

# Tanawthari Landscape of Life

A Grassroots Alternative to Top-Down Conservation in Tanintharyi Region



Conservation Alliance of Tanawthari





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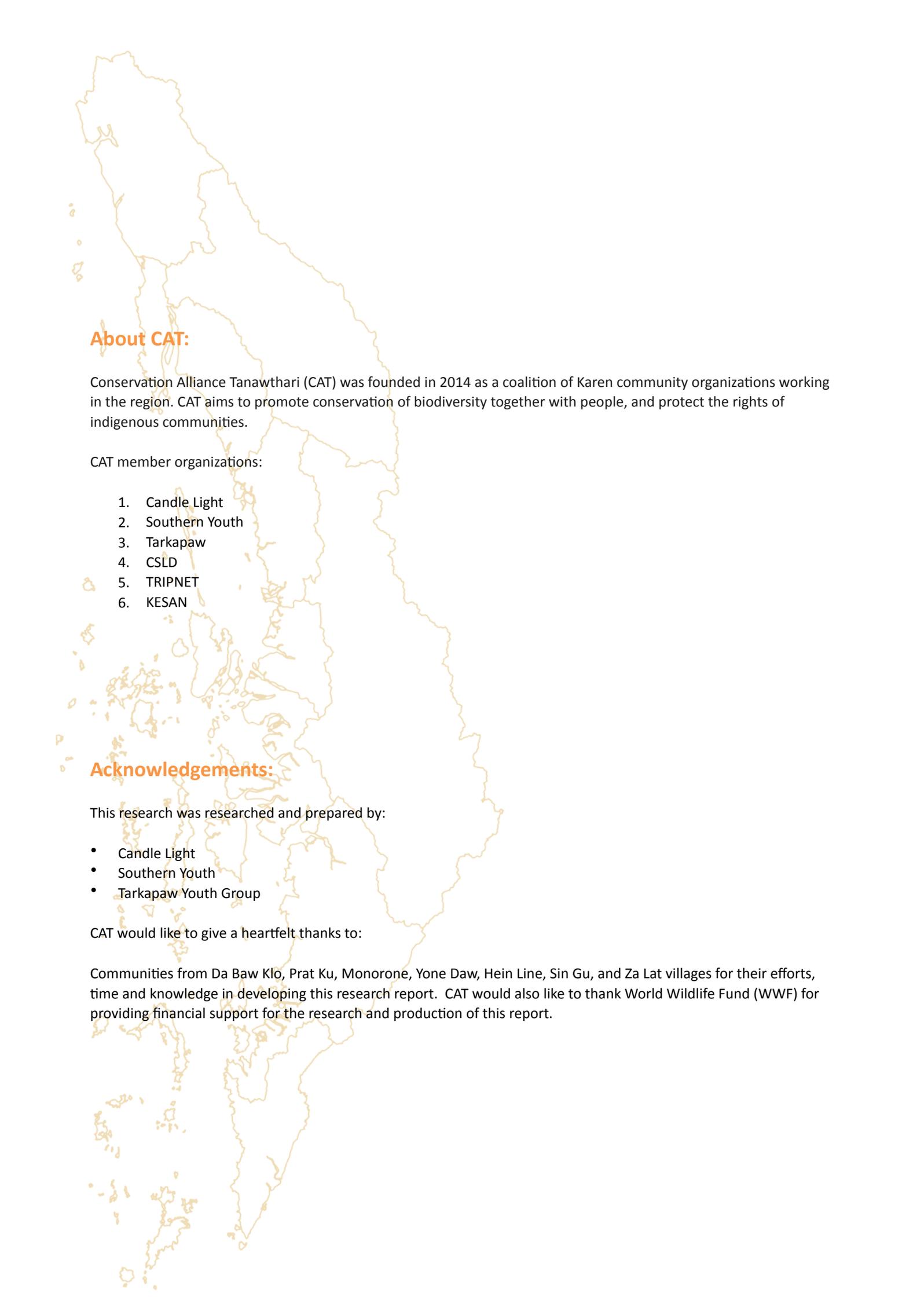
A Grassroots Alternative to Top-Down Conservation in Tanintharyi Region



Conservation Alliance of  
Tanawthari (CAT)



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## About CAT:

Conservation Alliance Tanawthari (CAT) was founded in 2014 as a coalition of Karen community organizations working in the region. CAT aims to promote conservation of biodiversity together with people, and protect the rights of indigenous communities.

CAT member organizations:

1. Candle Light
2. Southern Youth
3. Tarkapaw
4. CSLD
5. TRIPNET
6. KESAN

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This research was researched and prepared by:

- Candle Light
- Southern Youth
- Tarkapaw Youth Group

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## Foreword

Indigenous peoples and communities play a fundamental role in caring for our planet. For generations if not millennia, indigenous peoples and communities around the world have been developing and applying their customary laws, governance systems, knowledge and practices to ensure they can survive and thrive in harmony with Mother Earth. These place-based systems are rooted in incredibly diverse worldviews, cultures and histories, yet share similar values such as love, respect, reciprocity and interdependence. Many of their collective territories and areas comprise the healthiest ecosystems on the planet – a truly global phenomenon that contributes to clean water and air, healthy food and meaningful livelihoods for billions of people.

In the past 20 years, Indigenous peoples and communities have been increasingly recognised in both international and domestic law and policy for their immense contributions to nature and biodiversity. However, a significant gap remains between policy and practice. It is still all too common for top-down conservation measures to overlap with territories and areas conserved by Indigenous peoples and communities (ICCAs—territories of life) and for communities to suffer a range of human rights violations in the name of conservation. This is not only unjust for people, but it is also ineffective and counterproductive for conservation.

Indigenous peoples and communities who are caring for their territories of life – such as those in the Tanintharyi Region – are doing so much to protect, sustain and defend the nature on which we all depend but with very little support. Governments, conservation organisations and donors alike need to redouble efforts to implement existing law and policy on human rights-based approaches to conservation and work hand-in-hand with Indigenous peoples and communities to appropriately recognise their territories of life and self-determined governance and stewardship systems. Failing to do so is not only likely to lead to conflict over increasingly scarce lands and resources, but it is also a huge missed opportunity for conservation, peace-building, sustainable development and mitigation of climate breakdown.

