

Civilian protection monitoring in war and ceasefire contexts: Evidence from Myanmar's Kachin and Karen States

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This is a post-print of a book chapter forthcoming with Oxford University Press

Krause, Jana (forthcoming). Civilian Protection Monitoring in War and Ceasefire Contexts: Evidence from Myanmar's Kachin and Karen States. In: Jana Krause, Juan Masullo, Emily Paddon-Rhoads and Jennifer Welsh (eds): *Civilian Protective Agency in Violent Settings*. Oxford University Press.

Abstract

This chapter argues that civilian protection monitoring can effectively contribute to the immediate protection of civilians in contexts of open conflict but is less impactful during 'no war—no peace' periods when civilians remain exposed to a militarized environment and a wide range of human rights violations. The chapter draws on fieldwork on civilian protection monitoring in Myanmar's Kachin and Karen (Kayin) States during the period 2015-18. From Myanmar's transition in 2011 until the 2021 military coup, local and international peacebuilding organizations have supported civilian ceasefire monitoring with a protection component to strengthen nascent ceasefires between Ethnic Armed Organizations and the Union of Myanmar Government. In Kachin State, civilian monitors contributed to protecting civilians from the immediate consequences of renewed war after a ceasefire had failed. By contrast, under ceasefire conditions in Karen State, civilian monitors were unable to protect civilians from a range of non-lethal abuses perpetrated by armed actors and major businesses during a stalled peace process. The case of Karen State further demonstrates how ceasefire politics shaped and limited civilian protection monitoring. In Kachin State, civilian monitoring predominantly aided immediate humanitarian support for civilians. In Karen State, civilian monitoring encompassed a broader notion of protection from non-lethal forms of violence, which conflicted with the political and economic objectives of armed actors and was therefore contested. These findings underscore that civilian protective agency is a form of *political agency* that may generate resistance. This has important implications for international actors who seek to support civilian protective agency, including protection monitoring and local peacebuilding.

Introduction

Civilian ceasefire monitoring—the deployment of unarmed civilians to observe, verify, and report—is seen by many policymakers as an innovative peacebuilding mechanism for conflict zones that are difficult to access for international actors. Ceasefires often include provisions on the protection of civilians. Hence, monitoring can encompass not only troop movements that violate a ceasefire but also acts of violence against civilians and human rights violations. Rather than analysing the impact of civilian monitors on ceasefire durability, I investigate their protective functions. I understand this as an important dimension of civilian protective agency and refer to it as *civilian protection monitoring* (Krause & Kamler 2022). Can civilian monitoring of armed group conduct and human rights violations contribute to the protection of civilians? And how does the context of ceasefires and peace negotiations shape forms of civilian protective agency?

My analysis focuses on the complex context of multiple conflicts and ceasefires in Myanmar. The country has been plagued by armed conflict in its borderlands since shortly after independence in 1948. The Tatmadaw, the country's military, has a long history of negotiating ceasefires. Unfortunately, these agreements never translated into substantial political reform. In the decade after Myanmar's 2011 transition up until the 2021 military coup, local and international peacebuilding organizations and donors have supported civilian ceasefire monitoring with a civilian protection component to strengthen the nascent ceasefires between Ethnic Armed Organizations (EAOs) and the Union of Myanmar Government (GoM).

The chapter offers a comparative case study analysis of civilian monitoring in the conflict-affected borderlands of Kachin and Karen (Kayin) States, where the largest monitoring networks were established. Both are home to some of the longest-running insurgencies, fought by the Kachin Independence Organization (KIO) and the Karen National Union (KNU), respectively. The two rebel groups have remained relatively cohesive and maintain a strong connection to the civilian population and extensive governance functions in territories under their control. The KNU in Karen State agreed to a bilateral ceasefire with the Tatmadaw in 2012 and became an important signatory of the 2015 Nationwide Ceasefire Agreement (NCA). This internationally lauded agreement was signed primarily by EAOs based in the southeast of the country but excluded many of the strongest rebel groups fighting in the northeast and western borderlands, where conflict had escalated since 2011. In Kachin State in the northeast, a bilateral ceasefire signed in 1994 between the KIO and the Tatmadaw collapsed in 2011. It was renewed in 2013 but heavy fighting continued. The KIO did not join the 2015 NCA. Civilian ceasefire monitoring networks were established by non-governmental organizations (NGOs) with the support of local civil society organizations in Chin, Kachin, Kayah, Karen, Mon and parts of Shan states.¹ However, neither bilateral ceasefires nor the NCA provided a clear mandate for them. This meant that in both Kachin and Karen States (and in other conflict-affected areas of the country), the presence and legitimacy of civilian monitors remained contested by the Tatmadaw and to a lesser extent by EAOs.

