessible or receptive to external humanitarian engagement, either international or local, when compared to other NSAGs examined in this study. For example, an attempt by the ICRC to go to DKBA controlled areas to visit hospitals there was stopped by a local DKBA commander.⁶⁶⁰ The DKBA also threatened the presence and activities of local CSOs. KHRG, while documenting human rights abuses in Karen state in 2009 found that the DKBA was not willing to facilitate their research, indeed along with the Tatmadaw, the DKBA presented a threat to the researchers’ lives.⁶⁶¹ The BPHWT has also noted the difficulties it has faced in accessing DKBA-controlled areas.⁶⁶²

The DKBA focus on economic or business activity in areas it controls has not been matched by a corresponding development of civil society organisations or services in its areas attending to health or education. Due to its alliance with the government from 1994 to 2010, DKBA areas did receive some support from central government, further lessening the need for it to develop associated welfare services or CSOs. “Services in the DKBA areas are basically government services, they’re not provided by groups affiliated to the DKBA.”⁶⁶³ The lack of established welfare services

⁶⁵⁸ Kenny, "Structural Integrity and Cohesion in Insurgent Organizations: Evidence from Protracted Conflicts in Ireland and Burma," 548.

⁶⁵⁹ "Myanmar's Ethnic Armies: The Prince of Wales," *The Economist* May 23, 2012.

⁶⁶⁰ A local member of an international NGO involved in mine action and education, interview, Chiang Mai, November 28th, 2012.

⁶⁶¹ See, for example, Karen Human Rights Group, *Self-Protection Under Strain* (Thailand: KHRG, 2010), 4-5; Karen Human Rights Group, *Uncertain Ground: Landmines in eastern Burma*, 16.

⁶⁶² Karen Human Rights Group, *Self-Protection Under Strain*, 45.

⁶⁶³ Senior staff member of an international humanitarian agency, interview, Hpa-an, August 26th, 2014.

along with prioritisation of economic agendas by individual commanders within the DKBA (and sometimes the KNU as well) were a frequent theme in interviews and secondary sources on the group. Former DKBA commanders who have either retired or transferred to the BGF, and their families, for example, have often profited from activities such as logging, mining, plantations, and cross-border trade.⁶⁶⁴ "Rural communities in DKBA and BGF controlled areas, however, remain for the most part in deep poverty."⁶⁶⁵

DKBA areas are accessible a little bit. The problem is the lack of CBOs, civil society, in DKBA areas... They only have the military they don't really have the administrative part...they only know how to fight and there is some kind of business.⁶⁶⁶

Reflecting the disparate nature of the DKBA units, some individual leaders within the DKBA have also espoused a pan-Karen nationalist agenda.⁶⁶⁷ However, the group's abuses and predation against the local population have prevented it from gaining widespread legitimacy with its constituency.⁶⁶⁸ It has attempted localised development and some schools have been set up in DKBA controlled areas, but since the government has ultimate control, the schools have taught in Burmese not the Karen language.⁶⁶⁹ Support for the DKBA has been affected by the lack of tangible political progress the group has made in terms of the Karen cause, and its subordinate position to the government and Tatmadaw, despite its claims to represent the Karen people.⁶⁷⁰ Coming under

⁶⁶⁴ A member of a local NGO that had worked in DKBA areas indicated being offered business opportunities for border trade by the group. Personal communication, Yangon, August 25th, 2013.

⁶⁶⁵ Tim Schroeder and Alan Saw-U, "The Karen in Myanmar's Southeast: Great hopes and many unresolved issues," in *Burma/Myanmar: Where Now?*, ed. Mikael Gravers and Flemming Ytzen (Copenhagen, Denmark: NIAS Press, 2014), 209-10. A senior former DKBA, and now BGF, commander has claimed, however, that more than 50 percent of profits from agriculture, mining and transport controlled by the BGF have gone to development, health and education projects in local communities. See, Burma News International, *Deciphering Myanmar's Peace Process: A Reference Guide 2015*, 67.

⁶⁶⁶ A local member of an international NGO involved in mine action and education, interview, Chiang Mai, November 28th, 2012.

⁶⁶⁷ For example, see journalist Phil Thornton's account of meeting DKBA General Maung Chit Thu in the early 2000s, who proudly showed him his picture of Karen independence hero (and the first KNU leader), Saw Ba U Gyi, Thornton, *Restless Souls: Rebels, refugees, medics and misfits, on the Thai-Burma border.*, 71-72.

⁶⁶⁸ South, "Karen Nationalist Communities: The "Problem" of Diversity," 68.

⁶⁶⁹ South, *Burma's Longest War: Anatomy of the Karen Conflict*, 19.

⁶⁷⁰ Ibid.

Tatmadaw control was formalised by conversion of much of the DKBA to BGF in 2010.

Up to 2010, despite a lack of much external engagement, other than from the Burma government, the DKBA was “the militarily and economically most powerful Karen non-state actor,”⁶⁷¹ with an estimated strength of 3 to 4000.⁶⁷² Interestingly, from 2004 onwards there was speculation about how much support the DKBA was still receiving from the government,⁶⁷³ and about developing tensions over government plans to disarm the DKBA.⁶⁷⁴ This tension increased with the arrest and removal from power in October 2004 of Burma Army military intelligence chief, (and at the time) prime minister, General Khin Nyunt. It was Khin Nyunt who had orchestrated the ceasefires with many ethnic NSAGs in the 1990s, and who had originally moved quickly to exploit the DKBA/KNU split in 1994.

The DKBA has attempted since 2010 to establish a new credibility after some sections of it rejected inclusion in the government controlled BGF and fought government forces following the 2010 elections. The DKBA’s previous reputation was also reiterated by a former soldier in it, who joined after the split with the BGF faction. “The DKBA before 2010 was shit because they are asking money, intimidating people and taxing, you know everything. So people really didn’t like the DKBA up until the 2010 elections.”⁶⁷⁵ This focus on economic agendas and self-enrichment of individual DKBA commanders has reduced the DKBA’s popular support over time.⁶⁷⁶

The DKBA has been identified with an array of human rights abuses including forced displacement, forced labour, extensive use of landmines

⁶⁷¹ Ibid., 10.

⁶⁷² Keenan, *By Force of Arms: Armed Ethnic Groups in Burma*, 186.

⁶⁷³ Geneva Call, *Armed Non-State Actors and Landmines: Volume One: A Global Report Profiling NSAs and their Use, Acquisition, Production, Transfer and Stockpiling of Landmines*, 71.

⁶⁷⁴ Taing Taw, "DKBA: Never Surrender to SPDC," *Kao Wao News* November 14, 2004.

⁶⁷⁵ Former DKBA soldier via translator, interview, Mae Sot, October 21st, 2012.

⁶⁷⁶ Schroeder and Saw-U, "The Karen in Myanmar's Southeast: Great hopes and many unresolved issues," 209-10. South, "Karen Nationalist Communities: The "Problem" of Diversity," 68.

and recruitment of child soldiers.⁶⁷⁷ The DKBA has a verbal code of conduct of 36 rules for its soldiers to follow which includes recognition of the protection of civilians and non-discrimination towards other religious groups.

They have like 36 rules to follow. About 10 of them are for the civilians. Another strict rule is religious discrimination and intimidation against others based on their race and religion because the DKBA is basically about a Buddhist army so they don't want their image to be ruined for doing discrimination against others. So these are strict rules for them to follow.⁶⁷⁸

The informant for this interview also pointed out that he did not receive any military training after joining the DKBA (although he did have some previous military experience). This then suggests that at the time of the 2010 fighting between the DKBA and the government, when he joined, the rebel DKBA Brigade 5 with 500 soldiers at that time, was in desperate need of more recruits. The DKBA's approach to recruitment, and the quality and motivation of recruits, has also been identified as causing problems for the group's cohesion and discipline, and consequently its reputation and legitimacy.

The problem is so many people come to DKBA... For the DKBA, they cannot divide. So whoever comes, because they also need their force, so whoever comes and joins the DKBA, they will accept. As a result, there can be some problem. If someone works as the DKBA but he does something wrong, that is not good for DKBA.⁶⁷⁹

The post-2010 DKBA now renamed the Democratic Karen Benevolent Army under the leadership of General Saw Ler Pwe (also known as Na

⁶⁷⁷ See, for example, Human Rights Foundation of Monland, "When Frogs Eat Frogs: Systematic Abuses by DKBA Forces Against Karen Communities," *The Mon Forum*, no. 4 (April, 2010); Human Rights Watch, "'They Came and Destroyed Our Village Again': The Plight of Internally Displaced Persons in Karen State," *Human Rights Watch* 17, no. 4(c) (2005); Karen Human Rights Group, "Abuses since the DKBA and KNLA ceasefires: Forced labour and arbitrary detention in Dooplaya KHRG #2012-F2," (Thailand: KHRG, May 7, 2012).

⁶⁷⁸ Former DKBA soldier via translator, interview, Mae Sot, October 21st, 2012. This interview participant who had been in the DKBA was himself a Muslim. The DKBA had members and even commanders who were Christian or Muslim as well as Buddhist.

⁶⁷⁹ Director of a local NGO that conducted peace-building and civil society development in DKBA areas, interview, Yangon, September 11th, 2013.

Khan M'way or 'Mr Moustache')⁶⁸⁰ attempted to establish welfare services, development and political wings. This was also confirmed in interviews.

For DKBA also, now I think they have expanded their services... They don't have a formal set of organisations like KORD [Karen Office for Relief and Development, a humanitarian arm of the KNU], they only train some people as community workers. They are posted in the villages.⁶⁸¹

So in the DKBA they have the development group. There are three sectors. One is for the military affairs, and one is for the political issue, and one is for the development issue. So I participated in the development issue programme.⁶⁸²

The DKBA's new political wing was the Kalo Htoo Baw Karen Organisation (KKO), under the leadership of Mahn Robert Bazan, son of former KNU Chairman Mahn Bazan. However, Mahn Robert Bazan quickly fell out with Saw Ler Pwe in September 2012.⁶⁸³ The new DKBA has attempted to realign itself with the remaining Karen NSAGs, specifically the KNU/KNLA and the KNU/KNLA-Peace Council.⁶⁸⁴ This has included membership, along with the KNU/KNLA, in a united coalition of Karen armed groups, the "Kawthoolei Armed Forces."⁶⁸⁵ It re-established a bilateral ceasefire with the government in November 2011 and signed the NCA in October 2015.

The DKBA also started to develop medic training, child rights training and to acknowledge its previous use of child soldiers and a willingness to take action on the issue. A part of this approach, acknowledged in interviews, has been establishing contact with international and local organisations on the Thai-Burma border, and more recently inside Burma, that they had previously shunned during the time of the DKBA alliance with the government.

⁶⁸⁰ General Saw Ler Pwe eventually died from cancer in March, 2016.

⁶⁸¹ Local staff member of an international humanitarian agency, interview, Hpa-an, August 26th, 2014.

⁶⁸² Director of a local NGO that conducted peace-building and civil society development in DKBA areas, interview, Yangon, September 11th, 2013.

⁶⁸³ Nan Thoo Lei, "Gunshots and resignations disrupt militia elections," *Karen News* September 13, 2012.

⁶⁸⁴ Taw Win Pan, "Karen armed groups united in their political struggle," *Karen News* July 30, 2013. The KNU/KNLA-Peace Council is a small NSAG (with as few as 60 soldiers) that broke away from the KNU to establish a separate ceasefire in 2007.

⁶⁸⁵ "Karen Armed Groups to Form United 'Kawthoolei Armed Forces,' but Questions Remain," *Karen News* October 16, 2014.

The main idea for sending me for the training is to educate the local people what the children's rights are and what is their limit. And then I had to meet a lot of people in Mae Sot for setting up the medic camp and the main office.⁶⁸⁶

They welcome the international organisations but they don't know how to contact them so that is why they are seeking the person, their contact person.⁶⁸⁷

The DKBA and civilian protection issues

DKBA and landmines

The DKBA has been consistently identified for widespread use of landmines.⁶⁸⁸ This has been noted in clear violations of humanitarian norms by placing landmines around villages and pathways to fields causing many injuries and deaths to villagers. There has also been a lack of warning to villagers about the presence of newly laid mines.⁶⁸⁹

Landmine use has occurred since its formation in 1994, and during more recent fighting in 2010-2011 between the government, the BGF (government controlled, former DKBA), the KNLA and the non-BGF remainder of the DKBA. The consequence of this was a further increase in landmine use and consequent threats to the safety of civilians.⁶⁹⁰ A former DKBA soldier who had been involved in the 2010-2011 DKBA conflict with the government, however, indicated the group's concerns with improving its local legitimacy with its new anti-government-stance had led to more efforts to provide warnings to villagers of the location of mined areas. "Only the DKBA let the civilians know, 'you can't go there.' They need to protect their name because people support them as of right now."⁶⁹¹ The use of verbal warnings, and posting of warning signs about

⁶⁸⁶ Former DKBA soldier via translator, interview, Mae Sot, October 21st, 2012.

⁶⁸⁷ Director of a local NGO that conducted peace-building and civil society development in DKBA areas, interview, Yangon, September 11th, 2013.

⁶⁸⁸ See, for example, Selth, "Landmines in Burma: Forgotten Weapons in a Forgotten War," 22; Geneva Call, *Armed Non-State Actors and Landmines: Volume One: A Global Report Profiling NSAs and their Use, Acquisition, Production, Transfer and Stockpiling of Landmines*, 71-72.

⁶⁸⁹ See, for example, Karen Human Rights Group, "Insecurity amidst the DKBA-KNLA conflict in Doooplaya and Pa'an districts KHRG #2009-F3," (Thailand: KHRG, February 6, 2009), 5-7; Selth, "Landmines in Burma: Forgotten Weapons in a Forgotten War," 27.

⁶⁹⁰ Karen Human Rights Group, *Truce or Transition? Trends in human rights abuse and local response in Southeast Myanmar since the 2012 ceasefire*. (Thailand: KHRG, 2014), 61-63.

⁶⁹¹ Former DKBA soldier via translator, interview, Mae Sot, October 21st, 2012.

landmines, by the DKBA after 2010 were also documented in the reports of villagers by KHRG.⁶⁹²

During the period of its alliance with the government, the pre 2010 DKBA was supplied with some factory made mines as used by the Tatmadaw, and it also deployed home-made mines similar to those used by other ethnic NSAGs.⁶⁹³ As well as for the purposes of attacking opposing forces (especially the KNLA before 2010), DKBA landmine deployment, and its conflicts with the KNLA, often had an economic dimension. Control of resources and taxation in particular often fuelled such conflicts, and land mines were then used by all armed actors for the purposes of securing resource rich areas, such as for logging or mining.⁶⁹⁴

NSAGs in Karen state have undertaken some limited demining activity since the 2012 ceasefires. The DKBA, along with the KNLA and BGF have been documented as conducting some limited clearance.⁶⁹⁵ "Some parts of DKBA and some parts of KNU are undertaking demining activity, but I don't know what kind of method or what kind of standard or approach."⁶⁹⁶ However, this was halted by a lack of capacity and skills for demining on the part of the armed groups, and resulting casualties.⁶⁹⁷ There has also been some cooperation between the KNLA and DKBA in the demining of small areas for external business interests.⁶⁹⁸ A problem for the DKBA, likely to be echoed in the case of other NSAGs and their landmine use, is that there is little record of where landmines were in fact placed. The

⁶⁹² Karen Human Rights Group, "Abuses since the DKBA and KNLA ceasefires: Forced labour and arbitrary detention in Doooplaya KHRG #2012-F2," 5-8.

⁶⁹³ Geneva Call, *Armed Non-State Actors and Landmines: Volume One: A Global Report Profiling NSAs and their Use, Aquisition, Production, Transfer and Stockpiling of Landmines*, 72.

⁶⁹⁴ *Ibid.*, 71; Karen Human Rights Group, *Uncertain Ground: Landmines in eastern Burma*, 34,41,185, & 251.

⁶⁹⁵ Landmine and Cluster Munition Monitor, *Landmine Monitor Report: Myanmar/Burma 2013*, 9.

⁶⁹⁶ Local member of an international mine action NGO, interview, Yangon, September 12th, 2014

⁶⁹⁷ Karen Human Rights Group, *Truce or Transition? Trends in human rights abuse and local response in Southeast Myanmar since the 2012 ceasefire.*, 59-60. See, also, "Landmine clearance in Myaing Gyi Ngu nearing completion: Karen groups," *Mizzima News* April 27, 2013.

⁶⁹⁸ For example, in 2011, the KNLA are reported to have informed the DKBA of the location of landmines in an area for the DKBA to remove. This activity was paid for by a businessman with logging interests. Karen Human Rights Group, *Uncertain Ground: Landmines in eastern Burma*, 47.

Tatmadaw and NSAGs still will not share this information with each other increasing the difficulty and risk when removing landmines laid by military opponents. In the case of the groups themselves, those who laid the mines may not recall where they were laid, have moved on, retired, or have subsequently died.

What they promised is to find the remaining landmines in their areas. The problem is the people who laid the landmines died, the soldiers, so it is difficult to know where these landmines are now.⁶⁹⁹

Organisations that undertake MRE had also been less able to go into DKBA areas. More recently, the DKBA has established contact with external organisations about this issue. "What they mention is they also attend the landmine campaign, some programme. What they say is, 'they never come to our area.'⁷⁰⁰

The DKBA and children affected by armed conflict

The DKBA has been consistently identified with the recruitment and use of child soldiers by human rights organisations and the UN.⁷⁰¹ This was also reiterated in interviews with people who had directly engaged with the DKBA on this issue. "They [the DKBA] had child soldiers, at the time around April last year they started opening up."⁷⁰²

The DKBA have been using child soldiers... I've been over there into their headquarters... I've seen a lot of young DKBA soldiers, however, they could be sixteen or seventeen, but they all say that they're... one girl that I was really convinced she's got to be fifteen, she's like 22. You know? Normally if a kid is lying about their age in that kind of situation what they would do is say they are 18, no not this lot, 22, 21, I was like how can you be?⁷⁰³

⁶⁹⁹ Director of a local NGO that conducted peace-building and civil society development in DKBA areas, interview, Yangon, September 11th, 2013.

⁷⁰⁰ Ibid.

⁷⁰¹ United Nations Human Rights Council, " A/HRC/21/38, Annual report of the Special Representative of the Secretary-General for Children and Armed Conflict, Radhika Coomaraswamy," 20.

⁷⁰² Consultant and researcher working on child soldier and IDP issues, who had accessed DKBA areas in 2013, interview, December 6th, 2013.

⁷⁰³ Director of a CBO working with former child soldiers, interview, Mae Sot, August 30th, 2012.

Out of the NSAGs examined in this study, the DKBA has been, between 1995 and 2010, the most often cited by human rights organisations for systematic recruitment of underage soldiers. This is not to excuse the involvement of children with the other NSAGs considered in this study, but the scale indicated in reports by HRW, CSI, KHRG and HURFOM of DKBA recruitment has been of a different order again. This has especially been in regard to systematic and coercive recruitment.⁷⁰⁴ It should be acknowledged, though, that the media and human rights reporting organisations that have highlighted the DKBA on these issues have often been closer to the KNU and other cross-border actors working from Thailand that are generally opposed to the government and the pre-2010 DKBA.

The decentralised and self-supporting nature of the DKBA and the reliance of local commanders on forced or under age recruits has demonstrated the lack of cohesion within the organisation as a whole. "With many child soldiers and other coerced recruits, and low provisioning of its soldiers, cohesion in the DKBA is low."⁷⁰⁵ The DKBA's previous conscription practices meant villagers in DKBA areas were required to provide a son for military service, or pay enormous fines if they failed to do so or if the recruit deserted. A consequence of this was that families struggling to support themselves, especially if they did not have DKBA 'connections,' were faced with losing a valuable worker, so rather than send an adult, a younger (under 18) son was often sent instead.⁷⁰⁶ This was also outlined in a 2007 interview with HRW, by a DKBA officer.

People have to take turns sending a recruit, so some parents send boys under 18. They need to fulfil this obligation. If they don't fulfil it, the DKBA can make lots of trouble for them. They don't accept crazy or sick people,

⁷⁰⁴ See, for example, Karen Human Rights Group, *Growing up under militarisation: Abuse and agency of children in Karen State*; Human Rights Watch, *Sold to be Soldiers: The Recruitment and Use of Child Soldiers in Burma*; Karen Human Rights Group, "Insecurity amidst the DKBA-KNLA conflict in Dooplaya and Pa'an districts KHRG #2009-F3," 4.

⁷⁰⁵ Kenny, "Structural Integrity and Cohesion in Insurgent Organizations: Evidence from Protracted Conflicts in Ireland and Burma," 548.

⁷⁰⁶ Karen Human Rights Group, "Forced recruitment by DKBA forces in Pa'an District KHRG #2008-B8," (Thailand: KHRG, September 24th 2008).

but if you're normal you have to go whether you're under 18 or over 18.

They don't care how old you are.... This policy began in 2006.⁷⁰⁷

The 2010 DKBA/BGF split saw some of the most notorious DKBA leaders involved in child soldier recruitment, shift to the BGF and be under complete Tatmadaw control.⁷⁰⁸ Continuing pressure for under age recruitment by the ex-DKBA BGF has remained an issue.⁷⁰⁹ This was also mentioned by a former DKBA soldier.

I think the idea of forming BGF is even worse because when the army says 'no we don't have child soldiers' at the same time they let them recruit child soldiers. They order the BGF 'hey we need soldiers.'⁷¹⁰

The DKBA had paid little heed to international humanitarian standards, such as the minimum age of 18 for recruitment, prior to the 2010 split with the BGF. However, the constitution of the KKO, the political wing of the post-2010 DKBA, stipulated 18 as the minimum age for joining the KKO. It further stated that all KKO members were either to be in the political or military wing, thereby implying 18 was also the minimum age for recruitment to the DKBA.⁷¹¹ A 2013 report by CSI, however, cited evidence that children were still being associated with the DKBA in camps, and, in some instances, manning DKBA check-points.⁷¹²

The DKBA, even if it is attempting to develop a rights and democracy based, liberal and humanitarian-friendly approach, is likely to take some time to implement the removal of all soldiers under the age of 18. Its leadership claimed to researchers for CSI in 2012 that they have issued verbal orders to halt under age recruitment. There was little evidence, though, of how these orders were followed up or enforced.⁷¹³ It has attempted to create associated medical programmes that under 18 year

⁷⁰⁷ Human Rights Watch, *Sold to be Soldiers: The Recruitment and Use of Child Soldiers in Burma*, 110.

⁷⁰⁸ Director of a CBO working with former child soldiers, interview, Mae Sot, August 30th, 2012

⁷⁰⁹ Child Soldiers International, *Chance for a Change: Ending the recruitment and use of child soldiers in Myanmar*, 23-27.

⁷¹⁰ Former DKBA soldier via translator, interview Mae Sot, October 21st, 2012.

⁷¹¹ The Kalo Htoo Baw Karen Organisation (KKO), constitution, sections 9 (A), and 15 (D) and (F). Copy on file with the author.

⁷¹² Child Soldiers International, *Chance for a Change: Ending the recruitment and use of child soldiers in Myanmar*, 32-33.

⁷¹³ *Ibid.*, 2 & 32.

olds can work for, rather than being child soldiers.⁷¹⁴ It has also opened more schools its areas since 2011. "They also built a school, the training centre. Now, this month, they will open the computer training, English speaking school."⁷¹⁵

The influence of the leadership in the post-2010 DKBA, in its attempts to improve its reputation, was also acknowledged in interviews with people who had engaged with them on the child soldier issue.

Their leaders are not the same type of western-friendly educated people, and they are not in those sorts of same mind sets. But I think they're also not as exploitative as the DKBA generally sort of got its reputation for being.⁷¹⁶

With the recent (July 2013) signing by the KNU of the Geneva Call DoC on the protection of children from the effects of armed conflict,⁷¹⁷ and moves to realign with the KNU and improve its legitimacy, the DKBA may now feel more need or pressure to implement similar policies within its own ranks.⁷¹⁸ Reasons for the DKBA's attempts to change its policies and practices regarding under age recruits have a pragmatic military and economic rationale, as well as a focus on increasing legitimacy.

I had to meet a lot of people in Mae Sot for setting up the medic camp and the main office. The reason they want me to do all these things is because I have a connection with the NGOs.... That's why I can mingle and talk about what they can get or have from these organisations.⁷¹⁹

They took a general policy they don't have a need in the ceasefire time for any young soldiers. They want to spend time taking them away from the

⁷¹⁴ Consultant and researcher working on child soldier and IDP issues, who had accessed DKBA areas in 2013, interview, December 6th, 2013.

⁷¹⁵ Director of a local NGO that conducted peace-building and civil society development in DKBA areas, interview, Yangon, September 11th, 2013.

⁷¹⁶ Consultant and researcher working on child soldier and IDP issues, who had accessed DKBA areas in 2013, interview, December 6th, 2013.

⁷¹⁷ "KNU to sign Geneva Call agreement to protect children and women," *Karen News* July 20, 2013.

⁷¹⁸ There were attempts to start education on IHL including about child soldiers with the DKBA by a local organisation in mid-2012, but the split with the KKO has put that on hold as of late 2012.

⁷¹⁹ Former DKBA soldier via translator, interview Mae Sot, October 21st, 2012.

military and training them in computer skills, sending them to various courses in the camps or in Mae Sot, doing medical training.⁷²⁰

I'm not convinced that they still completely understand why you shouldn't use child soldiers. I think they understand now that it's against the law to use child soldiers so they want to stop using them, but I think to really effectively put in that policy, the commanders need to know more about exactly why.⁷²¹

Summary: NSAGs and civilian protection issues

The brief outline of these four NSAGs and their involvement, positive and/or negative, with civilian protection issues focused on landmine use and children affected by armed conflict, has highlighted some recurring themes.

Military necessity (proposition 1)

Military necessity is implicit in the statements of NSAG leaders and members, in interviews and in secondary reports about the groups' continued use, or stockpiling, of landmines. It was also present in the pressures, identified in secondary sources, for NSAGs to maintain numbers leading to underage conscription and recruitment quotas. The rationalisation often presented by NSAGs for the continued presence of children has been that while associated with the NSAGs by being in their camps, the children are not engaged in actual front line fighting or duties. Documentary evidence is clear that, despite claims to the contrary, all NSAGs in the 1990s had children in their ranks and certainly they were engaged in armed conflict. This was most clear for the KNPP and the DKBA case studies.

Social and material resources at formation (proposition 2)

The KNPP and NMSP (similar to other established NSAGs like the KNU and KIO) had a basis in pre-independence social and political movements. For example, Mon youth and cultural movements had developed in the 1930s. In the case of the KNPP in the 1950s, its early leaders also had

⁷²⁰ Consultant and researcher working on child soldier and IDP issues, who had accessed DKBA areas in 2013, interview, December 6th, 2013.

⁷²¹ Director of a CBO working with former child soldiers, interview, Mae Sot, August 30th, 2012.

Second World War military experience and the organisation had access to weapons left over from that conflict. As also outlined in the Burma context chapter, both the NMSP and KNPP received assistance from the KNU in their early development. The ABSDF which formed in 1988 came from a pro-democracy uprising student base and also received initial support and training from ethnic NSAGs with which it became allied. The DKBA, however, in its pro-government stance between 1994 and 2010 while having some initial government support later become largely self-funding. As indicated in its case, economic motivations later dominated over the original Buddhist Karen political objectives for its leadership and later recruits.

Access to resources and funding (proposition 3)

Economic forces were also raised as contributing to both landmine use and children involved with NSAGs. The use of landmines was associated with defence of resources for organisational funding by NSAGs in some instances, and for individual or business interests, especially in the case of geographically dispersed or fragmented groups. Both purposes contribute to the problem, especially as use of landmines to defend resources leads to their deployment in contested areas and/or behind the front lines of conflicts, increasing danger to civilians and their livelihoods.

This is because to protect ourselves, we have to be careful and avoid the landmines which were set up by our armed ethnic groups, and those landmines sometime exploded when our animals step on them.... There are so many places where we think we can grow food, but we cannot go back and work because of landmines.⁷²²

We still have landmines as well in our old village, especially on the place between Daw Khu Soe and Dae ka Lee villages. Very recently, some villagers from Htee Soe Kuu village went back to their old village and try to clear the land to grow plant, and the fire reached the landmines and exploded and they got injured.⁷²³

⁷²² Villager (a), Papun Township, Karen state, 2013 (interviewed by a CBO for TBC “What villagers say”).

⁷²³ Villager (a), Yae Ni Pouk village, Bawlake Township, Karenni State, 2013 (interviewed by a CBO for TBC “What villagers say”).

As will be outlined in the following chapter, external actors have engaged with NSAGs on this issue, but in terms of removal or prohibition of landmine use, the situation remains largely intractable. Concerted action by the NSAGs, the government, and external demining actors, is claimed to rest on the nationwide ceasefire agreement and political settlements following it. Such action, when it does occur, will have major implications for land and resource use, refugee and IDP returns, and the political legitimacy and authority of the actors facilitating and undertaking landmine clearance.

Economic forces also influence recruitment patterns for NSAGs and the effect this has had on children affected by armed conflict. Where individual families are expected to provide a fighting age soldier for NSAGs, there is also an economic incentive to send a younger son (or daughter) and keep the more productive older ones. Ceasefire periods for NSAGs have been opportunities to also increase membership with a higher likelihood of recruitment under 18.⁷²⁴

Geographical dispersion and organisational fragmentation (proposition 4)

The above case studies reveal greater attempts at compliance and some external assessment of its effectiveness for the NMSP and the KNPP. Both organisations are smaller politically and militarily, with the NMSP, in particular, geographically concentrated in its controlled areas in Mon state. This raises the issues of the geographic spread and organisational cohesion of these NSAGs and their ability to implement policies on children and on landmines. The ABSDF, while small, was also geographically spread across Burma's borderlands as an ally of larger ethnic NSAGs. Its command and control, as the group acknowledged itself in its investigation of executions of some members in the 1990s, was not strong. While clearly a threat to the security of its own members in the early 1990s, the ABSDF has been more focused on health and education and other services to populations within the counter-state civil society of

⁷²⁴ Human Rights Watch, *Sold to be Soldiers: The Recruitment and Use of Child Soldiers in Burma*, 97-98.

resistance organisations. The smaller and more concentrated groups have, generally, been able to administer and implement policies more effectively. The DKBA, especially prior to 2010, on the other hand, was more geographically spread out across Karen state (as are the brigades of the KNU/KNLA), more decentralised, and more focused on economic incentives

Perceptions of NSAG legitimacy (proposition 7)

Another factor (also related to propositions 5-8) examined further in the next chapter is the role of external organisations, local and international, in engagement with the NSAGs, on the issues of landmine use and children affected by armed conflict. The four NSAGs outlined in this chapter now need, or wish, to be seen as legitimate locally and internationally and this may have dissuaded them from reliance on under-18 year olds for increasing numbers since the 2012 ceasefires. It may also have increased their efforts to be seen to be dealing with the issue, such as through making statements and instituting policies to that effect. An alternative explanation for prohibition on under age recruitment, or removal of remaining children from their ranks, may be more pragmatic in that they are not of significant military value as indicated in the case of the DKBA. The KNPP and NMSP have also previously declared, prior to 2012, that they no longer recruit children, although the effectiveness of the implementation of such policies has been questioned.

The influence of external organisations as outlined above, has been more evident with the KNPP, NMSP, and ABSDF, but less so with the DKBA. The processes of humanitarian engagement, policy instruments, and actions undertaken with the four NSAGs outlined in this chapter, as well as with three other similar NSAGs, the KNU, KIO and CNF, will be explored in the next chapter.⁷²⁵

⁷²⁵ See chapters five and six regarding the rationale for inclusion of these extra NSAGs in discussion of humanitarian engagement organisations and their activities and policies.

Chapter Nine

Humanitarian engagement with NSAGs in Burma

Introduction

This chapter explores the forms of engagement undertaken by local and international organisations with NSAGs in Burma to improve civilian protection and NSAG compliance with international humanitarian norms. Engagement with NSAGs on the humanitarian norm issues of landmine use and children affected by armed conflict is here disaggregated into indirect and direct engagement. Indirect engagement with NSAGs refers to circumstances where humanitarian concerns are raised by local and international organisations with NSAGs and their associated welfare wings as an adjunct to their other activities. Direct engagement is where the issues (landmines and/or children affected by armed conflict) are specifically addressed with NSAGs through advocacy, training, capacity building, and monitoring and reporting. In some instances, this also involves working with, or providing assistance to, NSAGs in the development of policy instruments and/or practical measures to ameliorate these threats to their constituent populations. Practical measures facilitated by this engagement may include assistance with demobilisation, rehabilitation and education for children from NSAGs, mine risk education, mapping and surveys of mined areas, and landmine clearance.

In what follows, the situation for humanitarian and civil society activity inside and on the borders of Burma is first sketched out. Indirect engagement activities are situated within these spheres of activity. The processes and actors involved in direct forms of engagement are then explored. This chapter concludes with an assessment of the factors that have enabled or inhibited humanitarian engagement with NSAGs in Burma.

Indirect engagement on humanitarian issues

The context for humanitarian engagement with NSAGs from inside Burma

Until 2011, access to conflict affected areas for humanitarian INGOs and UN agencies inside Burma was very limited.⁷²⁶ Even with the considerable opening to international actors since 2011 and improvements in access for them, there are still restrictions for international agencies wanting to access NSAG areas. These were frequently mentioned in interviews. “But for the non-government controlled areas, the INGOs and UN agencies are not officially allowed to work in these areas.”⁷²⁷ “The fact is the government, I think they really don’t want us to go to there.”⁷²⁸ “The restrictions have mainly come from the government at this point.”⁷²⁹

Access for international actors is also complicated through having to negotiate with the bureaucracies of the union and state level governments, their respective line ministries, the Tatmadaw, and NSAGs in order to reach conflict affected communities.

You have to go to Naypyidaw, find your line ministry, get an MoU, get registration from the Ministry of Home Affairs, the Ministry of Finance, the Attorney General’s Office, and finally the President’s Office, and line ministry, which for us is the Department of Social Welfare, and the MPC [Myanmar Peace Centre]. Once you get past that level, there’s the state level authorities, the chief minister and the line ministry departments at the state level. Then you have the non-state actors. And finally, you have the communities.⁷³⁰

⁷²⁶ Restrictions on access were often mentioned by CBO, UN and INGO staff interviewed for this study. For an overview of restrictions pre 2011, and instances of limited access for UN and INGOs into conflict affected areas, see, Human Rights Watch, “They Came and Destroyed Our Village Again”: The Plight of Internally Displaced Persons in Karen State, 58-64.

⁷²⁷ Local member of an NGO that worked with CBOs in KIO controlled areas, interview, Yangon, August 22, 2013.

⁷²⁸ Local member of an UN humanitarian agency, interview, Myitkyina, August 29th 2013.

⁷²⁹ Senior staff member of an international humanitarian agency, interview, Hpa-an, August 26th, 2014.

⁷³⁰ Country director of an international mine action NGO, interview, Yangon, September 6th, 2013.

INGOs operating inside the country have to work with government ministries. Consequently, assistance into ethnic areas delivered in conjunction with government actors and initiatives has often been viewed by local populations, and by NSAGs, as an extension of government control into their areas. This is also of concern as there are often pre-existing welfare services associated with NSAGs already operating in those same areas.⁷³¹ This was reiterated in interviews. "MRC [Myanmar Red Cross] is a humanitarian organisation but since it's under the government, they [NSAGs] don't want."⁷³²

There's a huge fear that any service delivery, mine action, health, education, whatever, is going to come with an extension of the government institutional structure.⁷³³

Another aspect for local civil society and NGOs in Burma wishing to engage with NSAGs is the prohibition of contact with them in the Unlawful Associations Act. This has been used specifically to prosecute individuals suspected of contact with NSAGs that are still in conflict with the government such as the KIA or TNLA.⁷³⁴

Despite government repression, low profile local civil society networks able to work between government and NSAG controlled areas were operating inside Burma during the pre-2011 era.⁷³⁵ These organisations have been to the fore in the response to the renewed conflict in Kachin state since June 2011. The conflict resulted in total displacement of up to 120,000 people by 2013. Of the 85,000 registered IDPS, 50,000 were in NSAG-controlled areas and outside the reach of regular assistance from

⁷³¹ See regarding discussion of these concerns, Jolliffe, *Ethnic Conflict and Social Services in Myanmar's Contested Regions*. Ashley South, "Update on the peace process," in *Burma/Myanmar: Where Now?*, ed. Mikael Gravers and Flemming Ytzen (Copenhagen, Denmark: NIAS Press, 2014).

⁷³² Local member of an UN humanitarian agency (a), interview, Myitkyina, August 29th 2013.

⁷³³ Country director of an international mine action NGO, interview, Yangon, September 6th, 2013.

⁷³⁴ See, for example, Hlaing Kyaw Soe, "Calls grow for end to Unlawful Association Act," *Myanmar Times* November 27, 2014; Zarni Mann, "Interfaith Activist Detained for Unlawful Association," *The Irrawaddy* July 17, 2015.

⁷³⁵ South, Perhult, and Carstensen, "Asia Programme Paper: ASP PP 2010/04: Conflict and Survival: Self-protection in South-east Burma," 53-55.

international agencies.⁷³⁶ Local partner organisations working with UN agencies such as Shalom (Nyein) Foundation, Karuna Myanmar Social Services (KMSS), and the Kachin Baptist Convention, have been central to the assistance response to the crisis.⁷³⁷ They are staffed by local people and often have informal contacts with NSAGs and access to non-state areas.

Shalom, as well as another national NGO, the Metta Foundation, grew out of faith-based civil society in Kachin during the KIO ceasefire period from 1994 to 2011.⁷³⁸ Smaller CBOs such as Wunpawng Ningthoi (WPN) (Kachin Light) who have closer relations and acceptance with the KIO have also been involved as partner organisations to international agencies that cannot themselves access those areas.⁷³⁹ This was identified by a local member of an NGO that accessed KIO areas. "WPN and KMSS have good connections with the KIO and the KIO also helps them to deliver their activities very smoothly in those camps."⁷⁴⁰

As a part of the assistance mission to IDPs in KIO areas, the UNOCHA has been able to extend some training to partner organisations working with the KIO administration. This has included aspects of humanitarian principles and norms. "We are going to have the second mission to Laiza very soon. We're preparing for protection, all the basics to humanitarian law, like conflict and civilian, combatant and non-combatant, distinct separation."⁷⁴¹ The imparting of humanitarian norms via the local partner NGOs to NSAG-associated welfare actors was also mentioned by international agency staff.

⁷³⁶ United Nations Office for the Coordination of Humanitarian Affairs, *Kachin Response Plan (Myanmar): March 2013-December 2013* (Yangon, Myanmar: UNOCHA, 2013), 3 & 5.

⁷³⁷ Ibid., 12.

⁷³⁸ Lois Desaine, *The Politics of Silence: Myanmar NGOs' Ethnic, Political and Religious Agendas* (Bangkok, Thailand: Research Institute on Contemporary Southeast Asia, 2011), 81-87.

⁷³⁹ Seamus Martov, "Local Kachin Aid Group Goes Where Others Can't," *The Irrawaddy* September 21st, 2012.

⁷⁴⁰ Local member of an NGO that worked with Kachin CBOs in KIO controlled areas, interview, Yangon, August 22, 2013.

⁷⁴¹ Local member of an UN humanitarian agency (b), interview, Myitkyina, August 30th 2013.

One of the requests we're getting from a lot of the national NGOs who are operating across the line is 'help us strengthen our capacity, not just to deliver assistance, but to understand how international humanitarian action works to train our staff on humanitarian principles.' So we're getting increasing numbers of requests from local NGOs to build their capacity... presumably, they're talking to their interlocutors on the other side of the line on what those norms look like and why they need to be respected.⁷⁴²

National actors inside Burma

National NGOs such as Shalom and KMSS have been able to work in conflict affected areas with some acceptance from government and NSAG authorities. They have both been established as national NGOs since the 1990s, and KMSS, for example, was able to work with IDPs during the height of the conflict between the government and KNPP in Karenni state in 1996.⁷⁴³ More recently, both Shalom and KMSS have been involved with MRE, as well as peacebuilding in Karenni state. They have undertaken this activity as local implementing partners to INGOs, which have been able to extend their activities through local partners since the 2012 ceasefires.

Such activities require these national NGOs to sometimes work in NSAG areas, such as those where the KNPP is active, and to work with both sets of authorities. "Now we [Shalom] have two main activities or projects. The first one is the mine risk education, the second one is consultation for peace."⁷⁴⁴ "We [KMSS] work with the government through the Department of Social Welfare and with the KNPP."⁷⁴⁵ In these roles, they are working as partners to INGOs engaged in mine action. The national NGOs in Karenni state have used participation in community events and activities such as performance and sports events to engage with and involve communities in MRE.