In this time of interconnected social and ecological crises, our collective responsibility to care for Mother Earth has never been greater. Indigenous peoples and communities with strong connections to their territories and areas have the wisdom and demonstrate the values and systemic alternatives that can enable us to do so. The rest of the world has to listen to our sisters and brothers and take urgent action for systemic change.

As a global association dedicated to these very issues, the ICCA Consortium stands ready to support Indigenous peoples and communities, and their partners and allies, in their courageous efforts to appropriately recognise and support ICCAs—territories of life.

Holly Jonas, LLM  
Global Coordinator  
ICCA Consortium

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## Recommendations:

Tanintharyi Region is a landscape of rich and expansive biodiversity, home to some of the Mekong/Indo-Burma region's largest remaining evergreen forests and a critical stronghold for a range of vulnerable and endangered species, vital environmental services and a huge carbon sink, critical in the global fight against the onset of climate change.

This landscape has been sustainably managed for generations by indigenous communities without government protected areas or nature reserves. These communities have deep relationships with their territories, and have developed systems for maintaining them and the biodiversity they contain. Many have also taken active steps in stopping mining, logging, and other harmful and destructive industries in their territories.

These community-conserved territories, recognised internationally as indigenous community conserved areas (ICCAs), cover Key Biodiversity Areas throughout Tanintharyi Region. Together, adjoining territories form an indigenous conserved landscape, *a landscape of life* that exemplifies the unique relationship between indigenous communities and nature. This indigenous conserved landscape represents a true vision of landscape conservation, in which ridges, watersheds, riparian forests, biodiversity corridors and mangroves are protected across a wide and diverse terrain.

Despite the key role that indigenous people in Tanintharyi Region play in protecting this landscape, their rights are yet to be recognised. Indigenous communities continue to be threatened by both harmful extractive and development projects on one side and large-scale top down conservation programmes on the other.

CAT is calling on donors, international organisations, the Myanmar government and the KNU to adopt a model of inclusive conservation that supports and nurtures this landscape of life.

## To Donors and International Financial Institutions:

- Rather than supporting top-down and non-inclusive models of conservation, support initiatives that build on and strengthen indigenous community conservation models. This means providing support to local civil society organisations and community-based organisations that are supporting and conducting conservation initiatives in their own communities.
- Advocate to government departments to adopt an *inclusive conservation* approach (as outlined in the report below).
- Strengthen due diligence and safeguard procedures to ensure that Free, Prior and Informed Consent processes are conducted in full and that projects follow a Do no harm approach. This process should be based on local customs and practices, as defined by the community.

## To conservation organisations:

- Custodian indigenous communities are key actors and experts in the management and conservation of their lands, forests and biodiversity. Learn from and respect their local knowledge, their beliefs and their management principles. This means spending time with communities, understanding their structures, practices and customs, and using scientific knowledge to promote, collaborate with and enhance their management capacity, rather than discrediting their claims.
- Tanintharyi Region's indigenous conserved landscape is under threat from expanding palm oil concessions, dam development, industrial zones establishment and rapidly increasing mine operations. Use your resources and expertise to work with and support community campaigns against environmentally destructive projects, and for policy changes that will protect the environment from these threats.
- Respect the right of indigenous people to self-determination by committing to Free, Prior Informed Consent (FPIC) as

defined by communities, and supporting communities in their conservation efforts rather than supporting the establishment of large protected areas that cut indigenous communities off from their territories, threaten their livelihoods, and undermine their culture, and diminish their relationship with the forest and commitment to protect it.

- Respect the terms of the NCA, especially the interim arrangements, which require coordination and participation by all authorities in the planning and implementation of conservation activities.

**To the Forest Department and the nature Wildlife and Conservation Department:**

- Indigenous people in Tanintharyi Region are on the forefront of the fight to protect forests and biodiversity. They are forest guardians, not forest destroyers. Respect and recognise their knowledge, territories and the role they play in protecting forests and biodiversity.
- Change the law and by-law to recognise ICCAs in full. This means respecting the territories of indigenous communities in full, recognising the local ownership of indigenous lands, and their management and resource use practices.
- Do not move forward with plans for large protected areas including the Tanintharyi national park, Lenya national park, and Done Island Marine national park without the *Free Prior and Informed Consent* of all affected communities.
- Halt logging and plantation establishment in Tanintharyi's forests, and abandon charcoal manufacturing operations in mangrove forests.

**Ministry of Agriculture, Livelihoods and Irrigation and the Ministry of Natural Resources and Environmental Conservation.**

- The territories of indigenous communities in Tanintharyi are not vacant, fallow or virgin. They are the ancestral lands that have been conserved and managed by indigenous communities for generations.
- Do not allocate mining, agribusiness or other business concessions in these

areas without the *Free, Prior and Informed Consent* (FPIC) of local communities.

**Department of Fisheries:**

- Halt commercial fishing activities within the territories of indigenous communities.
- Abandon unsustainable and destructive fishing practices, such as fishing with fine nets and trawlers that deplete fish stocks and damage coral reefs.

**Government of Myanmar**

- Amend the 2008 constitution to recognise ethnic and customary land and forest management systems
- Address calls for a federal system and land law by recognising ethnic land administrative systems, acknowledging the diversity of land and forest management systems across Myanmar's diverse terrains.
- Officially recognise and support ICCAs through a variety of legislation and departments.
- Uphold the terms of the Nationwide Ceasefire Agreement (NCA) by committing to the interim arrangements.

**Karen National Union (Mergui-Tavoy - Brigade 4)**

- Recognise and support ICCAs in Tanintharyi through the existing KNU land and forest management system
- Adopt the KNU Land Policy in full, including the full recognition of Kaw/Haw Ka Wall lands – Karen customary territories that include the lands, resources and governance systems of custodian indigenous communities.
- Ensure proper regulation of resource utilization projects through following the guidance of the Environmental Protection Committee (EPC), or the Development Project Review Policy which is currently being drafted.
- Follow the terms of *Free, Prior and Informed Consent* (FPIC), as outlined by Karen communities in all extractive and resource utilisation projects.