¹ Information obtained from the office of Nonviolent Peaceforce, Yangon, 2017.

Civilian protection monitoring is an important dimension of civilian protective agency. All forms of civilian protective agency, including their potential impacts and limitations, are shaped by the conflict dynamics, characteristics of armed actors, and governance arrangements within a specific context. In Myanmar's diverse conflict zones, civilians faced state military forces with a record of grave human rights violations, which limited the potential of civilian protection monitoring. By contrast, EAOs relied on civilian support to a greater extent and were widely seen as protectors by the local population. Consequently, EAOs often allowed organized civilians more leeway in protecting themselves and others.

I argue that civilian protection monitoring contributed to the immediate protection of civilians under conditions of open conflict in Kachin State but was less effective under ceasefire conditions and a stalled peace process in Karen State. In Kachin State, civilian monitors carried out protection monitoring when fighting re-escalated after the 2013 bilateral ceasefire, adapting ceasefire monitoring knowledge and networks for protection monitoring (Krause & Kamler 2022). In this context, threats against the civilian population stemmed primarily from armed confrontations between the Tatmadaw and the KIO, direct physical violence against civilians, and the consequences of forced displacement. By contrast, in Karen State, where heavy fighting had subsided since 2012, threats emanated from the continued militarization of ceasefire areas, the presence of militias and their involvement in crime and the drug trade, and land grabbing and forced displacement by the Tatmadaw and its associated businesses. Despite significantly more peaceful conditions, civilian monitors were unable to contribute meaningfully to the protection of civilians in Karen State once the notion of protection came to encompass non-lethal human rights violations and abuses. Myanmar's dysfunctional ceasefire architecture, a general climate

of impunity, scepticism towards the peace process within the KNU, and the lack of proper demarcation of ceasefire territories under government and rebel control all resulted in a lack of accountability for abuses against civilians.

My analysis draws on forty-five interviews with civilian monitors and civil society representatives in Kachin and Karen States (see Krause and Kamler 2022). In addition, I draw on reporting by United Nations (UN) human rights bodies and information from the Armed Conflict Location and Event Data (ACLED) project (Raleigh et al. 2010). I conducted interviews in 2018 with a team of three researchers, including two local researchers who also served as translators and without whom the research would not have been possible.² Due to the challenging security situation and the contested legitimacy of civilian monitors, fieldwork took place in a low-profile manner. In Kachin State, interviews were held in a hotel in the capital Myitkyina, which was accessible to monitors from all four districts who had travelled to Myitkyina. In Karen State, interviews were conducted at the office of a local civil society organization (CSO) in Kawkaik, a small town with a tense security situation in the southeast of the state, which remained under mixed government and rebel control. In addition, I repeatedly interviewed members of the Nyein (Shalom) foundation and Nonviolent Peaceforce (NP), both organizations active in the training of civilian monitors.

² They remain anonymous here due to the security situation in Myanmar.

In the following section, I explain the concept of civilian monitoring and its link to civilian protective agency. Next, I provide a brief overview of Myanmar's peace process and the emergence of civilian ceasefire monitoring. The main part analyses conflict dynamics and civilian protection monitoring in Kachin and Karen States. In the conclusion, I discuss the implications for humanitarian and peacebuilding actors concerned with supporting civilian monitors as agents of protection.

Civilian monitoring as civilian protective agency

Civilian monitoring missions include a diversity of missions in which unarmed but trained civilians are deployed to observe, report, and verify information through field presence. Such missions usually link to a political settlement, such as a ceasefire agreement, which establishes the mandate of the monitoring mission. The key function of civilian monitors is confidence building in situations of high tensions and mistrust by resolving disputes and reducing misunderstandings and the chances of unintended conflict escalation (Höglund & Wennerström 2015). The ceasefire literature has shown that the deployment of unarmed observers with very limited coercive powers is unlikely to increase chances for a durable ceasefire, but their impact on civilian protection has received less attention (but see Krause & Kamler 2022).

A number of international NGOs and humanitarian actors train civilians in strategies aimed to protect civilians in conflict zones. For example, the International Committee of the Red Cross (ICRC) in Colombia supported civilian self-protection efforts through trainings on avoiding, negotiating with, or protesting armed groups (Kaplan 2021). Nonviolent Peaceforce, an international NGO that supported monitors in Myanmar, links civilian monitoring to the broader

concept of unarmed civilian protection, which the organization defines as ‘the practice of deploying professionally prepared unarmed civilians before, during, or after violent conflict, to prevent or reduce violence; to provide direct physical protection to civilian populations under threat; and to strengthen or build resilient local peace infrastructures’ (Duncan 2016).