⁷⁴² Country director of an international humanitarian agency, interview, Yangon, September 6th, 2013.

⁷⁴³ Member (a) of a focus group of staff from local NGOs involved in MRE in Karenni state, Loikaw, September 4th, 2014.

⁷⁴⁴ Member of a local NGO (b) involved in MRE in Karenni state, interview, Loikaw, September 4th, 2014.

⁷⁴⁵ Member of a local NGO (a) involved in MRE in Karenni state, interview, Loikaw, September 3rd, 2014

We use a play. A drama, to get people interested and involved and to raise awareness of the mine issue. Also through quizzes and question and answer. We work at the township level.⁷⁴⁶

Firstly, we organise the activities in sports events.... Meanwhile we educate the people in terms of the mine risk...so we put mine risk education in the sports events.⁷⁴⁷

This requires permission and cooperation from the KNPP, as was acknowledged in interviews. However, as national NGOs, they were initially viewed with suspicion by the KNPP as being an arm of government control. Shalom, for example, had earlier initiated an educational fellowship programme in 2008 that included people from areas controlled by the KNPP.⁷⁴⁸

Local NGOs engaging with NSAGs, as demonstrated in the case of KMSS and Shalom in Karenni state, had an indirect influence on NSAGs in relation to the landmine issue. The KNPP, as well as the KNPLF⁷⁴⁹ have been willing to allow MRE in their areas.⁷⁵⁰ MRE is also significant as a means of building trust and practical coordination, and as an entry point for further discussion about clearance of mines, preventing under age recruitment, or monitoring of ceasefires. To this end, Shalom, KMSS and other national NGOs and CBOs in Karenni (Kayah) state have formed the Kayah state Peace Monitoring Network.⁷⁵¹ A similar process has also been initiated in Mon state to monitor the NMSP-government ceasefire there through a group of local CBOs, the Mon State Civil Ceasefire Watch Committee.⁷⁵² In both cases, these ceasefire monitoring committees

⁷⁴⁶ Member of a local NGO (a) involved in MRE in Karenni state, interview, Loikaw, September 3rd, 2014

⁷⁴⁷ Member of a local NGO (b) involved in MRE in Karenni state, interview, Loikaw, September 4th, 2014

⁷⁴⁸ Member of a local NGO (b) involved in MRE in Karenni state, interview, Loikaw, September 4th, 2014

⁷⁴⁹ The Karenni Nationalities People's Liberation Front. Originally a leftist faction that split from the KNPP in the 1970s, it agreed a ceasefire with the government in 1994, and became a BGF in 2009.

⁷⁵⁰ Local staff member of an international mine action NGO, interview, Loikaw, September 2nd, 2014

⁷⁵¹ Members of the KSPMN attended a focus group with the author of staff from local NGOs involved in MRE in Karenni state, Loikaw, September 4th, 2014

⁷⁵² Focus group discussion with members of CBOs involved in the MSCMC, Mawlamyine, August 28th, 2014

consist of local CBOs and NGOs accepted by, but remaining independent of, the government and NSAGs.

They have some contact but armed group controlled CSOs are not accepted to participate in the committee because they are already on the side of the NMSP. The ceasefire monitoring committee is formed by the CSOs and other non-profit organisations that are independent.⁷⁵³

Another, mostly under the radar, engagement activity undertaken by some smaller NGOs, has been informal peace-building through visits to NSAG areas.⁷⁵⁴ These initiatives have attempted to connect some of the more marginalised NSAGs in the borderlands to social and political developments in the centre. The DKBA, for example, has received less attention from western INGOs from inside Burma or from across borders, due both to restrictions on access, and to less trust or willingness towards engagement with international actors.⁷⁵⁵ Dialogue with the DKBA from small low profile Burmese NGOs has shown they have considered their future post-conflict role in light of developments since 2011.

What they want, according to Colonel San Aung, he mentioned when the day comes they also need to sacrifice their arms. At that time, they will go back and be farmers because they will become the public. At that time they need to build some trust between the DKBA and their public.⁷⁵⁶

This low-key engagement has the potential for establishing future contacts with NSAGs for international actors that do have a specific focus on humanitarian issues such as landmine use or protection of children.

⁷⁵³ Member (a) of focus group of CBOs engaged in ceasefire monitoring in Mon state, Mawlamyine, 28 August, 2014.

⁷⁵⁴ Director of a local NGO that conducted peace-building and civil society development in DKBA areas, interview, Yangon, September 11th, 2013; A former member of a local NGO that conducted peace-building and civil society development in DKBA areas, personal communication, Yangon, August 13th, 2013.

⁷⁵⁵ Most international actors acknowledged in interviews that they had no contact with the UWSA in northeast Burma, which has close cross-border relations with China. The DKBA in Karen state, as outlined in the previous chapter, had shown some interest in opening to external engagement, but there are also members of its leadership that wish to maintain a closer political and economic relationship with the central Burma government.

⁷⁵⁶ Director of a local NGO that conducted peace-building and civil society development in DKBA areas, interview, Yangon, September 11th, 2013. Colonel San Aung was a central leader in the post-2010 DKBA. His faction was later ousted from the DKBA in July 2015 following renewed fighting with government forces over control of taxation on the new Asia Highway linking Hpa-an in Karen state to Myawaddy and Mae Sot on the Thai-Burma border.

International actors inside Burma

In 2015, the extent of access for international agencies to NSAG areas varies across different ethnic states and remains limited and dependent on tightly controlled government permission.⁷⁵⁷ NSAG interest in international assistance coming into their areas was acknowledged by the country director of an INGO.

When we were granted authorisation to set up an office there [Hpa-an] and start working with the MOIP [Ministry of Immigration and Population], we started receiving faxes from the KNU, from the DKBA and the NMSP to bring our services down to their areas.⁷⁵⁸

Following ceasefires in 2011 and 2012 with most major NSAGs, some INGOs and UN agencies, usually working through local partner organisations, are now able to undertake activities with government supervision in former conflict areas. Where this has interfaced with the issues addressed by this study in relation to NSAGs has mostly been in cooperation on MRE and victim assistance, as mentioned above. Regarding action on landmines, some pilot non-technical surveys (NTS)⁷⁵⁹ have been carried out by INGOs with government and NMSP permission in NMSP areas.⁷⁶⁰ The circumstances of this action were explained by a member of an international mine action NGO.

The Mon NTS project took a lot to get underway. We had buy in from the NMSP but it was difficult getting government permission. However, we were only allowed to work in NMSP controlled villages where we were allowed to by the government, and there were no mines. In NMSP

⁷⁵⁷ For example, state-level ministries have been more amenable to international organisations and their local partners working in or adjacent to NSAG areas in Mon and Karenni states, than has been the case in Karen state.

⁷⁵⁸ Country director of an INGO, interview, Yangon, September 16th, 2014.

⁷⁵⁹ “The term non-technical survey encompasses all non-technical means, including desk assessments, analysis of historical records and a wide range of other information gathering and analysis functions, as well as physical visits to field locations. All elements of the nontechnical process revolve around identifying, accessing, collecting, reporting and using information to help define where mines/ERW are to be found, as well as where they are not, and to support land cancellation, reduction and clearance decision making processes.” United Nations Mine Action Service, *International Mine Action Standard: Non-technical survey* (New York, NY: UNMAS, 2013), 1.

⁷⁶⁰ There are NMSP controlled areas in neighbouring Karen state as well as in Mon state.

controlled areas in Kayin state, the state level government would not allow us to work there.⁷⁶¹

This demonstrates the limitations for mine action INGOs, outlined earlier, due to bureaucracy, union-level and state-level administrations, and government controls exerted on any such activities.

Some NSAGs have also started to develop parallel policies that echo the government's attempts to control international agencies. Their documents deploy the language of international humanitarian norms and human rights, as also espoused by the international organisations they engage with.

One thing I think we've seen over the last couple of years, particularly the KNU and KNPP are springing to mind, they have issued policies on their engagement with humanitarian organisations... So you had the KNPP saying 'we want to issue ID for your staff, we want to see your work plans, if you want to go to our area you have to put in a written request and we'll give you a pass.' The KNU was also kind of saying things along the same lines as well, but they've kind of pulled back a bit. In both cases we are able to go to KNPP and KNU areas without this being required. But there were moves in that direction.⁷⁶²

The KNU's 2013 policy document on humanitarian operations in their areas of control presents an example of the indirect influence of engagement by humanitarian actors on NSAG policies. It states: "the KNU respects and promotes the implementation of International Humanitarian Law, Refuge Law, and Human Rights Law as they relate to both the delivery and the receipt of humanitarian aid."⁷⁶³ The KNU's 2014 update to this policy relaxed the requirements for MoUs and registration and reduced the reference to IHL, while requiring that "the delivery of

⁷⁶¹ Representative of an international mine action NGO, interview, Yangon, September 15th, 2014.

⁷⁶² Senior staff member of an international humanitarian agency, interview, Hpa-an, August 26th, 2014.

⁷⁶³ Karen National Union Office of the Supreme Headquarters, "Policy on Humanitarian Operation in Ceasefire Zone," (March 25th, 2013), Guiding Principle IV. See this document in appendix 3.

humanitarian assistance, in accordance with the international norms and standards, shall respect human rights.”⁷⁶⁴

This issuing of humanitarian policy by NSAGs recalls the socialisation process by which norms become accepted as appropriate, as outlined by Johnston, Checkel and others in chapter two. Whether it is done for instrumental purposes, or for deeper held beliefs, the significance is that the KNU wishes to demonstrate awareness of these norms in its dealings with international actors. In this instance, the KNU’s standards and procedures for humanitarian action in their areas echo humanitarian and human rights norms as advocated for, and in the language of, international actors. It also demonstrates the wish to increase legitimacy through a role in governance and facilitating assistance to populations in areas controlled or contested by that NSAG. This also reflects the significance of rebel administrations as a means to maintain legitimacy as suggested by Podder and by Mampilly in chapters two and four.

Indirect engagement with NSAGs on Burma’s borders

A significant influence on humanitarian engagement with NSAGs in Burma, has been the relationship between international organisations and NSAGs on Burma’s borders. Most of this has occurred on the long Thai-Burma border. China has not permitted international actors to work from its borders with northern Burma, whilst the Indian military has periodically cooperated against NSAGs on its shared border with Burma since the 1990s.⁷⁶⁵ The short border with Bangladesh is tightly guarded and patrolled by both countries.

International actors on the Thai-Burma border

Conflict affected populations in eastern Burma, along with NSAGs, were increasingly forced across the border into Thailand from the mid-1980s by Tatmadaw offensives. Contact with international organisations in Thailand has consequently influenced the policies, and in some instances, the

⁷⁶⁴ Karen National Union Office of the Supreme Headquarters, Kawthoolei,, "Karen National Union (KNU) Policy for Humanitarian Assistance," (June 11, 2014), (1). See this document in appendix 3.

⁷⁶⁵ Lawrence E. Cline, "Insurgency in Amber: Ethnic Opposition Groups in Myanmar," *Small Wars and Insurgencies* 20, no. 3 (2009): 585-86.

practices of these NSAGs. This is important, since NSAGs on the Thai-Burma border have often sought to present themselves as better international citizens in comparison to the central Burma state and its armed forces. The KNU, KNPP and NMSP that operate in areas adjacent to the Thai border have had the most contact with external international organisations. Promotion by international organisations of humanitarian norms, education and civil society development with communities associated with these NSAGs has since been influential. Furthermore, the NSAGs themselves often had well established governance structures in place prior to the refugee situation developing on the Thai border in the 1990s.⁷⁶⁶ For example, when Karen refugees started crossing the border into Thailand in the mid to late 1980s, an existing level of organisation and self-sufficiency was noted by the few international aid workers present at that time.⁷⁶⁷

The Thai government, which is not a signatory to the 1951 Refugee Convention, had previously hosted refugees from conflicts in Indochina on its borders with Cambodia and Laos since the 1970s. The refugee camps on the border with Cambodia had also provided rear bases for the Khmer Rouge-led insurgency against the Vietnamese backed government in Cambodia in the 1980s.⁷⁶⁸ Thailand wished to retain control and avoid UN involvement with refugee camps on its border with Burma and instead permitted a group of mostly Christian INGOs to deliver assistance there. From the late 1980s onwards, the INGOs operating along the Thai-Burma border worked closely with the NSAG administrations in the running of refugee camps.⁷⁶⁹

The role of international assistance to the refugee camps along the Thai-Burma border, and their relationship to the role of NSAGs still operating in

⁷⁶⁶ McConnachie, "Rethinking the 'Refugee Warrior': The Karen National Union and Refugee Protection on the Thai-Burma Border," 40-41, & 46.

⁷⁶⁷ The Burmese Border Consortium, *Twenty Years on the Border* (Bangkok, Thailand: Burmese Border Consortium, 2004), 19.

⁷⁶⁸ See, for a detailed account of the role of the Thai border based refugee camps in the Khmer Rouge insurgency in Cambodia during the 1980s, Terry, *Condemned to Repeat?: The Paradox of Humanitarian Action*, 114-54.

⁷⁶⁹ These INGOs formed the Burma Border Consortium (BBC), which later became the Thai-Burma Border Consortium (TBBC), and since 2012 has been The Border Consortium (TBC).

Burma, has received some critical attention. This is due to the role of the camps in Thailand as “refuge for the victims of the civil war, and unofficial base areas for the KNU and other armed groups.”⁷⁷⁰ Some argue the international assistance has prolonged the conflict inside Burma by enabling NSAGs, especially the KNU and KNPP, to continue armed conflict due to diversion of material assistance and the legitimacy they have gained through association with cross-border assistance and administration of the refugee camps.⁷⁷¹ Moreover, that support came at a time when these NSAGs were almost militarily defeated inside Burma.⁷⁷² Others have pointed to the effective role these NSAGs have played as partners to international actors in the running of the refugee camps. This perspective further suggests engagement can encourage those NSAGs that have been active in providing civilian welfare towards “a more representative, accountable, and democratic approach to governance.”⁷⁷³ The integral role of the NSAGs in facilitating the delivery of assistance and provision of services to their areas has also been acknowledged.⁷⁷⁴ Much of this activity has been conducted cross-border with support from INGOs on the Thai side.

There were benefits for the NSAGs derived from their relationships with the Thai border-based INGOs and donors. The situation provided some limited material support through diversion to NSAGs of (mostly) food aid provided by INGOs to refugee camps. There have also been concerns about NSAG soldiers and their families residing in the refugee camps, and their use as sites of recruitment (including some underage).⁷⁷⁵ These issues were mentioned in interviews with people who had long-term

⁷⁷⁰ South, *Ethnic Politics in Burma: States of Conflict*, 94.

⁷⁷¹ See, for example, Horstmann, "Sacred Spaces of Karen Refugees and Humanitarian Aid Across the Thailand-Burma Border."; Jelmer Brouwer and Joris van Wijk, "Helping hands: external support for the KNU insurgency in Burma," *Small Wars & Insurgencies* 24 no. 5 (2013).

⁷⁷² South, *Ethnic Politics in Burma: States of Conflict*, 95.

⁷⁷³ McConnachie, "Rethinking the 'Refugee Warrior': The Karen National Union and Refugee Protection on the Thai-Burma Border," 30.

⁷⁷⁴ Steven Lanjouw and Nwe Nwe Aye, *SDC Health Assessment in Southeast Region of Myanmar* (Yangon, Myanmar: Swiss Agency for Development and Cooperation, 2013), 20-21. Jolliffe, *Ethnic Conflict and Social Services in Myanmar's Contested Regions*.

⁷⁷⁵ Brouwer and Wijk, "Helping hands: external support for the KNU insurgency in Burma," 842-45.

experience of working with humanitarian organisations on the Thai-Burma border.⁷⁷⁶

From the early 2000s, material assistance from INGOs going across the border, some of which was diverted to NSAGs, was at least officially reduced or stopped by international agencies.⁷⁷⁷ This also coincided with improved relations between Thailand and Burma, where the NSAGs were no longer as useful militarily to Thailand, and instead were becoming an impediment to improving inter-state and economic relations.⁷⁷⁸ The role of humanitarian assistance has been more significant through providing perceptions of legitimacy for the NSAGs, especially the KNU, KNPP, and NMSP. This has come through their association with international aid agencies, administration of refugee camps and facilitation of aid and welfare services to populations they can access inside Burma.⁷⁷⁹ Additionally, being associated with the delivery of assistance has further enhanced their ability to present themselves internationally as representative and accountable actors.⁷⁸⁰ They have also maintained a sense of identity around their respective ethno-nationalist causes through their own education systems in refugee camps and in the areas they control inside Burma.⁷⁸¹

Assistance to IDPs in conflict-affected areas has been provided by welfare wings of the armed groups and by other, more independent, cross-border assistance groups. These assistance organisations, out of necessity for access and security, often have a good relationship with NSAGs. In some

⁷⁷⁶ Former humanitarian worker and long-term researcher and consultant on ethnic issues in Burma, interview, Chiang Mai, July 21, 2014; Long-term researcher and consultant on humanitarian issues in Burma, interview via Skype from Chiang Mai, 4th January, 2013.

⁷⁷⁷ Henry, "Civil Society amid Civil War: Political Violence and Non-violence in the Burmese Democracy Movement," 104-05.

⁷⁷⁸ Brouwer and Wijk, "Helping hands: external support for the KNU insurgency in Burma," 841.

⁷⁷⁹ See, regarding the role of refugees and humanitarian aid as significant forms of support for the KNU, *ibid.*; Horstmann, "Sacred Spaces of Karen Refugees and Humanitarian Aid Across the Thailand-Burma Border."

⁷⁸⁰ Sandra Dudley, *'External' Aspects of Self-Determination Movements in Burma*, QEH Working Paper Series Working Paper Number 94 (Oxford, UK: Oxford Department of International Development, 2003); Dudley, "Reshaping Karenni-ness in Exile: Education, Nationalism and Being in the Wider World."

⁷⁸¹ Lall and South, "Education, Conflict and Identity: Non-state ethnic education regimes in Burma."

instances they work with or have been accompanied by NSAGs for security.⁷⁸²

They [the KNLA] do provide security, yeah, security for the organisations, for transportation, for IDPs. If you want to go on a relief mission, whatever, you want to go and provide this, you have to check with the KNLA first whether the area is safe or not. You have to rely like that for security and information on KNLA troops.⁷⁸³

When we travel in the New Mon State Party or KNU controlled area it's good, but when people have to cross the motorway to the western [government controlled] area they have to worry about their security.⁷⁸⁴

The Free Burma Rangers, for example, work closely with ethnic NSAGs. FBR combines the provision of medical assistance to villagers in conflict-affected areas, a close relationship with the NSAGs and Christian ideals, and claims to provide assistance to conflict affected communities regardless of ethnicity or religious belief.⁷⁸⁵ The Back Pack Health Worker Team (BPHWT) claims to be able to work on both sides with armed groups that have sometimes been in conflict with each other, such as the KNPP and KNPLF in Karenni state prior to the recent ceasefires. "In the past, in Karenni state, KNPP and KNPLF they are fighting with each other, they are in conflict, but we had backpack teams on both sides in this area."

⁷⁸⁶

A developing civil society within the sphere of border-based NSAGs

The relationship between the humanitarian INGOs and the NSAGs, usually via their political and welfare arms, has provided a significant degree of engagement on rights-based issues and the promotion of broadly western, liberal and democratic principles. This has also been supported, in the case of the Christian-led NSAGs, such as the KNPP and

⁷⁸² South, *Ethnic Politics in Burma: States of Conflict*, 96-99.

⁷⁸³ KNU member, interview, Chiang Mai, October 18, 2013.

⁷⁸⁴ Local member of a cross-border CBO, interview, Sangkhlaburi, September 24th, 2013. A representative of an international humanitarian NGO involved in engagement with NSAGs, also acknowledged this relationship. "I think that partly it's been the nature of the conflict because the assistance can only get into those areas with the acquiescence and active role of the armed groups, military escorts etc." Interview, September 19th, 2013

⁷⁸⁵ Director of FBR, interview by email, November 14th, 2013.

⁷⁸⁶ Director of a cross-border assistance CBO, interview, Mae Sot, November 24th, 2012.

KNU, by international Christian organisations.⁷⁸⁷ Flowing on from this, with the involvement of some highly motivated local and international individuals over the last twenty years, has been the development of organisations that are more independent of the NSAGs. This nascent civil society within the sphere of the NSAGs, has focused on human, women's and child rights, health, education, social and environmental issues.⁷⁸⁸ It has meant for some organisations that there has been lengthy engagement and the members of welfare organisations, whether NSAG-aligned or independent, have had a close relationship with NSAGs. The nature and value of these relationships was highlighted by respondents from local civil society organisations that have worked with NSAGs.

I used to go with them [KNLA]. I went to their area with them and they met the government groups and they were going to shoot but they saw some porter who is Karen, so they say 'no, now is not a good time to shoot'... They saw their enemy in their area but they didn't shoot because they saw some evidence that normal people were working in forced labour.⁷⁸⁹

I'm thinking long term, I don't know the best word, but respect building. We've been operating in this area for 15 years now, through thick and thin, ... and the ethnic leaders see that and get respect for FBR, or another organisation, and then they will listen to you if you say, 'oh you know landmines really don't work that well for defence.' They won't just write it off automatically.⁷⁹⁰

Rights focused organisations that have developed out of this environment include the Karen Human Rights Group (KHRG), the Human Rights Foundation of Monland (HURFOM), and the Human Rights Education Institute of Burma (HREIB). Women's issues and rights have been addressed by organisations such as the Karen Women's Organisation (KWO) and Mon Women's Organisation (MWO). Other organisations have

⁷⁸⁷ Alexander Horstmann, "Ethical Dilemmas and Identifications of Faith-Based Humanitarian Organizations in the Karen Refugee Crisis," *Journal of Refugee Studies* 24, no. 3 (2011).

⁷⁸⁸ See, for an outline of some of these organisations and their development, Christina Fink, "Militarization in Burma's ethnic states: causes and consequences," *Contemporary Politics* 14, no. 4 (2008): 456-59.

⁷⁸⁹ A local member of a CBO, interview, Sangkhlaburi, September 24, 2013.

⁷⁹⁰ A senior staff member of a cross-border humanitarian assistance organisation, interview, Chiang Mai, November 26th, 2012.

taken on environmental concerns, for example, the Karen Environmental and Social Action Network (KESAN). While border-based rights groups have largely focused in the past on the abuses committed by the Tatmadaw and its allies, they have more recently reported on or challenged some aspects of NSAG behaviour, and issues such as landmine use and children affected by armed conflict.⁷⁹¹ Consequently, relationships with NSAGs have not always been easy for some of the CSOs that have drawn attention to the abuses committed by NSAGs, or to issues NSAGs are implicated with.

In every area the human rights worker and the politician or the armed groups always have conflict because when the human rights activist says the truth about that force or that group, they may not be happy.⁷⁹²

With the land issue who are the main actors who cause the problem? The KNU are a part of the problem as well. So I raised it with them. We need to find out solutions to solve the problem and help the villagers.⁷⁹³

The significance of the border-based NSAGs and aid actors

The role of refugee camps and of humanitarian assistance in supporting NSAGs was raised in the literature by Terry, by Pugh et al in chapter four, and also by Anderson, Polman, and De Waal, in chapter three. The humanitarian and refugee situation on the Thai-Burma border and its influence on NSAGs has differed in some respects to the examples, such as on the Cambodia border in the 1980s, examined by Terry. While the refugee camps and NSAG administrations on the Burma border were tolerated by the Thai government, the conflicts across the border in Mon, Karen, or Karenni states were not of significant interest to major powers, unlike the Cold War era conflict in Cambodia. Consequently, there was no significant external state support to the military dimension of the NSAGs on the border. Individuals in the Thai government and army maintained relations with NSAGs, but they were not allowed to seriously disrupt

⁷⁹¹ See, for example, Karen Human Rights Group, "Abuses since the DKBA and KNLA ceasefires: Forced labour and arbitrary detention in Dooplaya KHRG #2012-F2."; Human Rights Foundation of Monland, "Biting the hand that feeds: Armed extortion in Karen State," *The Mon Forum* 8(2011); Karen Human Rights Group, "Notes on Landmine Use: SLORC and KNLA."; Karen Human Rights Group, *Growing up under militarisation: Abuse and agency of children in Karen State*.

⁷⁹² A local member of a CBO, interview, Sangkhlaburi, September 24, 2013.

⁷⁹³ A local member of a CBO, interview, Mae Sot, October 19, 2013.

economic relations with Burma from the 1990s onwards.⁷⁹⁴ The low profile support to the refugee camps and cross-border assistance to IDPs by humanitarian actors was of little material and military value to the NSAGs, but association with it was significant for their legitimacy, as outlined above.

Another feature of the border-based INGOs and promotion of liberal rights-based issues with NSAGs and their constituencies, has been the gradual development of some increasingly independent civil society organisations within the socio-political sphere of the NSAGs. An explanation for the ability of some civil society organisations to be able to have more independence and a voice in these matters (albeit sometimes quietly behind the scenes) is the weakening of the power of the ethnic NSAGs themselves since the military reversals of the mid-1990s. The grassroots focused development approach of the INGOs to NSAG constituencies may also have contributed to the reduced power of elites within the armed groups on the Thai-Burma border.⁷⁹⁵ This point was reiterated by a long-term observer of the Thai border NSAGs.

When I first came to the border in the early 1990s, I don't think General Bo Mya's KNU would, in those days when the KNU and other armed groups were stronger, have been willing to allow autonomous community organisations the degree of space and freedom that has since become the norm.⁷⁹⁶

These more autonomous CSOs have been involved in documentation, reporting, training and direct advocacy with NSAGs on humanitarian norms around landmine use and children affected by armed conflict. They have also been partners and interlocutors with access to NSAGs for INGOs wishing to directly engage with the armed groups on humanitarian norm issues.

⁷⁹⁴ In the 1990s the Thai government increasingly pressured these NSAGs to reach ceasefires with the Burma government. The NMSP did so in 1995, partly due to the threat of the forced repatriation of 10,000 Mon refugees from Thailand. South, *Mon Nationalism and Civil War in Burma: The Golden Sheldrake*.

⁷⁹⁵ Cline, "Insurgency in Amber: Ethnic Opposition Groups in Myanmar," 582.

⁷⁹⁶ Long-term researcher and consultant on humanitarian issues in Burma, interview via Skype from Chiang Mai, 4th January, 2013.

Direct engagement addressing NSAGs on landmine use and contamination

Practical measures

Survey of mined areas

Until 2011, “the Burma/Myanmar Government has refused to allow mine action activities by the UN, INGOs or any other outside actors.”⁷⁹⁷

Previous to the new ceasefires in 2012, surveys and mapping of suspected mine contaminated areas had been carried out by local CBOs and NGOs, frequently working cross-border in conflict-affected areas as partners to a few INGOs. This collected data gave a partial picture of the situation countrywide, due to limited access and ongoing conflict. Some of the local organisations undertaking these surveys were close to NSAGs, given the need for security and access.⁷⁹⁸ Demonstrating the value of that relationship for humanitarian engagement purposes, Danish Church Aid (DCA) and Geneva Call were able to access this ‘CBO Database’ for a report on the landmine situation in southeast Burma in 2011.⁷⁹⁹

Currently (2015) there has been no action by international organisations on the clearance of landmines in Burma.⁸⁰⁰ A couple of mine action INGOs inside Burma have been involved in some limited NTS with government permission in NMSP areas, but with no landmines being located.⁸⁰¹ This outcome also concurs with the analysis of the NMSP in the last chapter as not being a currently active user of landmines. An issue for even these tentative steps towards surveying possible mine-affected areas is presented by the role of external organisations operating inside the country with government permission and direction for where they can conduct surveys. As mentioned earlier, there have been perceptions from villagers in NSAG areas of external organisations being aligned with government expansion. There is sometimes a reluctance on the part of

⁷⁹⁷ Geneva Call and DCA Mine Action, *Humanitarian Impact of Landmines in Burma/Myanmar*, 16.

⁷⁹⁸ *Ibid.*, 8.

⁷⁹⁹ *Ibid.*

⁸⁰⁰ Guy Dinmore, "Three years, zero landmines cleared," *Myanmar Times* July 14, 2015.

⁸⁰¹ A representative of an international mine action NGO, interview, Yangon, September 15th, 2014.

community leaders to speak up about the whereabouts of mines, or mine incidents, for fear of being seen as collaborating with, or informing, the government. This was pointed out by mine action NGOs in several interviews.⁸⁰² “If they give their information it could have repercussions on protection issues on the community, that’s certainly an issue we’re facing in mine action.”⁸⁰³

MRE and NSAGs

Since 2012, more mine action INGOs have entered Burma, and, while demining is unable to proceed, they have been able to work on MRE.⁸⁰⁴ MRE in Burma’s border areas has, however, in some instances involved INGOs based outside the country, usually working from Thailand, supporting MRE carried out by the humanitarian wings of NSAGs and some other semi-independent CBOs. The 2011 Geneva Call/DCA report identified 15 CBOs that were able to conduct mine risk education in conflict-affected areas, as well as victim assistance, area surveys and providing prosthetic limbs. Ten out of 15 of the CBOs in the report had cross-border access facilitated by NSAGs.⁸⁰⁵

The Committee for Internally Displaced Karen People (CIDKP), for example, a humanitarian arm of the KNU, has included MRE as part of its activities, working as a partner to INGOs supporting cross-border assistance. It also undertakes mapping and non-technical surveys of mined areas and warns villagers of the location of mined areas.⁸⁰⁶ The Karenni Social Welfare and Development Centre (KSWDC), the humanitarian arm of the KNPP, has also conducted MRE in conjunction with the KNPP. The KSWDC has claimed this activity includes MRE,

⁸⁰² A representative of an international mine action NGO, interview, Yangon, September 15th, 2014; A local member of an international NGO involved in mine action and education, interview, Chiang Mai, November 28th, 2012; Focus group of staff from local NGOs involved in MRE in Karenni state, Loikaw, September 4th, 2014.

⁸⁰³ Country director of an international mine action NGO, interview, Yangon, September 6th, 2013.

⁸⁰⁴ See, for example, a video of the INGO the Mines Advisory Group (MAG) conducting MRE in Karenni state in 2014, Mines Advisory Group (MAG), "Mine Risk Education in Myanmar," <https://www.youtube.com/watch?v=hjmDOqdS7n4>.

⁸⁰⁵ Geneva Call and DCA Mine Action, *Humanitarian Impact of Landmines in Burma/Myanmar*, 19.

⁸⁰⁶ Senior member of a Karen cross- border CBO involved in MRE, interview, Chiang Mai, October 12, 2014.

mapping and signage.⁸⁰⁷ The role of the KNPP in MRE was also mentioned in interviews.⁸⁰⁸ The relationship of INGOs, especially DCA, working on MRE and mine survey through local partner organisations with NSAGs, such as the KNPP, was also acknowledged by the KNPP leadership.

The Danish [DCA] are also working on the landmines as well. They are now working with the KSWDC. Yeah they are based in Chiang Mai or Mae Sot. I just met with the guy in Chiang Mai last week.⁸⁰⁹

An instance of the role of cross-border CBOs conducting MRE with the support of an NSAG, in this case the KNU, was documented by a member of the ICBL. As well as engaging with the KNU to provide MRE for its constituency in areas it controlled, the project also had the longer term objective of “advocating a halt in mine use by the KNU.”⁸¹⁰ It also provides a useful inside view of the processes involved. Initially, a local partner organisation, the BPHWT, and a common issue area as an entry point (in this case public health) were identified. The involvement of a CBO known to and accepted by the NSAG, and the framing of the landmine problem as a public health issue, “reassured the political leadership of the KNU that the MRE was a humanitarian rather than a political project.”⁸¹¹ The project combined four years of previous data on Burma mine victims in relation to behaviours that had led to deaths and injuries from mines, and local knowledge from the trainees, to develop teaching materials and posters. These resources helped raise awareness of the problem and provided practical measures for people to stay safe in mine affected communities.⁸¹²

⁸⁰⁷ Karenni Social Welfare and Development Centre, "Karenni Mine Risk Education," http://karenniswdc.blogspot.co.nz/2009/06/karenni-mine-risk-education_25.html.

⁸⁰⁸ Member of a local NGO (a) involved in MRE in Karenni state, interview, Loikaw, September 3rd, 2014; Member of a local NGO (b) involved in MRE in Karenni state, interview, Loikaw, September 4th, 2014; Local staff member of an international mine action NGO, interview, Loikaw, September 2nd, 2014

⁸⁰⁹ Senior member of leadership, KNPP, interview, Mae Hong Son, December 23rd, 2012

⁸¹⁰ Moser-Puangsuwan, "Mine Risk Education in Kawthoolei Liberated Area: An Experiment in Creating a Program of MRE in a Non-State-Controlled Area of Burma."

⁸¹¹ Ibid.

⁸¹² Ibid.

From the perspective of NSAG-civilian relations and perceptions of legitimacy, it was noted that there was a concern from the KNU that the program may have been “a covert attempt to create opposition to their policies within their own constituency.”⁸¹³ Indeed, as is acknowledged in that article, part of the intention of the activity at the time was to convince the KNU to stop using landmines. Ten years later, the KNU and other NSAGs still deploy landmines and the provision of MRE by CBOs, including CIDKP, KSWDC or BPHWT and others in NSAG controlled areas is still ongoing.

MRE remains the principal activity addressing the landmine issue in lieu of any systematic clearance. NSAGs in eastern Burma have facilitated this activity for external actors and undertaken it themselves through their welfare arms and other associated actors. A caveat about MRE and engagement with NSAGs is in the need for information about the whereabouts of landmines to be relevant to specific local programs. Information for this is gathered from local villagers, CBOs and NSAGs. The extent of what is provided, especially from armed groups, or from others who may have vested interests in keeping certain areas mined, is therefore not complete. “Many of these groups are saying absolutely no clearance of landmines or even marking of landmines until some of these larger issues are sorted out.”⁸¹⁴

I think you can say they are supportive of what we are doing. But they are also very conscious they don't want to tell you everything, especially in the area where they're protective of their own security. They will only tell you where there are landmines where it is not important for them anymore.⁸¹⁵

A difficulty for MRE or surveys of mined areas, and a direct threat to those living in proximity to them, is the overlap between multiple NSAGs, as well as the Tatmadaw and groups aligned with it. Areas of control and demarcation between these armed actors are unclear and shifting. This is

⁸¹³ Ibid.

⁸¹⁴ Country director of an international mine action NGO, interview, Yangon, September 6th, 2013.

⁸¹⁵ A local member of an international NGO involved in mine action and education, interview, Chiang Mai, November 28th, 2012.

further exacerbated by a frequent focus on the control of resources and the use of landmines to secure them.

It's territorial control, there's not marks, there's not clear boundaries of who's involved in what territory. It's the resources really that they're controlling. In the same area you may have timber, gold, animal trade, drugs, multiple different business interests in any given area.⁸¹⁶

Since the 2012 ceasefires, the continued build-up of Tatmadaw forces in ethnic areas, land grabbing, and demands on resources, have meant not all actors will support a blanket marking and clearance of all landmines. Military necessity, and increasingly economic motives, mean NSAGs, business interests, and some communities continue to place landmines, or to not want mined areas surveyed or cleared.

Local initiatives for mine clearance

As noted in the previous chapter, there were some ad hoc clearance activities undertaken by the KNLA, DKBA, and BGF in Karen state in 2013. However, casualties, lack of coordination, lack of confidence in the peace process, and sporadic outbreaks of fighting have prevented any systematic and concerted action. Indeed, recent fighting may have led to more deployment of landmines in areas contested between the DKBA and the government, as they caused casualties during fighting along the Asia Highway near Kawkareik in Karen state in July 2015.⁸¹⁷

One mine clearance initiative has developed since 2013 from the Thai side of the border involving a local organisation working with Karen CBOs and assisted by at least one international demining professional. The organisation conducted pilot projects in two small areas in Karen state with the permission of the Karen National Defence Organisation (KNDO).⁸¹⁸ It used rice tractors, modified with spiked rollers and protective armour plates, to clear suspected hazardous areas. The mechanical clearance

⁸¹⁶ Country director of an international mine action NGO, interview, Yangon, September 6th, 2013.

⁸¹⁷ Lawi Weng, "Casualties on Both Sides as Conflict Between DKBA, Govt Drags On," *The Irrawaddy* July 13, 2015.

⁸¹⁸ The KNDO was the original KNU armed force formed in 1947. The KNLA has long since been the regular army of the KNU, but the KNDO still organises local village militias or 'home guards.'

process was then followed by hand raking using long-handled rakes over cleared areas.⁸¹⁹ While demonstrating some success in clearance, the initiative remains small and underfunded. Concerns have also been raised by Yangon-based mine action INGOs about the lack of conformity of the clearance methods with international mine action standards. "They hardly conform to safety standards. It would be great to get permission to go and help these ethnic groups, but neither the groups nor the government trust us."⁸²⁰ The organisation also met with INGO staff in Karen state, who expressed similar concerns.⁸²¹ Clearly, safety is a significant concern, especially as the organisation includes people from the villages being cleared in the demining process.

A feature of this project was its focus on "humanitarian demining"; the clearance of nuisance mines left behind in villages, fields, or pathways, and other areas that are no longer of any strategic value. These are areas where, in the past, land has changed hands many times between multiple armed actors, where the Tatmadaw has laid mines in villages to deter return of IDPs, or where mines have been laid by armed groups to deter pursuit.⁸²² This organisation did not directly address the issue of clearance of business mines, or mines laid by villagers for 'protection', as was raised in chapter seven. As a Karen-led organisation, known to the Karen armed groups and CBOs, that may have been less of a concern for villagers than would have been the case of a government-mandated international mine agency arriving from Yangon with less understanding of the local situation.

There are military and political, as well as practical, considerations attached to the development of an organisation like this. KNLA brigade commanders,⁸²³ for example, were varied in their enthusiasm for the

⁸¹⁹ Personal communication with members of this organisation, June to October, 2014. A video of this activity is also in the possession of the author.

⁸²⁰ An international mine action NGO representative in Yangon, quoted in Dinmore, "Three years, zero landmines cleared."

⁸²¹ Senior staff member of an international humanitarian agency, interview, Hpa-an, August 26th, 2014.

⁸²² These 'non-strategic' areas of landmine contamination and potential clearance were identified in documents, in possession of the author, that outline the organisation's methods and objectives.

⁸²³ The KNLA and KNU is divided into seven corresponding brigade/administrative district divisions across parts of KNU controlled/contested Karen state.

project, despite assurances of the non-strategic focus of any clearance activities. Some, consequently, agreed to allow MRE in their areas but not clearance.⁸²⁴ The project, therefore, expanded plans to include MRE, as well as clearance, in conjunction with other CBOs already undertaking it. An important political aspect of this organisation were its future plans to become a central focal point for international mine action NGOs wishing to operate in Karen state. It would potentially act as a hub for INGOs to liaise with communities, NSAGs, and CBOs, and to coordinate surveys and clearance through permission of the relevant NSAG authorities. It would also coordinate with the Burma government-based mine action centre.⁸²⁵ The issue of coordination was also raised by international humanitarian agency staff who had met this organisation.

How do you link that kind of work to the work that is being done on the Yangon and Myanmar side and how do you make sure over time that you have a coordinated consistent approach that is in line with international standards?⁸²⁶

The Burma government, with support from international donors, has prepared the Myanmar Mine Action Centre (MMAC) as an adjunct to the Myanmar Peace Centre. It is also intended to coordinate mine action and those undertaking it throughout the country. However, little progress on its development, or connection to the non-state actors or border based CBOs has been made, as was indicated in interviews. “We have not had very good contact with the Mine Action Centre, it was founded by the government.”⁸²⁷

NPA [Norwegian People’s Aid] have a 3 and half million grant to build the Myanmar Mine Action Centre, but the non-state actors aren’t on board with that centre and the government is moving incredibly slowly.⁸²⁸

As with attempts to regulate humanitarian INGOs by the parallel non-state administrations noted earlier, there is likely to also be difficulty between

⁸²⁴ Personal communication with a member of this organisation, September, 2014.

⁸²⁵ Documents, in the possession of the author, outlining this organisation’s structure and objectives.

⁸²⁶ Senior staff member of an international humanitarian agency, interview, Hpa-an, August 26th, 2014.

⁸²⁷ A local member of a CBO, interview, Mae Sot, October 19, 2013.

⁸²⁸ Country director of an international mine action NGO, interview, Yangon, September 6th, 2013.

the government and NSAG coordination of mine action INGOs. Landmines and action on them have also been addressed in the nationwide ceasefire agreement and code of conduct under negotiation between the government and the NSAG UNFC alliance which is outlined later in this chapter.