## Introduction

Tanintharyi Region, known as Tanawthari in Karen, is a vast indigenous community conserved landscape. The region is home to one of the largest remaining areas of low-mid elevation intact evergreen forests in Southeast Asia, which connect upland forests to the intact coastal mangrove forests that stretch along the Tanintharyi coastline. These forests support a rich biodiversity and a multitude of globally threatened and endangered species, including Tigers, Asian Elephants, Pangolins and Tapirs. These diverse ecosystems, and the biodiversity that they sustain, have been managed for generations by indigenous communities. These communities maintain profound relationships to their surrounding territories, and have deep local ecological knowledge and effective adaptive management practices to protect these sites and the biodiversity therein.

This landscape is made up of interlinking indigenous territories that cover a vast range of ecosystems, habitats and biodiversity. These territories, collectively governed and conserved according to the practices and customs of custodian indigenous people are now internationally recognised as 'ICCAs – Territories of Life'.<sup>1</sup> Across the world these are some of the oldest and most effective forms of conservation; estimated to cover roughly a quarter of the world's land surface<sup>2</sup>, 80% of the world's remaining biodiversity<sup>3</sup>, and store at least 293 billion metric tons of carbon.<sup>4</sup>

At a time of rapid transition, forests, biodiversity and communities in Tanintharyi Region have come under intense pressure. Following a ceasefire signed between the KNU and the Myanmar government in 2012, Tanintharyi Region's vast biodiversity is under threat from over 1.8 million acres of palm oil concessions<sup>5</sup>, 18 proposed dams<sup>6</sup>, over 42 mining operations, and extensive legal logging concessions.

At the same time, the region has been targeted by national and international conservation initiatives that have sought to enclose Tanintharyi's forests into large top-down protected areas. These interventions have proven ineffective or even counter-productive in Myanmar, as protected areas shift control away from the community to distant government departments, eclipsing local management systems and increasing the ease of outside encroachment.<sup>7</sup> The Ridge to Reef project epitomizes these efforts, a conservation mega project that poses to transform 3.58 million acres of land (33.5% of the region) into a corridor of protected areas, potentially dispossessing tens of thousands of people from their ancestral lands. Indigenous communities in Tanintharyi Region now find themselves trapped between agribusiness concessions and mining operations on one side, and protected areas on the other.<sup>8</sup>

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<sup>1</sup> ICCA Consortium, [online] accessed at: [iccaconsortium.org](http://iccaconsortium.org)

<sup>2</sup> Garnett, S.T. *et al.*, 2018. "A spatial overview of the global importance of Indigenous lands for conservation." *Nature Sustainability* 1, 369--374.

<sup>3</sup> Sobrevilla, C. 2008. *The Role of Indigenous Peoples in Biodiversity Conservation: The Natural but Often Forgotten Partners*. World Bank: Washington, DC.

<sup>4</sup> RRI. 2018. A global baseline of carbon storage in collective lands. [online] accessed at: [https://rightsandresources.org/wp-content/uploads/2018/09/A-Global-Baseline\\_RRI\\_Sept-2018.pdf](https://rightsandresources.org/wp-content/uploads/2018/09/A-Global-Baseline_RRI_Sept-2018.pdf)

<sup>5</sup> K, Woods. "Commercial Agriculture Expansion in Myanmar: Links to Deforestation, Conversion Timber, and Land Conflicts." *Forest trends/UKAID* (2015).

<sup>6</sup> Candle Light, Southern Youth, Tarkapaw. (2019). *Indigenous communities fear the impact of large-scale dams on the Tanintharyi River*. Myanmar: Myeik.

<sup>7</sup> RRTIP, 2018, *Land and forest governance in the naga village republic*. Layshi: Myanmar

<sup>8</sup> Tanintharyi friends. 2019. *Between a rock and a hard place: villagers in Ye Phyu township struggle to regain land*. Dawei.

Conservation Alliance Tanawthari (CAT) is now calling for an alternative approach to forest and biodiversity conservation in Tanintharyi Region. This alternative model takes into account the deep relationships that indigenous communities have to their territories, it respects the knowledge and wisdom of indigenous communities in controlling their lands and forests, and recognises the importance of indigenous customs and practices in conserving resources of local and global importance. Interlinking indigenous territories along the Tenasserim River basin stretch from upland forests down through the watershed to the mangroves and coral reefs of the coast come together to form an Indigenous Conserved Landscape, a symbol of the symbiotic relationship between nature and humans, and a proposal for future peace, environmental protection, food sovereignty, and self-determination.

This report was researched and written by Conservation Alliance Tanawthari (CAT), an alliance of Karen community organisations advocating for indigenous peoples’ rights and environmental conservation in Tanintharyi Region. The report outlines the governance and conservation practices of 7 indigenous community conserved areas within this landscape; covering terrestrial, coastal and marine ecosystems. Each community holds profound connections to their territories and the biodiversity therein, with effective governance practices to manage and protect these areas of unique natural beauty and biological importance. Rather than creating plans for top-down large-scale conservation that separates custodian communities from their territories, we are calling for an Indigenous Conserved Landscape, developed and implemented by Indigenous and local communities, with recognition and support from the international community, non-governmental organisations, academics, the Karen National Union and the Myanmar government.

## Methods

This alternative proposal for an Indigenous Conserved Landscape was developed over one year. Seven ICCAs were identified as pilot areas (5 terrestrial, 1 coastal and 1 marine), exemplifying the range of terrains, ecosystems and ecologies of the Tanintharyi landscape.

The purpose of this research project was to:

1. To document the values, governance systems, conservation practices and ecological features of 7 distinct ICCAs in Tanawthari,
2. Identify threats to ICCAs, steps that communities are taking to overcome them and future community conservation plans, and
3. To demonstrate the importance of adjoining ICCAs in protecting landscapes of ecological importance

CAT member organisations Southern Youth, Tarkapaw and Candle Light started preparing for ICCA documentation in January 2019; this consisted of a mapping and GIS training, site selection and research design. Members then conducted consultations and dialogues with identified communities on approaches and visions of conservation in Tanintharyi Region, talking about the ways that communities protect and manage their territories, and the ways in which they would like to see and participate in future conservation efforts in their areas.