I understand unarmed civilian protection through civilian monitoring, and other forms of civilian negotiation or protesting armed actors, as forms of civilian protective agency. This volume has defined civilian protective agency as ‘actions carried out by individuals and communities to protect themselves and/or others in violent settings’ (Krause et al. within volume). Social connections, access to information, strong networks, and adequate resources have been identified as factors that enable civilian protective agency (e.g. Howe within volume). Social knowledge, learning, threat anticipation and adaptation to conflict dynamics support individuals and communities in maintaining effective protection (Krause 2018), which suggests that such skills can at least be partially built through external training. By consequence, if civilians and communities lack the necessary knowledge, expertise, and networks to organize effective protection, their efforts are less likely to curb or mitigate violence (Kaplan 2017; Krause 2018). Krause and Kamler (2022) argued that both *civilian capacity* (i.e. knowledge and networks) and *conflict context* (i.e. conflict conditions and armed group characteristics) shape scope conditions for effective civilian protection monitoring. If armed actors are ‘sensitive’ to civilian preferences and reputational damage, civilians stand a better chance to effectively negotiate protection from them (Kaplan 2017). Military forces and rebel groups with cohesive internal structures, strong political education, and effective discipline (Hoover Green 2018), and groups that act under long time horizons (Arjona 2016) are more likely to curb violence against civilians. By contrast, state military forces that do not institutionalize policies of restraint of violence against civilians

(Stanton 2016)—such as the Tatmadaw in Myanmar—are unlikely to respond positively to civilian efforts to protect themselves and others through engagement and negotiation. Consequently, factors that facilitate civilian self- and community protection should also support effective civilian protection monitoring.

Myanmar's complex conflict and ceasefire landscape

Myanmar's protracted conflicts have persisted for decades in cycles of ceasefires, peace negotiations, and conflict escalation (Zaw Oo & Win Min 2007). Ceasefires primarily profited the military government, enabling it to contain the significant threat of a pro-democracy uprising and resulting in enormous income from the border trade previously controlled by EAOs (Zaw Oo & Win Min 2007 p. 56-7). Economic development in ceasefire areas has been a primary strategy for the central government to penetrate the territories of ethnic minorities and establish political and military control and resource concessions in contested territories (Brenner 2019; Woods 2016).

The long Kachin ceasefire (1994-2011) exemplified this strategy and its consequences for ethnic minority populations. Economic co-optation of the rebel leadership led to temporary stability. However, the KIO's political aspirations were not met. Although the security and economic situation of the civilian population improved dramatically, new abuses of civilians resulted from land confiscation and displacement due to the Tatmadaw's businesses and resource extraction in previously contested areas (Zaw Oo & Win Min 2007; Sadan 2016). The KIO was unable to protect civilians from forced displacement and land grabbing. Eventually, a younger generation

of KIO members, deeply disillusioned by ceasefire statebuilding, corruption, and rent-seeking among the KIO elite, remobilized fighters (Brenner 2019). By 2011, the ceasefire with the KIO had collapsed and Kachin State experienced the ‘heaviest fighting in decades’ (Lintner 2020). In 2013, another bilateral ceasefire with the KIO was reached but never respected or implemented. Despite this conflict escalation in north-eastern Myanmar, between 2012 and 2015, negotiations of bilateral ceasefires with EAOs, such as the KNU in Karen State, paved the way to a so-called nation-wide ceasefire agreement (NCA). The term nation-wide, however, hardly captured the reality of armed conflict in Myanmar. The strongest EAOs that together accounted for more than 80% of rebel troops remained outside the peace process (Lintner 2020). The NCA and the coming into power of the National League for Democracy elected in 2015 and led by Nobel peace prize winner Aung San Suu Kyi raised high hopes among international donors. They pledged financial support to a multi-donor Joint Peace Fund³ and hoped that the peace process would lead to ceasefires with all active EAOs and a political dialogue that resolved issues concerning the federal character of the state and natural resource exploitation, thus paving the way towards sustainable peace.

Unfortunately, Myanmar’s peace process never matured. Between 2016 and 2021, the government de facto ‘had two rival heads’; the State Counsellor, Daw Aung San Suu Kyi, managing civilian affairs and foreign policy, and Senior General Min Aung Hlaing, responsible for national security in the widest sense (Tønnesson et al. 2021 p. 8). Both operated under the

³ <https://www.jointpeacefund.org/en>

authority of the president and were meant to coordinate civil-military affairs within the National Defence and Security Council (NDSC). However, ‘the president never convened the NDSC, where the military held a majority’ (Tønnesson et al. 2021 p. 8), effectively stalling political reform. In the years after the NCA, political violence increased as the Tatmadaw maintained ceasefires while fighting non-signatory groups, engaged in ethnic cleansing against the Rohingya population, and eventually repressed city-based protest and emerging armed resistance movements since the 2021 coup (Tønnesson et al. 2021).