Advocacy

Engagement with NSAGs on the landmine issue from a few international actors, especially the ICRC, ICBL, and by Geneva Call, has resulted in NSAGs claiming they have taken action to reduce the harm caused to civilians by their landmine use. Persistent engagement over a long period, and presenting counter arguments to NSAG leadership on landmine use, were identified as means by which a long-term interlocutor with NSAGs on this issue had worked with the groups.

I could have discussions like ‘how many of your mines kill your own soldiers?’ I could have franker discussions with them as time went by...They were wedded to armed struggle and they didn’t see a way out from using it. Their political legitimacy to a certain extent depended on landmine use.⁸²⁹

A significant point raised by this respondent, was the maintenance of perceived NSAG legitimacy as armed actors through the use of landmines. Landmine use enabled the NSAGs to hold territory inside Burma. Being able to hold territory is seen as a prerequisite to greater international and local legitimacy. Indeed, holding of territory is considered a precondition for an organised armed group to be recognised in IHL.⁸³⁰ This indicates that, in the case of landmines, claimed military necessity and need for local legitimacy have both contributed to their continued use.

⁸²⁹ Senior member of an INGO network engaging with NSAGs in Burma on the landmine issue, interview, Bangkok, October 12th, 2014.

⁸³⁰ *Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II)*, 8 June 1977. Article 1 (1)

Policies, statements and deeds of commitment on landmine use

Facilitating MRE is one of the few ways NSAGs have taken action on the landmine issue. However, a few smaller NSAGs have agreed to give up landmine use. Unilateral declarations, in the form of deeds of commitment (DoC) facilitated by the NGO Geneva Call, have been made by six smaller Burma NSAGs to ban landmines.⁸³¹ In the early stages of Geneva Call's global promotion of the DoC (after 2000) on landmines, the Arakan Rohingya National Organisation (ARNO) and National Unity Party of Arakan (NUPA) made initial approaches to Geneva Call to sign the DoC.⁸³² This raises the issue of the potential legitimacy associated with joining such agreements for NSAGs. These two groups were the first to sign the DoC in Burma, in 2003, but are now no longer militarily active. While this was a hopeful sign for setting an example and socialising other NSAGs in Burma to accept the landmine ban norm, it also implies that groups with a small political and military impact or presence, may view such an agreement as a way to bolster their perceived legitimacy. This legitimacy, however, may not be matched by their real military presence on the ground.

Geneva Call began an active programme of engaging with NSAGs on the landmine issue in Burma from 2006.⁸³³ The six NSAGs that joined the DoC were based in western Burma or in Shan state in northeast Burma.⁸³⁴ They were small groups likely to have not been heavy users of landmines, making it easier for them to have agreed to the commitment.

⁸³¹ See the full list of Burma NSAGs engaged with and /or signatories to Geneva Call's deeds of commitment, Geneva Call, "Burma/Myanmar."

⁸³² Representative of Geneva Call, interview by Skype from London to Chiang Mai, August 16th 2013.

⁸³³ Geneva Call and DCA Mine Action, *Humanitarian Impact of Landmines in Burma/Myanmar*, 6.; Representative of Geneva Call, interview by Skype from London to Chiang Mai, August 16th 2013.

⁸³⁴ The six NSAGs in Burma to sign the Geneva Call DoC on landmines were the ARNO, NUPA, Lahu Democratic Front (LDF), Pao Peoples Liberation Organisation (PPLO) all no longer militarily active, and the Palaung State Liberation Front/Ta'ang National Liberation Army (PSLF/TNLA) and Chin National Front/Chin National Army (CNF/CNA), who are still militarily active, and also members of the UNFC.

One currently active NSAG signatory to Geneva Call's DoC on landmines is the Chin National Front (CNF) which had approached Geneva Call in 2005 about the DoC.⁸³⁵ It claimed to have already been recording where mines were laid, removing them after use, and having an internal code of conduct compliant with IHL since 1997.⁸³⁶ The CNF, however, is militarily small, with only an estimated 200 soldiers in 2012.⁸³⁷

Geneva Call's engagement approach on NSAGs and landmines in Burma has involved long-term dialogue with NSAG leaders, conducting workshops with NSAGs and civil society groups, working with NSAGs through local and international partner NGOs, and maintaining a neutral humanitarian stance. Its focus, therefore, is as an advocacy rather than an assistance providing organisation. Initial dialogue with NSAG leaders has focused on introducing the organisation, the norms it is promoting, and what it can and cannot provide.

I'd say that mostly the methods for the initial dialogue are very much to explain what Geneva Call is, where we fit in, what is the approach we have, looking at issues of incentives of cooperation with us, and also being very frank about limitations of cooperation.⁸³⁸

As a non-assistance delivery actor it needs to outline the advantages and limitations that come with the engagement process. While Geneva Call is an advocacy INGO, partner organisations working with it can bring real material or technical assistance and training.

One of the things that we aren't, is we're not an assistance provider, which in some ways is positive in terms of focusing on the advocacy aspect. But sometimes in terms of issues as I've mentioned, in terms of incentives, that can be quite limiting. So it's good to have organisations that maybe are able to provide that kind of assistance and or incentives.⁸³⁹

⁸³⁵ See the CNF 2006 DoC on landmine use with Geneva Call in appendix 5.

⁸³⁶ Geneva Call, *Armed Non-State Actors and Landmines: Volume Two: A Global Report of NSA Mine Action* (Geneva, Switzerland: Geneva Call, 2006), 59-60.

⁸³⁷ Keenan, *By Force of Arms: Armed Ethnic Groups in Burma*, 240.

⁸³⁸ Representative of Geneva Call, interview by Skype from London to Chiang Mai, August 16th 2013.

⁸³⁹ Representative of Geneva Call, interview by Skype from London to Chiang Mai, August 16th 2013.

The INGO DanChurchAid (DCA) has worked as a partner to Geneva Call. DCA, in turn, works through local partner civil society organisations, and some of these have close relationships with NSAGs, or are the welfare or humanitarian wings of the NSAGs themselves. This international partner to Geneva Call can then provide real technical assistance on MRE, mapping and survey techniques through its local partners working with NSAGs.

The Democratic Alliance of Burma (DAB) and the National Democratic Front (NDF), as NSAG alliances accessible to organisations on the Thai border, were also engaged by Geneva Call on the landmine issue.⁸⁴⁰ This was acknowledged by a senior member of an NSAG. "Yeah, they spoke to the DAB, the alliance, ABSDF is one of the members of DAB we went to attend that training."⁸⁴¹ The Geneva Call and the DAB "joint project organised three workshops that targeted mid-level political and military leaders."⁸⁴² Brochures for distribution to the DAB member NSAGs addressing aspects of the landmine issue were developed and translated into Burmese, Mon, Karen, and Shan languages. These outlined,

...the humanitarian norms governing mine use including the ban on AP mines, what landmines are banned, what impact landmines have on human security and development, and what is humanitarian mine action.⁸⁴³

While this raised awareness within the NSAGs about the threats their landmine use posed to their own people, the DAB member groups did not relinquish landmine use. The DAB issued a statement that claimed its member groups "must temporarily continue to use landmines for defending their peoples".⁸⁴⁴ This statement, therefore, presents the NSAGs in the DAB in an ostensibly protective role towards their people in line with their claims to representativeness and legitimacy. The statement also reiterates the claim of military necessity. A senior member of the KNU leadership

⁸⁴⁰ Geneva Call, "National Democratic Front of Burma Issues Position Statement on Landmines," <http://www.genevacall.org/national-democratic-front-burma-issues-position-statement-landmines/>.

⁸⁴¹ Senior member of leadership, ABSDF, interview, Mae Sot, December 4th, 2012

⁸⁴² See the text of the joint Geneva Call/DAB statement, 'Raising awareness of the landmine issue,' in appendix 4.

⁸⁴³ Ibid

⁸⁴⁴ Geneva Call, "Democratic Alliance of Burma Issues its Position on Landmines," <http://www.genevacall.org/democratic-alliance-burma-issues-position-landmines/>.

stated that due to the advocacy from Geneva Call, it provides warnings to people in order to reduce the danger it presents itself through its use of landmines.

The use of landmines by the KNU/KNLA has been reduced since Geneva Call has urged the KNU to do so. The KNLA plants landmines on tracks and in areas, which are usually used by the enemy. Markers, warning signs and verbal warning are used by the KNLA to prevent the civilians from the danger.⁸⁴⁵

An early statement on policy on landmine use by a NSAG in Burma, was that made by a DAB member, the KNPP, in mid-2006. It acknowledged the threat landmines posed to civilians, but pointed to the military necessity of their continued use.

We abhor the use of landmines in warfare and understand the international condemnation of the use of landmines because of the high risk to civilians... They are used for defensive purposes and we have no intention of placing them in war-free-zones.⁸⁴⁶

The argument frequently made by NSAGs, as demonstrated above, is that they rely on the landmines for defensive purposes, and they may require them again in the future should current ceasefire negotiations break down.⁸⁴⁷ While these NSAGs have allowed, facilitated, and sometimes conducted MRE in their areas, available evidence from other reports and interviews suggests warnings, marking, or signage of mined areas by them has remained inconsistent.⁸⁴⁸ When warnings are provided, verbal ones predominate over the use of signs.⁸⁴⁹

⁸⁴⁵ Senior member of the KNU leadership, email correspondence, November 8, 2013.

⁸⁴⁶ Karenni National Progressive Party, "Statement No. 02/06: Statement on the use of landmines." See in appendix 2.

⁸⁴⁷ This was directly confirmed to the author in interviews with members of the leadership of three Burma NSAGs in 2012.

⁸⁴⁸ See, for example, Karen Human Rights Group, "Abuses since the DKBA and KNLA ceasefires: Forced labour and arbitrary detention in Doooplaya KHRG #2012-F2," 5-8; Geneva Call and DCA Mine Action, *Humanitarian Impact of Landmines in Burma/Myanmar*, 24.

⁸⁴⁹ The Border Consortium, *Poverty, displacement and local governance in Southeast Burma/Myanmar*, 22.

With armed groups usually it's not very systematic it's not documented. They will say 'oh we plant the landmine, don't go.' They don't really inform people properly, so some people will know, some people will not know.⁸⁵⁰

A significant means of early warning is verbal warnings from the armed groups to village leaders saying 'ok, we've mined this path or this area going up that hill or that valley.' Physical signs for demarcation are pretty limited.⁸⁵¹

The military logic for lack of marking or warning about landmines was also made starkly clear by a former DKBA soldier. "If you let people know, people will tell the enemy, you know, where the mines are. That doesn't make any sense!"⁸⁵²

Direct engagement addressing children involved with, or affected by, armed conflict

Compared to the difficulties presented by the intractable issue of landmine use by NSAGs, advocacy and practical measures to improve the protection of children from armed conflict have been more readily received by NSAGs. As outlined in chapter eight, the KNPP and NMSP claimed to have implemented policies and undertaken processes since the late 1990s to remove children from their ranks. Even in these cases, the presence of children in non-combat or support roles, or simply present in military bases or camps, has remained an issue. Added to this, access for INGOs and UN agencies to conflict or former conflict areas and, therefore, to NSAGs to verify claims of not using child soldiers, continues to be limited.

Practical measures

Reporting and documentation of children involved with armed conflict

Since publicity on the child soldier issue has a potential to negatively influence a group's perceived legitimacy, especially internationally, reporting and documentation of it is significant and is considered by this

⁸⁵⁰ A local member of an international NGO involved in mine action and education, interview, Chiang Mai, November 28th, 2012.

⁸⁵¹ Senior staff member of an INGO working with NSAGs and associated welfare organisations on the Thai-Burma border, interview, Chiang Mai, October 3rd, 2014.

⁸⁵² Former DKBA soldier via translator, interview, Mae Sot, October 21st, 2012.

study as a form of engagement with NSAGs on the issue. Reports by international and local organisations concerned with children's rights have frequently included interviews with NSAGs. This indicates that those NSAGs have an awareness and potential concern about the issue, at least at an international level, for legitimacy and public relations reasons.

The child soldier problem on the government side has received considerable attention. This can be attributed partly to the greater numbers of children forcibly recruited into the Tatmadaw, and by documentation and advocacy of those abuses by NGOs and CBOs, some associated with opposition NSAGs.

It's very obvious why we have such successes in gathering data on grave violations being committed by the Tatmadaw, but less so by the ethnic armed groups. Because in that sense it's a political tool as well, they can say 'the Tatmadaw came and took so and so,'...and we get those reported up. Now we have an extensive network, that's happening quite well.

Whereas the data on ethnic armed organisations is much more limited.⁸⁵³

Children involved with NSAGs have been documented in reports since the early 2000s by HRW, HREIB, KHRG, and CSI.⁸⁵⁴ These reports often involved interviews about the issue conducted with the political leadership, officers, regular soldiers, and some former child soldiers from these groups. They also revealed awareness among some of the then 'non-ceasefire' NSAGs, such as the KNPP and KNU, of the issue and how and why it was a problem. Since the 2012 ceasefires, the DKBA and KNU/KNLA have been subjected to further research by CSI on the issue, indicating some children are still present in these groups.⁸⁵⁵ The involvement of children within the KIO/KIA which is in a resumed conflict

⁸⁵³ Senior member of an INGO involved in child protection, interview, Yangon, September 16th, 2014.

⁸⁵⁴ See, for example, Human Rights Watch, *My Gun was as Tall as Me: Child Soldiers in Burma*, 110-59; Human Rights Education Institute of Burma, *Forgotten Future: Children Affected by Armed Conflict in Burma*, 57-61; Karen Human Rights Group, "Forced recruitment by DKBA forces in Pa'an District KHRG #2008-B8."; Coalition to Stop the Use of Child Soldiers, *Report to the Committee on the Rights of the Child in advance of the examination of Myanmar's report on the Convention on the Rights of the Child*, 10-12.

⁸⁵⁵ See, for example, Child Soldiers International, *Chance for a Change: Ending the recruitment and use of child soldiers in Myanmar*, 28-33.

with the government since 2011 has also had recent attention drawn to it.⁸⁵⁶

There are clear difficulties with proving or disproving the claims of NSAGs to have ended under age recruitment, or the presence of children in non-combat roles. Access is limited by the government, in particular, as well as by geographic isolation, and accurate data on the problem remains elusive. This point has been made in the past in reports on the child soldier issue,⁸⁵⁷ and in interviews for this study with staff of INGOs and UN agencies working on child protection based inside Burma. "The ability to monitor in areas to get concrete information on the grave violations of ethnic armed organisations is quite challenging."⁸⁵⁸ "We have no access to those non-government controlled areas. We didn't know how many children are trafficked through there."⁸⁵⁹

Services and programmes to assist present and former child soldiers

In 2012, the UN and the government agreed on an action plan to end the recruitment of child soldiers in the country. Local CSOs inside Burma have now been able to raise awareness about it and to advocate for the release and reintegration of children from the Tatmadaw.⁸⁶⁰ These developments had led to the release of more than 500 former or current child soldiers from the Tatmadaw by 2014,⁸⁶¹ but under age recruitment has still been documented.⁸⁶² The UN action plan also applies to NSAGs in Burma. However, access from inside the country to NSAG areas remains limited, and there are questions about the potential bias of any

⁸⁵⁶ Child Soldiers International, *A Dangerous Refuge: Ongoing Child Recruitment by the Kachin Independence Army*.

⁸⁵⁷ Watchlist on Children and Armed Conflict, *No More Denial: Children Affected by Armed Conflict in Myanmar (Burma)* (New York, NY: Watchlist, 2009), 15.

⁸⁵⁸ Senior member of an INGO involved in child protection, interview, Yangon, September 16th, 2014.

⁸⁵⁹ Local member of an UN humanitarian agency (a), interview, Myitkyina, August 29th 2013.

⁸⁶⁰ See, for example, Sai Thiha Soe, "Community Vanguard: Civil Society as Child Rights Defenders," (Save the Children, Myanmar, 2012).

⁸⁶¹ United States Department of State Bureau of Democracy Human Rights and Labor, "Burma 2014 Human Rights Report," (Washington, DC: United States Department of State, 2014), 18.

⁸⁶² Child Soldiers International, *Under the Radar: Ongoing recruitment and use of children by the Myanmar army*.

reporting on the levels of children present in NSAGs from NSAG–associated organisations working from the Thai-Burma border.

On the Thai side of the border there have been few organisations and a scarcity of funding, or coordination, to support reintegration into communities of former child soldiers from either the Tatmadaw or NSAGs. Education, health, or faith-based organisations dealt with them if they came to their attention, but this was not those organisations' primary focus. One small, independent organisation that does do this has been working over the last decade along the Thai-Burma border. It has attempted to support former child soldiers through providing accommodation, access to education, training, and employment. It has also been willing to accept former child soldiers from other organisations that have been involved in child protection but not in a position to care for them long-term. In some instances, they have been passed on by NGOs and, in others, from NSAGs.

I'd say over half the boys we've had haven't come to us directly across the border, they've been around and other organisations were referring them to us, like JRS [Jesuit Refugee Services]. When they had a programme here for newcomers they would refer all their child soldiers to us....Mae Tao clinic, or ABSDF people at Mae Tao clinic.⁸⁶³

As outlined in the previous chapter, the ABSDF, an NSAG, had also previously facilitated a programme that encouraged the defection, and assisted the reintegration through this organisation, of former child soldiers from the Tatmadaw as a part of its military strategy.⁸⁶⁴ The KNPP and KNU have also both made reference to assisting Tatmadaw child soldiers who have defected to them in the past.⁸⁶⁵ While some were passed to the ABSDF child soldier project, others were dealt with in a more ad hoc fashion.

Some might come to [KNLA] Brigade 5 some might have defected to other areas. I was with Padoh Mahn Sha [Former General Secretary of the KNU,

⁸⁶³ Director of a CBO working with former child soldiers, interview, Mae Sot, August 30th, 2012.

⁸⁶⁴ See the section on the ABSDF in chapter 8, and also, Human Rights Watch, *My Gun was as Tall as Me: Child Soldiers in Burma*, 152-53.

⁸⁶⁵ See, regarding defections including of child soldiers to the KNPP/KA, *ibid.*, 154 -55.

assassinated in Mae Sot in 2008] for several months. Some child soldiers defected so he brought them to his office and kept them there and later he also arranged for their resettlement.⁸⁶⁶

A flow on effect of the trauma of the child soldiers' experiences has been social problems such as theft, involvement with gangs, or drug abuse. This may also partly explain the lack of formal organisations or processes, or willingness, to assist them in the past on the Thai border. "There's a stigmatism that's arisen about former child soldiers and them being a problem in the community."⁸⁶⁷ The 2012 ceasefires with most ethnic NSAGs, and the Tatmadaw's action plan with the UN, have ended the incidences of child soldiers from the Tatmadaw fleeing across the border from Burma into Thailand. "We haven't had any new guys run away from the Tatmadaw since last December that we know about."⁸⁶⁸

Advocacy and training with NSAGs on the child soldier issue

ICRC

Due to security and legal constraints, advocacy, education and training conducted with NSAGs that addresses children affected by armed conflict, has been conducted cross-border in NSAG controlled areas, or in third party states. Most often this has been in, or from, Thailand. Some NSAGs operating in western Burma have been accessed in India, or in exile in Thailand, and those in northern Burma, covertly across the border from China.⁸⁶⁹ The ICRC has raised the issue of underage recruitment with NSAGs, especially through its advocacy with them in Thailand, but, unlike Geneva Call or HREIB, it does not extend to seeking a written commitment not to do so. "The underage recruitment we tell them that they shouldn't do, basically. But we, as I said, we are not somebody who requests any

⁸⁶⁶ KNU member, interview, Chiang Mai, October 18, 2013.

⁸⁶⁷ Director of a CBO working with former child soldiers, interview, Mae Sot, August 30th, 2012.

⁸⁶⁸ Director of a CBO working with former child soldiers, interview, Mae Sot, August 30th, 2012.

⁸⁶⁹ A senior staff member of a local human rights NGO who engaged with NSAGs on the child soldier issue, interview, Chiang Mai, October 23rd, 2012. This engagement also included meeting NSAGs in Manipur in India, and crossing from China into KIO areas.

group to sign the paper, but to make them aware and to put it in their mind.”⁸⁷⁰

HREIB

The most concerted efforts on child soldiers by a local Thailand-based, but Burmese-led and focused NGO, were conducted by the HREIB between 2005 and 2010. The HREIB was able to work with the KNU, KNPP, NMSP, KIO, and CNF. It therefore worked with the then major ‘opposition’ or non-ceasefire NSAGs on children affected by armed conflict, prior to becoming a partner to similar efforts by the INGO Geneva Call from around 2010 onwards. HREIB undertook a focus on child rights and child soldiers within the ethnic NSAGs. Its engagement with NSAGs involved, first, meeting with the leadership of the NSAGs to advocate for, and convince them of, the value of complying with the norms to protect and not recruit children, and to allow HREIB to undertake training with the NSAG. This approach initially met with defensive responses, or denial, as indicated by a member of the engagement team. The responses also raise the issue of the pathways by which children became involved with NSAGs. These rationalisations included commanders not following orders and children being present in camps ostensibly being offered protection by the NSAG.

⁸⁷⁰ Staff member of a humanitarian INGO, interview, Yangon, September 12th, 2014.

They invited us to have conversations. But, yes, their stance was defensive at the time. Some outright denied. Some acknowledged that there were children in their ranks, and that they were sort of recruited by some rogue elements within their army. Or they were volunteers, and that they had come to them looking for shelter and or other social services, and were subsequently put into these units that were training, and eventually became soldiers.⁸⁷¹

Having gained the support and permission of the NSAG leadership, it then arranged training workshops with officers and regular soldiers in NSAG controlled areas.⁸⁷²

We had a series of meetings with the KNU, the KNPP, Mon and Kachin, so this is for the top level. At the same time we use the human rights education programme in their community and within their army ranks and file.⁸⁷³

So basically we first do advocacy to the NSAG leaders to get permission to do a training with their soldiers. After we get permission we arrange for the training and travel to their headquarters or wherever they allow us to do it. Then we have a training for 5 days with the soldiers from the non-state armed groups.⁸⁷⁴

The training processes with the NSAGs was described as ‘participatory.’ The NSAG soldiers’ own experiences of childhood, and the value and importance of children for their future and cause, were raised first. Following that, the relevance of international law and norms applying to the protection of children from armed conflict were introduced.

We have our own unique methods leading a training which is the participatory learning methods. For example, in child rights, we ask them to sing a song, the song to remember their childhood... So it is really good for them to link their local life, their private life, to the international. Because

⁸⁷¹ A former staff member of a local human rights NGO who engaged with NSAGs on the child soldier issue, interview from New York via skype, June 2nd, 2015.

⁸⁷² “It depends on the armed groups, for example the KNU and the KIA most of them are from higher ranks, leaders, commanders... in some places it’s kind of mixed it’s the commanders and the private level of soldiers and they all mix together. In one training even the child soldiers participated. They all discussed and heard about what rights they have.” A senior staff member of a local human rights NGO who engaged with NSAGs on the child soldier issue, interview, Chiang Mai, October 23rd, 2012.

⁸⁷³ Director of a local human rights NGO who engaged with NSAGs on the child soldier issue interview, Mae Sot, September 15th, 2012.

⁸⁷⁴ A senior staff member of a local human rights NGO who engaged with NSAGs on the child soldier issue, interview, Chiang Mai, October 23rd, 2012.

we worry that many people just think 'oh this international stuff, it's just there, it's far away from us.' Ideally, they think 'oh this system is already in place in our place as well, not only for international, our children also need this kind of right for their future and for our future.'⁸⁷⁵

As well as working directly on training on child rights and international humanitarian norms with the NSAGs, HREIB also worked with community groups and civil society actors independent from the NSAGs. This approach, therefore, attempted to raise awareness in the affected communities about the issues and the rights of children to not be recruited into armed groups.

We have two target groups. One is the soldiers, the non-state armed group soldier, and one is the community, like teacher, the community, the youth and the villager. The idea is it's not enough just only to know the leaders on this issue. The soldier who implements all these things in the front lines they need to know, and the community who are affected, they also need to know.⁸⁷⁶

Whenever we would do a training with a non-state armed group, we would also do a training with some community members in that area. Those targeted, again, these non-GONGO, whatever [NSAG associated civil society groups]. But also other civil society groups that were more I think, closely aligned with our definition of civil society, really separate from these actors. And so yeah, we would try to be inclusive. The trainings were on basic child rights, on community organising.⁸⁷⁷

An issue HREIB faced, as it was principally an advocacy and training organisation, was the lack of resources or support from other actors to deal with situations where NSAGs wished to remove children from their ranks. The limited capacity of the engagement actor, the NSAGs, local civil society and communities, coupled with restricted access for INGOs, all impacted on this problem. This was explained by a former member of the HREIB engagement team.

⁸⁷⁵ A senior staff member of a local human rights NGO who engaged with NSAGs on the child soldier issue, interview, Chiang Mai, October 23rd, 2012.

⁸⁷⁶ A senior staff member of a local human rights NGO who engaged with NSAGs on the child soldier issue, interview, Chiang Mai, October 23rd, 2012.

⁸⁷⁷ A former staff member of a local human rights NGO who engaged with NSAGs on the child soldier issue, interview from New York via skype, June 2nd, 2015

At one point in discussions with leaders of the KIA, they had expressed an interest to demobilise some of the children in their ranks, and we couldn't find partners that would help them do that... there was definitely a verbal expressed desire to demobilise about 50 kids, I recall, who were in the KIA. We couldn't get anybody from the international community on board to help, or at least conceptualise what this would look like.⁸⁷⁸

HREIB developed materials on child rights and the child soldier issue for distribution to NSAGs, civil society, and communities. These included booklets, brochures, cartoon depictions, and posters in Burmese script. The use of cartoon graphics was also recognition of the likely low literacy rates of some NSAG soldiers, and also of the multiple ethnic languages aside from Burmese used across so many groups. One example uses cartoon-style graphics and narrative to explain the child soldier issue, and the DDR process for children released from armed forces.⁸⁷⁹

Existing regulations on the non-recruitment of children were acknowledged by the NSAGs to HREIB staff. The consistent implementation of these within the NSAGs at all levels and along chains of command was identified, however, as an issue.

Both the KIA and the KNLA pointed to regulations that they had, but it was unclear how they were enforced, and the consequences for breaching any of the codes. It was unclear. It seemed to be fluid. Some people who may have been caught were given...there were certain consequences for them, and there were certain consequences for others depending maybe on their rank or sort of association with the group.⁸⁸⁰

Geneva Call

From 2010, Geneva Call started a programme of engagement on the protection of children from armed conflict with Burma NSAGs. It worked with HREIB as a local partner, as well as other civil society groups with a role in child protection. Since 2007, Geneva Call had been developing a new DoC for NSAGs on the protection of children from the effects of

⁸⁷⁸ A former staff member of a local human rights NGO who engaged with NSAGs on the child soldier issue, interview from New York via skype, June 2nd, 2015.

⁸⁷⁹ See extracts from this booklet in appendix 7.

⁸⁸⁰ Former staff member of a local human rights NGO who engaged with NSAGs on the child soldier issue, interview from New York via skype, June 2nd, 2015.

armed conflict, following on from its DoC for NSAGs on landmines.⁸⁸¹ It conducted a survey of existing potential civil society partners on the Thai-Burma border to assist with the implementation of its DoC on children with the NSAGs it was approaching. This was an important aspect of preparing the groundwork for future implementation of a DoC by NSAGs and the need for support organisations to assist former child soldiers, an issue HREIB had already encountered, as noted earlier. Such organisations included those involved in child protection, education, child health and welfare, and those already providing support or accommodation to former child soldiers.⁸⁸² Given HREIB's prior work on child rights and child soldiers with NSAGs, they were approached to work with Geneva Call on this project.⁸⁸³ HREIB, as outlined below, also developed a deed of commitment on the protection of children, to which the CNF had become a signatory in 2009.

The engagement process working with Geneva Call covered some of the same ground in terms of raising the issues and arguments such as the importance of children for the future as had been initially undertaken by HREIB. The leadership and militaries of the same groups, the KNU, NMSP, KNPP, KIO, and CNF were approached about these issues as they had been previously by HREIB.⁸⁸⁴ However, there was more formality and focus on international norms and law in the Geneva Call approach, compared to the initial HREIB engagement.

There was this, ah, sense that signing this commitment held more weight, that they were bringing some legitimacy...There is a sense that you have these foreigners come, they're based in Geneva, they're more closely

⁸⁸¹ See, regarding the legal background and development of this DoC, Somer, "Engaging Armed Non-State Actors to Protect Children from the Effects of Armed Conflict: When the Stick Doesn't Cut the Mustard."

⁸⁸² Director of a CBO working with former child soldiers, interview, Mae Sot, August 30th, 2012.

⁸⁸³ Former staff member of a local human rights NGO who engaged with NSAGs on the child soldier issue, interview from New York via skype, June 2nd, 2015; See also, Somer, "Engaging Armed Non-State Actors to Protect Children from the Effects of Armed Conflict: When the Stick Doesn't Cut the Mustard," 120.

⁸⁸⁴ Director of a local human rights NGO who engaged with NSAGs on the child soldier issue, interview, Mae Sot, September 15th, 2012.

associated with some of the UN agencies, potentially, and there was just a different aura around them.⁸⁸⁵

The Geneva Call process consisted, initially, of dialogue with the leadership of NSAGs on the child protection issue, sometimes facilitated by the partner organisations. This was followed by training workshops with NSAG officers and soldiers on child protection, often involving its partner HREIB, and then Geneva Call presenting on the relevant international law. These workshops were carried out numerous times over an extended time prior to the actual signing by any of the NSAGs of the DoC. This was acknowledged by NSAG leadership as well as local staff involved with the workshops.

Perhaps we understand only a little different, this is already included, so we found the Geneva Call to negotiate for the signing of child protection. Later we discuss about the clear understanding in international law like this and made workshops many times, and then we agree to sign.⁸⁸⁶

We are talking on the main, on the child rights issue I have been studying and working on this child rights issue, so this is my expertise. I have good relationships with these non-state armed groups' leaders and other departments....After the child rights section, Geneva Call continues on the deed of commitment on children affected by armed conflict which helps them to understand more and sometimes I help them in the translation.⁸⁸⁷

Geneva Call also provided training on child rights and the DoC to local civil society organisations to provide wider awareness raising and education on these same issues in the community.⁸⁸⁸ In particular, the role of local rights-based CBOs was valuable for spreading this awareness, and for potential recognition, reporting and documentation of any NSAG violations of the DoC provisions. This was acknowledged by members of rights-based CBOs.

⁸⁸⁵ Former staff member of a local human rights NGO who engaged with NSAGs on the child soldier issue, interview from New York via Skype, June 2nd, 2015.

⁸⁸⁶ Senior member of leadership of the NMSP (a), interview, Sangkhlaburi, November 13th, 2012.

⁸⁸⁷ A senior staff member of a local human rights NGO who engaged with NSAGs on the child soldier issue, interview, Chiang Mai, October 23rd, 2012.

⁸⁸⁸ See, for example, Geneva Call, "Burma/Myanmar: workshop on child protection and gender issues with the Karen Human Rights Group," <http://www.genevacall.org/burmamyanmar-workshop-child-protection-gender-issues-karen-human-rights-group/>.

We have been closely involved before they have signed the Deed of Commitment. Before that they have training for how to monitor about that issue and how to promote about the rights of the children, especially in the insurgency area, in the conflict area, for the non-state army. Also training for other CBOs and groups and those living in the area of the New Mon State Party.... In order to monitor the agreement we should have some capacity, this is their aim.⁸⁸⁹

We're not saying we monitor or something like that, but on the ground if anything happens we report that, we document everything. If it is related to this commitment we can contact Geneva Call and say this kind of thing has happened.⁸⁹⁰

For example, in 2015 KHRG identified an instance of forced under age recruitment by the KNLA, and highlighted the KNU/KNLA's previous commitments with the UN in 2007 and Geneva Call in 2013 (see below) to end the recruitment of children.⁸⁹¹

Statements and deeds of commitment on children affected by armed conflict

In the last decade, some Burma NSAGs have issued statements, made unilateral declarations and, in some instances, agreed to implement action on the issue of children affected by armed conflict.

Following its inclusion on the UN list of groups using child soldiers, the KNPP made a statement on its claimed non-recruitment of child soldiers in mid-2006. It does not refer specifically to a minimum age of recruitment or to international law or treaties addressing the issue, as later statements and DoCs do. It does, however, make claims to attempting to encourage children associated with or wanting to join the group to continue education rather than join the Karenni Army.⁸⁹²

⁸⁸⁹ A local member of a CBO with access to NMSP areas, interview, Sangkhlaburi, September 24th, 2013.

⁸⁹⁰ A local member of a CBO, interview, Mae Sot, October 19, 2013.

⁸⁹¹ Karen Human Rights Group, "Forced recruitment of a child soldier by KNLA in Kyainseikgyi Township, Dooplaya District, KHRG #15-17-NB1," (Thailand: KHRG, October 23, 2015).

⁸⁹² Karenni National Progressive Party, "Statement No. 01/06: Statement on the use of child soldiers." See appendix 2.

At this time Geneva Call was just starting its work with Burma NSAGs. However, the KNPP would have been in dialogue with HREIB which was also involved with a UN project through UNICEF to engage NSAGs on the child soldier issue. In the following year, the KNPP and KNU signed a UN formulated DoC addressing children in armed conflict.

The 2007 KNU and KNPP Deed of Commitment with the UN on the use of child soldiers

Through discussions and engagement from HREIB and UNICEF in 2006 and 2007, the KNU and KNPP signed a DoC in 2007 on the prohibition of the use of child soldiers. This UN DoC explicitly acknowledged 18 as the minimum age of recruitment, and made reference to relevant international treaties including the OPAC, ILO Convention 182 on Forced Labour, and the Rome Statute of the ICC. It also refers to UNSC Resolution 1612 on establishing a monitoring and reporting mechanism on the use of child soldiers.⁸⁹³ This DoC incorporated the undertaking of an action plan by these NSAGs to demobilise any child soldiers in their ranks. Significantly, it not only included children in active combat roles, but also auxiliary roles such as cooks, porters, messengers, spies, or use for sexual purposes.

Further progress on the UNICEF DoC with the KNPP and KNU in 2007 was hindered by the Burma government's opposition to outside agencies talking to these groups. The KNPP stated again in 2008 and 2009 that it would welcome external monitoring and verification for its compliance with the 2007 agreement.⁸⁹⁴ The Burma government, however, would not allow further engagement with the groups by the UN or other external organisations.⁸⁹⁵ This government resistance to engagement with the KNPP and KNU initially meant both groups were not able to attend a formal signing of the DoC in 2007 with UN officials. Instead, they had to

⁸⁹³ See the full text of these 2007 UN deeds of commitment signed by the KNU and KNPP in the appendices to this thesis.

⁸⁹⁴ See, Karenni National Progressive Party, "Press Release No. 1/08: Call for the Karenni Army's name to be removed from the list of non-state armed groups making use of child soldiers in armed conflict "; Karenni National Progressive Party, "Press Release No. 02/09: Appeal for the Karenni Army's name to be removed from the list of non-state armed groups making use of child soldiers in armed conflict." See these statements in appendix 2.

⁸⁹⁵ United Nations Security Council, "S/2009/278: Report of the Secretary-General on children and armed conflict in Myanmar," (2009), 7.

sign the documents and send them to the UN in Bangkok.⁸⁹⁶ It also meant they were not able to agree to, sign and implement an action plan for the removal of remaining children from their armies, and to monitoring of this.⁸⁹⁷

Pressure was also exerted on the Thai government by Burma to prevent this engagement occurring.⁸⁹⁸ Consequently, Thailand also prevented UNICEF's engagement with the KNPP in 2007, instructing UNICEF's Thailand Office in Bangkok to stop dialogue with the group shortly before the signing of the UNICEF DoC in April 2007.⁸⁹⁹ The potential legitimacy, both locally and internationally, that such engagement might confer upon these groups was suggested by an interlocutor close to these negotiations, as a likely motive for this state-led resistance to engagement with them.

The deed of commitment [with the KNPP and KNU] after UNICEF was a bit interrupted because they are given pressure by the Burmese government not to engage with the non-state armed groups and they did not like UNICEF in Burma to get involved because they think that it gives legitimacy to the armed groups, so it stopped.⁹⁰⁰

The situation since 2007 regarding the UN DoC has remained frozen, with no independent monitoring or verification able to take place, and both groups remaining, despite protests, on the UN list of groups using child soldiers. The lack of access was still mentioned in the 2014 UN report on Children and Armed Conflict as preventing verification of these NSAGs' claims to have stopped recruiting children. The KNLA was still identified as having instances of children in its ranks in the report, and the KNPP was mentioned as having approached the UN to resume engagement to be

⁸⁹⁶ A representative of an international humanitarian NGO involved in engagement with NSAGs, interview, September 19th, 2013.

⁸⁹⁷ United Nations Security Council, "S/2009/278: Report of the Secretary-General on children and armed conflict in Myanmar," 2.

⁸⁹⁸ Representative of an international humanitarian NGO involved in engagement with NSAGs, interview, September 19th, 2013; Former staff member of a local human rights NGO who engaged with NSAGs on the child soldier issue, interview from New York via Skype, June 2nd, 2015.

⁸⁹⁹ Human Rights Watch, *Sold to be Soldiers: The Recruitment and Use of Child Soldiers in Burma*, 101.

⁹⁰⁰ Director of a local human rights NGO who engaged with NSAGs on the child soldier issue interview, Mae Sot, September 15th, 2012.

delisted.⁹⁰¹ The ability for international agencies to monitor and identify instances of child soldiers in NSAGs has improved to some extent, as indicated by a senior member of an international agency in Hpa-an in 2014. “We had one case last year we came across, but that was a one off. It was a young teenager, I think 15 years old, in KNU brigade two or brigade five.”⁹⁰²

The UN CTFMR and Joint Action Plan

The UN Country Task Force on Monitoring and Reporting (CTFMR), in Burma, reports on recruitment of children by both the state armed forces and NSAGs.⁹⁰³ To be removed from the UN list, all armed actors, state and non-state, need to enter into time-bound action plans that are monitored and verified by the CTFMR.

If they are on the Secretary General’s Working Group list, then there is a formal process that has to be kicked in in order to delist from that... In terms of the formal processes, if they want to become delisted, they have to enter into negotiations for an action plan with the CTFMR. And it’s a UN verified process.⁹⁰⁴

A significant point noted by a member of an international agency involved in these processes, was the current shift in focus of child protection agencies inside the country towards the ceasefires and peace process. The NCA process has provided an entry point for advancing the protection of children. This is through UN and INGO advocacy for the inclusion of the child soldier and child protection issues within the NCA and its accompanying code of conduct.

We are expecting to step into a peace process. So there are more effective ways of ensuring that demobilisation of children gets written into the

⁹⁰¹ United Nations Security Council, *A/68/878–S/2014/339 Children and armed conflict: Report of the Secretary-General*, 121-25.

⁹⁰² Senior staff member of an international humanitarian agency, interview, Hpa-an, August 26th, 2014.

⁹⁰³ UN resolution 1612 (2005) established monitoring and reporting mechanisms in countries where there were grave violations regarding children involved in armed conflict. As UN mandated bodies, the CTFMRs in respective countries have to work with the national governments of those countries.

⁹⁰⁴ Senior member of an INGO involved in child protection, interview, Yangon, September 16th, 2014.

national ceasefire agreement or part of the peace process steps, and that those kinds of items are on the agenda.⁹⁰⁵

We have been suggesting that in fact part of the ceasefire should be a commitment of both parties to actually undertake a full exercise of the removal of underage recruits.⁹⁰⁶

HREIB Deed of Commitment on protection of children

Due to the prevention of further engagement by international actors on the UN DoC with the KNU and KNPP, and prior to its involvement with the Geneva Call process, the HREIB developed a DoC similar to the UN one. Following on HREIB's advocacy from 2006 onwards with the NSAGs outlined above, the CNF became a signatory to the HREIB DoC in 2009. This DoC was based on the template of the UN DoC signed by the KNU and KNPP and included the same references to the OPAC, ILO Convention 182, and the Rome Statute of the ICC, and recognition of both direct combat and support roles for children involved with NSAGs. The main point of difference was the absence of any reference to a formal plan of action developed through the UN Country Team as mandated by UN Resolution 1612. The HREIB DoC instead mentioned the development of "a time-bound plan of action together with various stakeholders" in order to "specify the objectives and specific measures to implement this deed of commitment."⁹⁰⁷ For the CNF, as a small NSAG, the legitimacy gained through publicly stating it did not use child soldiers was identified as a significant motivation for it joining the DoC. "I think CNF in particular was eager to be the first group to sign on and say 'hey, we're not doing this.'"⁹⁰⁸ The potential threat of being added to the UN child soldiers list was also mentioned as a factor in the HREIB's persuasion of the CNF on this issue.