Month	Activity
January – February 2019	Research & staff preparation
March – July 2019	Community consultations
July – October 2019	Land boundary demarcation and land use mapping

July – October 2019	Documentation of governance practices and conservation plans
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Following these consultations, CAT members conducted research with each of the seven worked with communities in these villages to map the boundaries of their territories and conduct land use mapping, documenting the ways in which communities use and manage different land uses within their territories. Finally, groups supported communities to document their natural resource governance practices, protocols and conservation plans for the future **(See annex 1)**.

This research was carried out by two research teams; Candle Light conducted research in Htee Moe Pwar and Don Pe Le, and Southern Youth conducted research in Lenya, Monorone and Singu. Tarkapaw provided technical support in mapping and research design, and the research was organised and coordinated by the CAT coordinator.



Figure 1: Community territory mapping in Za Lat village



Figure 2: Community consultation in Htee Moe Pwar



Figure 3: 7 ICCAs research sites

### Biodiversity in Tanintharyi Region

Tanintharyi Region is a place of immense ecological importance and diversity. The region is home to one of the largest remaining intact expanses of mid to low elevation evergreen forest in South East Asia, vast stretches of well conserved mangrove forests, and wide areas of well-preserved coral reefs, seagrass and island ecosystems. While much of the mid to low elevation evergreen forest has been destroyed throughout mainland Southeast Asia, Tanintharyi maintains a vital strong hold, essential to the conservation of tiger populations and within the western forest complex across the border in Thailand.

Tanintharyi's forest corridor stretches from Htee Moe Pwar along the Tenasserim River down to the southern forests in Lenya, connecting with the Thai-Myanmar border. The area is

located within the Indochinese – Sundaic zoological transition zone, containing Indochinese flora and fauna in southern dry seasonal evergreen forests, before it transitions to wet evergreen forest further south.<sup>9</sup> This unique ecosystem is not only home to over 29% of Myanmar’s terrestrial plant biodiversity but also provides habitats for a range of endemic and endangered species including Gurney’s Pittas (*Toe Car*), Malaysian tapirs (*Tar Kwor*), lar gibbons (*K’Yu Pwa*), Asian elephants (*Ka Sa*), clouded leopards (*Kla La*) pangolins (*Yo Haw*) and tigers (*Baw Tho*).<sup>10</sup>

These territories are officially ‘unprotected’, located outside of government National Parks and Nature Reserves, as a result of political instability and long-term armed conflict. Despite being unprotected, forests and biodiversity have been conserved by indigenous communities customary laws and practices developed from generations of living and depending on nature. Despite their efforts and successes, their importance to addressing global mass extinction and climate change are only beginning to be recognised by governments and conservation organizations internationally.



Figure 4: Sun Bear (Tar Thuu Taw Mu)



Figure 5: Malaysian Tapir (Tar Kwor)



Figure 6: Asian Elephant (Ka Sa)



Figure 7: Black leopard (Kae Thuu)

<sup>9</sup> Hughes, J.B., Round, P.D. and Woodruff, D.S., 2003. The Indochinese–Sundaic faunal transition at the Isthmus of Kra: an analysis of resident forest bird species distributions. *Journal of Biogeography*, 30(4), pp.569-580.

<sup>10</sup> Unesco. 2014. Tanintharyi Forest Corridor. <https://whc.unesco.org/en/tentativelists/5876/>

## **Summary of Free Prior and Informed Consent Protocol Designed by Indigenous Karen communities in Tanintharyi Region**

In our community we value our lands, rivers, forests, herbal medicine areas, mangroves, hot springs, fish sanctuaries, wildlife, bamboo and oceans. We value the unity and love of our community, our health, language, our traditions and cultures, our education and literature, our shifting cultivation, our paddy and our livelihoods.

Our community conservation plans include fish sanctuaries, community forest, watershed area, hard wood, herbal plants, ceremonies, education, herbal medicine protection, health centre, religious buildings, mangrove protection, rules and regulations, sanctions for those who break the rules.

While we welcome projects that create greater happiness among our community, we do not want projects that harm our natural resources, that create divisions in our community, that take our lands, and we do not want projects by outsiders that are established without our involvement.

Any project operating in our territories must follow our rules, there must be no bribes paid, they must have agreement from both the KNU and the Myanmar government, and they must meet with township and village heads. Those wishing to conduct projects must provide all relevant information to the community, and must follow the FPIC protocol specified here.

Consultations must take place at least three months prior to the commencement of any project, and meeting requests should be sent at least one month in advance. Our community will decide the time, date and location of the meeting. We expect project decision makers and those with authority to join the consultation.

At least 2/3rds of the community must be present during any consultation, as well as township and village heads. Military, government departments and backers of the project should not be present at consultations. It is our right to call upon lawyers, civil society groups and other trusted allies to join the consultation.

Full information on the project must be provided to our community six months in advance of any consultation, and this information must be provided in Burmese and Karen languages.

Decisions in our community are taken through a voting system, and approval is dependent on at least 70% of the community being in agreement.

Decisions are authorised by the village head, but the decision is made by the whole-community through collective assemblies.

Consultations can cost the community time and money. Some communities will have to travel to come to the village, others may have to provide food and hospitality. We expect all costs of the consultation to be provided by the project leaders. Costs must be given in a way that does not harm the unity of the community or require the signatures of the community.

Before any consultation takes place we require that full information is provided before any consultation takes place. At the consultation we require full confidentiality. Signatures must not be requested from attendees and no photos should be taken.