Ceasefires and civilian protection monitoring

Against the background of the recent 2021 coup, it is important to remember that the 2011-15 ceasefires ‘were driven by a government hoping to terminate Myanmar’s armed conflicts altogether’ (Tønnesson et al. 2021 p. 10). Within this hopeful context, civilian ceasefire monitoring networks were established between 2012 and 2015. The bilateral ceasefire agreements did not provide much detail about ceasefire monitoring and the post-NCA peace process soon stalled. In the absence of a strong ceasefire monitoring architecture that included civilians, the Yangon-based Nyein (Shalom) foundation and NP supported civilian ceasefire and civilian protection monitoring by recruiting and training monitors (Furnari 2018), funded by the EU and other Western donor states. Established by NGOs rather than during ceasefire negotiations in consultation with armed actors, the civilian monitors lacked a clear mandate tied to the text of a political settlement.

The text of the 2015 NCA agreement, which succeeded the bilateral ceasefires, specified the creation of a ‘Joint Ceasefire Monitoring Committee’ (JMC) but did not establish a mandate for civilian monitors. The JMC’s tripartite structure comprised the Tatmadaw and EAO representatives, and small numbers of civilian representatives to be appointed by the parties to the ceasefire at the local, state, and Union (national) levels. JMC bodies were chaired by military officers, with EAOs appointing vice chairs. The Tatmadaw rejected the inclusion of international representatives, despite propositions in the NCA text (International Crisis Group 2020). The terms of references of the JMC, established in 2016, did not incorporate civilian monitoring networks. On the contrary, civilian monitors were viewed with hostility and accused of bias. Supported by local CSOs with strong roots among the ethnic minority conflict-affected population, the Tatmadaw viewed the monitors as biased towards EAOs. Rebel groups such as the KNU, by contrast, which included a significant number of leaders and members sceptical of the peace process, viewed the monitors’ reporting on their activities with suspicion. The JMC remained weak and dysfunctional. Between 2017 and 2019, it forbade civilian monitoring (Lun Min Mang 2017), which meant that monitors could no longer submit complaints to the JMC and receive small funds from NGOs through the Joint Peace Fund. Monitors were coerced to rename themselves as ‘peace observer’ or community peace observers, terms that emphasized the lack of a monitoring mandate. By early 2020, the JMC softened its position towards civilian monitors, allowing them once again to monitor and receive small funds for their work.

In the absence of a clear mandate based on the NCA, and nurtured through NGO programs with their own conceptions of civilian monitoring and civilian protection, the monitoring networks

developed different understandings of the purpose of monitoring. Some placed emphasis on a narrow understanding of their mission as civilian ceasefire monitors reporting troop movements that amounted to breaches of the ceasefire agreement in order to support the peace process. Others emphasized the need for a broader understanding of monitoring focused on the protection of civilians from both military and rebel forces. An early study of civilian monitoring in Myanmar noted tensions between the two approaches, civilian ceasefire monitoring and civilian protection monitoring (Kamler 2016). Kamler's (2016) analysis indicated that networks dominated by male monitors tended to favour a narrow understanding of monitoring troop behaviour while networks in part managed by women-oriented NGOs (e.g. Karen State) emphasized the primacy of civilian protection.

NP and the Nyein (Shalom) Foundation both understood the ceasefire monitoring to encompass a civilian protection component. Indeed, while the NCA text⁴ did not establish a mandate for civilian ceasefire monitors, its section on the protection of civilians is one of the most comprehensive parts of the agreement text. The NCA explicitly prohibited violence against civilians, listing extrajudicial killings, kidnapping, torture, inhumane treatment, killing or the disappearance of people, forced labour, forced displacement, the confiscation of money or property, and sexual violence. However, the NCA text did not specify *how* regulations regarding the protection of civilians would be monitored.

⁴ NCA Agreement, Chapter 3, available at

https://peacemaker.un.org/sites/peacemaker.un.org/files/MM_151510_NCAAgreement.pdf

Consequently, civilian monitors generally lacked a clear mandate for their work. In Kachin State, where the KIO was not a signatory of the NCA, monitors could not operate on the basis of a mandate because the 2013 bilateral ceasefire agreement did not mention civilian monitors and remained effectively ignored. In Karen State, where the KNU was an NCA signatory, civilian monitors were received with hostility. By 2017, they were allowed to seek appointment by the Tatmadaw and the KNU as civilian members of the JMC at the local level, although only a small number of them could be recruited due to the limited positions reserved for civilians in JMC bodies. This move also created confusion in ceasefire areas about the role and purpose of civilian monitors and their relations to local communities and CSOs. In Karen State, it quickly became obsolete because by 2018 the KNU suspended its participation in ceasefire monitoring due to Tatmadaw troops moving into territories under EAO control.