The strategy we used with CNF, in the annual reports of the Secretary General they have a list of the non-state armed groups, 8 or 9, so I said to the CNF 'see, you know it could happen to you, you could be on the list

⁹⁰⁵ Senior member of an INGO involved in child protection, interview, Yangon, September 16th, 2014.

⁹⁰⁶ Senior member of a UN agency working on child soldier issues, interview, December 13th 2012, Yangon.

⁹⁰⁷ See the text of the HREIB DoC with the CNF in appendix 5.

⁹⁰⁸ Former staff member of a local human rights NGO who engaged with NSAGs on the child soldier issue, interview from New York via skype, June 2nd, 2015.

and it's very difficult to delist once you are in the list.' ...so they are very nervous about their image.⁹⁰⁹

The Geneva Call DoC

The engagement by Geneva Call with Burma NSAGs on the protection of children was initiated in 2010. Geneva Call's DoC on protection of children from the effects of armed conflict has been joined by five Burma NSAGs. The NMSP/MNLA and KNPP/KA were its first signatories in Burma in 2012. The KNU/KNLA agreed to it in 2013, and the CNF/CNA and Pa'O National Liberation Organisation/Pa'O National Liberation Army (PNLO/PNLA) joined it in 2014.⁹¹⁰ The Geneva Call DoC is a more extensive DoC than either of those developed by the UN or HREIB. The Geneva Call DoC has a broader scope employing legal language across 16 articles. For example, it makes reference to the NSAGs' legal status, the DoC's role in complementing or superseding previous unilateral declarations, and the potential for reservations to be made to it. The DoC is also considered as a step by the NSAG towards recognition and respect for the wider scope of humanitarian norms. The NSAGs agree to implement the DoC through issuing orders and taking action in cases of non-compliance. The monitoring and verification process of the Geneva Call DoC includes that done by the NSAG itself, and third party monitoring via local and international civil society.⁹¹¹ Geneva Call also conducts visits to the NSAG, and can undertake formal verification missions "in the event of credible and serious allegations of non-compliance."⁹¹²

The measures to be implemented in the DoC included the issuing of orders to all ranks for prevention of underage recruitment, dissemination of these orders, training, and the investigation and enforcement of sanctions for cases of non-compliance. It also requires the NSAG to provide children

⁹⁰⁹ Director of a local human rights NGO who engaged with NSAGs on the child soldier issue interview, Mae Sot, September 15th, 2012.

⁹¹⁰ The KNU/KNLA and CNF/CNA have also signed the Geneva Call Deed of Commitment for the Prohibition of Sexual Violence in Situations of Armed Conflict and towards the Elimination of Gender Discrimination, in 2013 and 2014 respectively.

⁹¹¹ See for the full text of the Geneva Call Deed of Commitment for the Protection of Children from the Effects of Armed Conflict, the copy of this DoC with the NMSP in appendix 6.

⁹¹² Somer, "Engaging Armed Non-State Actors to Protect Children from the Effects of Armed Conflict: When the Stick Doesn't Cut the Mustard," 119.

in areas it controls with a range of assistance including food, health care, and education. The processes for the NSAGs on implementation of the DoC are at an early stage, with the NSAGs issuing orders for compliance and undertaking an internal review for it. The role of NSAG liaison offices, established following the 2012 ceasefires, were also mentioned by KNPP leadership, in ongoing engagement with Geneva Call on the DoC.⁹¹³

For example, we distribute this deed of commitment to our soldiers and also our staff within our organisation, they have to know. Then on from there they display it and talk with the people on the ground, letting them know that we have signed the deed of commitment...we make more copies and hand out to the people. That is the first step we agree to do. The next step is to come up with the short training for our commanders. Also, now we assign our liaison officer to work with Geneva Call to report on our daily activities.⁹¹⁴

The issue of funding and support for NSAGs to undertake the implementation of the DoC was also raised by NSAG leadership.

We don't have any support. Also in there you see [shows the signed copy of the DoC with Geneva Call] there's implementation. There's a plan with a timeframe for New Mon State Party with Geneva Call. From a quick visit here we have a plan, working plan, many, many things. Now suddenly we are looking for funding. If we had funds, we can do more we can work more. So we think, 'oh Geneva Call it's only a little funding,' but yes.⁹¹⁵

The Geneva Call DoC process, while supporting similar ends to the CTFMR approach, does not have the authority to delist NSAGs from the formal UN list.⁹¹⁶ According to the Office of the Special Representative of the Secretary General for Children and Armed Conflict, only the Tatmadaw

⁹¹³ Most NSAGs with ceasefires with the government since 2011/12 have established liaison offices in major centres in the states in Burma where they operate. The liaison offices are intended to be points for communication and coordination between NSAGs with government agencies and local and international NGOs. For example, in 2012 the KNPP opened liaison offices in Loikaw, Shadaw and Hpa-saung townships in Karenni state. Burma News International, *Deciphering Myanmar's Peace Process: A Reference Guide, 2014*, 129.

⁹¹⁴ Senior member of leadership, KNPP, interview, Mae Hong Son, December 23rd, 2012.

⁹¹⁵ Senior member of leadership of the NMSP (a), interview, Sangkhlaburi, November 13th, 2012.

⁹¹⁶ Senior member of an INGO involved in child protection, interview, Yangon, September 16th, 2014. In Burma, the KNU/KNLA, KIO/KIA, KNPP/KA, DKBA, UWSA, SSA-S, and KNU/KNLA-Peace Council remain on the UN list, as well as the Tatmadaw.

is (as of 2015) in a formally recognised action plan with the UN to demobilise child soldiers from its ranks.⁹¹⁷

Training and assistance with developing codes of conduct compliant with humanitarian norms

The ICRC has worked with these same NSAGs to raise awareness of IHL. The ICRC inside Burma, due to restrictions on its activities, was unable to directly engage with ethnic NSAGS in border regions. However, the ICRC in Thailand has been involved in the past with training on IHL and, more recently, with assisting NSAGs in developing, or improving, their internal regulations. The ICRC's engagement with NSAGs on the Thai-Burma border has included dissemination of materials outlining IHL and maintaining regular contact with the border-based NSAGs. This activity was reiterated by interview respondents from NSAGs and by external observers. "The KNU clearly have had a lot of interface on IHL issues."⁹¹⁸

I do know that ICRC have given training to armed ethnic groups in relation to this kind of issue. I was working with ICRC in Mae Sot, so it was with the Karen. But knowing them, they've probably gone to other armed ethnic organisations as well, giving instructions on humanitarian actions in relation to conflict.⁹¹⁹

The ICRC do have a regular contact, they used to visit us. I very recently visited their Chiang Mai office as well. Sometimes they visited from Rangoon as well. The last time was 4 months I think. Yeah the representative from Rangoon office occasionally came with them, at least once a year.⁹²⁰

The more recent era of ceasefires since 2012 has allowed space for the former opposition NSAGs, for example, the Shan State Army–South (SSA-S), to update their internal regulations to bring them into line with IHL.

SSA have just gone through a process with the ICRC in fact, where they have revised their code of conduct.... It's not just on paper, there's been

⁹¹⁷ Office of the Special Representative of the Secretary General for Children and Armed Conflict, "Myanmar," <https://childrenandarmedconflict.un.org/countries/myanmar/>.

⁹¹⁸ A representative of an international humanitarian NGO involved in engagement with NSAGs, interview, September 19th, 2013.

⁹¹⁹ Long term researcher and consultant on ethnic issues in Burma, interview, Chiang Mai, July 21, 2014.

⁹²⁰ Senior member of leadership, KNPP, interview, Mae Hong Son, December 23rd, 2012.

some education and awareness raising, and it's facilitated together with the International Committee of the Red Cross. They can't be accused of being a lackey of the ethnic armed groups.⁹²¹

A significant reason for the NSAGs' interest in compliance with IHL for their internal regulations and engagement with the ICRC is the broader ceasefire code of conduct (CoC) that has been under negotiation alongside the nationwide ceasefire agreement (NCA). "The ICRC had I think, not so much now, but a few years ago, had quite a pivotal role in engaging them on that, on their code of conduct."⁹²²

These groups have requested some background information to incorporate into their draft code of conduct, but we did not play a direct role to pinpoint in the negotiations.⁹²³

Some individuals and small local organisations have also undertaken independent training initiatives on IHL with NSAGs. While eschewing the labels of neutral or humanitarian, these actors have contributed to awareness of international norms through training in the 'laws of war.' The military utility of such training was outlined by an individual who had undertaken repeated training sessions prior to 2010 with officers and soldiers from the ABSDF and KNLA on these matters.

...they had just gotten used to being like 'yeah, Geneva Conventions, law of armed combat, it's just some foreigner who comes around and we pay lip service and they go.' I had to tell them it's not actually about lawyers, it's not about being nice to people, it's about being systematic and professional soldiers. This is your guide to more professional thinking man's way of doing war.⁹²⁴

The Ceasefire Code of Conduct (CoC) and Nationwide Ceasefire Agreement (NCA)

As outlined in chapter three, aside from statements, unilateral declarations (for example DoC), or internal regulations, another way that compliance

⁹²¹ Senior staff member of an INGO working with NSAGs and associated welfare organisations on the Thai-Burma border, interview, Chiang Mai, October 3rd, 2014.

⁹²² A representative of an international humanitarian NGO involved in engagement with NSAGs, interview, September 19th, 2013.

⁹²³ Staff member of a humanitarian INGO, interview, Yangon, September 12th, 2014.

⁹²⁴ Former ABSDF associate involved in IHL training and child soldier demobilisation, interview via skype from Paris, January 4th 2013.

with humanitarian norms can be expressed by NSAGs is through their inclusion in ceasefire or peace agreements. Specific issues such as landmine use and recruitment, alongside other issues such as respective demarcation of forces, have been incorporated into various drafts of a ceasefire CoC under negotiation between NSAGs and the government in Burma since 2012.

The initial CoC was developed by the KNU following its bilateral ceasefire with the government in 2012, and a draft of it was presented to the government at further negotiations in Hpa-an in September 2012. That meeting included discussion of the text of the CoC which prohibited either side from taking actions during the ceasefire that would harm civilians. The KNU also requested a reduction in the number of Tatmadaw bases in Karen areas. The government ceasefire negotiator, Aung Min, stated at that meeting that the document would need to be sent to “higher officials” to be checked and analysed.⁹²⁵ The CoC has undergone numerous changes over two years of drafting and negotiations.

The original draft was developed by the KNU with assistance from a Karen legal scholar who had been working on international human rights law at an overseas university, and input from other international legal and policy advisors.⁹²⁶ While the first draft of the CoC applied only to the KNU-government ceasefire in 2012, the development of a united NSAG ceasefire negotiating bloc, the Nationwide Ceasefire Coordination Team (NCCT) in 2013, led to the CoC becoming a part of the NCA.

The government was quite firm that they would not be negotiating individual codes of conduct with all of the armed groups. The KNU, whatever was agreed with them that would become universal. We knew that going into drafting it. So I think there was a lot of concern about making this a very broad, all-encompassing document.⁹²⁷

⁹²⁵ The meeting was filmed by local media, however the specific text of the CoC which was still under discussion was not publicly released. Kwe Ka Lu Media, "KNU and Burmese Government agree in principal on Cease Fire Code of Conduct,," (September 5, 2012). (Translation from Karen and Burmese to English).

⁹²⁶ Representative of Geneva Call, interview by Skype from London to Chiang Mai, August 16th 2013.

⁹²⁷ International consultant and advisor working with Burma NSAGs on ceasefire negotiations, interview, July 23, 2014.

The initial CoC draft from 2012 dealt with humanitarian and protection issues including landmines. “Yes, I can confirm, there were definitely issues [in the CoC] relating to humanitarian law and humanitarian concerns.”⁹²⁸ “There is a very clear section in the code of conduct, at least there was in the last version I assisted in drafting, banning the use [of landmines] from both sides.”⁹²⁹

It talks about respect for human rights of civilians and there’s a lot in there about landmines, not laying landmines and landmine action and clearance, not using forced labour, armed groups should not intimidate civilian populations.⁹³⁰

The original KNU drafted CoC was, however, also considered to be ‘legalistic’ in its approach to language and to be lengthy. “It’s framed in a very legalistic language. So you’ve got a preamble and various... It’s a very substantial and comprehensive document.”⁹³¹ “Even in the beginning it started out about 40 pages.”⁹³²

The KNU one [proposed ceasefire code of conduct], to be honest, the one I saw was legalistic jargon. It was hard work for me to read through it. To be honest, it didn’t look like it was going to be very useful.⁹³³

This criticism of the first CoC was also made by the government which responded by then drafting a version of its own.

At first they asked the KNU to draft the code of conduct. After the KNU drafted it the KNU sent it to them and they said it’s too legalistic or it’s not for laymen. So they asked the KNU to rewrite it ... Then it seems like General Min Aung Hlaing [Commander in Chief of Myanmar Armed Forces] says something like it’s not necessary... Then later they say they have their own version, or they’re working on it.⁹³⁴

⁹²⁸ International legal consultant working with Burma NSAGs on ceasefire negotiations, interview, Chiang Mai, August 11th, 2014

⁹²⁹ International consultant and advisor working with Burma NSAGs on ceasefire negotiations, interview, July 23, 2014.

⁹³⁰ Long-term researcher and consultant on humanitarian issues in Burma, interview via Skype from Chiang Mai, 4th January, 2013.

⁹³¹ Long-term researcher and consultant on humanitarian issues in Burma, interview via Skype from Chiang Mai, 4th January, 2013.

⁹³² International consultant and advisor working with Burma NSAGs on ceasefire negotiations, interview, July 23, 2014.

⁹³³ Senior staff member of an INGO working with NSAGs and associated welfare organisations on the Thai-Burma border, interview, Chiang Mai, October 3rd, 2014

⁹³⁴ KNU member, interview, Chiang Mai, October 18, 2013.

Over two years of ceasefire negotiations, drafts of the CoC have gone between the negotiating parties, as has the NCA itself. “There is a constant negotiation going on back and forth in terms of what substance matters in terms of different drafts, it’s a delicate balance thing.”⁹³⁵

Members of the NCCT have previously reiterated the necessity for a ceasefire CoC for achieving the NCA.⁹³⁶ This clearly indicates the importance attached to the document for them, and also highlights the issue of military necessity underlying it. The issue of troop repositioning or withdrawal has been a sticking point for the CoC. It has been attached to the CoC addressing humanitarian and civilian protection issues such as landmine use, portering or forced recruitment which would clearly be influenced by the issue of demarcation of armed forces. These concerns are significant given that a build-up of Tatmadaw forces and consolidation of their positions in post-2012 ceasefire areas has been documented.⁹³⁷ The government has instead pushed for these issues to be dealt with in a later political dialogue phase to commence after the NCA is signed by the NCCT member NSAGs. This was raised by Naw Zipporah Sein, vice chairperson of the KNU. She pointed out that the draft NCA “does not contain all the important issues that we wanted included in it. One excluded issue is the role of the military. The draft agreement does not include a Ceasefire Code-of-Conduct, this is a military issue but it was agreed that it would be discussed later.”⁹³⁸ In July 2015, the CoC was still

⁹³⁵ International legal consultant working with Burma NSAGs on ceasefire negotiations, interview, Chiang Mai, August 11th, 2014

⁹³⁶ See, for example, “KNU Leader – Code-Of-Conduct Urgently Needed,” *Karen News* October 7, 2013. May Kha and Saw Yan Naing, “Troop Repositioning, Code of Conduct Important for Nationwide Ceasefire: Ethnic,” *The Irrawaddy* July 31, 2014; Saw Tun Lin, “No Nationwide Ceasefire Agreement Signed Until a “Code-of-Conduct” is Discussed,” *Karen News* August 27, 2014.

⁹³⁷ See, for example, Karen Human Rights Group, *Truce or Transition? Trends in human rights abuse and local response in Southeast Myanmar since the 2012 ceasefire*; The Border Consortium, *Poverty, displacement and local governance in Southeast Burma/Myanmar*.

⁹³⁸ “Karen National Union’s Deputy Chairwoman Warns International Community to Read the Small Print on Nationwide Ceasefire and not Believe Govt’s ‘Manipulation,’” *Karen News* April 23, 2015.

included among amendments NSAG representatives wanted made to the existing NCA draft presented to them by the government side.⁹³⁹

Underlying the negotiations on the CoC and NCA is that military issues relating to troop placement or movement on the government side have not been negotiable. The government's peace-making team, lead negotiator Aung Min, and the Myanmar Peace Centre have had a limited mandate on how much they can concede in negotiations with the ethnic NSAGs. The continued real power in the country and government, enshrined in Burma's military drafted 2008 constitution, remains with the military, and its commander in chief, Senior General Min Aung Hlaing.

The big issue to me that I pulled from the talks, was not the legalistic component of it [the CoC], but was actually the government delegation that was there, which included Aung Min, said they had full reign to talk about political issues but could not discuss military issues...Everything relating to the military was off the table because they didn't have authority to discuss military issues, they could only discuss political and associated economic issues.⁹⁴⁰

While there is uncertainty about the issues included in the CoC, landmine use is clearly identified by those who had seen or worked on the document, as an area that had been addressed by it. This was the case, at least, in earlier drafts. Concerns about the nature of any action undertaken on landmines, following a formal NCA and CoC were indicated by a respondent close to the negotiations.

The language on clearance was always very bad. There was no place for civil society monitoring of clearance, nor civil society involvement through any of the humanitarian mine clearance organisations, nor was there mention of the Myanmar Mine Action Centre or the Myanmar Mine Action Standards for governing clearance.⁹⁴¹

⁹³⁹ Sai Oo, "Burma's Peace Process: Matching Words with Deeds," *The Irrawaddy* July 13, 2015. "Political principles, ceasefire codes of conduct and military integration were extensively discussed during the dialogue which was extended from the originally proposed five days to eight. Some 14 amendments to the NCA were proposed and ethnic representatives also formed a new and higher level delegation to negotiate with the government on the proposed amendments."

⁹⁴⁰ International legal consultant working with Burma NSAGs on ceasefire negotiations, interview, Chiang Mai, August 11th, 2014.

⁹⁴¹ Informant with access to NSAG NCA negotiations, interview, October 21st, 2014.

The prohibition of recruitment during the ceasefire was also included in drafts of the CoC. CSI, in its 2015 report on the presence of children in the KIO/KIA, obtained a document from the KIO, ostensibly a draft ceasefire agreement from the government side, entitled “Points that both sides must follow,” that included prohibition of underage recruitment.⁹⁴² If landmine use and under age recruitment issues are addressed by a CoC that comes with the NCA, or after, it is significant as an originally NSAG-initiated process, and as an agreement that applies to a ceasefire with many NSAGs not just one.

In September 2015, the ethnic NSAG negotiating bloc split over the signing of the NCA. Eight NSAGs including the KNU, ABSDF, DKBA, SSA-S and CNF eventually signed it in October 2015. Nine others including the KIO, NMSP and KNPP elected not to. The reasons given for not signing included the government’s exclusion of three NSAGs, the TNLA, MNDAA and Arakan Army, from the NCA and ongoing clashes in Kachin and Shan states.⁹⁴³ The NCA text makes reference to the CoC overseen by a joint monitoring committee, as well as landmines and recruitment.

The Tatmadaw and Ethnic Armed Organizations agree to abide by the following troop-related terms and conditions: Cease the following actions in ceasefire areas: troop movements for territorial control, reconnaissance, recruitment, armed attacks, laying of mines, acts of violence, destruction of property, and launching of military offensives.

Undertake de-mining activities to clear mines laid by troops from all sides in accordance with the progress of the peace process and coordinate mine action activities in close consultation with the Government of the Republic of the Union of Myanmar.⁹⁴⁴

⁹⁴² Child Soldiers International, *A Dangerous Refuge: Ongoing Child Recruitment by the Kachin Independence Army*, 27 & 38.

⁹⁴³ Signatory groups were KNU, KNU-KNLA Peace Council, DKBA, ABSDF, CNF, ALP, PNO, and SSA-S. Non signatory groups were KIO, NMSP, KNPP, AA, SSPP/SSA-N, TNLA, MNDAA, NSCN-K, and UWSA.

⁹⁴⁴ The Nationwide Ceasefire Agreement between the Government of the Republic of the Union of Myanmar and Ethnic Armed Organizations. Chapter Three, 4 & 5 (a) and (e). See the full draft text of the NCA in appendix 1.

Assessment of factors influencing humanitarian engagement with NSAGs in Burma

The most significant themes that have been highlighted in discussion of the humanitarian engagement scenarios outlined in this chapter include claims of military and political necessity from NSAGs, concerns from both state and non-state actors with perceptions of legitimacy, and the development and role of local civil society. The ceasefires since 2012 have also had a significant impact on the NSAGs and on those working with them on protection issues. This has been relevant for the issues dealt with in terms of donor funding to support NSAG-associated welfare and civil society actors and the ceasefire process.

Military and political necessity (proposition 1)

Landmine use has not been abandoned by any significant NSAGs in Burma while, on the other hand, there has been a willingness to address the problem of children affected by armed conflict. The NSAGs in this study have been engaged with by local and international NGOs on the child soldier issue, and have released statements and entered into DoC to not recruit children. Landmines, however, remain central to the military strategies of NSAGs. The problems due to their use are further complicated by unsystematic and ad hoc deployment, shifting areas of conflict, and use to protect local resources. Geographic dispersion of units, fragmented groups with little central oversight, and local economic motivations (proposition 5), as indicated in the previous chapter, also contribute to this problem. Landmines also enable the NSAGs to claim some local legitimacy as defending communities that they claim to represent and presenting themselves as credible armed actors to the government. NSAGs have made statements individually and through alliances about the necessity of landmines for defensive purposes and claimed restrictions on them, but not to end their use.

Military and political necessity is also implicit in the NCA and CoC. It contains restrictions on landmine use and recruitment which all armed actors are required to adhere to. Such an agreement is potentially to the benefit of the NSAGs in terms of stabilising a situation where the

Tatmadaw has been increasing its presence in their areas since the 2012 bilateral ceasefires. Concerns about the post-NCA era and which authorities would have oversight and coordination over mine clearance are also significant, and symptomatic of the tensions between the parallel state and non-state systems of welfare and administration.

Proximity to borders and external assistance (proposition 4)

From outside of the country, the role of the international actors and promotion of humanitarian and rights-based norms, especially from the Thai-Burma border, has contributed some material support, but more significantly also, perceptions of legitimacy for the NSAGs and their associated welfare organisations based on that border. The influence on NSAGs and their welfare wings exposed to these influences has been to espouse policies reflecting similar human rights and liberal, democratic values. This was exemplified in the language of KNU and KNPP policies designed to regulate the operations of international aid organisations, working from inside the country into their areas. It also reflects the NSAGs' role in parallel governance to the recognised state, and their claims to legitimacy through the provision of cross-border services to people in their areas, and in policies that acknowledge international humanitarian norms.

The role of local civil society actors (proposition 6)

Inside Burma, local civil society actors have been working with NSAGs in a low-profile manner since at least the 1990s. Developments since 2011 have allowed them to take an increasing role as partners to international organisations as restrictions on access have been partially relaxed. Examples of this include the role of KMSS, Shalom and other national and local NGOs in MRE. This activity involves NSAG constituencies and requires acceptance from the government, and from NSAGs, for it to be carried out in their areas.

NSAGs operating from the Thai border have assisted in facilitating access for cross-border assistance organisations that have been associated with them. Over the last two decades of this interaction a more independent set of civil society organisations, reflecting the western liberal and rights-based policies of the INGOs operating on the border, has also developed.

These CSOs have been involved in activities such as MRE, promotion of children's rights, or engagement with NSAGs as partners to INGOs on these issues.

Perceptions of legitimacy (proposition 7)

Legitimacy is a central concern for the state, evident in its restrictions internally on access or contact with NSAGs by external actors. Direct engagement on humanitarian norms with Burma NSAGs has largely been conducted from outside the country. In some instances, those efforts have been opposed by the government, such as in the case of the UN DoC in 2007. Interlocutors involved in humanitarian engagement in the cases above, frequently identified legitimacy as a factor that influenced NSAG leaders. However, as indicated in the example of the MRE project with the KNU, NSAG legitimacy locally is also predicated on being able to credibly defend constituencies or deter enemies, and landmines are still seen as a central means for that.

Shifts in donor support and NSAG capacity (propositions 5 and 8)

The role of international donors in supporting the ceasefires and peace processes would be expected to have a flow on effect to NSAG funding and capacity to implement their humanitarian obligations. However, funding for the peace processes has been criticised for supporting the government's version of peace and expansion into NSAG areas, while ignoring or providing far less to NSAGs and their associated civil society to engage with the process. This has been compounded by a suspicion from ethnic communities, local civil society and some sectors of NSAG leadership, of a government business-first agenda in ceasefire negotiations.⁹⁴⁵ A view which was also expressed in interviews. "Funding to NSAs to support IDPs is less since the ceasefires. The donors want to move inside to Burma."⁹⁴⁶

⁹⁴⁵ See, for example, South, "Update on the peace process."; Francis Wade, "Ceasefire Capitalism: Why Burma's rebels have every reason to be suspicious of government emissaries talking peace," *Foreign Policy Democracy Lab* November 29, 2013.

⁹⁴⁶ Local member of an INGO working in Mon and Karen state, interview, Yangon, September 7th, 2013.

But for the Mon NGOs it's not easy yet. Now Mon CBOs also they have plans to register the organisation in Burma like other ethnic NGOs but still now we don't have permission yet. In this it's very difficult to get funding from the INGOs. That is one critical thing.⁹⁴⁷

When they have a policy to support cross-border it is more accessible to the armed groups' area...So now Yangon is kind of flexible for the international and local NGOs, but for them now even it's more difficult to reach the conflict area to help child soldiers or other children...Before most of the non-state armed groups' headquarters and base were close to the border area, so for the international NGOs and local NGOs it was easy to cross the border to meet them.⁹⁴⁸

Agreements to implement action on protection of children or landmine use has some value to NSAGs in terms of political legitimacy, but it still has not brought significant funding, training or support for them to do so. As an illustration, international actors providing advice and technical support to NSAGs to develop ceasefire documents and codes of conduct compliant with IHL and IHRL, pointed out the following.

The actual support to the NCCT and the UNFC and the EAOs [Ethnic Armed Organisations] and their efforts to engage has been miniscule...We've been working on this for years and we've talked to many actors about getting support for our work and we've never received funding. We're doing all this from our own initiated funds. We have no funding for this. Because of the political sensitivities of it. Donors do not want to fund technical assistance or any sort of direct assistance.⁹⁴⁹

The ceasefires since 2012

The wider political and military context of the ceasefires since 2012 also needs to be considered for presenting openings for engagement on the landmine and child soldier issues. It is noteworthy that in relation to

⁹⁴⁷ Senior member of leadership of NMSP (b), interview, Sangkhlaburi, November 13th, 2012.

⁹⁴⁸ A senior staff member of a local human rights NGO who engaged with NSAGs on the child soldier issue, interview, Chiang Mai, October 23rd, 2012. A similar point was also made by the director of a cross-border assistance CBO. "Some donors they want to go to Rangoon to be based there and then all the civil society, all the institutions from the cross-border assistance, they have to go to there. So wait, before you go to get the funding from the INGO you must be registered...This is politics, playing a game." Interview, Mae Sot, November 24th, 2012.

⁹⁴⁹ International legal consultant working with Burma NSAGs on ceasefire negotiations, interview, Chiang Mai, August 11th, 2014.

protection of children, the UN and HREIB DoC, and the groundwork for the Geneva Call DoC, occurred prior to the 2012 ceasefires. Engagement on landmines by INGOs and local actors has been occurring for at least the last decade, as was made evident by the 2004 account of MRE conducted with the acquiescence of the KNU. The broader indirect promotion of international norms to NSAGs, especially on the Thai-Burma border, has also been ongoing since at least the 1990s. So the ceasefires, while significant for relaxing restrictions on movement and access for engagement activity, are not the sole primary cause for the practical measures or expressions of compliance with humanitarian norms from NSAGs. One development due to the 2011/12 ceasefires for the scope of engagement, has been increased contact with previously remote, government-aligned or non-western oriented NSAGs. The DKBA in its post 2010 guise, for example, has received more attention from international and local actors.

With DKBA, we've always wanted to engage them but we had challenges in relation to reaching them. I mean when they were in conflict with the KNU it was very difficult to be able to meet them. We've started to have dialogue with them, but it's at a very early stage.⁹⁵⁰

The influence of the ceasefires on access to resources and funding and on NSAG capacity (propositions 3 and 8)

The influence of the political economy of the ceasefires, especially on NSAG leaders, has also tended to be away from a locally driven, liberal, rights-based or democratic vision, and towards a top-down and large-scale economic development approach.

So we went in, and Nataala [the Ministry of Border Affairs] and the KNU, and they all start talking. 'We need earth movers, support for mining, long-term hardwood plantations, so many hundred kilometres of road'.... So I started to say, look, this is great, but show me the community participation, what impact you hope to have, your prioritisation and then let's start pilots. He said, 'you're coming in here with this western development theory, upsetting the KNU, talking about pilots, and priorities, and community

⁹⁵⁰ A representative of an international humanitarian NGO involved in engagement with NSAGs, interview, September 19th, 2013.

based programming. These guys want the money, and we want you to give them the money. Let them do it.⁹⁵¹

While economic motivations have often been ascribed to both government and NSAG involvement in the ceasefires since 2012, it should be noted that the ceasefires have not yet greatly changed the nature of NSAG-civilian relations. NSAG sources of funding in southeast Burma continue to come largely from resource extraction projects and from taxation of local populations. The bilateral ceasefire agreements have also permitted NSAGs to start businesses in their areas.⁹⁵² To date, claims to be legitimate representatives of their constituencies remain a fundamental aspect of the larger NSAGs, rather than dramatic shifts in policy towards an economic development footing. International support in terms of funding or training has remained limited in the case of the NSAG liaison offices established after the ceasefires of 2012. These offices have often been a focus of business interests rather than humanitarian coordination.⁹⁵³ As was pointed out above, large development projects have often been the focus of funding made available to NSAGs through governments and external donors.

Summary

Engagement with Burma NSAGs on landmine use and children affected by armed conflict has resulted in a range of policy documents, statements, declarations, deeds of commitment and action plans. The two issues have been received very differently by the NSAGs in southeast Burma considered in this study. Landmine production, stockpiling and use has not been relinquished by any of the large and long-established NSAGs that have in the past been in conflict with the government, such as the KNU, KNPP, NMSP, or DKBA. Lack of trust in the stability of ceasefires and sporadic clashes with government forces or aligned armed groups also serve to reinforce these NSAGs' stance in retaining landmines. NSAGs

⁹⁵¹ Senior staff member of an international donor agency, interview, Yangon, September 12th, 2014.

⁹⁵² See, for example, Burma News International, *Deciphering Myanmar's Peace Process: A Reference Guide 2015*, 66-68.

⁹⁵³ Saw Greh Moo, "Caught in a Two-Front War in Post-Ceasefire Karen State," *Karen News* July 18, 2013.

claim to provide warnings or signs, but this is inconsistent, and haphazard systems of laying, recording and mapping of mines, have left a deadly problem frequently encountered by civilians. NSAG statements in response to engagement acknowledge the threat landmines pose, but their main attempt to ameliorate the harm caused is through facilitating MRE for their constituencies. Landmine use remains central to military necessity in the control of territory and, therefore, to perceptions of NSAG legitimacy as credible armed actors.

Recruitment of children, on the other hand, has been recognised as a violation of international norms by most NSAGs that have been engaged long-term on the issue, and they wish to avoid the negative perceptions associated with that. Those perceptions would impact negatively on their attempts to maintain international support. Consequently, significant NSAGs including the KNU, KNPP and NMSP have issued internal regulations, statements and declarations about minimum ages of recruitment and reiterating that they do not have children in their armies. Deeds of commitment and plans of action on this issue have been made by one or other of these NSAGs with the UN, HREIB (in the case of the CNF), and most comprehensively by all four with Geneva Call since 2012. There is clear evidence, outlined in the previous chapter, as recent as the early to mid- 2000s, that these NSAGs still had some children present. The KNU, KNPP and DKBA among other NSAGs, remain on the UN list of groups using child soldiers in Burma. Therefore, these undertakings are significant, but as was mentioned in numerous interviews, there are ongoing issues due to lack of access for monitoring, funding, and capacity to implement what has been agreed to.

The ceasefires since 2012 have enabled openings for engagement, but the underlying engagement has been ongoing over the last decade. The landmine issue in particular is significant within the context of the NCA processes and it is likely that “humanitarian mine action will be a key component of the ceasefire agreements.”⁹⁵⁴ Access to cleared land and

⁹⁵⁴ Roger Fasth and Pascal Simon, "Mine Action in Myanmar," *Journal of ERW and Mine Action* 19, no. 2 (2015): 24.

resources, competing coordination bodies, and standards used in clearance were among concerns raised with inclusion of the landmine question in the NCA and CoC. As identified here, various external actors and organisations have had a role in contributing to the text of those documents that have attempted to place the CoC within an international humanitarian framework. From an economic perspective, the bulk of donor funding and resources has gone to the government's peace-making and negotiation organs, with little going to the NSAG coalition to work on these documents, participate in the processes and to address these issues practically in their areas.⁹⁵⁵

The next chapter considers the themes drawn out from the Burma context in chapter six, the landmine and children in armed conflict issues in chapter seven, the case histories and involvement with those issues of the four NSAGs covered in chapter eight, and the humanitarian engagement processes with NSAGs outlined in this chapter. It will consider the propositions developed from the literature in chapters two, three and four, regarding factors influencing the extent of Burma NSAG compliance (or not) with humanitarian norms, in light of the material outlined in the substantive chapters.

⁹⁵⁵ See, regarding increases in post 2011 donor funding to government agencies and a corresponding decrease to NSAG-associated civil society actors, Jolliffe, *Ethnic Conflict and Social Services in Myanmar's Contested Regions*, 23-24.

Chapter Ten

Findings and conclusion

Introduction

This study has considered situations where NSAGs have not, for the most part, been actively engaged in deliberate violence directed towards civilians. Instead, the cases outlined here have been in the context of periodic armed conflict, shaky ceasefires, and ongoing low level insecurity over decades. NSAGs have, in these instances, been involved to varying degrees in governance and welfare activities in the areas they control or contest. Nonetheless, they have also presented threats to the security of those they claim to represent or protect, including through the use of landmines or the recruitment and involvement of children with armed conflict. The focus of this study has therefore been on the threats NSAGs present indirectly to the security of communities exposed to them, factors influencing this, and the actions (if any) of NSAGs and of external actors engaging with them in this regard. While this research has focused on the case of NSAGs in Burma, and mostly those operating in the southeast of the country, it is situated within a wider literature considering factors influencing NSAG behaviour in relation to civilians, and humanitarian engagement with NSAGs for improved protection of those populations. The implementation of policies and of practical measures by these NSAGs have varied between the two issues (landmine use and children affected by armed conflict) which are employed in this study as measures of the extent of compliance with humanitarian norms.

Significant internal factors influencing NSAGs on those issues include perceptions of legitimacy, the influence of their associated welfare wings and civil society, organisational fragmentation and geographic dispersion, and the source and allocation of material resources. A significant external influence on NSAGs has centred on the claimed military necessity in opposing direct threats presented by the armed forces of the central state. The nature of NSAG involvement with humanitarian assistance, and dedicated engagement with NSAGs by local and international

organisations, are other significant external factors that have influenced the extent of their compliance with humanitarian norms.

In what follows, a brief overview of what has been covered through chapters one to nine is provided. The theoretical propositions are then evaluated in light of the empirical findings detailed in chapters seven through to nine. The central questions driving the thesis are then revisited in light of that analysis. Discussion of the wider implications of this study for theory and policy, the limitations of the present study, and suggestions for future research bring this thesis to its conclusion.

Overview

Chapter one introduced the topic of NSAGs and humanitarian norms, the significance and contribution of the present study's focus on Burma, its rationale, scope and central research questions.

Chapter two explored the type of NSAGs operating in Burma that are mostly long-established, ethnic/political NSAGs, usually with both armed and political wings, varying amounts of territorial control and claimed representation of constituencies. The political economy of armed conflict and social constructivism were then introduced as theoretical models for the analysis of NSAG relations with their constituencies and engagement with NSAGs by local and international humanitarian and civil society actors.

Chapter three considered humanitarian practitioner and academic literature on NSAGs. It then outlined the relevant IHL and IHRL that present the basis for humanitarian norms applicable to NSAGs and civilian protection; mechanisms by which NSAGs have attempted to declare their adherence to these norms; and the reasons humanitarian authors suggest for NSAG compliance with, or violation of, them. These reasons went on to inform the literature reviewed in chapter four and the propositions derived from it.

Literature addressing the dynamics of NSAG-civilian relations from the perspectives of the political economy of armed conflict and from sociology-based studies of NSAGs was reviewed in chapter four. The theoretical

propositions examined in this study were then set out. The NSAG and humanitarian focused literature informed the first proposition considering the claimed military necessity for NSAG violations of humanitarian norms. The political economy literature contributed to propositions about the influences of resources at formation, dependence or independence on host populations, proximity to borders, and geographic dispersion or organisational cohesion of NSAGs. The sociology based literature on NSAG-civilian relations, considered the influences of legitimacy, identity, and the role of local NSAG-associated or accepted civil society. The variables addressed by these propositions related to NSAG-civilian relations and, thereby, also to the extent of NSAG adherence to or otherwise with humanitarian norms.

The requirement for consideration of a range of perspectives, a lack of reliable statistical data, and the need to understand processes within their relevant contexts were central reasons outlined in chapter five for a case study research design. The main method for obtaining primary data was through semi-structured interviews with a range of respondents with local in-depth knowledge of the actors and issues. Analysis of this data involved the disaggregation of interview transcripts and field notes into thematic sub-categories and coding into groups relating to the questions and propositions. The limitations in the scope of the research process, the potential biases of those interviewed and of the available secondary material were also acknowledged. Lastly, ethical considerations including the researcher's contribution to local organisations during fieldwork, maintaining respondent anonymity, and responsible use of the research material were outlined.

Chapter six provided a brief historical overview of the context within which NSAGs have developed in Burma, and the circumstances underlying and perpetuating the armed conflicts. Social and political ethnic grievances exacerbated by the system of colonial rule and the Second World War were identified as the initial drivers of the post-1948 armed conflicts. The conflicts have, however, subsequently developed self-sustaining economic dimensions in geographically isolated, resource rich, border regions. This

is the context in which NSAGs have developed, fragmented, agreed to ceasefires or resumed conflict, administered constituent populations, and engaged with humanitarian actors. Bilateral ceasefires agreed since 2012 involving many NSAGs enabled progress towards a NCA (joined by some NSAGs in October 2015) and a CoC that addresses landmine and recruitment issues, as well as demarcation and movement of military forces.

Chapter seven examined the issues of landmine use and the involvement of children in armed conflict in Burma. Both present immediate threats and create long-term problems for populations exposed to them. The wider context to these issues globally, the role of government forces, and of NSAGs, were then examined. NSAG landmine use has been claimed as militarily and politically necessary given their relative disadvantage in numbers and technology. A feature of landmine use is that it has started to become more diffuse, with business interests and local villagers sometimes deploying them, as well as organised and established armed actors. While use of child soldiers has historically been greater on the government side, their involvement with NSAGs has been clearly documented in the past. There has been more acceptance, policies and practical measures from NSAGs on the issue of underage recruitment than on the use of landmines, which remains integral to their military and defensive strategy.

Overall, assessment of the four NSAGs (KNPP, NMSP, ABSDF, and DKBA), detailed in chapter eight, reveals more attention given by them to policies to address under age recruitment than landmine use. The military imperative for these groups has been evident in the continued deployment or stockpiling of landmines. Military advantage or necessity was also a factor for increased recruitment during ceasefire periods resulting in children recruited by, or associated with, NSAGs. Economic incentives were identified with landmine use to protect resources, and sometimes also for children joining NSAGs. All NSAGs, into the late 1990s, had children in, or associated with, them. Concerns with legitimacy, especially internationally, were evident in attempts by some to end underage

recruitment. The KNPP and NMSP had shown concern about this issue since the early 2000s, and developed internal regulations, made statements, and since signed deeds of commitment addressing it. The DKBA, especially prior to 2010 was less accessible on this issue and there was clear evidence of persistent under age recruitment. The extent of geographic dispersion and organisational integrity also played a part in NSAG behaviour. The focus on economic incentives and a decentralised command structure were, for example, influential in cases of individual commanders' landmine use in protecting local resources or flouting prohibitions on under age recruitment.