Figure 8: Woman collects forest products in Lenya

### What are ICCAs?

ICCAs, also known as territories of life, is the internationally recognised term to describe the customarily owned and collectively governed territories and areas of custodian indigenous communities.<sup>11</sup> This term arose from and is used under the Convention on Biological Diversity (CBD). ICCAs are an expression of self-determination, the rights of indigenous communities to manage over their lands and resources, and the ecological knowledge and wisdom of indigenous communities. ICCAs are characterised by the following:

1. An Indigenous people or community who possess a close or profound relationship with a well-defined natural area. This relationship is based on local culture, sense of identity, and/or dependence on the area for wellbeing.
2. The community is the primary decision maker in the management of the area.
3. The community's management decisions and efforts lead to the effective conservation the ecosystem's habitats, species, ecological services, and associated cultural values.<sup>12</sup>

Following years of campaigning by indigenous communities to have their territories and conservation efforts recognised both within Myanmar and internationally, a paradigm shift has started to take place. ICCAs are now recognised in the following conventions, declarations and government plans and strategies:

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<sup>11</sup> <https://www.iccaconsortium.org/>

<sup>12</sup> For more information on ICCAs in Myanmar, please see ICCA NEWS



Figure 9: Community plantation activities on forest day in Lenya

***Convention on Biological Diversity (CBD):***

The Convention on Biological Diversity (CBD) was originally drafted in 1992 and signed by Myanmar in 1995. The Convention recognises that indigenous communities have an important role to play in conservation, and that they may establish and manage their own conservation areas.<sup>13</sup>

***United Nations Declaration on the Rights of Indigenous People (UNDRIP)***

The UNDRIP was drafted in 2007 and signed by 144 countries, including Myanmar. The declaration lays out the rights of Indigenous people, including their rights to maintain their customs and traditions<sup>14</sup>, strengthen their connections to their territories,<sup>15</sup> and conserve and protect their lands and resources.<sup>16</sup>

***National Biodiversity Strategic Action Plan (NBSAP)***

In 2015, Myanmar released a National Biodiversity Strategic Action Plan (NBSAP), a comprehensive plan that detailed targets for the government to meet the Aichi targets in the CBD. Within this strategic plan, the government committed to supporting the establishment of ICCAs and to recognize customary tenure in policy and practice, which would support ICCAs.

<sup>13</sup> See Articles 80(j) and 10(c), the Nagoya Protocol, and various CBD guidelines under these programmes of work

<sup>14</sup> Article 12

<sup>15</sup> Article 25

<sup>16</sup> Article 29

### ***The Biodiversity Conservation and Protected Areas Law (BCPA)***

In 2018, amendments to the Biodiversity Conservation and Protected Area Law (BCPA) were passed. This law recognises ‘Community Protected Areas’ as a category of protected area, and misidentifies ICCAs as a form of CPA within the rules and regulations of law, requiring a high level of government control and management over these sites. While this is a welcome change, the law falls short of recognising ICCAs in full, failing to recognise the territories of indigenous communities or the rights of indigenous communities to manage these areas according to their local customs and practices and with their own institutions and decision-making processes.<sup>17</sup> As a result of the inadequacies of the law, the ICCAs that are currently being managed by indigenous communities in Tanintharyi Region could not be appropriately recognised under this legislation.

### **2008 Myanmar Constitution**

The 2008 Constitution also presents major challenges to the recognition of indigenous community conserved territories and areas (ICCAs). According to the constitution, all land and natural resources are the property of the State, which reserves the right to extract these resources for profit at will. Failure to recognise the ownership of land and resources by indigenous and local peoples, and their right to manage the land and resources conflicts with the foundational concept of ICCAs. The removal of indigenous rights to manage and control over land and forests puts at risk the future of forest, biodiversity and custodian indigenous communities.

***The Union:***

- (a) Is the ultimate owner of all lands and all natural resources above and below the ground, above and beneath the water and in the atmosphere in the Union;***
- (b) Shall enact necessary law to supervise extraction and utilization of State owned natural resources by economic forces.***

### ***Ethnic Land and Forest Administrations***

Ethnic land and forest administrations offer an opportunity through which ICCAs could be recognised. Ethnic land and forest administrations provide policies and frameworks through which collectively governed customary lands and accompanying institutions and authorities could be recognised in full.

Ethnic administrations throughout the country have developed or are in the process of developing policies and frameworks through which local land and forest management practices can be recognised and protected. Administrations with land and resource governance policies include the Karen National Union (KNU), New Mon State Party (NMSP), and the Karenni National Progressive Party (KNPP). Other ethnic administrations are also in the process of developing and strengthening their land use policies. The development and strengthening of federal land use policies provide an important opportunity for the recognition of ICCAs, and the protection of vital biodiversity through local knowledge and practices.

Within the Karen National Union (KNU) Land Policy for example, there is recognition of *Kaw/Haw Ka Wal* lands, Karen customary territories that include the lands, resources and

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<sup>17</sup> For more information please see the statement by the Myanmar ICCA Working Group; ‘BCPA Law discussions fall short of recognising ICCA. Indigenous communities call for the recognition of their territories, their right to govern their resources and their right to self determination’.

governance systems of custodian indigenous communities.<sup>18</sup> The governance of these territories are based on local and customary institutions and practices, which have been used to promote sustainable livelihoods and maintain important resources for generations – Kaw/Haw Ka Wal lands would therefore be considered examples of ICCAs. To date a total of 248 Kaws, amounting to 1.7 million acres, have been mapped, demarcated and are locally recognised, and are now awaiting official recognition by the KNU.

### **The Ridge to Reef Project and Challenges Posed by Top-down Conservation**

The Ridge to Reef Project is a \$21 Million Global Environment Facility (GEF) funded conservation project, proposed by the United Nations Development Program (UNDP), Flora and Fauna International (FFI), Smithsonian Institute (SI), the Myanmar Forest Department and the Department of Fisheries. The project, initially approved in 2015, proposes the establishment of a 3.5 million-acre conservation corridor that links together Protected Areas over terrestrial, coastal and marine land and seascapes. Covering roughly 35% of the entire region, this conservation mega project incorporates 225 villages into a vast conservation landscape, covering community farmlands, swidden fields, wildlife conservation forests, herbal medicine groves, and community fish sanctuaries.