Despite resistance against civilian monitors from both the Tatmadaw and EAOs, however, many volunteers continued their protection work and recruited further members. According to NP, their numbers significantly increased from 518 in 2016 to 744 in 2018. This increase was highest in Kachin State, with 211 monitors in 2018.⁵

⁵ Source: Nonviolent Peaceforce Fact Sheet 2018. Obtained from the NP office in Yangon, July 2018.

Civilian protection monitoring in Kachin State

In 2015, a civilian ceasefire monitoring network was established in Kachin State even though there no longer was a ceasefire to monitor. The failed 2013 ceasefire between the KIO and the Tatmadaw was a short agreement that mentioned only the need to establish force separation, a monitoring and verification mechanism, and political dialogue, without detailed regulations (International Crisis Group 2013). The ceasefire was never implemented because the KIO was not willing to join the 2015 NCA (Tønnesson et al. 2021), and battles continued. The humanitarian consequences proved dire. The number of displaced civilians in Kachin and neighbouring northern Shan State reached 105,000 by 2018 (Human Rights Council 2019). At several times during the conflict, the situation of internally displaced persons (IDPs) was further aggravated by the blockade of international humanitarian assistance by the government, particularly in EAO-controlled areas (Amnesty International 2017). Apart from killings, violence against civilians included non-lethal forms, such as forced displacement, arbitrary arrest and torture, disappearances, sexual violence, forced labour and forced recruitment, denial of free movement and obstruction of humanitarian support, as well as land confiscation (Human Rights Council 2018).

The military's counterinsurgency strategy and economic profit-seeking aimed at cutting off non-state armed groups from access to food, finances, intelligence, and recruits from the civilian population (Human Rights Council 2019 p. 36). Its modus operandi meant that conflict-affected communities had very limited options for negotiating respect for safe spaces. Shelling and other forms of remote violence increased between 2015 and 2018 (Krause & Kamler 2022). It is generally difficult for civilians to protect themselves against remote violence because civilians

are unable to observe troop movements to anticipate dangers and engage commanders to negotiate protection and safe passage. Given the lack of access for international humanitarian and protection actors, the civilian monitoring network, often in collaboration with long-standing Kachin CSOs, became a primary protection actor.

Monitoring functioned through a hierarchical structure, which linked village-level observers to township and district-level coordinators, who in turn reported to the state-level and national offices of CSOs and NGOs as well as international humanitarian actors. Civilian monitors were recruited through collaboration of the Nyein (Shalom) foundation with local CSOs, whose members suggested individuals with high reputation and often with experience in community leadership for higher-ranking district and township-level monitors. The latter, in turn, frequently recruited village-level monitors through their own networks. The monitors described systematic procedures for information gathering, verification, and reporting. Once recruited for ceasefire monitoring, they adapted knowledge gained in trainings and the networks built for protection monitoring (Krause & Kamler 2022). Many of the ceasefire monitoring skills, such as network building, awareness raising, and reporting, were also needed for aiding and protecting civilians. Civilian protection monitoring was important because during the 1994-2011 ceasefire, civilian survival practices had become forgotten in Kachin State, where a generation had grown up without direct experience of open fighting. When armed conflict resumed, many communities along the front lines were unprepared.

Civilian protection monitoring included activities aimed at educating civilians about norms of protection that they could use to verbally defend themselves against soldiers; teaching civilians

displacement strategies that increased their safety and humanitarian access; documenting and reporting human rights violations and seeking redress; and providing early warning. Township- or district-level monitors collectively brought cases to the attention of the military command or government officials to lobby for the prosecution of those responsible for human rights abuses, such as extra-judicial killings or abduction of civilians. Interview respondents stated that some reported cases led to the sentencing of the soldiers responsible and recounted examples.⁶

Monitors also informed soldiers from both sides about the standards of international humanitarian law to increase sensitivity to civilian protection. In community meetings, monitors informed people about the status of restricted areas that they should not enter. Civilians became increasingly reliant on such protection networks because the fighting became less seasonal and concentrated in the dry season and therefore less predictable than in the past (South 2018).