The types of humanitarian focused engagement with NSAGs in Burma were outlined in chapter nine. The role of local NGOs that developed inside ceasefire areas was exemplified by their work in the renewed Kachin conflict and in recent partnerships with INGOs. The interaction of international assistance organisations with NSAG-associated welfare actors along the Thai-Burma border since the 1980s enabled advocacy to be conducted for rights based policies with NSAGs and their welfare wings. The ICRC, Geneva Call, HREIB and others have provided practical assistance and training to NSAGs regarding humanitarian norms, and have helped draft policies and documents addressing these. These measures have involved long-term engagement with NSAGs on the issues, and the role of NSAG associated welfare actors and civil society for implementation. MRE has been the most widespread practical measure with regard to landmine use, and has involved local NGOs, CBOs, and NSAG welfare wings working as partners to INGOs. These actors have also undertaken mapping and survey of mined areas, but information remains incomplete and restricted. Clearance initiatives have been prevented or tightly restricted by both the government and NSAGs. Deeds of commitment to prevent recruitment of children to NSAGs have been entered into, and internal orders and regulations issued for their implementation by the KNPP, NMSP, KNU and CNF, out of the NSAGs considered by this study.

The theoretical propositions revisited

The theoretical approaches to this study, and the corresponding literature, were divided broadly into social factors understood from the perspective of sociology and social constructivism, and material and economic factors understood within a political economy of armed conflict framework. They contributed to the theoretical propositions that are now discussed in light of the themes raised in the empirical chapters six through to nine.

Military necessity

The first proposition drew on the work of humanitarian practitioners and academics who have examined the reasons why NSAGs choose to comply with, or violate, IHL. Claimed military and political necessity was identified as a primary reason for this. The proposition considers this in relation to the threats posed by NSAGs to their own constituencies.

1. NSAGs will carry out actions that threaten the security of the populations they claim to represent or protect, in violation of humanitarian norms, out of claimed military and/or political necessity.

Military and political necessity was usually raised by NSAG leadership, and others working with them, in relation to the use of landmines. Most NSAGs in Burma continue to use landmines or retain the option of using them. From a military standpoint they are weapons that allow the numerically smaller and technically less well equipped NSAGs to maintain resistance to the government's armed forces. Bangerter, Bellal and Casey-Maslen, and others in chapter three, made this point in considering why NSAGs violate humanitarian norms. Another concern held by NSAGs has been the lack of trust in the government and the ceasefires and the potential for the conflicts to restart. These rationales were reiterated by NSAG leaderships in interviews and in NSAG statements on the issue. From a political necessity perspective, landmines also enable the NSAGs to hold territory inside Burma and be seen as significant for inclusion in ceasefire negotiations with the government and in future political dialogue and peace processes

NSAGs needing to maintain or increase their numbers, especially during ceasefires when they have the opportunity, was indicated by some respondents and secondary sources as encouraging under age recruitment. However, the recruitment of children was not framed by respondents or secondary sources as militarily necessary to NSAG survival, whereas landmine use was viewed in that way.

Military necessity may also contribute to NSAGs taking some positive actions in relation to humanitarian norms. For example, the ABSDF role in encouraging the defection of child soldiers from the Tatmadaw, and the provision of some support to them after, had strategic as well as charitable dimensions. Bangerter, in chapter three, mentions how respecting humanitarian norms can contribute to a military advantage by weakening the enemy through making surrender or defection a more attractive option.

As was outlined in chapter nine, some NSAGs in Burma in the era of the post-2012 ceasefires, have sought to bring their training and internal regulations for their armed forces into line with international standards. Again, there are military and political motivations for this; in particular, the need to meet the requirements of the NCA and CoC. As most NSAGs are claiming to represent constituencies that need protection, demonstrating adherence to the humanitarian components of the NCA and CoC, and especially holding the Tatmadaw to it, is in the interests of the NSAGs and communities.

Overall, the proposition that claimed military necessity will lead to non-compliance with humanitarian norms is clear in the continued use of landmines. This strategy continues to harm the constituencies the NSAGs claim to represent or protect. Pressures to increase recruitment can also contribute to the presence of children in NSAGs, but this was not claimed as militarily necessary for the NSAG's survival or hold on territory. As discussed in chapter nine, in the case of the KIO/KIA, the involvement of children has increased with the renewed conflict since 2011. This implies that during periods of active conflict, the pressure to increase numbers has also led to renewed under age recruitment or involvement with NSAGs.

Material and social resources at formation

Jeremy Weinstein's focus, outlined in chapter four, on the social and economic endowments that NSAG leaders have to work with at the start of a rebellion, and how that leads to the NSAG being more or less abusive towards civilian populations, gave rise to the following proposition.

2. The extent and nature of material and social resources for an NSAG at formation will significantly influence the nature of the groups' future relations with civilian populations and, therefore, the extent of NSAG conformity with humanitarian norms.

As outlined in chapters six and eight, the ethnic NSAGs that developed in Burma after 1945 did so within a context of pre-existing political, social and cultural organisations and networks. Politicisation of ethnic identities had increased during the colonial era. In the aftermath of the Second World War in Burma there was a plentiful supply of arms, and large numbers of trained and armed former soldiers.

A legacy of military experience and ethno-nationalism, therefore, informed the development, leadership and structure of the ethnic rebel groups. Leaders of ethnic NSAGs personally had, or could call on others with, military experience and training, and could mobilise causes based on grievances around discrimination, denial of self-determination, and atrocities committed by government aligned forces. These experiences then informed the ways the groups conducted their actions and structured themselves.

The NSAGs considered in this study diverge from the above proposition in some important respects. At the establishment of the KNU, KNPP, NMSP, and KIO, ethnic identity and political grievances predominated rather than economic motivations. The longevity of the NSAGs, and their focus on local autonomy rather than seizing power at the centre, are also points of difference compared to the groups that were considered in Weinstein's study. Another factor at odds with the model of a single NSAG seeking sole control of the state has been inter-NSAG assistance (in the initial role

of the KNU with the KNPP and NMSP) and cooperation between Burma NSAGs in alliances like the NDF, DAB and UNFC.

In terms of the influence of social resources at formation on the trajectory of these NSAGs and their consequent behaviour towards civilians, the social endowments part of the proposition is confirmed. At least initially, those who joined these insurgencies demonstrated what Weinstein refers to as activist rather than opportunist motivations. They would have accepted there were high risks and few material rewards in their ethnic separatist causes, so looting or self-enrichment were not primary motivations. These NSAGs have since not engaged in significant policies of violence directed against civilian populations, who are usually their own or allied ethnic constituencies. In contrast, predatory economic incentives have been identified by respondents and secondary sources, regarding the quality of some recruits to the more recently formed DKBA in the mid-late 1990s. This development, though, also owes much to fragmentation, geographic dispersion, and decentralised command (see discussion of the proposition regarding this below).

Regarding material endowments at formation, the proposition is not confirmed. Over the decades of conflict, however, material resources have become central to NSAGs, and have led to actions that endanger civilians in NSAG areas such as the use of landmines to protect resources.

Extent of independent sources of funding

Authors employing a political economy approach to understanding the actions of NSAGs towards civilians have frequently made a connection between the NSAGs' sources of funding and their behaviour. In particular, when NSAGs have access to funding, or resources through which they can gain funds, independent of host populations, the causal claim is that this leads to behaviour that is more abusive.

3. Where an NSAG has substantial funding and/or access to resources independent of its constituent population, its policies and practices will be more abusive towards civilians, and therefore less conforming with humanitarian norms.

None of the NSAGS in this study have, at least since the 1980s, received significant external state-sponsored support, funding, or weapons. The means by which they have supported themselves has been principally through taxation of people and cross border trade, and the exploitation and sale of natural resources. The NMSP's taxation, for example, of the border crossing at Three Pagodas Pass prior to 1990, or similar taxation of cross-border trade and logging of forests in Karenni state by the KNPP, were significant to these groups' economic survival. The DKBA after breaking away from the KNU in 1994, was associated with a variety of economically motivated activities like logging, mining and narcotics. It also initially received assistance from the government for its role against the KNU. As highlighted in chapter eight, the DKBA, particularly between 1994 and 2010, was also most associated with predatory behaviour towards civilians including extortion, landmine use, forced labour and under age recruitment. The other NSAGs assessed in this study, while funding themselves through taxation and resource extraction, have channelled some of the funds gained back into the organisations, both to military and welfare activities. Humanitarian assistance, as outlined in the last chapter, has benefitted the Thai border based NSAGs more in terms of legitimacy than financial or material support. In contrast, the DKBA's more extractive trajectory and lack of coherent welfare, administration or unified political vision, appears to have eroded its popular support over time as individual leaders in the group concentrated on personal enrichment.

Overall, the DKBA most conforms to the proposition's link between predatory or abusive behaviour and sources of funding independent from a host population. However, the other NSAGs considered in this study have also drawn financial support from taxation of people and exploitation of resources. These issues have been more evident in the territorially dispersed or fragmented groups as discussed below. This has not, though, been to the exclusion of continuing to pursue political objectives and maintaining some governance and welfare provision, for which the NSAGs assume they have popular support.

Geographic dispersion and organisational fragmentation

The geographical distance between units in an NSAG, the degree of cohesion, and the effectiveness of control within it, have implications for NSAG behaviour towards civilians. Spatial and organisational factors influencing NSAG actions towards civilians are, therefore, considered by the next proposition.

4. Where an NSAG is dispersed over territory, is fragmented, and/or has weak command and control over individual units, their practices (even if there is policy) will be more abusive or predatory towards civilians and therefore less congruent with humanitarian norms.

Three situations relevant to this proposition, with frequently negative results for civilians in the case of the NSAGs considered here, are breakaway factions, decentralised command, and a lack of monitoring by the central leadership of dispersed units. In these instances, there is a greater risk of local commanders behaving more autonomously, particularly through not following orders from the central leadership, and by pursuing localised economic agendas.

These issues have been present to varying extents in all the NSAGs outlined in this study. Following the KNU-DKBA split, the DKBA faced a lack of unified leadership, a loss of initial support from the government leading to a need to be self-sustaining, and commanders with localised economic objectives. The KNU and NMSP when deployed over larger areas, prior to 1995, were also associated with instances of commanders acting autonomously to follow localised economic interests. Competition for control of the lucrative Three Pagodas Pass border crossing, for example, led to a short conflict between the NMSP and KNU in 1988. After its 1995 ceasefire with the government, the NMSP had conflicts with breakaway factions from it which contributed to the temporary resumption of landmine use in the early 2000s. The NMSP has not been identified with significant landmine use or under age recruitment since this time. It is now concentrated within demarcated areas of Mon and southern Karen state. The KNPP experienced an ideological split in the 1970s with the left-

leaning KNPLF. However, the KNPP, as a small NSAG operating in contested areas, presented less opportunity for individual commanders to act autonomously. The ABSDF, while in an auxiliary role to larger ethnic NSAGs, graphically demonstrated the problems of geographic dispersion, autonomous local command, and poor communications (in the early 1990s) in its trial and execution of some of its own members suspected as spies by its northern battalion.

Since all NSAGs rely on local resource extraction and taxation of trade, there is opportunity for field commanders to become involved in such activity to the detriment of the parent organisation's overall military and political objectives. Dispersion of NSAG units is especially relevant for the DKBA. This is also the case for the KNLA, which has seven brigades (and corresponding KNU administrative districts) stretched from northern Karen state, through Mon state to Tanintharyi in the south. Those far from the centres of NSAG command and political leadership, even when there are policies in place, may choose to disregard them. NSAG leadership, in chapter nine, acknowledged to those engaging with them the problem of 'rogue commanders' regarding implementation of policies prohibiting under age recruitment.

In the case of the Burma NSAGs considered in this study, the proposition is confirmed. Geographic dispersion and organisational attenuation have led to self-provisioning, predation and involvement in localised economies, and to the ignoring of centralised policies or orders by locally autonomous commanders. These conditions lead to threats to civilians due to landmine use for local economic agendas or acceptance of underage recruits in violation of central policy and, consequently, to less compliance with humanitarian norms.

Proximity to borders

The role of borders in sustaining NSAGs and the conflicts they are involved in has been raised by writers addressing the political economy of armed conflict and the role of humanitarian aid. This literature gave rise to the following proposition.

5. NSAGs that control or cross international borders can access or co-opt material, financial and/or humanitarian assistance enabling less reliance on constituent populations. Therefore, they are more likely to be abusive towards civilians and less congruent with humanitarian norms.

Proximity to borders for NSAGs has been identified with influencing the economic and humanitarian dimensions of the armed conflicts and the groups themselves. Taxation of black market and cross-border trade has already been highlighted as a significant factor for the survival of NSAGs on the Thai border. Use of refugee camps as rear bases and co-option of humanitarian assistance by NSAGs has been raised by scholars as significant. The porous nature of this border has enabled NSAG members and leaderships to move back and forward and to seek shelter with refugees in the camps along the border. They have also been able to operate the political wings and associated welfare organisations of the NSAGs relatively openly.

The circumstances of the Thai-border based NSAGs and their relationship with humanitarian INGOs have some differences to the standard 'refugee warrior' model as identified by Terry and others in chapters three and four. There has been no international state interest in supporting Burma NSAGs, so they have not received weapons or other supplies from any state sponsors since the 1980s. However, the role of international humanitarian assistance has been significant on the Thai border since that time. NSAG-associated welfare actors have developed within the social and political sphere of NSAGs that have had the most engagement with international humanitarian organisations. This has especially been the case for organisations operating within the orbit of the KNU, KNPP and NMSP.

Food and medical aid from humanitarian donors and INGOs has been distributed in refugee camps by NSAG-run refugee committees, and to IDPs in NSAG areas of control or influence by welfare actors associated with NSAGs. In some instances, as Podder indicated in chapter two, rather than diverting external humanitarian aid to their armed forces and

away from civilians, NSAGs may incorporate it into their welfare activity to maintain support and legitimacy with their constituency. It has been the perceived legitimacy as protectors and providers to refugee and IDP populations that has been the most beneficial aspect of humanitarian assistance across borders for the NSAGs in this study. Terry, as indicated in chapter four, identified how perceived legitimacy gained in this manner enables NSAGs to control civilian populations.

The proposition outlined above is not confirmed in this case. The proximity to borders and to international assistance did not encourage more abusive or predatory behaviour by the Thai border based NSAGs towards civilians. While it may have provided some material support, the more politically significant aspect has been the perceptions of NSAG legitimacy which has come from their involvement and association with providing assistance to constituencies, rather than through predation upon them.

Civil society development within the NSAG sphere

The development of civil society organisations like Shalom or KMSS inside Burma, and of others like the CIDKP or BPHWT within the umbrella of the Thai-border based INGO-NSAG relationship, has been outlined in chapter nine and raised in discussion of the previous proposition. The influence of these actors on NSAGs in regard to humanitarian issues is considered in the following proposition.

6. NSAGs that have developed, work alongside, or are amenable to, local welfare, advocacy, or service provision organisations, are more likely to take action to conform to humanitarian norms.

NSAG-associated, and other more independent local civil society actors, have played a significant part in promotion of the humanitarian norms considered by this study. They have been involved in independent advocacy and in practical measures such as MRE in the case of landmines. These actors have developed through two mechanisms. Those inside Burma have evolved most clearly in some ceasefire NSAG areas. A significant example is in KIO areas during the 1994-2011 ceasefire, with

faith-based organisations like the Kachin Baptist Convention, Shalom or Metta becoming nation-wide entities.

Thai border based organisations like CIDKP and KSWDC, the respective welfare wings of the KNU and KNPP, have carried out MRE, often working as local partners to INGOs. Similarly, the BPHWT as a more independent medical-focused organisation has also carried out MRE as a part of its work. Local rights-based organisations like KHRG, HURFOM, and HREIB equally have engaged, reported and advocated for action on the landmine and child soldier issues. Significantly, the KNU, KNPP, ABSDF and NMSP claim to be fighting for democracy, human rights and ethnic autonomy. Consequently, their relationship with local civil society actors close to them has reinforced promotion of humanitarian norms advocated by those actors that are broadly congruent with the NSAGs' own claimed objectives. The work of people who staff local civil society organisations associated with NSAGs, this study argues, demonstrate how their identification with NSAG causes and their own communities have helped shape the NSAGs towards improved compliance. Petrasek, in chapter three, indicated that CSOs that see themselves as sharing objectives with an NSAG they are associated with may endeavour to change or reform behaviour that is harming the NSAG's reputation, or undermining its cause.

Constructivist theories are useful here in considering the relationship between NSAG-associated civil society and welfare actors with the armed groups whose causes they may share or sympathise with. Theories about how norms are diffused see them as often initially being ignored or rejected. Over time, there is instrumental and strategic calculation seen in the value of conforming to them. Eventually, internalisation and acceptance occurs, where the 'rightness' of the norms are no longer questioned. Members of human rights and welfare organisations are likely to have internalised to some extent the norms they promote to communities and to NSAGs. Respondents from local assistance and human rights groups, whether close to or more independent from NSAGs, demonstrated a genuinely held belief in the value of the work they do.

Whether in conducting MRE or promoting of children's rights, many risk very real personal danger in doing so. This strongly implies that, for them, the norms are closer to being internalised.

Referring to constructivist theories of state behaviour in chapter two, Johnston, Checkel and others, described socialisation of states to accept a new norm as being due to factors such as legitimacy or pressure to conform. When the norm has become accepted and compliance is automatic, it is then considered to have become internalised. This is the phase where the actors comply because they no longer question the norm, they see it as a naturally correct or right action. This study contends that civil society and welfare actors associated with Burma NSAGs exhibit internalisation of the norms they promote or that apply to the issues they seek to ameliorate. Leadership of NSAGs, in some instances, may share this taken for granted view of the norms, while for others there is strategic calculation for political advantage in being seen to comply.

In chapter two, reference was made to Capie's adaptation of Johnston and Checkel's socialisation theories in relation to NSAGs. He referred to the role of respected members, or former members, of NSAGs in influencing NSAGs. The role of authoritative or influential actors with shared identity, outlook or cause, fit the description of many of the welfare and civil society actors associated with border based NSAGs outlined in chapter nine. Their ability to have some limited influence with NSAGs lies in credibility due to mutually shared identities, political causes, experiences, long-term engagement, and empathy for those in need. It was confirmed in interviews that there is, or previously has been, some cross over in roles, or even members, between these organisations. Members of civil society and welfare organisations working with NSAGs also share risks in providing assistance to constituencies in conflict areas. In some instances, they have been accompanied, or have had access facilitated, by NSAGs.

The evidence, therefore, indicates there has been a mutually reinforcing relationship between these sets of actors around welfare, rights and humanitarian norms. The proposition that NSAGs that work with associated welfare or civil society actors are more likely to comply with

humanitarian norms is confirmed in the examples of the NSAGs examined in the Burma context.

Perceptions of NSAG legitimacy

International and local legitimacy as a motivation for NSAGs improving compliance with humanitarian norms was raised in much of the literature on NSAGs, from humanitarian, legal, and sociology perspectives. It leads to the following proposition.

7. NSAGs will pursue policies that contribute to civilian protection, and therefore conform more closely to humanitarian norms, out of concerns with local and/or international legitimacy.

In chapter four it was indicated that perceived legitimacy, as a socially constructed concept, is difficult to measure. However, that it matters in the calculations of states and of NSAGs is evident in their reactions to factors that may influence it. One indicator of the significance of perceived legitimacy in the present study is the opposition shown by governments to humanitarian engagement with NSAGs. For the NSAGs, international attention and legitimacy were identified by respondents who had engaged with them as a factor motivating them to make statements, or implement agreements, on landmine or child soldier issues. International engagement, however, was seen by the government as conferring legitimacy in the case of the KNU and KNPP in 2007, hence its resistance to the UN DoC. International attention on the issues and the legitimacy it may provide clearly does matter in the calculations of the government and of NSAGs. This reflects the point made by Steinhoff, Santos and others in chapter three about state legitimacy concerns over engagement with NSAGs.

As identified above, the norm prohibiting recruitment of children has met with more NSAG will to develop policies and actions to address it than has been the case for landmine use. This raises the issue of whose perceptions of legitimacy are being sought, and by which actors. This may differ for legitimacy sought by NSAGs locally from their constituencies and from the government, compared to that from international actors. In

chapter four, Podder makes this point in relation to international engagement with NSAGs. International engagement may confer some external legitimacy, whether earned or not, on NSAGs. However, local socio-political legitimacy resides in NSAGs gaining recruits from, and providing protection and welfare to, their constituencies, which puts them in a better position to maintain popular support. Petrasek mentions (in chapter four) that constituencies' tolerance of NSAG actions that may violate international norms will also depend on the extent of that NSAG's local legitimacy.

The continued build-up of Tatmadaw forces since the 2012 ceasefires in, or close to NSAG areas, has prompted Burma NSAGs to present themselves as credible protectors to communities they claim to defend and to their Tatmadaw opponents. In those instances, local perceptions of legitimacy for NSAGs may reside more in their ability to resist the Tatmadaw and, therefore, tacit acceptance of their continued use of landmines. This was raised by respondents from mine action NGOs who have engaged with NSAGs and communities on this issue. The NSAGs considered by this study are also involved in ceasefire talks with the government and want to be included in future political dialogue. Part of the criteria for inclusion is that they are seen by the government and Tatmadaw as credible armed actors that have some territorial presence. Consequently, landmine use, or retaining stockpiles and the threat to use them, adds weight to NSAGs' claims for inclusion as legitimate participants in those negotiations.

Recruitment of children has been a negative factor for perceived NSAG legitimacy internationally. The NSAGs and associated civil society actors and media, have often highlighted the recruitment of children by the Tatmadaw. Reports by local and international rights groups such as CSI, HRW, KHRG or HREIB, have all framed this issue as a violation of human rights and humanitarian norms and this has been publicised internationally. The NSAGs espousing rights-based and democratic causes, therefore, do not want to be implicated with a behaviour they criticise their opponents for. The KNU, KNPP, DKBA, and KIO are,

however, among seven NSAGs in Burma (as well as the Tatmadaw) still listed by the UN as armed groups in Burma that recruit children. This is clearly a negative factor for their perceived international legitimacy, and as has been indicated in chapters eight and nine, the KNU and KNPP, have actively sought to be delisted.

The proposition is confirmed in terms of NSAG actions and policies being more compliant with humanitarian norms when NSAGs are concerned about their perceived legitimacy. It is important, nonetheless, to recognise differences in the ways legitimacy is perceived or earned for NSAGs. International legitimacy matters to NSAGs for continued support and assistance from INGOs and donors. This also gains NSAGs some local legitimacy, especially through involvement with welfare provision and civil society actors associated with them. A different form of legitimacy locally, which is sometimes at odds with international norms, is also gained by NSAG actions and policies that present themselves to their constituencies and the government as credible military and political actors.

NSAG Capacity

Considering the involvement of NSAGs and their associated welfare organisations and civil society with activities that can contribute to improved protection for people in NSAG areas, the following proposition was raised.

8. NSAG action to reduce threats to their constituencies may contribute to local support and legitimacy. However, even when willing to do so, NSAGs are constrained by their capacity in terms of the material and human resources available to effect such action.

Beyond securing agreements, policies, or amending internal regulations to respect humanitarian norms, there needs to be the human and material resources to implement what has been agreed to.

While the other propositions so far have considered factors that influence NSAGs towards or away from compliance, this last proposition considers their capacity to undertake measures towards compliance if they have

agreed to them. This has significance for the future implementation of measures included within the various deeds of commitment and in the NCA CoC that have been, or will be, agreed to by NSAGs in Burma. It will also depend to a large extent on resource allocation within NSAGs and international assistance to enable this.

Several significant NSAGs have signed the DoC undertaking not to recruit children and to demobilise and reintegrate those already in their ranks. As indicated in interviews with INGOs and NSAG leaders, such agreements require accompanying implementation measures. Of relevance to this step, most already have welfare, education and health services established as part of their governance structures. As indicated in chapter nine, international assistance to assist implementation of measures to remove children from NSAGs and provide them with ongoing support has been less forthcoming, partly due to state resistance. This resonates with the question raised by Bruderlein in chapter three about the extent, if at all, of international support that is forthcoming to NSAGs that do agree to comply with humanitarian commitments.

While NSAGs have not yet undertaken to allow or facilitate mine clearance in their areas, they are likely to need further training and equipment to do so. Given the concerns about external INGOs working from Yangon being seen as extensions of government control, NSAGs are likely to want to have oversight of, or at least close involvement with, this activity. As indicated in interviews and secondary reports, their welfare wings have some existing knowledge and maps of mined areas.

Support for NSAG-associated welfare wings and civil society to maintain existing levels of schooling, health care, or MRE, are significant. These are activities relevant to the implementation of measures addressing landmines or children affected by armed conflict as well as other welfare issues. Concerns have been expressed by mine action experts about the need for training and specialised equipment required for mine clearance. There are also unresolved issues around who will have oversight and coordination of future mine action, especially with the land and resource issues landmine clearance potentially opens up.

The proposition is confirmed given the wider political and economic context of the current ceasefire and peace processes. As indicated by respondents in chapter nine, international assistance to the peace processes since 2012 has been mostly channelled through the government side. NSAG capacity to implement mine clearance or demobilisation and reintegration of former child soldiers is an area that will need increased support, both in terms of NSAG internal allocation of resources and from international assistance in the post-ceasefire period.

Having considered the propositions developed from the theory and literature, this study now returns to the central questions.

The central questions revisited

The propositions above address a range of potential factors that are raised by the primary research question for this research.

Which factors have facilitated or obstructed compliance and/or action towards compliance with humanitarian norms against landmine use and the recruitment of children by NSAGs in Burma?

In terms of the factors identified in this study that prevent NSAG compliance with humanitarian norms, the pressure of claimed military and political necessity is most evident. Other factors also serve to obstruct any measures that have been taken towards greater compliance with these norms. NSAG dispersion and lack of central oversight were identified above, and it is within these circumstances that economic motivations are then also more likely to lead to predatory actions that endanger civilians. The third negative, or impeding factor, identified, is where local or national perceptions of legitimacy rely on NSAG use of landmines for holding territory, or increasing strength in numbers through the recruitment of children.

Conversely, a significant factor that has encouraged civilian protection measures by Burma NSAGs has also been perceived legitimacy, locally and internationally. Locally, this legitimacy has been reinforced by NSAG association with provision of humanitarian assistance. Another factor facilitating practical measures such as MRE and moves towards

compliance with humanitarian norms has been NSAG relationships with associated welfare and civil society actors. These organisations have been supported within the international assistance community on the Thai border, and/or developed locally, often as faith based organisations, in ceasefire areas inside Burma. A sense of shared identity and, sometimes also cause, between NSAGs and assistance actors has enabled the later to advocate on rights-based and protection issues to those NSAGs.

Four sub questions were raised following on from the central one. The first two considered the NSAGs themselves and their policies and actions in relation to the landmine and child soldier issues: a) What are the actions NSAGs have themselves taken (if any) to ameliorate the issues of landmine use and children affected by armed conflict? and b) How have these been carried out?

As outlined in chapter eight, the NSAGs in this study have developed policies and/or undertaken practical measures to ameliorate the threats they present to their own constituencies. Much of this activity has been via associated welfare wings or more independent CSOs. The most significant activity has been in regard to landmines through MRE to affected communities. Warnings, signage and fencing of mined areas, however, has been unsystematic or non-existent. Some very limited clearance has been undertaken by NSAGs, but whether this is for humanitarian or military purposes is unclear. A small humanitarian mine clearance initiative was developed within the orbit of Thai-border based NSAGs and civil society. There remain, however, restrictions from within NSAGs to where this is allowed to operate. NSAG-associated welfare organisations have been involved in some mapping and surveys of mined areas, but no significant NSAG has relinquished the use, or the option of using, landmines.

Most of the NSAGs considered by this study have made internal policies, statements, and declarations, such as by DoC, to not recruit children and release those still in their ranks. The DKBA that split after 2010 into the DKBA/KKO and the government commanded BGF has not so far made

official written statements or agreements regarding this issue. The post-2010 DKBA has taken measures to move children out of combat formations into education and medical facilities associated with the organisation. The most proactive measures taken on the child soldier issue were those initiated by actors working with the ABSDF. That organisation has since gone on to also assist some child soldiers from ethnic NSAGs as well. The KNPP, NMSP and KNU have developed internal policies and regulations prohibiting the recruitment of children, and have all signed Geneva Call's DoC expressing compliance with the norm. Dispersion of individual units and lack of central command oversight have been factors enabling continued instances of children associated with these NSAGs, even where internal orders have been issued to end it.

The third and fourth sub questions related to humanitarian engagement with NSAGs in Burma on the protection issues of landmines and children affected by armed conflict: c) What are the roles and processes of humanitarian actors that have engaged with NSAGs to this end? and d) How effective have they been and why?

As outlined in chapter nine, welfare and civil society organisations close to, or able to access, the NSAGs have been influential through indirectly promoting humanitarian norms to them. International engagement actors have often worked through these local organisations. Socially constructed factors, particularly shared identity with civilian populations and common cause with NSAG political objectives, have been influential, this study concludes, in motivating those working with these organisations. International organisations have influenced NSAGs and their related civil society through the promotion of humanitarian norms, and by direct engagement with the NSAGs on specific issues. Again, a socially constructed factor, legitimacy, has played a significant part. This is evident in the resistance from the host state government to engagement with NSAGs that are in opposition to it. Material support for refugee camps and IDPs delivered through NSAG welfare wings from international actors has also been an important incentive for NSAGs in terms of maintaining their

legitimacy. The relationship between international assistance organisations and NSAG welfare wings has been instrumental therefore in reinforcing perceptions of NSAG legitimacy as providing for, or being protective of, civilian populations.

NSAGs wishing to bring assistance into their areas will benefit from local and international legitimacy gained through facilitating it. Nonetheless, the response to the two norms considered in this study has been divergent. Assistance and funding from international actors for MRE in NSAG areas delivered by local civil society or NSAG welfare actors is an example of this. Support is provided in an attempt to reduce harm from landmines while the norm against landmine use remains not complied with.

The norm prohibiting the recruitment of children has met with more success, as outlined above, as it does not involve NSAGs relinquishing a militarily necessary device in their defence against the enemy. The problem for implementation of this norm is the structural and organisational dispersion of some NSAGs, and acceptance of children still associated with them but not in combat roles. Appeals to NSAG legitimacy and alignment of this rights-based norm with the perceived rightness of the NSAG cause, as indicated by respondents in chapter nine, have been used by external actors in the socialisation of NSAGs, leadership, and communities, into awareness and acceptance of this norm.

The effectiveness of engagement with NSAGs on the two issues has been most evident through NSAG involvement with facilitating MRE in the case of landmines, and in formal statements, agreements, and issuing of internal regulations to end under age recruitment, in the case of child soldiers. Long-term engagement, especially by those close to NSAGs, and identification by humanitarian organisations of common ground in terms of protection issues with NSAGs, have been identified by respondents as central to achieving these outcomes.

Implications for theory

The use of the two divergent theoretical perspectives deployed in this study has been useful in developing the set of propositions applied to the

empirical evidence discussed above. The approach allowed consideration of a wider range of influences on NSAGs in relation to these issues, and also identified areas of interaction between socially constructed and material factors. This study has also raised some potential implications for the wider application of theory. Some of these points are more relevant either to social constructivism or to political economy analysis of armed conflict, while others demonstrate the value of the combined use of both theories in analysis of humanitarian norms and NSAGs.

Socially constructed concepts like identity and legitimacy, in particular, were identified as influential in this study. However, conceptions of legitimacy, status or approval, while identified as important conditions for socialisation into norms by Johnston, Checkel and others, can vary across different audiences for actors faced with advocacy or pressure to comply with norms. As was pointed out in this study, NSAGs were frequently the subject of competing expectations from different groups whose approval mattered in different ways and to different extents. It was not just to an international humanitarian or human rights-focused audience focused on particular international norms that leadership of NSAGs in this study needed to present their policies and actions. The expectations of local constituencies, associated CSOs, allied NSAGs, business actors or government opponents also mattered to NSAGs. These expectations from other external actors may diverge from those of international rights-based organisations. Assumptions about legitimacy or status in norm socialisation theory, at least when applied to the complex case of NSAGs and humanitarian norms, may need to more effectively account for the competing influences of groups with which the actor seeks status or acceptance.

Acceptance of norms by actors was presented in the socialisation literature as broadly divided between strategic instrumental calculation and genuine internalisation. It was beyond the scope of this study to identify the inner psychological motives and extent of internalisation of the norms for individuals. However, at a political or group level, strategic or instrumental calculations were evident through interviews of NSAG

leadership, INGOs, CSOs and others who had engaged with NSAGs on the landmine or child soldier issues. These motivations may have been for wider strategic or reputational goals for the NSAG as an organisation, rather than just for individual leaders' status or belonging. The transferable point to NSAGs from constructivist theorising about states in IR, is that behaviour change towards compliance with norms is at least partly due to material or social incentives in the calculations of leaders of NSAGs. If the outcomes result in better conditions for civilians, then the value of the instrumental use of norms is an important area for future research into normative theory.

A contribution this study has made to the political economy of armed conflict literature, is its consideration of the constructive role resources and funding can have for NSAG-civilian relations. Whereas the influence of economic factors on NSAGs has generally been viewed negatively (see Weinstein, Beardsley and McQuinn, Hovil and Werker, and others) this study has highlighted examples where economic resources have been used, often over lengthy periods, to develop NSAG administrations in parallel to the recognised state. Furthermore, CSOs associated with NSAGs have been engaged in activity that has attempted to limit the potential harm of landmine use, a weapon which the NSAGs have not relinquished. Funding raised through international assistance has also been valuable to those CSOs and to other CSOs involved in advocacy with NSAGs, including on child soldiers.

Combining the two theoretical perspectives proved valuable for this study in both the development of the propositions and assessment of them in light of the empirical material. Doing so avoided a focus solely on economic variables like resources and funding, or an entirely social constructivist preoccupation with internalisation of norms by individuals in isolation from wider economic or political concerns of the group for which they were making decisions. The concept of legitimacy presents an example of the rationale for this combination. Legitimacy is a socially constructed concept. Most of the NSAGs in this study needed to maintain or build their legitimacy with constituent populations. Material factors such

as resources, funding and humanitarian aid are often identified as significant variables within the political economy literature, but here they were important for NSAGs building legitimacy. For NSAGs, as for governments of states, providing administration or welfare requires material resources and funding. They are also mutually reinforcing, since a NSAG demonstrating its legitimacy through provision of welfare may be able to attract further international assistance to do so. The case of the NSAGs and associated CSOs operating from the Thai-Burma border and their relationship with the international community provides an example of this.

Another factor obstructing compliance with humanitarian norms, identified through combining normative socialisation and political economy theory was the difficulties in some instances for NSAGs to implement actions in line with the norms they may have agreed to. Reasons for lack of compliance may not have been due to either failed persuasion or instrumental calculation at the leadership level. Instead, lack of compliance was indicated as due to a lack of capacity, or to organisational fragmentation and geographic dispersion of the NSAG leading to localised economic agendas at odds with organisation-wide policies or commitments to compliance. While at a very tentative stage, these innovations in theoretical approach combining social constructivism and political economy analysis to the study of NSAGs and humanitarian norms have offered a more nuanced understanding of the factors influencing NSAGs on these issues.

Implications for policy

NSAGs in Burma

The process towards lasting peace through political dialogue between ethnic NSAGs and the government in Burma is still likely to be long. Meanwhile, a potential improvement in conditions for civilians in mine-affected areas could come through NSAGs and the Tatmadaw allowing humanitarian-focused mine clearance. Specifically, this entails the removal of landmines that no longer have any military or strategic value from villages, paths and fields used by civilians. This will require cooperation

between mine clearance actors, ethnic NSAGs, CSOs and communities. Over the last few years, international mine clearance organisations have mostly been based in Yangon awaiting permission from the government, Tatmadaw, union and state-level ministries, NSAGs and local communities to start surveys and clearance of mined areas. This was frequently reiterated in interviews conducted for this study. Starting with the clearance of forgotten, unwanted or 'nuisance' landmines (randomly laid to prevent civilians returning to villages) in non-strategic areas could have the potential to reduce threats to the security of local communities and build trust and coordination between the actors involved. It would also allow valuable clearance work to get underway in areas of high civilian activity.

Coordination and oversight of surveys and clearance in NSAG areas and questions of land ownership are also significant issues that arise from any moves to deal with the landmine problem. Many mined areas remain within NSAG control or influence. Demining actors will need to work carefully with NSAGs and local communities so that there is clear understanding about the future use or ownership of land that is cleared to avoid further land grabbing and/or potential conflict. Ethnic NSAGs and related CSOs also hold some valuable mapping and survey information about existing mined areas. Coordination bodies for mine action within ethnic NSAG administrations are a potentially valuable future policy approach for their work with international actors, rather than the process being run completely through central government channels.

Implications for humanitarian engagement with NSAGs generally

Local and international actors interviewed for this study who engaged with NSAGs identified some significant aspects that have some relevance and implications beyond the case of NSAGs in Burma. Recognising the kinds of armed groups and the nature – whether protective or predatory in their relationships with constituent populations – and whether the groups themselves are cohesive or fragmented are important indicators for potential engagement. These features identify potential opportunities and

entry points for engagement on humanitarian concerns such as landmine use or recruitment of children. Not all NSAGs care about or seek international legitimacy to the same extent, and the examples in this study are in no way directly transferable without context-sensitive modification to other NSAGs, regions and situations. However, the most valuable points of entry with NSAGs in Burma identified by NGOs and CSOs in this study, were through NSAG-associated civil society, EAG concerns with international legitimacy, and a wish to be seen by their constituencies as involved with provision of assistance. Use of incentives such as humanitarian aid, or non-material assistance such as training or capacity building in the areas of child protection or MRE may lead to instrumental acceptance of humanitarian norms from NSAG leaders thinking of the political and economic benefits to their NSAGs and communities. However, if the work of CSOs at the ground level combines their genuine belief in the value of these international norms with a belief in the cause of the wider struggle (especially if that cause aligns with rights-based values in those norms) there is more likelihood of the NSAG moving to at least ameliorate harm caused to civilians by its actions.

Limitations

As stated earlier in chapter five, the perspectives of those actors working with, or associated with, NSAGs are likely to present a more positive narrative around their role in protection and the threats they pose to populations exposed to them. The present study, however, has not sought to make a comparison between government and non-state actors, but focused on processes impacting on civilian protection, humanitarian norms and engagement specifically with NSAGs. There are other humanitarian concerns presented by NSAGs the present study did not cover due to a lack of data and space, for example incidences of gender based violence or forced labour. Former CPB NSAGs in areas that border China, for example, the UWSA, MNDAA (Kokang) and NDAA (Mongla), were also not able to be addressed by this study. This was due to a lack of data and continued lack of access to these areas or documented interest from those groups in engagement from external humanitarian actors. Nonetheless,

this is acknowledged as a significant limitation to the scope of the present study in the context of Burma.

Areas for further research

While the theoretical propositions above have considered many of the potential influences on NSAGs and their behaviour as it affects civilians, some other less anticipated aspects of the issues considered have emerged during the course of this study. They also present topics for further research.

One significant point is the assumption made in this study of central responsibility for landmine use resting with NSAGs in their areas of operation. As was indicated in chapter seven, landmine use in contested ethnic areas has started to become decentralised from NSAG military control. Landmines are being used by business interests and even local communities for the defence of land and resources, or against predatory NSAG or Tatmadaw activities. While NSAGs still have primary responsibility in their areas for this activity in many instances, this alternative use of landmines needs to be acknowledged. It is also a development that has grown following the 2012 ceasefires and concerns about land-grabbing and increasing interest from external business interests in resources in ethnic areas. How mine action proceeds in the post-ceasefire period, who undertakes and oversees it, and how, is an area for future research.

The presence of children in NSAGs is officially becoming a matter for the UNCTFMR inside Burma. As the Tatmadaw attempts to remove children from its ranks, new pressures are likely to be exerted on the NSAGs to comply with these standards as well. The Myanmar parliament in August 2015 supported ratification of the OPAC. This is a development from within the country and the state-based system, as opposed to the mostly independent externally based actors and processes engaging with NSAGs that were discussed in this regard in chapter nine. How this process works in practice taking into consideration both the international framework and the NCA is a potential area for further study, as is the potential future integration of Tatmadaw and ethnic NSAG forces.