According to Myanmar law, Protected Areas are exclusionary zones that enforce strict resource access and use restrictions, limiting the rights of indigenous communities to live within or use resources within these areas. Indigenous communities in Tanintharyi Region fear that plans for the establishment of large protected areas would force them to leave their lands, impede the rights of refugees and IDPs to return to their homes, and contravene the Nationwide Ceasefire Agreement, risking a return to armed conflict between the KNU and the Myanmar government.<sup>19</sup> The project was suspended in 2018 following complaints from communities and CAT to the UNDP's Social and Environmental Compliance Unit (SECU), who argued that the project was developed without the Free, Prior and Informed Consent (FPIC) of local communities, and that it threatened the rights of indigenous communities in the area.<sup>20</sup> The SECU has proceeded to conduct a compliance investigation into violations of UNDP social and environmental safeguards by the project.

The impacts of protected areas and top down conservation projects in Myanmar have been well documented. Conservation areas from the Hkakabo Razi National Park<sup>21</sup>, the Hukawng Tiger Sanctuary in Kachin State down to the Tanintharyi Nature Reserve<sup>22</sup> in Tanintharyi Region have resulted in the displacement and dispossession of indigenous communities, and have contributed to local conflicts.

The irony of such top-down conservation projects is that they covet landscapes that have been preserved by generations of local custodianship, while claiming to protect these areas from local encroachment. As they shift control of these landscapes from a diverse array of local stakeholders to ministry offices in distant capitals, they simplify the process of acquiring corporate concessions and encourage a sense of disinvestment among local communities. Far from national monuments, top-down conservation models create vast commons rife for

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<sup>18</sup> Among Karen communities and administration in Tanintharyi Region, the term Haw Ka Wal is used rather than Kaw to describe Karen customary territories.

<sup>19</sup> Conservation Alliance of Tanawthari (CAT). 2018. Our Forest, Our Life: protected areas in Tanintharyi Region must respect the rights of indigenous people. Dawei: Myanmar

<sup>20</sup> <https://info.undp.org/sites/registry/secu/SECUPages/CaseDetail.aspx?ItemID=28>

<sup>21</sup> Sary, M. (2019) Tears beyond the icy mountain, [film – available at: <https://www.youtube.com/watch?v=neNVGS7R6ts&fbclid=IwAR0Qjv7BxiFbw8yHVyecUiSRgRu4yLK7BIKBHWbJdL5cBuumDpyrgW2mZHc&app=desktop>

<sup>22</sup> CAT, (2018), Our forest, our life: protected areas in Tanintharyi Region must respect the rights of indigenous people, Dawei: Myanmar

plunder by outside corporations and disposed locals—a process well documented in Myanmar’s first large-scale conservation project, the Hukawng Tiger Reserve.<sup>23</sup>

Top-down conservation projects that are planned and implemented in mixed-control territories also stand to exacerbate long-standing conflicts, potentially leading to the occurrence of armed confrontations. This is because the establishment of protected areas transfer authority over lands and resources into the hands of central authorities, undermining the authority of both ethnic administrations and custodian indigenous communities. The 2015 National Ceasefire Agreement (NCA) outlines a set of Interim Arrangements, a framework that establishes a commitment for the respect of and coordination between respective administrations in mixed control areas. Implementing this commitment is critical to ensuring that conservation endeavours do not exacerbate conflicts or create political instability.



Figure 10: Social Environmental Compliance Unit team investigate UNDP safeguard VIOLtions of the Ridge to Reef Project in Lenya

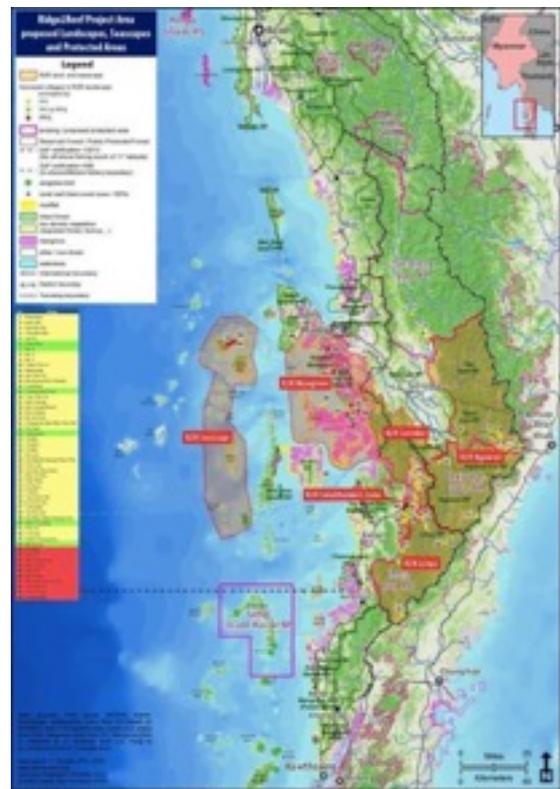


Figure 11: Ridge to Reef Landscape

<sup>23</sup> Kachin Development Networking Group (2007) Tyrants, tycoons and tigers: Yuzana company ravages Burma’s Hukawng Valley, KDNG: Chiang Mai, Thailand

## From the bottom up: Strengthening an Indigenous Community Conserved Landscape in Tanintharyi Region

Indigenous communities throughout Tanintharyi Region's diverse landscape have been successful in developing effective and adaptive management systems. In the past local taboos, beliefs and customs guided the ways in which indigenous communities used and accessed land and resources. Close relationships with spirits underpinned the community's interconnectivity with their surrounding environment and ensured that biodiversity and ecosystems were protected from over exploitation or outside incursions. While today many of these traditional beliefs and customs are no longer practiced, as a result of conversion to Christianity and the sustained impact of decades of civil war, Karen communities continue to protect their lands and resources through the establishment of resource management institutions, demarcation of conservation areas, and development rules and regulations for resource use. Customary systems have proven that they are flexible and adaptive, able to evolve in order to adequately adapt to and address contemporary resource conflicts and struggles.