To conclude, in the active conflict zone of Kachin State, monitors repurposed their ceasefire monitoring networks for civilian protection. As one respondent summarized: ‘We can do protection, which is very effective. Previously, we did not have these communication networks but now we collect all the relevant information.’ Thus, the monitoring established social connections, knowledge, and information flow valuable for civilian protective agency. However, monitors carried out their work while keeping a low profile, and under constant threat and fear. Respondents reflected self-critically on the severe limitations of their protection work, given their own lack of security and funding, and the reality of abusive soldiers, remote violence, and general state of impunity. They cautioned against presenting themselves as overly confident and

⁶ Unfortunately, given the sensitivity of the information, no documents were available to confirm the number of reports and subsequent actions taken.

assuring civilian communities that they could protect them if they reported cases of abuse. Monitors knew well that too often, they could not prevent attacks but only aid safer displacement, and their reporting of abuses rarely resulted in justice served. Consequently, civilian monitors contributed mostly to the *immediate protection and survival of civilians* within an active and difficult-to-access conflict zone. Beyond that, they were largely unable to protect civilians from a broader set of human rights abuses, such as forced displacement, sexual violence, and temporary forms of forced labour.

Civilian protection monitoring in Karen State

Since the 2012 ceasefire between Tatmadaw and KNU and until 2018, fatalities in Karen State remained low.⁷ Most recorded violent incidents were battles between the Tatmadaw and EAOs or between EAOs and militias. Fighting between the Tatmadaw and the Democratic Karen Buddhist Army (DKBA), a group that split off from the KNU in 1994 and was not a signatory of the 2012 ceasefire or the 2015 NCA, account for a significant share of incidents.

Despite little open fighting, deep insecurity persisted for civilians. Territories under government control and those under EAO control had not been formally demarcated (South et al. 2018), leaving large areas subject to the overlapping authority of the GoM, KNU, and smaller armed actors. The KNU had its own governance system and delivered services such as health care, education, land governance, basic administration, and taxation. Due to the lack of a meaningful

⁷ Source: Data from ‘The Armed Conflict Location & Event Data Project’, available at <https://acleddata.com/>

political dialogue in the peace negotiations, interim arrangements that would have regulated or formalized governance were not established. Moreover, the presence of government and EAO troops near civilian settlements left civilians vulnerable to extortion, abuse, exploitation, beatings, and killings (South et al. 2018 p. 68). Women reported facing forced labour, forced displacement, restriction of movement, and looting of property despite the ceasefire (Asia Justice and Rights 2015).

Rather than open fighting, disputes between the GoM and the KNU regularly revolved around matters of governance, such as taxation, territory, infrastructure, and business development (Saferworld & Karen Peace Support Network 2019). For the Karen State JMC, complaints related to governance arrangements outnumbered military matters, such as illegal troop movements (South et al. 2018). The JMC remained unable to manage conflicts related to governance. Cooperation between both sides has deteriorated since 2016, making civilians in areas under mixed control more vulnerable to abusive behaviour (South et al. 2018). The Tatmadaw's expansion of its military presence, including the fortification of bases and improvement of infrastructure, led to further human rights violations and triggered a number of clashes in 2018 and displaced at least 2,000 civilians (South et al. 2018 p. 67).

During the ceasefire, land confiscations and reprisals against protesters increased dramatically (Human Rights Watch 2016). According to a survey conducted by Saferworld in Karen State, 37% of households in areas under government control and 53% of households under mixed government and EAO control experienced land grabs (Saferworld & Karen Peace Support

Network 2019). Land confiscation has severe implications for families because they lose their source of income and belonging.

Similar to developments during the long Kachin ceasefire (1994-2011), many KNU-affiliated businesses profited from ceasefire economies while parts of the KNU and civilian supporters grew increasingly disillusioned (McCarthy & Farrelly 2020). Although the government had established more service provisions in ceasefire areas, such as roads, schools, and police stations, existing governance arrangements were often duplicated or undermined and furthered government control within mixed-controlled or EAO-controlled areas (Saferworld and Karen Peace Support Network 2019 p. 20). Resistance against the ceasefire and its monitoring among part of the KNU, stagnation of the peace process, and disillusion among civilians created not only an environment conducive to remobilizing KNU forces but also proved difficult for civilian monitors to navigate. About half of all respondents surveyed in Karen State were worried or very worried that fighting would break out again in the next five years (Saferworld & Karen Peace Support Network 2019).

Civilian ceasefire monitoring in Karen State grew out of previous civil society networks active in protecting civilians until the 2012 ceasefire. Given this legacy of civilian protection, and training by organizations such as the Karen Women's Empowerment Group (KWEG), monitoring always included a strong civilian protection component. Based on the 2012 ceasefire and the 2015 NCA, monitors officially worked alongside the emerging JMC to monitor belligerents' actions and report potential ceasefire breaches and human rights abuses, until the JMC came to see civilian

monitors as redundant and ‘meddling with the status quo’,⁸ therefore refusing official collaboration in 2017. The networks included a large number of women monitors. With the out-migration of many younger men, everyday village life was also primarily managed by women and the older generation.