The post-2012 ceasefires, the 2015 NCA, and ongoing peace processes are likely to increase external economic pressure and incentives for NSAG elites to facilitate resource extraction and development projects in their areas of control which are not always aligned with the interests of their constituencies. The role of civil society actors that have developed in conjunction with, and increasingly more independently from, NSAGs, present another area for future research. They have been increasingly critical of some aspects of the ceasefire processes, such as the lack of transparency and underrepresentation of women. How, and the extent to which they are able, to hold their non-state authorities to account around issues of land grabbing, resource extraction or large-scale development projects, would present a valuable addition to research into NSAG governance in Burma

References

- ABC Australia. "Twin Crusade." Journeyman Pictures, 2000.
- Agence France Press. "West Must Lift Myanmar Sanctions 'without Delay': Think-Tank." *BurmanetNews*, 11 April 2012.
- "Agreement on Ground Rules between the Sudan People's Liberation Movement/Army (Splm/a) and Operation Lifeline Sudan (OLS) (Unicef)".
<http://www1.umn.edu/humanrts/monitoring/chapter16.html#appendix>.
- Al Jazeera. "Myanmar's Suu Kyi 'Wins Landmark Election'." 2 April 2012.
<http://www.aljazeera.com/news/asia-pacific/2012/04/20124113414427185.html>.
- Alley, Roderic. *Internal Conflict and the International Community: Wars without End?* Aldershot, UK: Ashgate, 2004.
- Andreopoulos, George J. "The International Legal Framework and Armed Groups." *Human Rights Review* 11, no. 2 (2010): 223-46.
- Aung-Thwin, Michael, and Matrii Aung-Thwin. *A History of Myanmar since Ancient Times: Traditions and Transformations*. London, UK: Reaktion Books, 2012.
- Aung Naing Oo. "Justice Has a Place in the Law of the Jungle." *The Irrawaddy*, August 1, 2008.
http://www2.irrawaddy.org/article.php?art_id=13666&page=1.
- Aung San Suu Kyi. *Freedom from Fear and Other Writings*. London, UK: Penguin, 1991.
- Ba Kaung. "Burmese Army Mounts Multi-Front Offensive against KIA " *The Irrawaddy*, 11 October 2011.
<http://www.burmanet.org/news/2011/10/17/irrawaddy-burmese-army-mounts-multi-front-offensive-against-kia-%e2%80%93-ba-kaung/>.
- Back Pack Health Worker Team. *Chronic Emergency: Health and Human Rights in Eastern Burma*. Thailand: BPHWT, 2006.
- . *Situation Update: Conflict and Displacement in Burma's Border Areas 30th June 2011*. Thailand: BPHWT, 2011.
- Ballentine, Karen, and Heiko Nitzschke. *Beyond Greed and Grievance: Policy Lessons from Studies in the Political Economy of Armed Conflict*. International Peace Academy Report, 2003.
- Ballentine, Karen, and Jake Sherman, eds. *The Political Economy of Armed Conflict: Beyond Greed and Grievance*. Boulder, CO: Lynne Rienner, 2003.
- Bamforth, Vicky, Steven Lanjouw, and Graham Mortimer. *Conflict and Displacement in Karenni: The Need for Considered Approaches*. Chiang Mai, Thailand: Burma Ethnic Research Group, 2000.
- Bangerter, Olivier. "The ICRC and Non-State Armed Groups." In *Exploring Criteria and Conditions for Engaging Armed Non-State Actors to Respect Humanitarian Law and Human Rights Law: Conference Report, June 4-5 2007*, 74-85. Geneva, Switzerland: Geneva Call, PSIO and UNDIR, 2007.

- . "Reasons Why Armed Groups Choose to Respect International Humanitarian Law or Not." *International Review of the Red Cross* 93, no. 882 (2011): 453-84.
- . *Internal Control: Codes of Conduct within Insurgent Armed Groups*. Geneva, Switzerland: Small Arms Survey, 2012.
- Barkin, J. Samuel. "Realist Constructivism." *International Studies Review* 5 (2003): 325-42.
- Barnett, Michael N. *The Empire of Humanity: A History of Humanitarianism*. Ithaca, NY: Cornell University Press, 2011.
- Barnett, Michael N., and Martha Finnemore. *Rules for the World: International Organizations in Global Politics*. Ithaca, New York: Cornell University Press, 2004.
- Barnett, Michael N., and Thomas G. Weiss. *Humanitarianism Contested: Where Angels Fear to Tread*. New York, NY: Routledge, 2011.
- Bassiouni, M Cherif. "The New Wars and the Crisis of Compliance with the Law of Armed Conflict by Non-State Actors." *Journal of Criminal Law & Criminology* 98, no. 3 (2008): 711-810.
- BBC News. "Burma Sanctions: Obama Lifts Restrictions on US Firms." <http://www.bbc.com/news/world-asia-18798162>.
- Beardsley, Kyle, and Brian McQuinn. "Rebel Groups as Predatory Organizations : The Political Effects of the 2004 Tsunami in Indonesia and Sri Lanka." *Journal of Conflict Resolution* 53, no. 4 (2009): 624-45.
- Bellal, Annyssa, and Stuart Casey-Maslen. *Rules of Engagement: Protecting Civilians through Dialogue with Armed Non-State Actors*. Geneva, Switzerland: ADH Geneva, 2011.
- Berdal, Mats, and David M. Malone, eds. *Greed and Grievance: Economic Agendas in Civil Wars*. Boulder, CO: Lynne Rienner, 2000.
- Branović, Željko, and Sven Chojnacki. "The Logic of Security Markets: Security Governance in Failed States." *Security Dialogue* 42, no. 6 (2011): 553-69.
- Brooten, Lisa, and Rosalie Metro. "Thinking About Ethics in Burma Research." *Journal of Burma Studies* 18, no. 1 (2014): 1-22.
- Brouwer, Jelmer, and Joris van Wijk. "Helping Hands: External Support for the KNU Insurgency in Burma." *Small Wars & Insurgencies* 24 no. 5 (2013): 835-56.
- Brown, Catherine. "Burma: The Political Economy of Violence." *Disasters* 23, no. 3 (1999): 234-56.
- Bruderlein, Claude. *The Role of Non-State Actors in Building Human Security: The Case of Armed Groups in Intra-State Wars*. Geneva, Switzerland: HD Centre for Humanitarian Dialogue, 2000.
- Bryman, Alan. *Social Research Methods (4th Ed)*. Oxford, UK: Oxford University Press, 2012.
- Buchanan, John, Tom Kramer, and Kevin Woods. *Developing Disparity: Regional Investment in Burma's Borderlands*. Amsterdam, The Netherlands: Transnational Institute, 2013.
- Buhaug, Halvard, and Scott Gates. "The Geography of Civil War." *Journal of Peace Research* 39, no. 4 (2002): 417-33.
- Burma News International. *Deciphering Myanmar's Peace Process: A Reference Guide, 2014*. Chiang Mai, Thailand: Burma News International, 2014.

- . *Deciphering Myanmar's Peace Process: A Reference Guide 2015*. Chiang Mai, Thailand: Burma News International, 2015.
- . "KNU and Burma Government Delegations Kick-Off Ceasefire Talks." *Burma News International*, April 5, 2012. <http://www.burmanet.org/news/2012/04/05/burma-news-international-knu-and-burma-government-delegations-kick-off-ceasefire-talks/>.
- "Burma: Government, Rebels Sign Ceasefire." *Eurasia Review*, March 8, 2012. <http://www.eurasiareview.com/08032012-burma-government-rebels-sign-ceasefire/>.
- Callahan, Mary. *Political Authority in Burma's Ethnic Minority States: Devolution, Occupation, and Coexistence*. Washington, DC: East-West Centre, 2007.
- Capie, David. "Influencing Armed Groups: Are There Lessons to Be Drawn from Socialization Literature?" In *Exploring Criteria and Conditions for Engaging Armed Non-State Actors to Respect Humanitarian Law and Human Rights Law: Conference Report, June 4-5 2007*, 86-96. Geneva, Switzerland: PSIO, UNDIR, Geneva Call, 2007.
- Cathcart, Gregory. "Landmines as a Form of Protection between Conflict and Ceasefire." In *2015 ANU Myanmar/Burma Update Conference (podcast)*. Canberra, Australia: ANU College of Asia & the Pacific, June 2015.
- Chapman, Dean. *Karenni: The Forgotten War of a Nation Besieged*. London, UK: Dewi Lewis, 1998.
- Checkel, Jeffrey T. "The Constructivist Turn in International Relations Theory." *World Politics* 50, no. 2 (1998): 324-48.
- . "International Institutions and Socialization in Europe: Introduction and Framework." *International Organization* 59, no. 4 (2005): 801-26.
- Child Soldiers International. *Louder Than Words: An Agenda for Action to End State Use of Child Soldiers*. London, UK: Child Soldiers International, 2012.
- . *Chance for a Change: Ending the Recruitment and Use of Child Soldiers in Myanmar*. London, UK: Child Soldiers International, 2013.
- . *A Dangerous Refuge: Ongoing Child Recruitment by the Kachin Independence Army*. London, UK: Child Soldiers International, 2015.
- . "Our History." http://www.child-soldiers.org/our_history.php.
- . *Under the Radar: Ongoing Recruitment and Use of Children by the Myanmar Army*. London, UK: CSI, 2015.
- Clapham, Andrew. "Human Rights Obligations of Non-State Actors in Conflict Situations." *International Review of the Red Cross* 88, no. 863 (2006): 491-523.
- . "The Rights and Responsibilities of Armed Non-State Actors: The Legal Landscape & Issues Surrounding Engagement." Unpublished Draft: Geneva Academy of International Humanitarian Law and Human Rights, 2010.
- Clapham, Christopher, ed. *African Guerrillas*. Oxford, UK: James Currey, 1998.
- Cline, Lawrence E. "Insurgency in Amber: Ethnic Opposition Groups in Myanmar." *Small Wars and Insurgencies* 20, no. 3 (2009): 574-91.

- Coalition to Stop the Use of Child Soldiers. *Child Soldiers Global Report 2004*. London, UK: Coalition to Stop the Use of Child Soldiers, 2004.
- . *Child Soldiers Global Report 2008*. London, UK: Coalition to Stop the Use of Child Soldiers, 2008.
- . *Report to the Committee on the Rights of the Child in Advance of the Examination of Myanmar's Report on the Convention on the Rights of the Child*. London, UK: Coalition to Stop the Use of Child Soldiers, 2011.
- Collier, Paul, and Anke Hoeffler. "Greed and Grievance in Civil War: World Bank Policy Research Working Paper No. 2355"
- "Convention (IV) Relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949."
<http://www.icrc.org/ihl.nsf/FULL/380?OpenDocument>.
- Cramer, Christopher. *Civil War Is Not a Stupid Thing: Accounting for Violence in Developing Countries*. London, UK: Hurst and Company, 2006.
- Creswell, John. *Qualitative Inquiry and Reserach Design: Choosing among Five Traditions*. Thousand Oaks, CA: Sage, 1998.
- Dahlberg, Lena, and Colin McCaig, eds. *Practical Research and Evaluation: A Start to Finish Guide for Practitioners*. London, UK: Sage, 2010.
- DCAF and Geneva Call. "DCAF Horizon 2015 Working Paper Series: Armed Non-State Actors: Current Trends & Future Challenges."
- Décobert, Anne. "Sitting on the Fence?: Politics and Ethics of Research into Cross-Border Aid on the Thailand-Myanmar/Burma Border." *Journal of Burma Studies* 18, no. 1 (2014): 33-58.
- Decrey-Warner, Elisabeth. "Characteristics and Motivations of Organised Armed Groups." In *Non-State Actors and International Humanitarian Law: Organized Armed Groups: A Challenge for the 21st Century*, edited by Marco Odello and Gian Luca Beruto, 59-66. Milan, Italy: FrancoAngeli, 2010.
- Desaine, Lois. *The Politics of Silence: Myanmar NGOs' Ethnic, Political and Religious Agendas*. Bangkok, Thailand: Research Institute on Contemporary Southeast Asia, 2011.
- DeVotta, Neil. "The Liberation Tigers of Tamil Eelam and the Lost Quest for Separatism in Sri Lanka." *Asian Survey* 49, no. 6 (2009): 1021.
- Dinmore, Guy. "Three Years, Zero Landmines Cleared." *Myanmar Times*, July 14, 2015. <http://www.mmtimes.com/index.php/in-depth/15486-three-years-zero-landmines-cleared.html>.
- Diplomatic Conference for the Adoption of a Convention on Cluster Munitions. "Convention on Cluster Munitions."
<http://www.stopclustermunitions.org/wp/wp-content/uploads/2008/06/englishfinaltext.pdf>.
- Ditlevsen, Marie. "Social Issues." In *Burma /Myanmar: Where Now?*, edited by Mikael Gravers and Fleming Ytzen, 121-34. Copenhagen, Denmark: NIAS Press, 2014.
- Dudai, Ron, and Kieran McEvoy, et al. *Journal of Human Rights Practice* 4, no. 1 (2012).
- Dudley, Sandra. "Reshaping Karenni-Ness in Exile: Education, Nationalism and Being in the Wider World." In *Exploring Ethnic*

- Diversity in Burma*, edited by Mikael Gravers, 77-106. Copenhagen, Denmark: Nordic Institute of Asian Studies, 2007.
- . *'External' Aspects of Self-Determination Movements in Burma*, QEH Working Paper Series Working Paper Number 94. Oxford, UK: Oxford Department of International Development, 2003.
- Dudouet, Veronique. "From War to Politics: Resistance/Liberation Movements in Transition."
- Duffield, Mark. *Global Governance and the New Wars*. London, UK: Zed Books, 2001.
- . "On the Edge of 'No Man's Land': Chronic Emergency in Myanmar."
- Dupuy, Kendra E., and Krijn Peters. *War and Children : A Reference Handbook*. Santa Barbara, CA: ABC-CLIO, 2009.
- Ehrenberg, John. "Civil Society: The Critical History of an Idea." New York, NY: New York University Press, 1999.
- Falla, Jonathan. *True Love and Bartholomew: Rebels on the Burmese Border*. Cambridge, UK: Cambridge University Press, 1991.
- Faraday, Anthony. "Landmine Use in Burma Continues." *The Irrawaddy*, September 11, 2003.
http://www2.irrawaddy.org/article.php?art_id=1763.
- Fasth, Roger, and Pascal Simon. "Mine Action in Myanmar." *Journal of ERW and Mine Action* 19, no. 2 (2015): 20-25.
- Fink, Christina. *Living Silence: Burma under Military Rule*. Bangkok: White Lotus, 2001.
- . "Militarization in Burma's Ethnic States: Causes and Consequences." *Contemporary Politics* 14, no. 4 (2008): 447-62.
- Finnemore, Martha, and Kathryn Sikkink. "International Norm Dynamics and Political Change." *International Organization* 52, no. 4 (1998): 887-917.
- . "Taking Stock: The Constructivist Research Program in International Relations and Comparative Politics." *Annual Review of Political Science* 4, no. 1 (2001): 391-416.
- Florquin, Nicholas, Pascal Bongard, and Emilia Richard. "Options for Engagement: Armed Groups and Humanitarian Norms." In *Small Arms Survey 2010: Gangs, Groups and Guns*, edited by Small Arms Survey, 305-33. Cambridge, UK: Cambridge University Press, 2010.
- Fong, Jack. *Revolution as Development: The Karen Self-Determination Struggle against Ethnocracy*. Boca Raton, FL: Universal, 2008.
- Forced Migration Review. "Armed Non-State Actors." *Forced Migration Review* 37 (2011).
- Free Burma Rangers. "FBR Report: FBR Karenni Team Member Dies." <http://www.freeburmarangers.org/2011/04/08/fbr-karenni-team-member-dies/>.
- Geneva Academy of International Humanitarian Law and Human Rights. *Armed Non-State Actors and International Norms: Towards a Better Protection of Civilians in Armed Conflicts: Summary of Initial Research and Discussions During an Expert Workshop in Geneva in March 2010*. Edited by Geneva Academy of International Humanitarian Law and Human Rights. Geneva, Switzerland 2010.

- Geneva Call. "Deed of Commitment under Geneva Call for the Protection of Children from the Effects of Armed Conflict."
http://www.genevacall.org/resources/deed-of-commitment/f-deed-of-commitment/CANSA_DoC_EN.pdf.
- . *Armed Non-State Actors and Landmines: Volume One: A Global Report Profiling NSAs and Their Use, Acquisition, Production, Transfer and Stockpiling of Landmines*. Geneva, Switzerland: Geneva Call, 2005.
- . *Armed Non-State Actors and Landmines: Volume Two: A Global Report of NSA Mine Action*. Geneva, Switzerland: Geneva Call, 2006.
- . *Engaging Armed Non-State Actors in a Landmine Ban: Geneva Call Progress Report (2000-2007)*. Geneva, Switzerland: Geneva Call, 2007.
- . "Humanitarian Engagement of Armed Non-State Actors."
<http://www.genevacall.org/>.
- . "Karen National Progressive Party: Declaration on the Deed of Commitment for the Protection of Children from the Effects of Armed Conflict." http://www.genevacall.org/resources/nsas-statements/f-nsas-statements/2001-2010/2012_2agu_KNPP.pdf.
- . "What We Do." <http://www.genevacall.org/what-we-do/>.
- . "Burma/Myanmar." <http://www.genevacall.org/where-we-work/burma-myanmar/>.
- . "National Democratic Front of Burma Issues Position Statement on Landmines." <http://www.genevacall.org/national-democratic-front-burma-issues-position-statement-landmines/>.
- . "Burma/Myanmar: Workshop on Child Protection and Gender Issues with the Karen Human Rights Group."
<http://www.genevacall.org/burmamyanmar-workshop-child-protection-gender-issues-karen-human-rights-group/>.
- . "Democratic Alliance of Burma Issues Its Position on Landmines."
<http://www.genevacall.org/democratic-alliance-burma-issues-position-landmines/>.
- Geneva Call and DCA Mine Action. *Humanitarian Impact of Landmines in Burma/Myanmar*. Geneva, Switzerland: Geneva Call, 2011.
- Giddens, Anthony, and Philip W. Sutton. *Essential Concepts in Sociology*. Cambridge, UK: Polity Press, 2014.
- Gilbert, Paul. "Civilian Immunity in the 'New Wars'." In *Civilian Immunity in War*, edited by Igor Primoratz, 201-16. Oxford, UK: Oxford University Press, 2007.
- Glaser, Max P. "Negotiated Access: Humanitarian Engagement with Non-State Actors." Carr Centre for Human Rights Policy, Kennedy School of Government, Harvard University,
<http://www.hks.harvard.edu/cchrp/pdf/NegotiatedAccess.pdf>.
- Gravers, Mikael. "Conversion and Identity: Religion and Formation of Karen Ethnic Identity." In *Exploring Ethnic Diversity in Burma*, edited by Mikael Gravers, 227-58. Copenhagen, Denmark: Nordic Institute of Asian Studies, 2007.
- . "Ethnicity against State -State against Ethnic Diversity?" In *Exploring Ethnic Diversity in Burma*, edited by Mikael Gravers, 1-33. Copenhagen, Denmark: Nordic Institute of Asian Studies, 2007.

- , ed. *Exploring Ethnic Diversity in Burma*. Copenhagen, Denmark: NIAS Press, 2007.
- . "Ethno-Nationalism in Burma/Myanmar: The Long Karen Struggle for Autonomy." In *Burma/Myanmar: Where Now?*, edited by Mikael Gravers and Flemming Ytzen, 173-97. Copenhagen, Denmark: NIAS Press, 2014.
- Grix, Johnathan. *The Foundations of Research*. Basingstoke, UK: Palgrave MacMillan, 2004.
- Grix, Jonathan. *The Foundations of Research (Second Edition)*. New York, NY: Palgrave MacMillan, 2010.
- Grundy-Warr, Carl, and Elaine Wong Siew Yin. "Geographies of Displacement: The Karenni and the Shan across the Myanmar-Thailand Border." *Singapore Journal of Tropical Geography* 23, no. 1 (2002): 93.
- Guillon, Emmanuel. *The Mons: A Civilization of Southeast Asia*. Bangkok, Thailand: Siam Society, 1999.
- Gunaratna, Rohan. "Feeding the Tamil Tigers." In *The Political Economy of Armed Conflict: Beyond Greed and Grievance*, edited by Karen Ballentine and Jake Sherman. Boulder, CO: Lynne Rienner, 2003.
- Hakim, Katherine. *Research Design: Strategies and Design in the Design of Social Research*. New York, NY: Routledge, 1992.
- Harvey, Rachel. "What Now for Burma after Election Landslide?" *BBC News*, April 4, 2012. <http://www.bbc.co.uk/news/world-asia-17607842>.
- Henckaerts, Jean-Marie. "Binding Armed Opposition Groups through Humanitarian Treaty Law and Customary Law." In *Relevance of International Humanitarian Law to Non-State Actors: Proceedings of the Bruges Colloquium 25th-26th October 2002.*, edited by Marc Vujiusteke, Christine Reh and Christopher Reynolds, 123-34: Council of Europe/ ICRC, 2003.
- Henckaerts, Jean-Marie, and Louise Doswald-Beck. *Customary International Humanitarian Law Volume I: Rules*. Cambridge, UK: Cambridge University Press, 2005.
- Henry, Nicholas. "Civil Society Amid Civil War: Political Violence and Non-Violence in the Burmese Democracy Movement." *Global Society* 25, no. 1 (2011): 97-111.
- Hlaing Kyaw Soe. "Calls Grow for End to Unlawful Association Act." *Myanmar Times*, November 27, 2014. <http://www.mmtimes.com/index.php/national-news/12389-calls-grow-for-end-to-unlawful-association-act.html>.
- Hofmann, Claudia, and Ulrich Schneckener. *NGOs and Nonstate Armed Actors: Improving Compliance with International Norms*. Washington, DC: United States Institute of Peace, 2011.
- Hooker, Lucy. "Could Burma Be the Next Emerging Market Miracle?" *BBC News*, 17 June 2012. http://www.bbc.co.uk/news/business-18284085#sa-ns_mchannel=rss&ns_source=PublicRSS20-sa.
- Horn, Robert. "Little Lords of the Jungle." *Time*, January 29, 2001. <http://www.time.com/time/magazine/article/0,9171,999088,00.html#ixzz2S518rGUC>.

- Horstmann, Alexander. "Ethical Dilemmas and Identifications of Faith-Based Humanitarian Organizations in the Karen Refugee Crisis." *Journal of Refugee Studies* 24, no. 3 (2011): 513-32.
- . "Sacred Spaces of Karen Refugees and Humanitarian Aid across the Thailand-Burma Border." *ASEAS – Austrian Journal of South-East Asian Studies*, 4, no. 2 (2011): 254-72.
- Hovil, Lucy, and Eric Werker. "Portrait of a Failed Rebellion - an Account of Rational, Sub-Optimal Violence in Western Uganda." *Rationality and Society* 17, no. 1 (2005): 5-34.
- Human Rights Education Institute of Burma. *Despite Promises: Child Soldiers in Burma's SPDC Armed Forces*. Chiang Mai, Thailand: HREIB, 2006.
- . *Forgotten Future: Children Affected by Armed Conflict in Burma*. Chiang Mai, Thailand: HREIB, 2008.
- Human Rights Foundation of Monland. "Living between Two Fires: Villager Opinions on Armed Insurgency." *Mon Forum* 1 (2009).
- . "Like Water Poured in the Sand: Southeastern Burma in a Post-Ceasefire World." *Mon Forum*, no. 5 (2010).
- . "Biting the Hand That Feeds: Armed Extortion in Karen State." *The Mon Forum* 8 (2011): 6-12.
- . *Destination Unknown: Hope and Doubt Regarding IDP Resettlement in Mon State*. Thailand: Human Rights Foundation of Monland, 2012.
- . *Disputed Territory: Mon Farmers' Fight against Unjust Land Acquisition*. Thailand: HURFOM, 2013.
- . "When Frogs Eat Frogs: Systematic Abuses by DKBA Forces against Karen Communities." *The Mon Forum*, no. 4 (April, 2010).
- Human Rights Foundation of Monland. "2 NMSP Soldiers Killed and 3 Arrested in Clash with Burmese Military." <http://rehmonnya.org/archives/2813>.
- Human Rights Watch. *My Gun Was as Tall as Me: Child Soldiers in Burma*. New York, NY: Human Rights Watch, 2002.
- . "'They Came and Destroyed Our Village Again': The Plight of Internally Displaced Persons in Karen State." *Human Rights Watch* 17, no. 4(c) (2005).
- . *Sold to Be Soldiers: The Recruitment and Use of Child Soldiers in Burma*. New York, NY: Human Rights Watch, 2007.
- Ignatieff, Michael. *Blood and Belonging: Journeys into the New Nationalism*. London, UK: Chatto and Windus, 1993.
- . *The Warrior's Honour: Ethnic War and the Modern Conscience*. London, UK: Chatto and Windus, 1997.
- International Campaign to Ban Landmines. *Landmine Monitor 2013: International Campaign to Ban Landmines – Cluster Munition Coalition (ICBL-CMC)*, 2013.
- International Committee of the Red Cross. "Interpretive Guidance on the Notion of Direct Participation in Hostilities under International Humanitarian Law." *International Review of the Red Cross* 90, no. 872 (2008): 991-1047.
- . "The Mandate and Mission of the ICRC." <http://www.icrc.org/eng/who-we-are/mandate/index.jsp>.

- . "States Party to the Geneva Conventions and the Additional Protocols." ICRC, <https://www.icrc.org/por/assets/files/annual-report/current/icrc-annual-report-map-conven-a3.pdf>.
- . "States Party to the Following International Humanitarian Law and Other Related Treaties as of 10 March 2014." [http://www.icrc.org/IHL.nsf/\(SPF\)/party_main_treaties/\\$File/IHL_and_other_related_Treaties.pdf](http://www.icrc.org/IHL.nsf/(SPF)/party_main_treaties/$File/IHL_and_other_related_Treaties.pdf).
- International Criminal Court. "Situations and Cases." http://www.icc-cpi.int/en_menus/icc/situations%20and%20cases/Pages/situations%20and%20cases.aspx.
- International Institute of Social History. "All Burma Students' Democratic Front Archives." <http://www.iisg.nl/archives/en/files/a/ARCH02236full.php#N1011C>.
- International Peace Institute. *Humanitarian Engagement with Nonstate Armed Groups: Enhancing the Protection of Civilians in Armed Conflict*. New York, NY: IPI, 2011.
- Jepperson, Ronald L., Alexander Wendt, and Peter J. Katzenstein. "Norms, Identity, and Culture in National Security." In *The Culture of National Security: Norms and Identity in World Politics*, edited by Peter J. Katzenstein. New York, NY: Columbia University Press, 1996.
- Jo, Hyeran, and Katherine Bryant. "Taming of the Warlords: Commitment and Compliance by Armed Opposition Groups in Civil Wars." In *The Persistent Power of Human Rights: From Commitment to Compliance*, edited by Thomas Risse, Stephen C. Ropp and Kathryn Sikkink, 239-58. Cambridge, UK: Cambridge University Press, 2013.
- Johnston, Alastair Iain. "Treating International Institutions as Social Environments." *International Studies Quarterly* 45, no. 4 (2001): 487-15.
- Johnston, Patrick. "Timber Booms, State Busts: The Political Economy of Liberian Timber." *Review of African Political Economy* 31, no. 101 (2004): 441-56.
- . "The Geography of Insurgent Organization and Its Consequences for Civil Wars: Evidence from Liberia and Sierra Leone." *Security Studies* 17, no. 1 (2008): 107-37.
- Jolliffe, Kim. *Ethnic Conflict and Social Services in Myanmar's Contested Regions*. Yangon, Myanmar: Asia Foundation, 2014.
- Jones, Lee. "The Political Economy of Myanmar's Transition." *Journal of Contemporary Asia* 44, no. 1 (2014): 144-70.
- Kalyvas, Stathis N. *The Logic of Violence in Civil War*. Cambridge, UK: Cambridge University Press, 2006.
- Kalyvas, Stathis N., and Laia Balcells. "International System and Technologies of Rebellion: How the End of the Cold War Shaped Internal Conflict." *American Political Science Review* 104, no. 3 (2010): 415-29.
- Kaneza, Carine. "Improving Compliance with International Humanitarian Law by Non-State Armed Groups in the Great Lakes Region of Africa (Unpublished Thesis)." University of Western Cape, 2006.
- "Karen Armed Groups to Form United 'Kawthoolei Armed Forces,' but Questions Remain." *Karen News*, October 16, 2014.

- <http://karennews.org/2014/10/karen-armed-groups-to-form-united-kawthoolei-armed-forces-but-questions-remain.html/>.
- Karen Human Rights Group. "Notes on Landmine Use: SLORC and KNLA." KHRG, <http://www.khrg.org/khrg96/landmine96.html>.
- . *Abuse under Orders: The SPDC & DKBA Armies through the Eyes of Their Soldiers*. Thailand: KHRG, 2001.
- . *Growing up under Militarisation: Abuse and Agency of Children in Karen State*. Thailand: KHRG, 2008.
- . "Forced Recruitment, Child Soldiers and Abuse in the Army: Interviews with SPDC Deserters KHRG #2009-F9."
- . *Self-Protection under Strain*. Thailand: KHRG, 2010.
- . *Uncertain Ground: Landmines in Eastern Burma*. Thailand: KHRG, 2012.
- . *Truce or Transition? Trends in Human Rights Abuse and Local Response in Southeast Myanmar since the 2012 Ceasefire*. Thailand: KHRG, 2014.
- . "Insecurity Amidst the DKBA-KNLA Conflict in Dooplaya and Pa'an Districts KHRG #2009-F3."
- . "Landmine Injuries in Mone Township, Nyaunglebin District since January 2013."
- . "Inside the DKBA."
<http://www.khrg.org/1996/03/khrg96b23/inside-dkba>.
- . "Abuses since the DKBA and KNLA Ceasefires: Forced Labour and Arbitrary Detention in Dooplaya KHRG #2012-F2."
- . "Forced Recruitment of a Child Soldier by KNLA in Kyainseikgyi Township, Dooplaya District, KHRG #15-17-Nb1."
- . "Forced Recruitment by DKBA Forces in Pa'an District KHRG #2008-B8."
- "Karen National Union's Deputy Chairwoman Warns International Community to Read the Small Print on Nationwide Ceasefire and Not Believe Govt's 'Manipulation.'" *Karen News*, April 23, 2015.
<http://karennews.org/2015/04/karen-national-unions-deputy-chairwoman-warns-international-community-to-read-the-small-print-on-nationwide-ceasefire-and-not-believe-govts-manipulation.html/>.
- Karenni Homeland. "Background Information: The People, Geography, Political History."
<http://www.karennihomeland.com/ArticleArticle.php?ContentID=58>.
- . "KNPP Chairman Passes Away."
<http://www.karennihomeland.com/NewsFrontLineArticle.php?ContentID=266>.
- Karenni National Progressive Party. "Statement No. 02/06: Statement on the Use of Landmines." 2006.
- . "Press Release No. 02/09: Appeal for the Karenni Army's Name to Be Removed from the List of Non-State Armed Groups Making Use of Child Soldiers in Armed Conflict." April, 2009.
- . "Statement No. 01/06: Statement on the Use of Child Soldiers." August 31, 2006.
- . "Press Release No. 1/08: Call for the Karenni Army's Name to Be Removed from the List of Non-State Armed Groups Making Use of Child Soldiers in Armed Conflict", February 12, 2008.

- . "Statement No. 02/07: In Response to the Un's Report on the Use of Child Soldiers by Non-State Actors in Burma." November 26, 2007.
- Karenni Social Welfare and Development Centre. "Karenni Mine Risk Education." http://karenniswdc.blogspot.co.nz/2009/06/karenni-mine-risk-education_25.html.
- Katzenstein, Peter J., ed. *The Culture of National Security: Norms and Identity in World Politics*. New York, NY: Columbia University Press, 1996.
- Keck, Margaret E., and Kathryn Sikkink. "Transnational Advocacy Networks in International and Regional Politics." *International Social Science Journal* 51, no. 1 (1999): 89-101.
- Keen, David. *The Economic Functions of Violence in Civil Wars*, Adelphi Paper 320. Oxford, UK: Oxford University Press, 1999.
- Keenan, Paul. *By Force of Arms: Armed Ethnic Groups in Burma*. Chiang Mai, Thailand: Burma Centre for Ethnic Studies, 2012.
- Kenny, Paul D. "Structural Integrity and Cohesion in Insurgent Organizations: Evidence from Protracted Conflicts in Ireland and Burma." *International Studies Review* 12, no. 4 (2010): 533-55.
- King, Gary, Robert Keohane, and Sidney Verba. *Designing Social Inquiry: Scientific Inference in Qualitative Research*. Princeton, NJ: Princeton University Press, 1994.
- Klare, Michael T. "The New Geography of Conflict." *Foreign Affairs* 80, no. 3 (2001).
- "KNU Leader – Code-of-Conduct Urgently Needed." *Karen News*, October 7, 2013. <http://karennews.org/2013/10/knu-leader-code-of-conduct-urgently-needed.html/>.
- "KNU to Sign Geneva Call Agreement to Protect Children and Women." *Karen News*, July 20, 2013. <http://karennews.org/2013/07/knu-to-sign-geneva-call-agreement-to-protect-children-and-women.html/>.
- Ko Yeni. "Soldiers of Misfortune." *The Irrawaddy*, February, 2006. http://www2.irrawaddy.org/article.php?art_id=5453&page=1.
- Koinova, Maria. "Diasporas and Secessionist Conflicts: The Mobilization of the Armenian, Albanian and Chechen Diasporas." *Ethnic and Racial Studies* 34, no. 2 (2010): 333-56.
- Koorey, Stephanie. "Orphans and Icons: Small Arms Control and Armed Groups in Southeast Asia (Unpublished Thesis)." Canberra, ACT: Australian National University, 2008.
- Kramer, Tom. *Neither War nor Peace: The Future of the Cease-Fire Agreements in Burma*. Amsterdam, Netherlands: Transnational Institute, 2009.
- Krause, Keith, and Jennifer Milliken. "Introduction: The Challenge of Non-State Armed Groups." *Contemporary Security Policy* 30, no. 2 (2009): 202-20.
- Kwe Ka Lu Media. "KNU and Burmese Government Agree in Principal on Cease Fire Code of Conduct,." 11:02, September 5, 2012.
- Kyaw Phyoo Tha. "Parliament Votes against Constitution Reform, Reserves Military Veto." *The Irrawaddy*, June 25, 2015. <http://www.irrawaddy.org/burma/parliament-votes-against-constitution-reform-reserves-military-veto.html>.

- Lacroix, Pauline, Pascal Bongard, and Chris Rush. "Enagaging Armed Non-State Actors in Mechanisms for Protection." *Forced Migration Review* 37 (2011): 10-12.
- Lall, Marie, and Ashley South. " Education, Conflict and Identity: Non-State Ethnic Education Regimes in Burma."
- Landmine and Cluster Munition Monitor. "Burma (Myanmar)." http://www.the-monitor.org/index.php/publications/display?act=submit&pqs_year=2000&pqs_type=lm&pqs_report=burma&pqs_section=.
- . "Burma (Myanmar)." http://www.the-monitor.org/index.php/publications/display?act=submit&pqs_year=2003&pqs_type=lm&pqs_report=burma&pqs_section=.
- . "Myanmar/Burma Mine Action Contamination and Impact." http://www.the-monitor.org/index.php/cp/display/region_profiles/theme/2031.
- . *Landmine Monitor Report: Myanmar/Burma 2013*: International Campaign to Ban Landmines, 2014.
- "Landmine Clearance in Myaing Gyi Ngu Nearing Completion: Karen Groups." *Mizzima News*, April 27, 2013. <http://archive-1.mizzima.com/news-91481/prisoner-watch/9890-landmine-clearance-in-myaing-gyi-ngu-nearing-completion-karen-groups>.
- Lanjouw, Steven, and Nwe Nwe Aye. *SDC Health Assessment in Southeast Region of Myanmar*. Yangon, Myanmar: Swiss Agency for Development and Cooperation, 2013.
- Lawi Weng. "Casualties on Both Sides as Conflict between DKBA, Govt Drags On." *The Irrawaddy*, July 13, 2015. <http://www.irrawaddy.org/burma/casualties-on-both-sides-as-conflict-between-dkba-govt-drags-on.html>.
- LeBillion, Philippe. "The Political Ecology of War: Natural Resources and Armed Conflict." *Political Geography* 20 (2001): 561-84.
- Lilja, Janine. "Trapping Constituents or Winning Hearts and Minds? Rebel Strategies to Attain Constituent Support in Sri Lanka." *Terrorism & Political Violence* 21 (2009): 306-26.
- Lintner, Bertil. *Outrage: Burma's Struggle for Democracy*. London, UK: White Lotus, 1990.
- . *Burma in Revolt: Opium and Insurgency since 1948*. Silkworm Books: Chiang Mai, Thailand, 1999.
- . "Where Htoo Now?" *Far Eastern Economic Review*, February 1, 2001.
- . "Myanmar: Old Atrocity, New Implications." *Asia Times Online*, November 1, 2012. http://www.atimes.com/atimes/Southeast_Asia/NK01Ae01.html.
- Machel, Grac'a. " The Impact of Armed Conflict on Children."
- Mack, Michelle, and Jelena Pejic. *Increasing Respect for International Law in Non-International Conflicts*. Geneva, Switzerland: International Committee of the Red Cross, 2008.
- Mampilly, Zachariah Cherian. *Rebel Rulers*. Ithaca, NY: Cornell University Press, 2011.
- Martov, Seamus. "Local Kachin Aid Group Goes Where Others Can't." *The Irrawaddy*, September 21st, 2012.

<http://www.irrawaddy.org/burma/local-kachin-aid-group-goes-where-others-cant.html>.