Examples such as Kamoethway, Paw Klo and Htee Moe Pwar exemplify these adaptive management systems and illustrate the successes that communities have had in sustainably conserving their territories through the formation of management committees and the development communal rules and regulations, and in protecting their territories from outside threats such as mining, agribusiness and dam proposals through tireless campaigning and advocacy. Communities in Paw Klo and Htee Moe Pwar, for example, have identified increasing fish populations and an improvement of water quality in their rivers since the establishment of fish conservation zones. Furthermore, communities in Monorone, Paw Klo and Htee Moe Pwar have also had successes in halting mining and agribusiness projects in their territories, highlighting the success of strong and united communities in protecting their territories against destructive industries.

These areas are also excellent examples of landscape conservation, where locally managed interconnected territories that provide for sustainable livelihoods, and the protection of watershed areas, water bodies, mangrove forests and wildlife habitats stretch over vast terrains. The Salween Peace Park in northern Karen State is a prime example of this form of indigenous landscape conservation in action. The Salween Peace Park incorporates 1.35 million acres of globally important rainforest, and the territories of 149 indigenous communities, governed through customary law, a community developed charter and local democratic institutions. This bold community driven initiative



**Figure 12: indigenous territories cover Key Biodiversity Areas in Tanintharyi Region**



Territory/ Haw Ka Wal	Village	Populati on and househo lds	Land and biodiversity	Committees and resource management structures	Threats
Htee Moe Pwar	Da Baw Klo 19,888 acres	545 Pop, 88 HH	Hill and evergreen forest surround the Tanintharyi River. The area is home to large forests that are home to a rich biodiversity which includes tigers, clouded leopards, gaur and Asian elephants Community land use includes vegetable forests, umbilical chord forests, wildlife forests and watershed forests.	10 village committees and territory wide committee. 6 committees for land and resource use with rules and regulations for resource use and management.	Agribusiness, gold mining, national park proposals and dam construction along the Tanintharyi River.
	Prat Ku – 8,578 acres	285 Pop, 46 HH			
Lenya, Monorone	Monorone – 46,591 acres	521Pop, 103 HH	Low elevation evergreen forest rolls out to the coast. The territory is home to an array of important flora and fauna including elephants, tigers leopards and sun bears.	Village committee and Ahilin Thit Sar territory wide committee. Rules and regulations, and collective actions against incursions.	Palm oil plantations (MAC, MRPP, Sri Suban), mining and infrastructure development.
	Hein Line 4,196	172 Pop, 72 HH	Low elevation evergreen forest surrounding the Lenya River. Limestone mountains are home to the endemic Gurney's Pitta, and the territory also encompasses tiger, clouded leopard, pangolin and tapir habitats.	Ah Na Gat Ahlin Committee Committee covers 13 villages with rules and regulations for territory resource use. 2 villages have village based committees.	Stone quarrying (24 Hour Mining), the establishment of national parks.
	Yone Daw 6,155	210 Pop, 41 HH			
Ah Nine	Sin Gu – 16,630 acres	600Pop, 58 HH	A coastal territory with large expanses of mangrove forests, mudflats, watershed forests and grazing lands. Coastal terrains provide communities with ample supply of crabs, shrimps, fish, and molluscs.	Village committee and strong set of rules and regulations for each land use. Land uses include grazing land, watershed forests, mangrove forests, paddy, and rotational agriculture.	Agribusiness (rubber), logging of mangroves for charcoal production.
Done Pe Le	Za Lat – 33,587 acres	628 Pop, 106 HH	Marine and terrestrial ecosystems: Coral reefs, mangroves, evergreen forests, mudflats, white sand beaches. Terrain is home to a vast aquatic biodiversity including whales, dolphins and sea turtles.	Village Committee develops rules and regulations for resource use and access. All villagers involved in monitoring and enforcing.	Commercial fishing, pearl farming, tourist operations and government nature reserves.

## Tanintharyi Region: An Indigenous Conserved Landscape

### Htee Moe Pwar Haw Ka Wal - Hill Forest and Tanintharyi River Territories

#### The Area

Htee Moe Pwar is located along the Tanintharyi River, one of the largest free-flowing rivers in southern Myanmar. The area is made up of evergreen and hill forests, home to rich biodiversity including a range of endemic flora and fauna species including tigers, leopards, tapir and gaur. Htee Moe Pwar is home to 22 indigenous Karen communities who depend on the territory's streams, forests, mountains, fish, wildlife, wild vegetables, herbal medicines and timber for their lives and livelihoods. These communities have managed and protected these territories according to local ecological knowledge and traditional practices for generations.

The community in Htee Moe Pwar has faced serious challenges and threats to its land and forests in recent years. These range from illegal gold mining on the banks of the Tanintharyi River, the establishment of large rubber and biofuel concessions, and proposals for large scale hydropower dams.<sup>24</sup> These proposals pose a significant risk to forests and biodiversity in the territory, threatening to deforest community conserved areas and pollute rivers with mercury and siltation.

Indigenous communities in Htee Moe Pwar have been working hard to protect their forests, water and biodiversity from these threats. In 2014, 22 villages in the area established the Htee Moe Pwar Committee to protect the territory from outside threats and ensure sustainable use of their resources. The Htee Moe Pwar committee has taken actions to strengthen community resource management practices, hold regular public meetings and assemblies, conduct campaigns throughout the area, and lobby relevant authorities on pressing issues. Committee members say that they have



Figure 14: Mixed livelihoods in Htee Moe Pwar

<sup>24</sup> Candlelight, Southern Youth and Tarkapaw (2019). Blocking a bloodline: indigenous communities along the Tanintharyi River fear the impact of large scale dams. Myeik: Myanmar.

been successful in stopping a biofuel and rubber plantations in the territory, and are continuing struggles to prevent gold mining operations from polluting the river by holding public campaigns and sending letters to the relevant authorities. The success of indigenous communities in protecting their territories from destructive business projects shows the critical role that they play in protecting Tanintharyi's rich and unique biodiversity from looming threats.

### Case study: Da Baw Klo & Prat Ku Villages

Da Baw Klo and Prat Ku villages are both located along the Tanintharyi River in Htee Moe Pwar. The livelihoods of the communities consist of fishing, rotational agriculture, fruit and betel orchard cultivation and forest foraging for leaves, fruits and wild vegetables.

Communities also rely on timber and bamboo from the forest for domestic house construction, and herbal medicines for community health care and strength.