Monitors based in Kawkareik township, an area under mixed control, and neighbouring Hpa-an and Myawaddy townships with government-controlled and EAO-controlled areas, confirmed in interviews that they had taken part in various trainings on civilian monitoring, reporting, and verification, as well as protection monitoring⁹. They explained that the lack of demarcation of ceasefire territories and different governance authorities were difficult to manoeuvre when investigating reports about human rights violations. Monitors based in areas under government control did not feel welcome in areas under EAO control and risked being perceived as spreading government views and seeking to expand the government’s influence into EAO-controlled areas. Monitors based in EAO-controlled areas feared crossing into government-controlled territories to investigate for fear of being accused of ‘stirring up’ trouble and possibly instigating incidents themselves. To mitigate these problems, monitors arranged to be welcomed and accompanied by team members or other members of civil society organizations when crossing between government and EAO controlled areas.

⁸ Myanmar Peace Monitor, 11 September 2017, <https://www.bnionline.net/en/news/karen-state/item/3477-kayin-state-csos-skeptical-about-local-ceasefire-monitoring-body.html>

⁹ No interviews were conducted in northern Karen State, where KNU brigades were particularly hostile towards the government and the ceasefire.

With regard to ceasefire violations by belligerents, many monitors stated that they had never reported any incident to the authorities. Some explained that they were able to solve small-scale cases of troop movements or human rights violations through negotiations with both sides and did not see the need to file an official report, given that no intense fighting took place. EAOs also demanded that complaints be directly addressed to them rather than the JMC in order not to tarnish their reputation. Monitors also stated that they felt obliged to protect the reputation of armed actors in order not to hinder the peace process. One monitor summarized:

We really care about the reputation and dignity of armed groups. The civil war lasted over 60 years. For building long-lasting peace, we need to be patient. We appreciate that the situation is better than it used to be. It won't be total peace but it is better. Our villagers usually understand that there should be no tax collection but armed groups need the financial support. They used to force us to give tax, but most of the civilians now understand that they need money and if it is small amounts, we tolerate this. If we do not handle things carefully the armed groups get angry and things will get worse.¹⁰

Respondents from civil society groups saw limited impact of civilian monitors in protecting civilians, complaining that monitors had no strategy and faced too many challenges, including to their own security. Others, however, explained that monitors *were* able to protect civilians from some abuses by EAOs, who changed their behaviour towards civilians in response to complaints

¹⁰ Author interview with a civilian monitor in Kawkareik, Myanmar, June 2018.

submitted by monitors and became less likely to be involved in land grabbing. Monitors had more leverage with the KNU because it is generally more sensitive to civilian preferences and relies on civilian support. Thus, with regard to EAO behaviour towards civilians, protection monitors did have leverage because their communication of civilian complaints to the KNU signalled limited civilian support to the rebel group and civilian desire for progress in the peace process. It was for these reasons that monitors also encountered resistance from parts of the KNU, Karen CSOs, and the civilian population. One monitor summarized:

We need to be smart because all the things that we encounter are a bit sensitive. It is a bit hard to investigate and cope with the drug business and crime. The other thing is transportation, especially in the rainy season. It is hard to access areas and to build trust with the military or EAO, it's hard to have access anywhere.¹¹

Given decades of armed conflict and harsh consequences for speaking out against the Tatmadaw and the military regime, communities in Karen State expressed their unwillingness to participate in the peace process as long as their security situation would not improve significantly (Lahtaw et al. 2014 p. 18). Civilian monitors were unable to build trust with local communities because they would hardly receive official responses from a dysfunctional JMC for the complaints that they submitted and could therefore not inform civilians about the outcome. The dysfunctional ceasefire architecture and stagnation in the peace process fundamentally undermined monitors' capacity to deliver on the promises of seeking protection and justice for civilians. International

¹¹ Author interview with a civilian monitor in Kawkareik, Myanmar, June 2018.

NGO staff also acknowledged that civilian monitors were unable to address land confiscation by the military or by large businesses that were often associated with the military.