- Maslen, Stuart. *Anti-Personnel Mines under Humanitarian Law*. Antwerp, Netherlands: Intersentia, 2001.
- May Kha, and Saw Yan Naing. "Troop Repositioning, Code of Conduct Important for Nationwide Ceasefire: Ethnic." *The Irrawaddy*, July 31, 2014.
- McCarten, Brian. "Myanmar Military in the Money." *Asia Times*, 28 February 2012. <http://www.burmanet.org/news/2012/02/28/asia-times-myanmar-military-in-the-money-%e2%80%93-brian-mccartan/>.
- McConnachie, Kirsten. "Rethinking the 'Refugee Warrior': The Karen National Union and Refugee Protection on the Thai–Burma Border." *Journal of Human Rights Practice* 4, no. 1 (2012): 30-56.
- . *Governing Refugees: Justice, Order, and Legal Pluralism*. Abingdon, Oxon, UK: Routledge, 2014.
- McHugh, Gerard, and Manuel Bessler. *Humanitarian Negotiations with Armed Groups: A Manual for Practitioners*. New York, NY: United Nations Office for Coordination of Humanitarian Affairs, 2006.
- McNabb, David E. *Research Methods for Political Science: Quantitative and Qualitative Methods*. New York, NY: M. E. Sharpe, 2004.
- Meehan, Patrick. "Drugs, Insurgency and State-Building in Burma: Why the Drugs Trade Is Central to Burma's Changing Political Order." *Journal of Southeast Asian Studies* 42, no. 3 (2011): 376 - 404.
- Mi Thuzar. "The Impact of Poverty among Mon Idps at the Bee Ree Resettlement Site in Northern Ye Township." In *Where the Change Has yet to Reach Exposing Ongoing Earth Rights Abuses in Burma*, edited by Earth Rights International. Chiang Mai, Thailand: EarthRights International, 2012.
- Mines Advisory Group (MAG). "Mine Risk Education in Myanmar." <https://www.youtube.com/watch?v=hjmDOqdS7n4>.
- Moreau, Ron. "Terror Twins." *Newsweek*, February 7, 2000.
- Moser-Puangsuwan, Yeshua. "Mine Risk Education in Kawthoolei Liberated Area: An Experiment in Creating a Program of MRE in a Non-State-Controlled Area of Burma." *Journal of ERW and Mine Action* 8, no. 2 (2004).
- . "Outside the Treaty Not the Norm: Nonstate Armed Groups and the Landmine Ban." In *Banning Landmines: Disarmament, Citizen Diplomacy and Human Security*, edited by Jody Williams, Stephen D. Goose and Mary Wareham, 163-78. Lanham, MD: Rowman and Littlefield, 2008.
- . "Anti-Personnel Landmines in Myanmar: A Cause of Displacement and an Obstacle to Return." *Humanitarian Exchange* 41 (2010): 33-34.
- "Myanmar's Ethnic Armies: The Prince of Wales." *The Economist*, May 23, 2012. <http://www.economist.com/blogs/banyan/2012/05/myanmars-ethnic-armies>.
- "Myanmar's Army and the Economy; the Road up from Mandalay." *The Economist*, 20 April 2012. <http://www.burmanet.org/news/2012/04/20/the-economist->

- [myanmar%e2%80%99s-army-and-the-economy-the-road-up-from-mandalay/](#).
- Nallu, Preethi, and Kim Jolliffe. "Men at Fifteen." 25 min: Vimeo, 2011.
- Nan Thoo Lei. "Gunshots and Resignations Disrupt Militia Elections." *Karen News*, September 13, 2012. <http://karennews.org/2012/09/gunshots-and-resignations-disrupt-militia-elections.html/>.
- Naw Noreen. "Karenni Rebels Reach out to Locals over Peace Talks." *Democratic Voice of Burma*, April 18, 2012. <http://www.burmanet.org/news/2012/04/18/democratic-voice-of-burma-karenni-rebels-reach-out-to-locals-over-peace-talks-naw-noreen/>.
- New Mon State Party. "Mon History." <http://www.nmsp.info/monhis.php>.
 ———. "Our Aim." <http://www.nmsp.info/aim.php>.
- Nyein Nyein. "ABSDF Report Finds Torture, Leaves Questions in Killing of Its Own." *The Irrawaddy*, March 16, 2015. <http://www.irrawaddy.org/burma/absdf-report-finds-torture-leaves-questions-in-killing-of-its-own.html>.
- Office of the Special Representative of the Secretary General for Children and Armed Conflict. "Myanmar." <https://childrenandarmedconflict.un.org/countries/myanmar/>.
- Office of the Supreme Headquarters, Karen National Union. "Policy on Humanitarian Operation in Ceasefire Zone." March 25th, 2013.
- Office of the Supreme Headquarters, Karen National Union, Kawthoolei,. "Karen National Union (KNU) Policy for Humanitarian Assistance." June 11, 2014.
- Open History Project. "I'd Like to Share My Story." <http://www.openhistoryproject.com/id-like-to-share-my-story/>.
- Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict a/Res/54/263 of 25 May 2000.*
- Park, Augustine S. J. "Child Soldiers and Distributive Justice: Addressing the Limits of Law?" *Crime Law and Social Change* 53 (2010): 329-48.
- Petrasek, David. *Ends and Means: Human Rights Approaches to Armed Groups*. Versoix, Switzerland: International Council on Human Rights Policy, 2000.
- Phanida. "SSA-S Accepts Burmese Government's Offer to Start Peace Talks." *Mizzima News*, 6 October 2011. <http://www.burmanet.org/news/2011/10/06/mizzima-news-ssa-s-accepts-burmese-government%e2%80%99s-offer-to-start-peace-talks-%e2%80%93-phanida/>.
- Podder, Sukanya. "Non-State Armed Groups and Stability: Reconsidering Legitimacy and Inclusion." *Contemporary Security Policy* 34, no. 1 (2013): 16-39.
- . "Mainstreaming the Non-State in Bottom-up Statebuilding: Linkages between Rebel Governance and Post-Conflict Legitimacy." *Conflict, Security & Development* 14, no. 2 (2014): 213-43.

- Policzer, Pablo. "Democracy and Non-State Armed Groups." In *State of Corruption, State of Chaos*, edited by Michaelene D. Cox, 35-50. Lanham, MD: Lexington Books, 2008.
- Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II)*, 8 June 1977.
- Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices as Amended on 3 May 1996 (Protocol II to the 1980 Convention as Amended on 3 May 1996)*.
- Pugh, Michael, Neil Cooper, and Jonathan Goodhand. *War Economies in a Regional Context: Challenges of Transformation*. Boulder, CO: Lynne Rienner, 2004.
- Refugees International. *India: Close the Gap for Burmese Refugees*. Washington, DC: Refugees International, 2009.
- Reno, William. "A Dirty War in West Africa: The RUF and the Destruction of Sierra Leone." *Journal of Modern African Studies* 46, no. 2 (2008): 329-30.
- Reynal-Querol, Marta. "Ethnicity, Political Systems, and Civil Wars." *The Journal of Conflict Resolution* 46, no. 1 (2002): 29-54.
- Rhoads, John K. *Critical Issues in Social Theory*. University Park, Penn: Pennsylvania State University Press, 1991.
- Richards, Paul, ed. *No War, No Peace: An Anthropology of Contemporary Armed Conflicts*. Oxford, UK: James Currey, 2005.
- Roberts, Anthea, and Sandesh Sivakumaran. "Lawmaking by Nonstate Actors: Engaging Armed Groups in the Creation of International Humanitarian Law." *The Yale Journal of International Law* 37, no. 1 (2012): 107-52.
- Rogers, Benedict. *A Land without Evil: Stopping the Genocide of Burma's Karen People*. Oxford, UK: Monarch, 2004.
- Rome Statute of the International Criminal Court U.N. Doc. A/Conf. 183/9 2002*.
- Rondeau, Sophie. "Participation of Armed Groups in the Development of the Law Applicable to Armed Conflicts." *International Review of the Red Cross* 93, no. 883 (2011): 649-72.
- Rothbart, Daniel, and Karina V. Korostelina. *Why They Die: Civilian Devasation in Violent Conflict*. Ann Arbor, MI: University of Michigan Press, 2011.
- Roy, Sara. *Hamas and Civil Society in Gaza: Engaging the Islamist Social Sector*. Princeton, NJ: Princeton University Press, 2011.
- Rupiya, Martin Revai. "One Man's Terrorist Is Another Man's Liberator: The Landmine Ban and Non-State Actors." In *Engaging Non-State Actors in a Landmine Ban, Geneva. Full Conference Proceedings, 24th and 25th March 2000*, edited by Swiss Campaign to Ban Landmines, 20-27. Quezon, Philippines: Swiss Campaign to Ban Landmines, 2001.
- Rutherford, Kenneth. "The Evolving Arms Control Agenda: Implications of the Role of NGOs in Banning Antipersonnel Landmines." *World Politics* 53, no. 1 (2000): 74-114.
- Sadan, Mandy. *Being and Becoming Kachin: Histories Beyond the State in the Borderworlds of Burma*. Oxford, UK: Oxford University Press, 2013.

- Safman, Rachel. "Minorities and State-Building in Mainland Southeast Asia." In *Myanmar: State, Society and Ethnicity*, edited by N. Ganesan and Kyaw Yin Hlaing, 30-69. Singapore: Institute of Southeast Asian Studies, 2007.
- Sai Oo. "Burma's Peace Process: Matching Words with Deeds." *The Irrawaddy*, July 13, 2015.
<http://www.irrawaddy.org/contributor/burmas-peace-process-matching-words-with-deeds.html>.
- Sai Thiha Soe. "Community Vanguard: Civil Society as Child Rights Defenders." 21.08: Save the Children, Myanmar, 2012.
- Sai Wan Mai. "Karenni Troops Launch Attack on Burmese Army Outpost." *Mizzima News*, October 29th, 2010.
<http://www.mizzima.com/news/inside-burma/4517-karenni-troops-launch-attack-on-burmese-army-outpost.html>.
- Sakhong, Lian H. "Christianity and Chin Identity." In *Exploring Ethnic Diversity in Burma*, edited by Mikael Gravers, 200-26. Copenhagen, Denmark: Nordic Institute of Asian Studies, 2007.
- Santos, Soliman M. "A Critical Reflection on the Geneva Call Instrument and Approach in Engaging Armed Groups on Humanitarian Norms: A Southern Perspective." In "Curbing Human Rights Violations by Armed Groups" Conference, University of British Columbia, Canada, 14-15 November, 2003. Vancouver, Canada 2003.
- Sassoli, Marco. "Engaging Non-State Actors: The New Frontier for International Humanitarian Law." In *Exploring Criteria and Conditions for Engaging Armed Non-State Actors to Respect Humanitarian Law and Human Rights Law: Conference Report - Geneva, 4-5 June 2007*, 2007.
- . "Taking Armed Groups Seriously: Ways to Improve Their Compliance with International Humanitarian Law." *Journal of International Humanitarian Legal Studies* 1, no. 1 (2010): 5-51.
- Saw Greh Moo. "Caught in a Two-Front War in Post-Ceasefire Karen State." *Karen News*, July 18, 2013.
<http://karennews.org/2013/07/caught-in-a-two-front-war-in-post-ceasefire-karen-state.html/>.
- Saw Tun Lin. "No Nationwide Ceasefire Agreement Signed until a "Code-of-Conduct" Is Discussed." *Karen News*, August 27, 2014.
<http://karennews.org/2014/08/no-nationwide-ceasefire-agreement-signed-until-a-code-of-conduct-is-discussed.html/>.
- Saw Yan Naing. "A Word Could Delay Burma's Peace Process: Ethnic Leaders." *The Irrawaddy*, January 21, 2014.
<http://www.irrawaddy.org/burma/word-delay-burmas-peace-process-ethnic-leaders.html>.
- Schroeder, Tim, and Alan Saw-U. "The Karen in Myanmar's Southeast: Great Hopes and Many Unresolved Issues." In *Burma/Myanmar: Where Now?*, edited by Mikael Gravers and Flemming Ytzen, 198-216. Copenhagen, Denmark: NIAS Press, 2014.
- Selth, A. "Landmines in Burma: Forgotten Weapons in a Forgotten War." *Small Wars & Insurgencies* 12, no. 2 (2001): 19-50.
- Sherman, Jake. "Burma: Lessons from the Cease-Fires." In *The Political Economy of Armed Conflict: Beyond Greed and Grievance*, edited

- by Karen Ballentine and Jake Sherman, 225-55. Boulder, CO: Lynne Rienner, 2003.
- Singer, Peter. *Children at War*. Toronto, Canada: Random House, 2005.
- Sivakumaran, Sandesh. "Binding Armed Opposition Groups." *International and Comparative Law Quarterly* 55 (2006): 369-94.
- . "Lessons for the Law of Armed Conflict from Commitments of Armed Groups: Identification of Legitimate Targets and Prisoners of War." *International Review of the Red Cross* 93, no. 882 (2011): 463-82.
- Sjoberg, Ann-Kristin. "Dealing with the Devil?: Humanitarian Engagement with Non-State Actors: The Case of the National Liberation Army, Colombia." Paper presented at the Annual Convention of the International Studies Association, San Francisco, 2008.
- . "Challengers without Responsibility?: Exploring Reasons for Armed Non-State Actor Use and Restraint on the Use of Violence against Civilians (Unpublished Thesis)." Graduate Institute of International and Development Studies, 2010.
- Small Arms Survey. *Small Arms Survey 2010: Gangs, Groups, and Guns*. Geneva Switzerland: Small Arms Survey, 2010.
- Smith, Alan. "Burma/Myanmar: The Struggle for Democracy and Ethnic Rights." In *Multiculturalism in Asia*, edited by Will Kymlicka and Baohang He, 262-87. Oxford, UK: Oxford University Press, 2005.
- Smith, Martin. *Burma: Insurgency and the Politics of Ethnicity*. London, UK: Zed Books, 1999.
- . *State of Strife: The Dynamics of Ethnic Conflict in Burma*. Washington, DC: East-West Centre, 2007.
- Somer, Jonathan. "Engaging Armed Non-State Actors to Protect Children from the Effects of Armed Conflict: When the Stick Doesn't Cut the Mustard." *Journal of Human Rights Practice* 4, no. 1 (2012): 106-27.
- South-South Network for Non-State Armed Group Engagement. "Engagement." <http://www.southsouthnetwork.com/engage.htm>.
- South, Ashley. *Mon Nationalism and Civil War in Burma: The Golden Sheldrake*. London, UK: RoutledgeCurzon, 2003.
- . "Ceasefires and Civil Society: The Case of the Mon." In *Exploring Ethnic Diversity in Burma*, edited by Mikael Gravers, 149-77. Copenhagen, Denmark: Nordic Institute of Asian Studies, 2007.
- . "Karen Nationalist Communities: The "Problem" of Diversity." *Contemporary Southeast Asia* 29, no. 1 (2007): 55-76.
- . *Ethnic Politics in Burma: States of Conflict*. New York, NY: Routledge, 2008.
- . *Burma's Longest War: Anatomy of the Karen Conflict*. Amsterdam, Netherlands: Transnational Institute/Burma Centre Netherlands, 2011.
- . "The Politics of Protection in Burma." *Critical Asian Studies* 44, no. 2 (2012): 175-204.
- . *Prospects for Peace in Myanmar: Opportunities and Threats*. Oslo: Peace Research Institute (PRIO), 2012.
- . "Update on the Peace Process." In *Burma/Myanmar: Where Now?*, edited by Mikael Gravers and Flemming Ytzen, 250-55. Copenhagen, Denmark: NIAS Press, 2014.

- South, Ashley, Susanne Kempel, Malin Perhult, and Nils Carstensen. " Myanmar - Surviving the Storm: Self-Protection and Survival in the Delta."
- South, Ashley, Malin Perhult, and Nils Carstensen. " Asia Programme Paper: ASP PP 2010/04: Conflict and Survival: Self-Protection in South-East Burma."
- Stake, Robert E. *The Art of Case Study Research*. Thousand Oaks, California: Sage 1995.
- . "Case Studies." In *Strategies of Qualitative Inquiry* edited by Norman K. Denzin and Yvonna S. Lincoln, 134-64. Thousand Oaks, CA: Sage, 2003.
- Steinberg, David. "Legitimacy in Burma/ Myanmar: Concepts and Implications." In *Myanmar: State, Society and Ethnicity*, edited by N. Ganesan and Kyaw Yin Hlaing, 109-42. Singapore: Institute of Southeast Asian Studies, 2007.
- . *Burma/Myanmar: What Everyone Needs to Know*. Oxford, UK: Oxford University Press, 2010.
- . *Burma/Myanmar: What Everyone Needs to Know (Second Edition)*. Oxford, UK: Oxford University Press, 2013.
- Steinhoff, Dawn. "Talking to the Enemy: State Legitimacy Concerns with Engaging Non-State Armed Groups." *Texas International Law Journal* 45 (2010): 297-322.
- Stokke, Kristian. "Building the Tamil Eelam State: Emerging State Institutions and Forms of Governance in LTTE-Controlled Areas in Sri Lanka." *Third World Quarterly* 27, no. 6 (2006): 1021-40.
- Swift, James. *Civil Society in Question*. Ottawa, Canada: South Asia Partnership, 1999.
- Taing Taw. "DKBA: Never Surrender to SPDC." *Kao Wao News*, November 14, 2004. <http://www.kaowao.org/breaking.php?#8>.
- Taw Win Pan. "Karen Armed Groups United in Their Political Struggle." *Karen News*, July 30, 2013. http://karennews.org/2013/07/karen-armed-groups-united-in-their-political-struggle.html/?utm_source=rss&utm_medium=rss&utm_campaign=karen-armed-groups-united-in-their-political-struggle.
- Taylor, Robert. "British Policy Towards Myanmar and the Creation of the 'Burma Problem'." In *Myanmar: State, Society and Ethnicity*, edited by N. Ganesan and Kyaw Yin Hlaing, 70-95. Singapore: Institute of Southeast Asian Studies, 2007.
- Terry, Fiona. *Condemned to Repeat?: The Paradox of Humanitarian Action*. Cornell University Press: Ithaca, NY, 2002.
- Thailand Burma Border Consortium. *Protracted Displacement and Militarisation in Eastern Burma*. Bangkok, Thailand: TBBC, 2009.
- Thakur, R., and W. Maley. "The Ottawa Convention on Landmines: A Landmark Humanitarian Treaty in Arms Control?" *Global Governance* 5, no. 3 (1999): 273-302.
- Thant Myint-U. *The River of Lost Footsteps: Histories of Burma*. New York, NY: Farrar, Straus and Giroux, 2006.
- The Border Consortium. "Contested Areas in Southeast Burma/ Myanmar." <http://www.theborderconsortium.org/media/58069/12-11-contested-areas-in-south-east-burma-myanmar.pdf>.

- . *Programme Report July to December 2012*. Bangkok, Thailand: The Border Consortium, 2012.
- . *Poverty, Displacement and Local Governance in Southeast Burma/Myanmar*. Bangkok, Thailand: TBC, 2013.
- . "The Border Consortium (Tbc)."
<http://www.theborderconsortium.org/>.
- The Burmese Border Consortium. *Twenty Years on the Border*. Bangkok, Thailand: Burmese Border Consortium, 2004.
- The Economist. "Myanmar's Missing Millions: The Leftovers."
<http://www.economist.com/blogs/banyan/2014/09/myanmars-missing-millions>.
- Theobald, Kathryn, and Hui Hui Ooi. "The Wa State, Burma." *National Strategy Forum Review* 20, no. 3 (2011): 1-5.
- Thornton, Phil. *Restless Souls: Rebels, Refugees, Medics and Misfits, on the Thai-Burma Border*. Bangkok, Thailand: Asia Books, 2006.
- Tin Maung Maung Than. "Dreams and Nightmares: State Building and Ethnic Conflict in Myanmar (Burma)." In *Ethnic Conflicts in Southeast Asia*, edited by Kusuma Snitwongse and W. Scott Thompson, 65-108. Singapore: Institute of Southeast Asian Studies, 2005.
- UN General Assembly. "Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflicts."
<http://www.refworld.org/cgi-bin/texis/vtx/rwmain?docid=47dfb180>.
- UNICEF. "Cape Town Principles and Best Practices: Adopted at the Symposium on the Prevention of Recruitment of Children into the Armed Forces and on Demobilisation and Reintegration of Child Soldiers in Africa."
- . "The Paris Principles: Principles and Guidelines on Children Associated with Armed Forces or Armed Groups."
- United Nations. "Office of the Special Representative of the Secretary-General for Children and Armed Conflict."
<http://childrenandarmedconflict.un.org/>.
- United Nations Human Rights Council. "A/Hrc/21/38, Annual Report of the Special Representative of the Secretary-General for Children and Armed Conflict, Radhika Coomaraswamy."
- . "A/Hrc/28/54, Annual Report of the Special Representative of the Secretary-General for Children and Armed Conflict, Leila Zerrougui."
- United Nations Mine Action Service. *International Mine Action Standard: Non-Technical Survey*. New York, NY: UNMAS, 2013.
- United Nations News Centre. "UN Identifies Most Persistent Users of Child Soldiers in Armed Conflicts."
<http://www.un.org/apps/news/story.asp?Cr=coomaraswamy&NewsID=34778>.
- United Nations Office for the Coordination of Humanitarian Affairs. *Kachin Response Plan (Myanmar): March 2013-December 2013*. Yangon, Myanmar: UNOCHA, 2013.
- United Nations Security Council. "S/2009/278: Report of the Secretary-General on Children and Armed Conflict in Myanmar."
- . *A/68/878–S/2014/339 Children and Armed Conflict: Report of the Secretary-General 2014*.

- United Nations Security Council Department of Public Information. "Security Council Adopts Resolution Stating Readiness to Impose Sanctions on Armed Groups Persistently Violating Rights of Children." <http://www.un.org/News/Press/docs/2012/sc10769.doc.htm>.
- United Press International. "Myanmar Polluted with Land Mines." http://www.upi.com/Top_News/Special/2013/04/03/Myanmar-polluted-with-land-mines/UPI-60071364996910/.
- United States Department of State Bureau of Democracy Human Rights and Labor. "Burma 2014 Human Rights Report."
- Veuthey, Michel. *Guérilla Et Droit Humanitaire*. Geneva, Switzerland: ICRC, 1983.
- . "Learning from History: Accession to the Conventions, Special Agreements, and Unilateral Declarations." In *Relevance of International Humanitarian Law to Non-State Actors: Proceedings of the Bruges Colloquium 25th-26th October 2002.*, edited by Marc Vuyilsteke, Christine Reh and Christopher Reynolds, 139-47: ICRC/ College of Europe, 2003.
- Vincent Bernard et al. "Humanitarian Debate: Law, Policy, Action: Engaging Armed Groups." *International Review of the Red Cross* 93, no. 883 (2011): 575-887.
- Wade, Francis. "Ceasefire Capitalism: Why Burma's Rebels Have Every Reason to Be Suspicious of Government Emissaries Talking Peace." *Foreign Policy Democracy Lab*, November 29, 2013. <http://foreignpolicy.com/2013/11/29/ceasefire-capitalism/>.
- Wai Moe. "The Struggle for Peace in Northern Myanmar." In *Burma/Myanmar: Where Now?*, edited by Mikael Gravers and Flemming Ytzen, 262-78. Copenhagen, Denmark: NIAS Press, 2014.
- Wang, Peng. "Women in the LTTE: Birds of Freedom or Cogs in the Wheel?" *Journal of Politics and Law* 4, no. 1 (2011): 100-08.
- Warner, Elisabeth Decrey, Jonathan Somer, and Pascal Bongard. "Armed Non-State Actors and Humanitarian Norms: Lessons from the Geneva Call Experience." In *Modern Warfare: Armed Groups, Private Militaries, Humanitarian Organisations, and the Law*, edited by Benjamin Perrin, 73-86. Vancouver, Canada: UBC Press, 2012.
- Watchlist on Children and Armed Conflict. *No More Denial: Children Affected by Armed Conflict in Myanmar (Burma)*. New York, NY: Watchlist, 2009.
- Weinstein, Jeremy M. *Inside Rebellion: The Politics of Insurgent Rebellion*. Cambridge, UK: Cambridge University Press, 2007.
- Wendt, Alexander. *Social Theory of International Politics*. Cambridge, UK: Cambridge University Press, 1999.
- Wennmann, Achim. "Economic Dimensions of Armed Groups: Profiling the Financing, Costs, and Agendas and Their Implications for Mediated Engagements." *International Review of the Red Cross* 882, no. 93 (2011): 333-54.
- Whitfield, Teresa. "Engaging with Armed Groups: Dilemmas and Options for Negotiators." In *HD Centre Mediation Practice Series*, edited by Luc Chounet-Cambas and Katia Papagianni. Geneva, Switzerland: HD Centre, 2010.

- Wigger, Andreas. "Engaging and Negotiating with Organised Armed Groups: A Field Perspective." In *Non-State Actors and International Humanitarian Law: Organized Armed Groups: A Challenge for the 21st Century*, edited by Marco Odello and Gian Luca Beruto, 81-90. Milan, Italy: FrancoAngeli, 2010.
- Wong, Edward. "Myanmar: Offensive against Kachin Army Goes On." *New York Times*, 25 January 2012. <http://www.burmanet.org/news/2012/01/25/the-new-york-times-myanmar-offensive-against-kachin-army-goes-on-%e2%80%93-edward-wong/>.
- Wood, E. J. "Armed Groups and Sexual Violence: When Is Wartime Rape Rare?" *Politics & Society* 37, no. 1 (2009): 131-61.
- World Health Organization. "Civil Society." <http://www.who.int/trade/glossary/story006/en/>.
- Yin, Robert K. *Case Study Research: Design and Methods*. Thousand Oaks, California: Sage, 2003.
- . *Case Study Research: Design and Methods (5th Ed)*. Thousand Oaks, CA: Sage, 2014.
- Ytzen, Flemming. "Casualties of War." In *Burma/Myanmar: Where Now?*, edited by Mikael Gravers and Flemming Ytzen, 256-61. Copenhagen, Denmark: NIAS Press, 2014.
- Ytzen, Flemming, and Mikael Gravers. "Whither Burma?" In *Burma/Myanmar: Where Now?*, edited by Mikael Gravers and Flemming Ytzen. Copenhagen, Denmark: NIAS Press, 2014.
- Zarni Mann. "Interfaith Activist Detained for Unlawful Association." *The Irrawaddy*, July 17, 2015. <http://www.irrawaddy.org/wp-content/plugins/meenews/newsletter.php?id=10459&user=9685&newsid=797>.
- Zaw Oo, and Win Min. *Assessing Burma's Ceasefire Accords*. Washington, DC: East-West Centre, 2007.
- Zedong, Mao. *Guerilla Warfare*. London, UK: Cassell, 1961.
- Zegveld, Liesbeth. *Accountability of Armed Opposition Groups in International Law*. Cambridge, UK: Cambridge University Press, 2002.
- Zolberg, Astride R., Astri Suhrke, and Sergio Aguayo. *Escape from Violence: Conflict and the Refugee Crisis in the Developing World*. New York, NY: Oxford University Press, 1989.

Appendices

Appendix 1: Nationwide Ceasefire Agreement

THE NATIONWIDE CEASEFIRE AGREEMENT

BETWEEN

THE GOVERNMENT OF THE REPUBLIC OF THE UNION OF MYANMAR

AND

ETHNIC ARMED ORGANIZATIONS

Preamble

This Nationwide Ceasefire Agreement, between the Government of the Republic of the Union of Myanmar and Ethnic Armed Organizations, recognizes, reinforces, and reaffirms all previous agreements between the Government of the Republic of the Union of Myanmar and Ethnic Armed Organizations. This agreement also aims to secure an enduring peace based on the principles of dignity and justice, through an inclusive political dialogue process involving all relevant stakeholders.

In order to achieve lasting and sustainable peace in this country, we, the signatories to this Nationwide Ceasefire Agreement, pledge to each other to diligently work together to implement all provisions contained in this agreement completely and successfully in an accountable and transparent manner.

Chapter 1

Basic Principles

1. In order to achieve lasting and sustainable peace, we agree to implement this Nationwide Ceasefire Agreement in accordance with the following basic principles:
 - a. Establish a union based on the principles of democracy and federalism in accordance with the outcomes of the political dialogue and in the spirit of Panglong which fully guarantees democratic rights, equality and self-determination while ensuring liberty, equality and justice and upholding the principles of non-disintegration of the union, non-disintegration of national solidarity and perpetuation of national sovereignty.
 - b. Reach a negotiated settlement to end protracted armed conflict in the Republic of the Union of Myanmar; establish a new political culture of

resolving political disagreements through political dialogue instead of force of arms; and implement nationwide ceasefire at the outset in order to end armed conflict.

- c. Discuss in the political dialogue the issue concerning Pyidaungsu Tatmadaw that represents all ethnic nationalities.
- d. Guarantee equal rights to all citizens who live within the Union and ensure no citizen be discriminated against on the basis of ethnicity, religion, culture, or gender.
- e. Establish a secular state to avoid abuse of religion for political interests.
- f. Collectively establish a national identity that embraces the diversity of history, cultural practices, literature, language and national characteristics of all ethnic nationalities living within the Union of the Republic of Myanmar.
- g. Hold inclusive political dialogue in accordance with the aspirations and desires of all ethnic nationalities in order to achieve lasting and sustainable peace.
- h. Negotiate in good faith any issues that may arise between and among the dialogue partners in order to achieve lasting and sustainable peace.
- i. Abide by all mutual promises and commitments contained in this Agreement and implement the peace process in a transparent and accountable manner.
- j. Effectively implement the provisions contained in this Agreement without each party taking advantage of the positive developments arising from the implementation of this Agreement.
- k. Undertake efforts to protect lives and property and improve the livelihoods of all persons living within the Republic of the Union of Myanmar.

Chapter 2

Aims and Objectives

2. The Government of the Republic of the Union of Myanmar and Ethnic Armed Organizations agree to the following aims and objectives:

- a. Begin an inclusive political dialogue process based on the agreed framework for political dialogue following the acceptance and

implementation of the nationwide ceasefire, with an aim of achieving just and sustainable peace.

- b. Form a “Joint Monitoring Committee” to carry out the following: implementing provisions of the Nationwide Ceasefire Agreement; monitoring adherence to the code of conduct; investigating alleged violations; and undertaking conflict resolution functions.
- c. Reaffirm all promises and previous agreements signed between the Government of the Republic of the Union of Myanmar and Ethnic Armed Organizations.
- d. Include all relevant Ethnic Armed Organizations in the collective signing of the Nationwide Ceasefire Agreement by recognizing the political aspirations behind the resistance movement of Ethnic Armed Organizations and aiming to strengthen the Union spirit.

Chapter 3

Ceasefire Related Matters

3. We agree that within Fourteen (14) days of signing this Agreement, responsible authorities from the Tatmadaw and Ethnic Armed Organizations shall meet to define the exact timeframes governing ceasefire related matters and their implementation.

4. We agree to abide by the mutually binding terms and conditions of the ceasefire and military codes of conduct as entered into through this Nationwide Ceasefire Agreement, and shall submit to investigation by the different levels of the Joint Monitoring Committee.

5. The Tatmadaw and Ethnic Armed Organizations agree to abide by the following troop-related terms and conditions:

- a. Cease the following actions in ceasefire areas: troop movements for territorial control, reconnaissance, recruitment, armed attacks, laying of mines, acts of violence, destruction of property, and launching of military offensives.
- b. Avoid any direct or indirect action that may be regarded as hostile or contemptuous.
- c. Avoid troop reinforcements, building of new military bases except those already agreed by both parties and supplying of ammunition and weaponry in all ceasefire areas other than the provision of administrative support, emergency medical support, or routine rotation of troops. In the event of a threat to national security or to defend

against external threats, the aforementioned activities may be undertaken after consultation.

- d. Avoid using as military outposts or encampments any religious buildings, schools, hospitals, clinics and their premises as well as culturally important places and public spaces.
- e. Undertake de-mining activities to clear mines laid by troops from all sides in accordance with the progress of the peace process and coordinate mine action activities in close consultation with the Government of the Republic of the Union of Myanmar.
- f. Avoid hostile propaganda, defamatory, untruthful or derogatory statements, both within and outside the country.
- g. Cooperate to carry out relief and rescue efforts and provision of medical supplies in the case of a natural disaster causing an emergency situation in a ceasefire area.
- h. Administer rule of law in ceasefire areas and take action against perpetrators in accordance with the law in consultation with each other.
- i. Undertake the administration of military matters in ceasefire areas in consultation with each other.
- j. Notify the signing of this Nationwide Ceasefire Agreement to all levels of the respective command structures within twenty-four (24) hours of the signing and explain the provisions contained in this Agreement within five (5) days of the signing.
- k. Avoid resorting to force to resolve disputes arising at lower levels and ranks.

6. We shall negotiate and implement matters regarding troop recruitment by Ethnic Armed Organizations in accordance with the implementation of this Nationwide Ceasefire Agreement and the security reintegration process.

Deployment of military forces to prevent confrontations

7. In order to prevent military confrontation, the Tatmadaw and Ethnic Armed Organizations shall abide by the following provisions governing the deployment of troops:

- a. Avoid confrontations in areas where there is direct contact between the troops, by acting immediately using radio, ground or other

methods of communication.

- b. Undertake repositioning of troops in consultation with each other to avoid confrontations.
- c. In areas where repositioning of troops is still under discussion or remains difficult to undertake, commanders should regularly contact and consult with each other.
- d. Tatmadaw and Ethnic Armed Organizations shall confine their troops within the designated areas.
- e. Coordinate in consultation with each other on the number of military bases in areas of direct contact between the troops to avoid confrontation.
- f. Consult with each other based on this Agreement to ensure communication channels are securely maintained between the respective military bases and areas.

Free movement of troops

8. The Tatmadaw and Ethnic Armed Organizations shall abide by the following provisions governing the free movement of troops:
 - a. Free movement of unarmed troops is allowed in all areas except in security-restricted areas.
 - b. Movement of armed troops in the areas controlled by the other is allowed only after obtaining prior agreement.

Protection of Civilians

9. The Tatmadaw and Ethnic Armed Organizations shall abide by the following provisions regarding the protection of civilians:
 - a. Provide necessary support in consultation with each other to improve livelihoods, health, education, and regional development for the people.
 - b. Avoid acts violating a person's dignity, violence, extrajudicial detention, kidnapping, torture, inhumane treatment, imprisonment, killing or otherwise causing the disappearance of the individual.
 - c. Avoid forcible displacement or relocation of local populations.

- d. Avoid forcibly taking money, property, food, labor or services from civilians.
- e. Avoid unlawful and arbitrary arrest, entrapment, prosecution and pronouncement of judgment against civilians. Any action against civilians shall be undertaken in accordance with the law.
- f. Avoid forcible confiscation and transfer of land from local populations.
- g. Avoid the destruction of public property, looting, theft, or the taking of property without permission.
- h. Avoid restrictions on the right to education; destruction of schools and educational buildings, including educational tools; and the disturbance and hindrance of students and teachers.
- i. Avoid impeding an individual's right to health or access to healthcare; or restricting public health resources and the legal transportation of medicines for public use.
- j. Avoid impeding the storage of food and supplies as well as the transport, sale and trade of goods and produce.
- k. Avoid the destruction or actions that would lead to the destruction of schools, hospitals, clinics, religious buildings and their premises and the use of such places as military bases or outposts.
- l. Avoid either directly or indirectly interfering in public activities to protect religion, literature and cultural and traditional practices.
- m. Avoid any form of sexual attack on women, including sexual molestation, sexual assault or violence, rape and sex slavery.
- n. Avoid killing or maiming, forced conscription, rape or other forms of sexual assault or violence, or abduction of children.
- o. Avoid enslavement or forced labor of civilians.
- p. Ensure the security and development of civilians living in ceasefire areas.
- q. Permit civilians to move freely inside ceasefire areas.

Provision of humanitarian assistance

10. The Government of the Republic of the Union of Myanmar and Ethnic Armed Organizations shall abide by the following provisions regarding the provision of humanitarian assistance:

- a. Relevant Government ministries, Ethnic Armed Organizations and local organizations shall work in consultation with each other, and with the approval of the Government of the Republic of the Union of Myanmar, coordinate and undertake the administration of humanitarian assistance by NGOs and INGOs to assist Internally Displaced Persons (IDPs) and conflict victims.
- b. Ensure the safety and dignity of the IDPs when undertaking a prioritized voluntary return of IDPs to their places of origin or resettlement of IDPs into new villages in suitable areas.
- c. Cooperate on the resettlement of IDPs and refugees after verification.

Chapter 4

Maintaining and Strengthening Ceasefire

Ceasefire related rules and regulations and military code of conduct

11. We shall enact, in accordance with the provisions in this agreement, the military code of conduct and ceasefire-related rules and regulations within one (1) month of the signing of this Agreement.

Joint Monitoring Committee

12. To ensure compliance with this Agreement, the Joint Implementation Coordination Meeting shall form the Joint Monitoring Committee as follows:

- a. To monitor the parties' compliance with this Agreement, we shall form a Joint Monitoring Committee, comprised of members of the Union Peace-Making Work Committee, representatives of Ethnic Armed Organizations, and trusted and well-respected individuals.
- b. The Joint Monitoring Committee shall comprise a nationwide ceasefire monitoring committee, state-level ceasefire monitoring committee, region-level ceasefire monitoring committee, and an investigation and verification committee.
- c. We shall jointly decide on the basis of mutual agreement, the role of representatives from foreign governments and international organizations that are involved in the ongoing peace process, either as

observers, advisors or to provide necessary technical assistance at different levels of the ceasefire Joint Monitoring Committee.

13. The responsibilities, rights and guiding principles for the respective committees are as follows:

- a. Determine in the Joint Implementation Coordination Meeting, the procedures, standards, guidelines and detailed organizational structure of the ceasefire implementation mechanism.
- b. Carry out ceasefire implementation and monitoring related responsibilities, and when necessary, report to the Joint Implementation Coordination Meeting.
- c. Coordinate humanitarian assistance provided for Internally Displaced Persons (IDPs) of both man-made and natural disasters, and victims of conflict.
- d. Monitor the repositioning of troops as agreed by the parties.
- e. Assist the peace process by monitoring compliance with the Nationwide Ceasefire Agreement, the agreed troop-related provisions, the military code of conduct, ceasefire related rules and regulations, and resolving disputes in a transparent and unbiased manner.

14. The Joint Monitoring Committee shall use its best efforts to reach decisions by consensus.

15. To allow the Joint Monitoring Committee to effectively resolve issues, we agree to provide all information requested by the Committee, except information related to national defense and security matters, in accordance with the terms of this Agreement.

Liaison Offices

16. To ensure the smooth functioning of the operations of the Ethnic Armed Organizations that are signatories to this agreement, liaison offices shall be permitted in mutually agreed areas and in areas specified in existing union-level peace agreements.

17. We shall negotiate and determine procedures to enable liaison office staff to achieve prompt and efficient resolution of disputes and difficulties.

18. We shall provide protection to liaison office staff and Ethnic Armed Organizations as needed.

Chapter 5

Guarantees for Political Dialogue

19. After signing the Nationwide Ceasefire Agreement to end armed conflict and resolve political issues through peaceful political means, we shall undertake the implementation of all terms and conditions as provided in the Agreement.

The political roadmap

20. The Republic of the Union of Myanmar Government and Ethnic Armed Organizations shall abide by the following political roadmap:

- a. Signing of the Nationwide Ceasefire Agreement.
- b. Drafting and adopting the “Framework for Political Dialogue” by representatives of the Government of the Republic of the Union of Myanmar and Ethnic Armed Organizations.
- c. Holding national political dialogue based on the adopted Framework for Political Dialogue, and negotiating security reintegration matters and undertaking other necessary tasks that both parties agree can be carried out in advance.
- d. Holding the Union Peace Conference.
- e. Signing the Pyidaungsu Accord.
- f. Submitting the Pyidaungsu Accord to the Pyidaungsu Hluttaw for ratification.
- g. Implementing all provisions contained in the Pyidaungsu Accord, and carrying out security reintegration matters.

Political dialogue

21. The Republic of the Union of Myanmar Government and Ethnic Armed Organizations agree to the following provisions with regards to political dialogue:

- a. In order to begin political dialogue and jointly undertake the implementation of all provisions contained in this Nationwide Ceasefire Agreement, we shall undertake the following as soon as the Agreement is signed:
 - (1) Hold a Joint Implementation Coordination Meeting.
 - (2) Form the Nationwide Ceasefire Joint Monitoring

Committee, Union Peace Dialogue Joint Committee and other necessary committees during this meeting, (The Union Peace Dialogue Joint Committee is also responsible for drafting a framework for political dialogue).

- b. Jointly draft and adopt a framework for political dialogue – including functions and responsibilities, agendas for discussion, structure of the political dialogue - within sixty (60) days of signing this Nationwide Ceasefire Agreement in collaboration with all relevant stakeholders.
- c. We shall begin political dialogue within ninety (90) days of signing this Nationwide Ceasefire Agreement.
- d. We shall set the agenda for the framework for political dialogue by including basic principles of this Agreement and other topics but avoiding issues that violate the three main national causes of non-disintegration of the union, non-disintegration of national solidarity, and perpetuation of national sovereignty.
- e. In order to achieve lasting and sustainable peace, we agree to reach a mutually acceptable position on all matters within the political dialogue framework.

Holding of inclusive political dialogue

22.

- a. Representatives from the government, parliament, the Tatmadaw, Ethnic Armed Organizations, registered political parties, ethnic representatives and other relevant representatives shall participate in political dialogue that is based on inclusiveness.
- b. The participation of ethnic representatives, civil society organizations, scholars, experts, business associations, and other relevant stakeholders at different stages of political dialogue will be discussed and determined during the drafting of the Framework for Political Dialogue.
- c. The proportion of representatives participating in political dialogue shall be negotiated during discussions on the Framework for Political Dialogue.
- d. We agree that all decisions adopted by the Union Peace Conference shall be the basis for amending, repealing and adding provisions to the Constitution and laws, in line with established procedures.

23. We shall include a reasonable number of women representatives in the political dialogue process.

Chapter 6

Future Tasks and Responsibilities

Confidence building measures:

24.

- a. No person (or) organization shall not be subject to arrest or legal repercussion due to their involvement in negotiating this Agreement or in the peace process, except for otherwise violating the law.
- b. It is agreed that the removal of all Ethnic Armed Organizations that are signatories to this Nationwide Ceasefire Agreement from the list of unlawful associations shall be undertaken. Further, no person (or) organization associating with the signatories to this agreement shall be subject to prosecution under the Political Parties Registration Law or Unlawful Associations Act.
- c. After the signing of this Nationwide Ceasefire Agreement, any person charged or detained for alleged association with Ethnic Armed Organizations under the Unlawful Associations Act, shall be released in accordance with the law.

Tasks to be implemented during the interim period

25.

- a. The Ethnic Armed Organizations that are signatories to this agreement have been responsible for development and security in their respective areas. During the interim period of holding peace talks, we shall carry out the following programs and projects in consultation with each other in said areas.
 - (1) Projects concerning the health, education and socio-economic development of civilians.
 - (2) Environmental conservation.
 - (3) Efforts to preserve and promote ethnic culture, language, and literature.

- (4) Matters regarding peace and stability, and the maintenance of rule of law in the said areas.
 - (5) Receiving aid from donor agencies both inside and outside the country for regional development and capacity-building projects.
 - (6) Eradication of illicit drugs.
- b. Planning and implementation of projects that may have a major impact on civilians living in ceasefire areas shall be undertaken in consultation with relevant Ethnic Armed Organizations and with local communities in accordance with the Extractive Industries Transparency Initiative (EITI) Standard procedures.
 - c. The government and the individual Ethnic Armed Organizations shall coordinate the implementation of tasks that are specific to the areas of the respective Ethnic Armed Organization.

Submission to Pyidaungsu Hluttaw for ratification

26. We shall submit this Agreement to the Pyidaungsu Hluttaw for ratification in accordance with established procedures.

Chapter 7

Miscellaneous

27. We shall hold separate discussions between the signatories to discuss any issues that are beyond the scope of this agreement and the outcome of such discussions shall not contradict any provisions of this Agreement.

28. This agreement shall be written in Myanmar and translated into English. Each shall be legally valid, however in the event of any dispute or ambiguity over the wording and essential meaning of the agreement between the two versions, the original meaning and intention of the Myanmar version shall prevail.

29. We shall undertake jointly to ensure the successful implementation of this Nationwide Ceasefire Agreement. Any issues faced during the implementation of the Nationwide Ceasefire Agreement shall be resolved in the regularly held Joint Implementation Coordination Meetings composed of representatives of the signatories.

30. We agree that, in consultation with each other, decisions contained in the agreed meeting minutes taken during negotiations for the Nationwide Ceasefire Agreement shall be referred to in the implementation of the Agreement.

Guidelines for dispute resolution

31.

- a. We shall resolve through peaceful means any issues that may arise in complying with the terms and conditions of this Agreement.
- b. We shall submit any issue that cannot be resolved in accordance with paragraph 31(a) to the Joint Implementation Coordination Meeting for resolution.

Entry into force

32. This agreement shall enter into force on the date of the signing by the signatories. If needed, a review of the implementation of this Agreement shall be undertaken by the signatories in consultation with each other.

Signing of the Agreement

33. The Nationwide Ceasefire Agreement between the Government of the Republic of the Union of Myanmar and Ethnic Armed Organizations is signed on this [.....day of] by the following representatives.

For the Government of the Republic
Organizations
of the Union of Myanmar

For Ethnic Armed

Leaders of the government,

Chairman

Leader of the armed forces

General Secretaries

Leaders of parliament

Ethnic army chiefs

Senior government officials

Appendix 2: KNPP Statements and deed of commitment with UNICEF (2006-2009)



KARENNI NATIONAL PROGRESSIVE PARTY HEADQUARTERS Statement No. 01/06

We, the Karenni National Progressive Party (KNPP) would like to make clear our stance on the use of child soldiers.

According to article 29(5) of the Karenni State Constitution, which was ratified in 1973 at the National Congress, all underage children shall be free from conscription to army service.

However, during the 1970-1980 period of the resistance movement, a number of young people under the age of 18 voluntarily joined the Karenni Army, the military wing of the KNPP, with the aim of retaliation, motivated by bitter resentment caused by seeing family members killed or maltreated by the Burmese army. Many were orphans, or had become separated from their families as a result of action by the Burmese army. Contrary to claims by outside parties these so-called 'child soldiers' never numbered more than 100 persons. Furthermore these young people were encouraged by the KNPP to go to schools run by the organization to pursue an education rather than becoming soldiers. These schools were not used for military recruitment and the students were not encouraged by the KNPP to serve in the army when they finished school. Some of those educated by the KNPP did subsequently voluntarily join the army, some as soldiers, but other to serve in auxiliary fields, such as medics, schoolteachers or office staff. Often this decision was motivated by the lack of alternative employment due to the young people's refugee status.

Since 1980, underage soldiers have gradually decreased and they can rarely be seen in the Karenni Army. A significant number have benefited by returning to school.

On occasions some local authorities inside Karenni State required locals to join the militia for self-defense when the Burmese military were carrying out scorched-earth military operations in the area. This recruitment was for the purposes of self-defense and recruits were not considered to be soldiers and therefore they were not subject to the same terms and conditions as the regular army. They were regarded as a temporary defense force.

The KNPP reviews and amends its State Constitution every four-year at the party congress to re-affirm its adherence to the provisions of the constitution and make changes as necessary in the light of changing circumstances. In view of the fact

that our Constitution clearly prohibits the recruitment of child soldiers, we, the KNPP, would publicly like to reiterate our stance that we do not conscript conscripted underage youths, or even adults, to be soldiers in the movement against the Burmese regime.

Executive Committee
Karenni National Progressive Party
August 31st, 2006



KARENNI NATIONAL PROGRESSIVE PARTY HEADQUARTERS
Statement No. 02/06

We, the Karenni National Progressive Party, or KNPP, wish to announce our stance on the use of landmines during the national struggle movement for self determination.

We abhor the use of landmines in warfare and understand the international condemnation of the use of landmines because of the high risk to civilians. However in certain circumstances we use them to defend our troops as we lack alternative means of defence. Our use of landmines is extremely limited and steps are taken to avoid civilian casualties. We only use them in military zones, not in civilian areas. The Karenni army does not place landmines on roads and in other areas used by innocent civilians. They are used for defensive purposes and we have no intention of placing them in war-free-zones.

The Karenni Army has not been involved in the manufacture of landmines since 1989, nor do we procure landmines. Landmines are used extensively by the Burmese army and their collaborators and we use landmines which have been seized from the Burmese army during confrontations.

We, the KNPP, agree that the use of landmine is immoral, for they carry too high a risk, but we are engaged in confrontation with an enemy that has no scruples.

The KNPP are willing to cooperate with legitimate individuals or organizations that engage in landmine education or lobby to ban the production of landmines in order to reduce their use. This cooperation would help ensure the clearance of landmines when peace finally comes to our country.

Executive Committee
KNPP
31st August 2006

DEED OF COMMITMENT

We, the representatives of the Karenni National Progressive Party (KNPP) and the Karenni Army (KA):

Affirm the definition of children, stipulated in the Convention on the Rights of the Child, as individuals aged below 18 years old;

Recognize that children without distinction, by reason of their physical and mental vulnerability, need special and appropriate protection, assistance and care;

Affirm that the rights of children require special protection and continuous improvement for their development and education in conditions of peace and security;

Consider that children should be fully prepared to live an individual life in society and are brought up in the spirit of peace, dignity, tolerance, freedom, equality and solidarity, and with the guidance and support of their parents;

Recognize the importance of co-operation for improving the living conditions of children in Myanmar and along the Thai-Myanmar border;

Take due account of the importance of the traditions, and cultural and ethnic values, of each people in Myanmar for the protection and harmonious development of each child;

Disturbed by the harmful and widespread impact of armed conflict on children and the long-term consequences it has for durable peace, security and development,

Recognize that, in Myanmar and along the borders, there are children living in exceptionally difficult conditions and that such children need special consideration;

Condemn the use and recruitment of children as soldiers;

Agree that a "child soldier" is defined as: "any person under 18 years of age who is or who has been recruited or used by an armed force or group in any capacity, including but not limited to a child used as fighters, cooks, porters, messengers, spies or for sexual purposes. It does not only refer to a child who is taking or has taken an active part in hostilities"

Welcome the adoption of the following legal instruments for the protection of children associated with armed groups and forces: **Optional Protocol on the Involvement of Children in Armed Conflict** which raises the age of possible recruitment of persons into armed forces and their participation in hostilities to eighteen; **International Labour Organization Convention No. 182 on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour** which prohibits forced or compulsory recruitment of children for use in armed conflict; and the **Rome Statute of the International Criminal Court**, which categorizes the conscription, enlistment or use in hostilities of children under the age of 15 as war crimes in both international and non-international armed conflicts;

~~**Recognize** the adoption of **Security Council Resolution 1612 (2005)**, and previous Security Council resolutions on children and armed conflict and the need to comply with the international norms contained therein;~~

We hereby declare our commitment and adherence to the principles of Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and shall take the necessary and immediate actions, as follows:

1. We will not recruit or use in any circumstances, "voluntarily" or by force, persons under the age of 18 years under any circumstances;
2. We will undertake all feasible measures to prevent such recruitment and use of children as soldiers within the KNPP and KA;
3. We will permit the monitoring, by independent third parties agreed upon, of our commitment and adherence to the principles of the Optional Protocol and compliance with the provisions thereof;
4. We will undertake to make the principles and provisions of the Optional Protocol widely known and promoted by appropriate means, within our own organizations and communities we work with;
5. We will undertake all feasible measures to ensure that children within our ~~jurisdiction/protection~~ recruited or used in hostilities are demobilized or otherwise released from service, as stated in a comprehensive Plan of Action, developed in close cooperation with the United Nations Country Team, as stated in the United Nations Security Council Resolution 1612;
6. We will also facilitate the provision of appropriate assistance by United Nations agencies, international development organizations and NGOs, for the physical and psychological recovery and social reintegration of demobilized or released children within the KNPP and KA;
7. We will cooperate with other international and non-government organizations in the implementation of the principles of the Optional Protocol, including in the prevention of any activity that leads to the recruitment and use of children in armed conflict.



Signed:

Khu Htae Bu Peh
Chairman
Karenni National Progressive Party



Maj. Gen Bee Htoo
Commander-in-chief
Karenni Army

Date: April 13, 2007

Note: The DoC via UNICEF also signed by the KNU in 2007 has the same wording as the KNPP example above.



KARENNI NATIONAL PROGRESSIVE PARTY
OFFICE OF HEADQUARTERS

February 12, 2008
Press Release No. 1/08

Call for the Karenni Army's name to be removed from the list of non-state armed groups making use of child soldiers in armed conflict

We, the Karenni National Progressive Party (KNPP), would like to appeal once again to Ban Ki-moon, the Secretary-General of the United Nations, for the name of our armed force, the Karenni Army, to be removed from the list of non-state armed groups utilizing child soldiers. The Karenni Army has worked hard to entirely eliminate the recruitment of young people into its forces and KNPP and the KA have issued two statements – in August 2006 and November 2007 - clearly stating our commitment to adhere to international conventions against the use of child soldiers.

There have been no children in the KA ranks for a few years now. This is in accordance with the Karenni State Constitution's article 29(5) that all underage children shall be free from conscription to army service.

As mentioned in previous statements, representatives of both the KNPP and KA met with UNICEF, Thailand twice to discuss this matter and in April 2007 we signed a Deed of Commitment promising to end child recruitment, demobilize children in the force and allow outsiders to independently monitor our compliance.

We have on many occasions invited interested parties, including the UN's country representative, UNICEF and Human Rights Watch, to visit the areas where the KA operate to verify these facts for themselves. Furthermore the SPDC Prime Minister, Thein Sein, announced that he would allow UN representatives to visit the areas where ethnic armed groups operate to monitor the situation himself; but no one has responded to these invitations.

The KNPP and KA warmly welcome a visit by the UN's representatives and independent agencies to the area where we operate. The KA will offer them logistic assistance and open access so they can monitor the situation. We too wish to see an end to the involvement of child soldiers in armed conflict and the complete demobilization of child soldiers by any armed groups operating in Burma and in the ethnic states.

At the same time, we once again, reiterate that there is no justification for the inclusion of the Karenni Army in the list of non-state armed groups who include child soldiers in their ranks. We ask you to remove the name of the KA from the list and issue a statement to this effect.

Executive Committee
Karenni National Progressive Party



KARENNI NATIONAL PROGRESSIVE PARTY
HEADQUARTERS
PO Box 20, Mae Hong Son, Thailand 58,000

Press Release No. 02/09

Appeal for the Karenni Army's name to be removed from the list of non-state armed groups making use of child soldiers in armed conflict

The Executive Committee of the Karenni National Progressive Party (KNPP) are once again calling on the Secretary-General of the United Nations for their name to be removed from the list of non-state armed groups utilizing child soldiers. We, the KNPP reiterate that our armed group, the Karenni Army (KA), no longer recruit child soldiers and we do not have any under-age soldiers in our ranks.

This is in accordance with the Karenni State Constitution's article 29(5) that all underage children shall be free from conscription to army service.

The KNPP reaffirm that we wish to see an end to the involvement of child soldiers in armed conflict and the complete demobilization of child soldiers by any armed groups operating in Burma and in the ethnic states and to this end they signed a Deep of Commitment to halt and prevent the recruitment and use of children on 13th April 2007 and to allow outsiders to independently monitor our compliance. The KNPP also issued statements in August 2006 and November 2007 clearly stating our commitment to adhere to international conventions against the use of child soldiers.

Despite this, in his seventh report to the Security Council on children and armed conflict (A/62/609-S/2007/757 – issued 21 December 2007), the Secretary-General included the Karenni Army on the list of perpetrators who recruit child soldiers.

The UN later acknowledged that they had received no new reports of recruitment of Child Soldiers by the KNPP, but argued that as the SPDC limit access to our areas of operation they could not verify this for themselves.

(<http://www.un.org/children/conflict/english/myanmar.html>)

In response the KNPP issued a statement in February 2009 once again inviting interested parties, including the UN's country representative, UNICEF and Human Rights Watch, to visit the areas where the KA operate to verify these facts for themselves, but as in the past, we did not receive any response to these invitation.

The KNPP repeat that we are willing to offer monitoring team logistic assistance and open access to our army bases and the front line so they can monitor the situation. We are also willing to have dialogue at any time.

In 2006 the KNPP contacted Human Rights Watch (HRW) to enquire why they had mentioned the KA in the list of those who had child soldiers in their ranks. Human Rights Watch agreed that they had merely repeated information published by the UN. They offered to write to the Secretary-General's Special Representative on Children and Armed Conflict to ask about the information they had received and address the changed situation in the next report. HRW also confirmed they had not received any new reports of child recruitment by the KA and in August 2007, they sent a representative to Mae Hong Son to make enquiries. The KNPP was therefore shocked to see the unjustified inclusion of the KA in the 2007 report.

The KNPP is currently drawing up new regulations for recruitment into the Karenni Army and this includes measures to ensure no underage person can inadvertently be recruited into the Karenni Army. We welcome guidance from International Organizations in drawing up this document to ensure the policy cannot be misinterpreted and contains sufficient safeguards.

In conclusion the KNPP once again reiterate that there is no justification for the inclusion of the Karenni Army in the list of non-state armed groups who include child soldiers in their ranks. The unjustified inclusion of our name damages the credibility of the UN Report. We therefore request that the Secretary-General of the United Nations remove the name of the KA from the list and issue a statement to this effect.

Executive Committee
Karenni National Progressive party

April 18, 2009

Appendix 3: KNU policy on humanitarian assistance (2013/2014)



OFFICE OF THE SUPREME HEADQUARTERS
KAREN NATIONAL UNION
KAWTHOOLEI
www.karennationalunion.net
Date: 25/03/2013

POLICY ON HUMANITARIAN OPERATION IN CEASEFIRE ZONE

POLICY GOAL

To provide the utmost security, to preserve and maintain human dignity, and improve living conditions of people in the ceasefire zones designated by the KNU and the Burmese Government.

GUIDING PRINCIPLES

- I. The KNU respects and promotes the fundamental principles of humanity and in turn expects impartiality, neutrality and independence. In practice, this means that humanitarian operations in Karen areas are welcomed on an as-needed basis, provided that the operation is administered impartially and without discrimination.
- II. The KNU respects and reaffirms its primary responsibility to uphold, protect and fulfill the rights of all citizens in Karen state, including the right to receive, without fear, any available humanitarian assistance from both local and international organizations.
- III. Where security and safety for either ordinary citizens or humanitarian assistance providers are at risk, the KNU is duty-bound to take the appropriate protective security measures. In implementing those measures, KNU will work to complement the humanitarian function performed by the humanitarian organizations and the Burmese government.
- IV. The KNU respects and promotes the implementation of International Humanitarian Law, Refugee Law and Human Rights Law as they relate to both the delivery and receipt of humanitarian relief.
- V. The KNU welcomes and promotes the central role of the United Nations in providing leadership and coordination of international humanitarian engagements.

IMPLEMENTATION AND OPERATIONAL GUIDELINES

- I. All organizations, local or international, operating in KNU areas will have to register with the Office of General Secretary of KNU and only those who got approval can start their operation.
- II. A Memorandum of Understanding shall be signed between the KNU and the operating entity, and such MOU shall govern the scope and terms of humanitarian operation.
- III. The KNU shall issue operational permission and identification cards for all humanitarian workers to assist in the safe passage and security in the area.



OFFICE OF THE SUPREME HEADQUARTERS
KAREN NATIONAL UNION
KAWTHOOLEI
www.knuhq.org

**Karen National Union (KNU)
Policy for Humanitarian Assistance**

The KNU has been struggling for more than 60 years to achieve the rights for ethnic equality and self-determination. At the present, the KNU is endeavoring to reach the nationwide ceasefire and political dialogue, after signing a preliminary ceasefire agreement with the present government. Durable peace can be built only when political dialogue becomes a reality. Therefore, in order to make humanitarian assistance work to be in consonance with the current situation and the political development, the following basic policy points have been laid down.

- (1) The delivery of humanitarian assistance, in accordance with the international norms and standards, shall respect human rights;
- (2) There shall be no discrimination with respect to race, religion or gender;
- (3) It shall not cause conflict within the local community or the organization;
- (4) The delivery of humanitarian assistances shall be based on the needs of the local community;
- (5) The delivery of humanitarian assistances shall aim for long-term development, and the local community and organizations shall be allowed to participate in the management of it;
- (6) It shall help in raising capacity of the local population;
- (7) Without affecting the political aims and objects of the KNU and area security, it shall be performed according to the policy laid down;
- (8) Permission shall be obtained either from the central, district or departmental authorities, who are part of the KNU administrative system;
- (9) It shall be of help to the mechanism of work of the department under the administration of the KNU;
- (10) The delivery of humanitarian assistances shall be in consonance with progress of the peace process;
- (11) The KNU shall inspect and review, in accordance with the policy that has been stated, project related work, grant of permission, termination, withdrawal of permission, extension etc. as necessary.

Date : 11-06-2014

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Appendix 4: The Democratic Alliance of Burma/Geneva Call joint statement on raising awareness about the landmine issue (2010)

Raising Awareness of the Landmine Issue

Burma/Myanmar has been plagued by an armed conflict between the Myanmar Government, which also refers to itself as the State Peace and Development Council (SPDC), and numerous armed non-State Actors (NSAs), since shortly after independence. Anti-personnel (AP) mines are used and produced by the government as well as NSAs. Ten out of fourteen states and divisions in the country are contaminated by mines, mostly along the conflict affected border regions. Mines have been placed around military installations, in and near villages, and in agricultural areas, as well as used in ambushes against the opposing force. This has had a serious impact on the lives and livelihood of communities. Despite this, little action is being taken to address the AP mine situation in the short- nor long-term.

The Democratic Alliance of Burma (DAB), partnering with Geneva Call, completed its two year landmine awareness raising project among Burmese political and armed organisations. The joint project produced five brochures that explained different aspects of the landmine issue that have often been misunderstood, including what are the humanitarian norms governing mine use— including the ban on AP mines, what landmines are banned, what impact do landmines have on human security and development, and what is humanitarian mine action. The brochures were translated into Burmese, Karen, Mon and Shan languages and disseminated widely.

In addition, the joint project organised three workshops that targeted mid-level political and military leaders. Each workshop session developed further the issues explained in the brochures, allowing time for sharing of experiences and perspectives, reflection, and internalisation. Small working groups explored what each organisation as well as community based organisations could do to reduce and address the impact of landmines on communities. During the frank discussions, representatives of the armed movements admitted to the use of AP mines for defensive reasons, stating that “We will use landmines as long as the government’s army offensives continue”. However, participants recognised the devastating impact that mines have on civilians and their responsibility to address the problem. Much of the discussion therefore focused on brainstorming what measures- including revising mine use policies -could be taken to reduce the risk for civilians. Many of the participants have taken the message back to their movements and exploring ways to integrate their learning into practice. While Geneva Call stands firm in its stand that a total AP mine ban by all actors in Burma/Myanmar is the only way in which to truly eradicate all potential risk to the population, it considers that partial steps towards the ban, such as being taken by Burmese NSAs, are significant and will have some positive impact on communities living in mine affected areas.

The Democratic Alliance of Burma (DAB) is an umbrella organisation whose members include both political and armed opposition groups. The project’s website can be found here <http://www.blicenter.com/>

Appendix 5: CNF deed of commitment via Geneva Call on landmine use (2006) and on child soldiers via HREIB (2009)



DEED OF COMMITMENT UNDER GENEVA CALL FOR ADHERENCE TO A TOTAL BAN ON ANTI-PERSONNEL MINES AND FOR COOPERATION IN MINE ACTION

WE, the Chin National Front (CNF)/Chin National Army (CNA), through our duly authorized representatives,

Recognizing the global scourge of anti-personnel mines which indiscriminately and inhumanely kill and maim combatants and civilians, mostly innocent and defenseless people, especially women and children, even after the armed conflict is over;

Realizing that the limited military utility of anti-personnel mines is far outweighed by their appalling humanitarian, socio-economic and environmental consequences, including on post-conflict reconciliation and reconstruction;

Rejecting the notion that revolutionary ends or just causes justify inhumane means and methods of warfare of a nature to cause unnecessary suffering;

Reaffirming our determination to protect the civilian population from the effects or dangers of military actions, and to respect their rights to life, to human dignity, and to development;

Resolved to play our role not only as actors in armed conflicts but also as participants in the practice and development of legal and normative standards for such conflicts, starting with a contribution to the overall humanitarian effort to solve the global landmine problem for the sake of its victims;

Accepting that international humanitarian law and human rights apply to and oblige all parties to armed conflicts;

Acknowledging the norm of a total ban on anti-personnel mines established by the 1997 Ottawa Treaty, which is an important step toward the total eradication of landmines;

NOW, THEREFORE, hereby solemnly commit ourselves to the following terms:

1. TO ADHERE to a total ban on anti-personnel mines. By anti-personnel mines, we refer to those devices which effectively explode by the presence, proximity or contact of a person, including other victim-activated explosive devices and anti-vehicle mines with the same effect whether with or without anti-handling devices. By total ban, we

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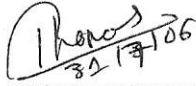
refer to a complete prohibition on all use, development, production, acquisition, stockpiling, retention, and transfer of such mines, under any circumstances. This includes an undertaking on the destruction of all such mines.

2. TO COOPERATE IN AND UNDERTAKE stockpile destruction, mine clearance, victim assistance, mine awareness, and various other forms of mine action, especially where these programs are being implemented by independent international and national organizations.
3. TO ALLOW AND COOPERATE in the monitoring and verification of our commitment to a total ban on anti-personnel mines by Geneva Call and other independent international and national organizations associated for this purpose with Geneva Call. Such monitoring and verification include visits and inspections in all areas where anti-personnel mines may be present, and the provision of the necessary information and reports, as may be required for such purposes in the spirit of transparency and accountability.
4. TO ISSUE the necessary orders and directives to our commanders and fighters for the implementation and enforcement of our commitment under the foregoing paragraphs, including measures for information dissemination and training, as well as disciplinary sanctions in case of non-compliance.
5. TO TREAT this commitment as one step or part of a broader commitment in principle to the ideal of humanitarian norms, particularly of international humanitarian law and human rights, and to contribute to their respect in field practice as well as to the further development of humanitarian norms for armed conflicts.
6. This Deed of Commitment shall not affect our legal status, pursuant to the relevant clause in common article 3 of the Geneva Conventions of August 12, 1949.
7. We understand that Geneva Call may publicize our compliance or non-compliance with this Deed of Commitment.
8. We see the desirability of attracting the adherence of other armed groups to this Deed of Commitment and will do our part to promote it.
9. This Deed of Commitment complements or supercedes, as the case may be, any existing unilateral declaration of ours on anti-personnel mines.
10. This Deed of Commitment shall take effect immediately upon its signing and receipt by the Government of the Republic and Canton of Geneva which receives it as the custodian of such deeds and similar unilateral declarations.

Done this 31th of July 2006 in Geneva, Switzerland

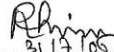
Tom RH
SAD
MS

**For THE CHIN NATIONAL
FRONT (CNF)**



PU THOMAS THANG NOU
Chairman

For THE CHIN NATIONAL ARMY



Colonel RAL HNIN
Chief of Army Staff

For GENEVA CALL



ELISABETH REUSSE-DECREY
President

For THE GOVERNMENT OF THE REPUBLIC AND CANTON OF GENEVA



ROBERT HENSLER
Chancellor





CHIN NATIONAL FRONT

General Headquarters, Chinland

Tel: (+91) 3892346197, www.chinland.org

DEED OF COMMITMENT

We, representatives of the Chin National Front/Army:

Condemn the use and recruitment of child soldiers;

Affirm that the term child, consistent with the Convention on the Rights of the Child, is defined as a person below 18 years of age;

Agree that a "child soldier" is defined as: "any person under 18 who is part of any kind of regular or irregular armed force/group in any capacity, carrying or not carrying arms; including but not limited to cooks, porters, messengers, and those accompanying such groups, other than purely as a family member; includes girls recruited for sexual purposes and forced marriage".

Recognize the important of cooperation among and the active participation of various stakeholders in the community, including families, children and youth, in improving the lives and well-being of children in Burma and in its border areas;

Concerned by the harmful and widespread impact of armed conflict on children and on its long-term consequences on the development and security of communities and families we work with;

Affirm and uphold the following human instruments for the protection of children associated with armed groups and forces: Optional Protocol on the Involvement of Children in Armed Conflict which states that armed groups should not, under any circumstances, recruit or use in hostilities persons under the age of 18 years; International Labour Organization Convention No. 182 on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour which prohibits forced or compulsory recruitment of children for use in armed conflict; and the Rome Statute of the International Criminal Court, which categorizes the conscription, enlistment or use in hostilities of children under the age of 15 as war crimes in both international and non-international armed conflicts;

Recognize the adoption of Security Council Resolution 1612 (2005) and previous Security Council resolutions on children and armed conflict and the need to comply with the international norms contained therein;

We hereby declare our commitment and adherence to the principles of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and shall take the necessary and immediate actions, as follows:

- (1) We will not recruit or use in any circumstances, "voluntarily" or by force, persons under the age of 18 years under any circumstances;
- (2) We will undertake all feasible measures, including the adoption and strict enforcement of rules and codes of conduct of our members, to prevent the recruitment, involvement or use of children as soldiers within the CNF/CNA;
- (3) We will permit the monitoring, by independent third parties agreed upon, of our commitment and adherence to the principles of the Optional Protocol and compliance with the provisions thereof and will seriously address their findings and recommendations;
- (4) We will undertake to make the principles and provisions of the Optional Protocol widely known and promoted by appropriate means, within our own organizations and communities we work with;
- (5) We will undertake all feasible measures to ensure that children within our jurisdiction/protection recruited or used in hostilities are demobilized or otherwise released from service as stated in the United Nations Security Council Resolution 1612;
- (6) We will also facilitate the provision of appropriate assistance by United Nations agencies, international development organizations and NGOs, for the physical and psychological well-being and social reintegration of demobilized or released children within the CNA;
- (7) We will cooperate and regularly consult with other international and non-governmental organizations in the implementation of the principles of the Optional Protocol and other aforementioned human rights instruments, including in the prevention of any activity that leads to the recruitment and use of children in armed conflict.
- (8) We will develop a time-bound plan of action together with various stakeholders to specify the objectives and specific measures to implement this deed of commitment.



A handwritten signature in black ink, appearing to read "Sitha".

Paul Sitha
General Secretary
Chin National Front



A handwritten signature in black ink, appearing to read "Thang Nou".

Brig. Thomas Thang Nou
Chief of Staff
Chin National Army

Date: 10-3-2009

Appendix 6: NMSP statement and example of Geneva Call deed of commitment on protection of children from the effects of armed conflict (2012)



Statement on the Occasion of Signing the Deed of Commitment to Protect Children from Effects of Armed Conflict

We, the New Mon State Party, are proud to sign the *Deed of Commitment under Geneva Call for the Protection of Children from the Effects of Armed Conflict*. Our party has been in armed struggle for many years in order to protect our people and ethnic rights in our homeland.

In 1971, we formed Mon National Liberation Army (MNLA) in order to achieve our political goals.

The MNLA is professionally trained and we consider that its military doctrine, code of conduct, and rules of engagement meet international norms and standards. It respects international humanitarian law in its military operations.

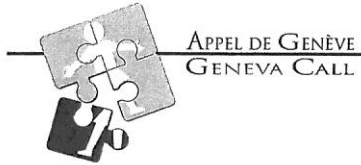
Our party already has rules and regulations in place that seek to enhance the protection of children in the armed conflict area. Our party prohibits military recruiting of people under age of 18 into the MNLA and provides basic education and health care to thousands of children in the areas under our control. Therefore, we consider that by signing this *Deed of commitment*, we will reinforce our existing party rules and regulations.

As stated by Brigadier General Nai Layeh Gakaung, the Vice Chief of staff of the MNLA,

‘We are honoured to sign the Deed of Commitment and look forward to co-operating with Geneva Call and other organizations to ensure that children enjoy the protection and assistance that they deserve.’

Date – August 2, 2012

New Mon State Party



**DEED OF COMMITMENT UNDER GENEVA CALL
FOR THE PROTECTION OF CHILDREN
FROM THE EFFECTS OF ARMED CONFLICT**

WE, the New Mon State Party/Mon National Liberation Army, through our duly authorized representative(s),

Concerned with the harmful and widespread impact of armed conflict on the physical and mental development of children and the long-term consequences this has for human security, durable peace, and development;

Affirming our determination to protect the civilian population, in particular children, from the effects or dangers of military actions, and to respect their right to life, to human dignity, to education and to development, with the best interest of the child as a primary consideration;

Recognizing that children associated with armed forces are at particular risk of exposure to attacks by opposing forces;

Taking due account of the varying standards within international law instruments providing special protection for children affected by armed conflict, in particular the Geneva Conventions and their Additional Protocols, and the Convention on the Rights of the Child and its Optional Protocol on the Involvement of Children in Armed Conflict, and *determined* to clarify our responsibilities on the recruitment and use in hostilities of persons under 18 years of age;

Mindful that the Statute of the International Criminal Court criminalizes the act of conscripting or enlisting children under the age of 15 years into armed forces or groups or using them to participate actively in hostilities;

Rejecting the notion that any cause, for whatever reason, may justify unlawful treatment of children in armed conflict;

Accepting that international humanitarian norms apply to and oblige all parties to armed conflict;

Stressing that the present Commitment protects all children, both girls and boys;

And understanding that for the purposes of this Deed of Commitment:

“children” are defined as persons under the age of 18, and where there is doubt as to whether a person has reached the age of 18, (s)/he will be treated as a child;

HEREBY solemnly commit ourselves to the following terms:

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1. TO ADHERE to a total ban on the use of children in hostilities.
2. TO ENSURE that children are not recruited into our armed forces, whether voluntarily or non-voluntarily. Children will not be allowed to join or remain in our armed forces.
3. TO NEVER COMPEL children to associate with, or remain associated with, our armed forces. By associate, we mean any type of direct or supporting activity whether combat related or otherwise. In the event that children have been compelled to do so, they will be released at the earliest possible opportunity in accordance with Article 6 of this *Deed of Commitment*.
4. TO ENSURE that children do not accompany our armed forces during our military operations and to take all feasible measures so that children in areas where we exercise control are not present during military operations.
5. TO TREAT humanely children who are detained or imprisoned for reasons related to the armed conflict, in accordance with their age and gender specific needs, recognizing that deprivation of liberty may be used only as a measure of last resort and for the shortest appropriate period of time. The death penalty will not be pronounced or executed on a person for any offense committed while a child.
6. The release or disassociation of children from our armed forces must be done in safety and security, and whenever possible, in cooperation with specialized child protection actors.
7. TO FURTHER ENDEAVOUR TO PROVIDE children in areas where we exercise authority with the aid and care they require, in cooperation with humanitarian or development organizations where appropriate. Towards these ends, and among other things, we will:
 - i) take concrete measures towards ensuring that children have access to adequate food, health care (including psycho-social support), education, and where possible, leisure and cultural activities;
 - ii) protect children against sexual and other forms of violence;
 - iii) facilitate the provision of impartial humanitarian assistance to children in need;
 - iv) facilitate efforts by impartial humanitarian organizations to reunite children with their families;
 - v) avoid using for military purposes schools or premises primarily used by children.
8. TO ISSUE the necessary orders and directives to our political and military organs, commanders and fighters for the implementation and enforcement of our commitment, including measures for information dissemination and training. Commanders and superiors are responsible for their subordinates. In case of non-compliance, we will take all necessary measures to cease violations immediately, initiate appropriate investigations and impose sanctions in accordance with international standards.
9. TO ALLOW AND COOPERATE in the monitoring and verification of our present commitment by Geneva Call and other independent international and national organizations associated for this purpose with Geneva Call. Such monitoring and verification include visits and inspections in all areas where we operate, and the provision of the necessary information and reports, as may be required for such purposes in the spirit of transparency and accountability.



 AWG

 EDW

10. TO TREAT this commitment as one step or part of a broader commitment in principle to the ideal of humanitarian norms, particularly of international humanitarian law and human rights, and to contribute to their respect in field practice as well as to the further development of humanitarian norms for armed conflict.
11. This *Deed of Commitment* shall not affect our legal status, pursuant to the relevant clause in common article 3 of the Geneva Conventions of August 12, 1949.
12. We understand that Geneva Call may publicize our compliance or non-compliance with this *Deed of Commitment*.
13. We see the desirability of attracting the adherence of other such armed actors to this *Deed of Commitment* and will do our part to promote it.
14. This *Deed of Commitment* complements, or supersedes, as the case may be, any existing unilateral declaration of ours on children and armed conflict.
15. Any reservation to this *Deed of Commitment* must be consistent with its object and purpose, international humanitarian law, and the minimum obligations of State parties to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. It must be expressed in writing upon signature and will be periodically reviewed towards attaining the highest possible respect for the rights of children. Geneva Call will be the final arbiter on the permissibility of any reservation.
16. This *Deed of Commitment* shall take effect immediately upon its signing and receipt by the Government of the Republic and Canton of Geneva which receives it as the custodian of such deeds.

Handwritten signatures and initials:
A
S
A
EDW

Done this 2nd of August 2012

FOR THE NEW MON STATE PARTY/MON NATIONAL LIBERATION ARMY

NAI LAYEH GAKAUNG
Central Executive Committee Member
Brigadier General
Vice Chief of Staff

NAI HONG SA BOUNG KHINE
Central Committee Member
Head of Foreign Affairs Department

FOR GENEVA CALL



ELISABETH DECREY WARNER
President

FOR THE GOVERNMENT OF THE REPUBLIC AND CANTON OF GENEVA

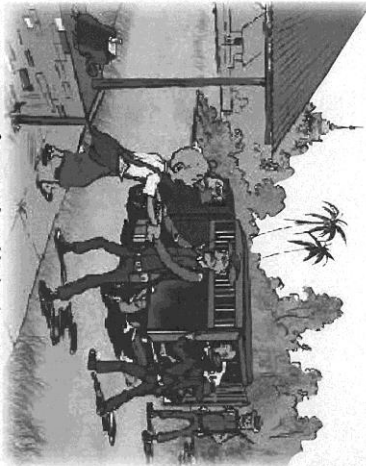
ANJA WYDEN GUELPA
Chancelière d'Etat



Note: Apart from different names and signatures, the Geneva Call DoC signed by KNPP, KNU, CNF and PNLA on the protection of children from the effects of armed conflict has the same wording as the NMSP example above.

Appendix 7: Extracts from HREIB child soldiers cartoon booklet (pages 4, 6 and 14)

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 မြေပုံအရပ်ရပ်မှာ အစားအသွယ်လုပ်နေကြတာတွေကို



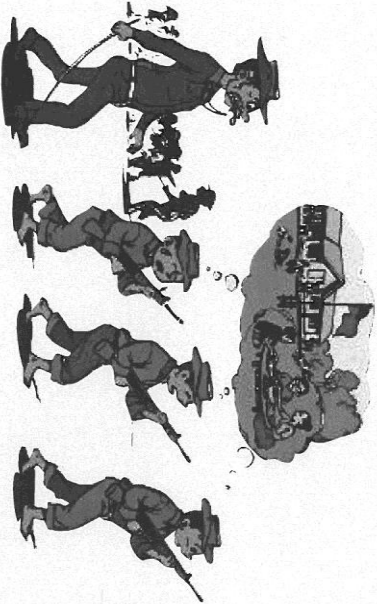
။ လူထုကို အစားအသွယ်လုပ်ကြတာတွေကို
 ဖြစ်လေအေးအေး ဝမ်းသာနေကြတာတွေကို
 ငှက်ပျော့ပျော်နေကြတာတွေကို
 ဝမ်းသာနေကြတာတွေကို
 ဝမ်းသာနေကြတာတွေကို
 ဝမ်းသာနေကြတာတွေကို

အကြောင်းကို သိရှိနိုင်ရန်အတွက်
 အကြောင်းကို သိရှိနိုင်ရန်အတွက်
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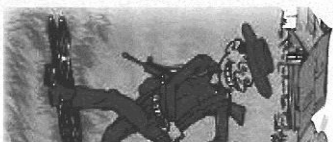
... လူထုကို အစားအသွယ်လုပ်နေကြတာတွေကို
 ဝမ်းသာနေကြတာတွေကို

ကလေးစစ်သားတွေကို
စစ်တပ်က ဘယ်လိုချိုးဒုန်းလေ့ရှိပါသလဲ . . .



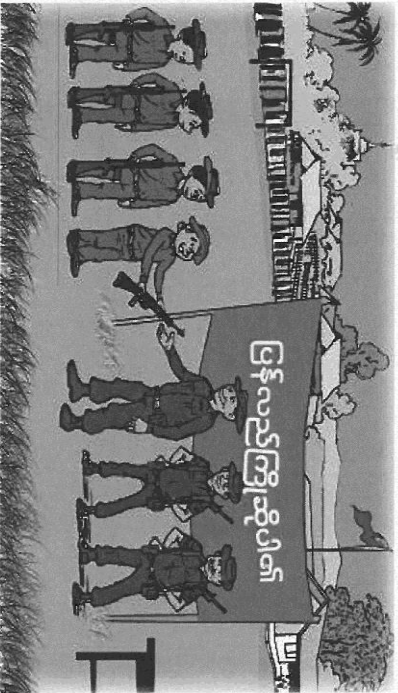
ကလေးတွေကို စစ်သင်တန်းတွေတက်ခိုင်းပြီး အရွယ်ရောက်ပြီးတဲ့ တခြားစစ်သားတွေလို ရှေ့တန်းမှာ စစ်တိုက်ခိုင်းပါတယ်။

သူတို့တွေကို ကင်းလှည့်၊ ကင်းစောင့်၊ ရန်သူတပ်တွေကို ထိုးစစ်တိုက်ပွဲတွေမှာ ပါဝင်ခိုင်းလေ့ရှိပါတယ်။



၆ ကလေးစစ်သားတွေကို ခိုင်းလှည့်လှည့်စောင့်ပါ။

စစ်မှုထမ်းတွေက ဘာလေးစစ်သားများကို
စစ်တပ်နဲ့ လက်နက်ကြိုင်တပ်တွေက ဘာလို့ဖြန်ဖြယ်ဖမ်းခိုင်းလဲ...



စစ်မှုထမ်းနေဆဲ ကလေးစစ်သားများကို စစ်တပ်မှပြန်လည်ဖယ်ရှားဖို့အတွက် သက်ဆိုင်ရာ လက်နက်ကိုင်အဖွဲ့များနဲ့ ဒေသအတွင်းရှိ ပြည်သူလူထုရဲ့ ပူးပေါင်းလက်တွဲဆောင်ရွက်မှုဟာ အထူးအရေးပါလှပါတယ်။ ကလေးစစ်သားတွေကို တာဝန်ထမ်းဆောင်နေတဲ့ စစ်တပ်ကနေ သူတို့ရဲ့ မူလဘဝမှာ ပြန်လည်အသားကျစေဖို့အတွက် လုပ်ဆောင်မယ်ဆိုရင် လုပ်ဆောင်သင့်တယ်လို့ ယူဆထားတဲ့ အဆင့်သုံးဆင့်ရှိပါတယ်။

- ❖ ဒီအဆင့်တွေကို ...
- D - Disarmament လက်နက်ဖျက်သိမ်းခြင်း
- D - Demobilization စစ်မှုထမ်းအဖြစ်ကနေ နှုတ်ထွက်ခွင့်ပြုခြင်း
- R - Reintegration ပြန်လည်ပေါင်းစည်းအသားကျစေခြင်းလို့ ခေါ်ပါတယ်။
အတိုကောက်ဆိုရင် DDR လုပ်ငန်းစဉ်ပေါ့။ လေ့လာကြည့်ကြရအောင်...