An evaluation report by NP of its work with civilian monitors in Myanmar further supports these findings on civilian monitoring in Kachin and Karen states. The report indicated that 42% of monitors from Kachin State interviewed by NP regarded the ‘direct protection’ of civilians as their ‘most meaningful experience’ as monitors, followed by ‘raising awareness’ (17%), ‘facilitating assistance’ (15%), ‘building relationships and trust’ (14%), and ‘reporting’ (6%). By contrast, in Karen State, interviewed monitors’ most meaningful experiences included ‘personal growth’ (33%), ‘building relationships and trust’ (30%), and ‘raising awareness’ (22%), with ‘direct protection’ only mentioned by 11% of respondents (Furnari 2018). In Kachin State, only 3% of respondents mentioned personal growth. As a caveat, it should be noted that other factors, such as potentially the recruitment of more experienced monitors in Kachin than in Karen State, may have also contributed to this outcome. Given the difficult fieldwork situation, my analysis cannot engage with all potential alternative explanations.

Conclusion

Civilian protection monitoring is a form of civilian protective agency that may contribute significantly to the immediate protection of civilians during periods of active fighting between armed groups, as illustrated for Kachin State. Civilian monitors adapted knowledge and networks established for ceasefire monitoring to carry out protection monitoring and focused on aiding people's survival and access to humanitarian support following displacement due to moving frontlines (Krause & Kamler 2022). They engaged in extensive reflection and risk mitigation to protect themselves and others while carrying out their work and were aware of the serious limitations of their protection monitoring, which at times contrasted with international expectations of the impact of civilian monitoring.

By contrast, in the context of Karen State during the ceasefire, where civilian survival was not immediately threatened, civilian protection monitoring could contribute little to protecting civilians from human rights abuses and land grabbing. Due to the dysfunctional ceasefire architecture, monitors in Karen State were unable to report and address violations and contribute to a positive climate for the peace process, despite their training and commitment. Nor could they effectively seek redress for human rights violations in the context of often unclear governance structures between government-controlled, EAO controlled, and mixed-controlled areas.

Like all forms of civilian protective agency, civilian protection monitoring was limited and made more challenging by conflict conditions. In the case of Myanmar, these conditions were defined by a complex system in which 'each rebel group fends for itself, allowing the government to divide-and-rule' (Tønnesson et al. 2021). Where armed actors show little consideration for

civilian protection norms and shaming over human rights violations, they are also less likely to respond to appeals and preferences expressed by civilian monitors. Consequently, in such contexts, civilian protection monitoring is much needed yet faces serious constraints.

Myanmar's civilian monitoring networks emerged as an NGO-driven component of a local peacebuilding and civilian protection agenda in the hope that monitors would contribute to trust building, civil society influence on the peace process, and an improved situation for civilians. However, monitoring by unarmed civilians without a robust international presence often signals armed actors' unwillingness to engage in a meaningful peace process. Indeed, by the time civilian monitoring networks were fully established, the peace process had already stalled. What is more, rather than reducing violence and facilitating peace, the Tatmadaw's ceasefires with a select number of armed groups only increased the overall level of violence in the country as the Tatmadaw fought non-signatory groups and carried out ethnic cleansing against the Rohingya population (Tønnesson et al. 2021). In sum, civilian monitors and their local protection and peacebuilding work could not 'fix' flawed ceasefires, the absence of a political reform process, or armed actors' lack of commitment to peace (Krause & Kamler 2022). Despite monitors' extensive knowledge and networks based on decades of civil society activism, civilians could not contribute to building peace 'from the bottom up'.

My findings further underscore that civilian protection monitoring—and civilian protective agency more broadly—is a form of *political agency*. As such, it remained contested and generated resistance from armed/political actors and parts of the population. Civilian monitoring remained contested in Karen State during the ceasefire not only among the Tatmadaw and KNU-

affiliated businesses that profited from ceasefire politics but also among parts of the KNU, the Karen population and Karen civil society groups who objected to the ceasefire because it did not further meaningful political dialogue and change. This form of civilian political agency and resistance often remains ignored in policy discussion about strengthening local actors and peacebuilding capacity. The 2021 military coup only confirmed that civilians in Karen State at the time of the ceasefire had good reason not to trust and invest in the peace process. Since the coup, the KNU fought the Tatmadaw again, alongside the KIO and other EAOs (Tønnesson et al. 2021). Lastly, international support to civilian monitoring missions can be understood as a reflection of a reduced international and liberal-democratic normative influence and leverage over armed actors, which characterizes not only Myanmar but also other contemporary conflict zones from South Sudan to Syria.

Acknowledgements

I thank Erin Kamler and two researcher/translators from Myitkyina for research collaboration, staff members of Nonviolent Peaceforce, the Nyein (Shalom) Foundation, the Karen Women's Empowerment Group, and Thwee, for sharing their knowledge and expertise, and Huibert Oldenhuis, Paul Minoletti, and Rachel Julian for excellent comments. Field research in Myanmar was funded by a grant from the Folke Bernadotte Academy. The Netherlands Institute for the Advanced Study in the Humanities and Social Sciences supported the writing of this chapter.

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