Both Da Baw Klo and Prat Ku have been working to strengthen traditional customs and practices that conserve their unique biodiversity over the past years in response to increasing pressures on their land and forests. Some community members say that in recent years fish species, wild vegetables, timber and herbal medicines have started to become rare. In order to conserve and protect their resources from overuse and outside threats, these communities have developed strong conservation plans that monitor key resources, demarcate land use areas and enforce collectively agreed rules and regulations.

They have established fish sanctuaries in their rivers to protect fish breeding zones, ensuring the sustenance of fish species and stocks, and a clean and healthy water supply for the community. Communities in the area have identified over 165 fish and aquatic animal species in the Tanintharyi River.<sup>25</sup>

#### Village Committees:

1. Religion committee
2. Women's group
3. Youth Groups
4. School committee
5. Htee Moe Pwar Committee
6. Land use committees (10)

#### Rules and Regulations for Fish conservation sanctuary:

##### Objectives

- To ensure ample supply of fish for the next generation
- To conserve rare and endangered fish species
- To maintain good water quality for the community
- To maintain good and healthy water source
- To provide fish for village ceremonies and events
- To promote and restore indigenous traditions and cultures

##### Rules:

- No extraction of trees or bamboo within 10 feet of the fish conservation zone
- No catching fish upstream of fish sanctuary and no poisoning of water source
- No pollution of the water
- No killing of hunting in the area
- No mining up or downstream of the fish

### Community Committees & Resource Management Initiatives

Both Daw Baw Klo and Prat Ku have established a network of community committees, which work to monitor key resources, discuss social and ecological issues and develop and enforce rules and regulations over resource use and access. Committees include a Community Forest Committee, Herbal Medicine Forest Committee, and Fish Conservation Committee and 7 other committees related to land management. Prat Ku village has also developed a Fire Committee to create effective

<sup>25</sup> TRIPNET. 2019. Local knowledge based research along the Tanintharyi River

fire breaks. Youth groups, a Women's committee and a school committee oversee social and development issues in the community.

Communities throughout the territory have also joined to form the Htee Moe Pwar Committee, which works to protect the wider landscape and address common issues that threaten land and resources.

In order to protect their territories and the biodiversity that they harbour, indigenous communities have established clearly demarcated boundaries with well-defined land use areas. These include umbilical chord forests<sup>26</sup>, wildlife forests, and herbal medicine forests. Each of these land use areas has a set of collectively developed rules and regulations that ensure that each habitat within the territory is well protected, and that areas of key biodiversity are conserved.

Village rules limit the resources that community members can extract, restrict community members from exploiting resources for business, and prevent resource use and extraction in wildlife forests or riparian forests around rivers and lakes. Rules and regulations for village resource use and access are developed by village committees, and brought to village assemblies to gain wider consensus.

Community members say that they the whole community participates in monitoring the surrounding environment and responding to threats where they occur. When violations of village rule occur within the community, the relevant committee imposes sanctions consisting of fines or community service. Where conflicts arise with companies and outsiders, the community discuss the issue with the Htee Moe Pwar Committee and village elders, and then work with civil society groups to write complaint letters, hold campaigns and take actions to protect their territories.



Figure 15: Community in Htee Moe Pwar protest dam proposals on the Tanintharyi River

<sup>26</sup> Umbilical chord forests are areas of deep forest, where umbilical chords from new-born babies are deposited in trees. It is believed that humans are entwined with the forest, and therefore nobody can extract timber or resources from these sacred areas.

Land use	Objective	Produce	Management
<b>Agroforestry</b>	Household: orchard and shifting cultivation plots Community: Forest and water are communal property and the community and village head makes management decisions.	<b>Shifting cultivation:</b> rice, chillies, aubergines, beans, potatoes, tomatoes, <b>Orchards:</b> Betel nut, mangosteen, durian, palm leaves, tan nyi leaves. Cows and livestock can also graze. <b>Forest:</b> firewood, edible leaves, roots, honey,	Permission from spirits is normally sought before lands can be cleared. In some communities villagers must seek permission from the village head before opening land.
<b>Community Forest</b>	Community	Timber of domestic use, fire wood, edible leaves, mushrooms, bamboo, rattan, honey, fruits,	Before large timber is extracted permission must be sought from village head.
<b>Medicinal herb forest</b>	To maintain the value of herbal medicines, to make sure there is medicine supply available for needs, to benefit wild animals, to promote the traditional healing methods	Herbs, plants, roots, leaves used for medicinal purposes	Villagers are only allowed to enter these areas with community herbalists.
<b>Vegetable Forest</b>	That the village has lots of vegetables to eat That indigenous people animals depend on each other For the food security of families	Forest vegetables, edible leaves	No logging, no burning, no cultivation, no building structures.
<b>Watershed forest</b>	Maintain good quality water, maintain good water sources, protect water for future generations, improve quality of watershed areas, benefit wild animals	Protected forest where resources cannot be extracted	Villagers entering these areas with hunting materials can face sanctions
<b>Wildlife forests</b>	Animals can find food peacefully, sustain wildlife population, if there is no forest, there will be no more animals.	Protected forest where resources cannot be extracted	Villagers entering these areas with hunting materials can face sanctions
<b>Fish sanctuary</b>	To conserve fish species for the next generation, to maintain good water quality, promote indigenous conservation practices	Restricted fish extraction, drinking water, and water for household use.	Restrictions on fishing in the sanctuary and restrictions on burning and resource extraction around the area. Fish must be shared among the community.
<b>Utilization Forest</b>	Can take resources for domestic use and conserve natural resources sustainably	Vegetables, herbal medicines, bamboo, and timber (for domestic use).	Produce only for domestic use
<b>Umbilical Chord Forest</b>	Preserve Karen traditional culture, connect children to the forest, conserve forest	No resources can be extracted	Umbilical chords of new born babies tied in the trees. No extraction of resources, no hunting, no burning.
<b>Cemetery</b>	To conserve the forest, to take wood for coffins	Timber (for coffins only)	No farming, burning, or hunting. Permission must be sought before taking wood for coffins.

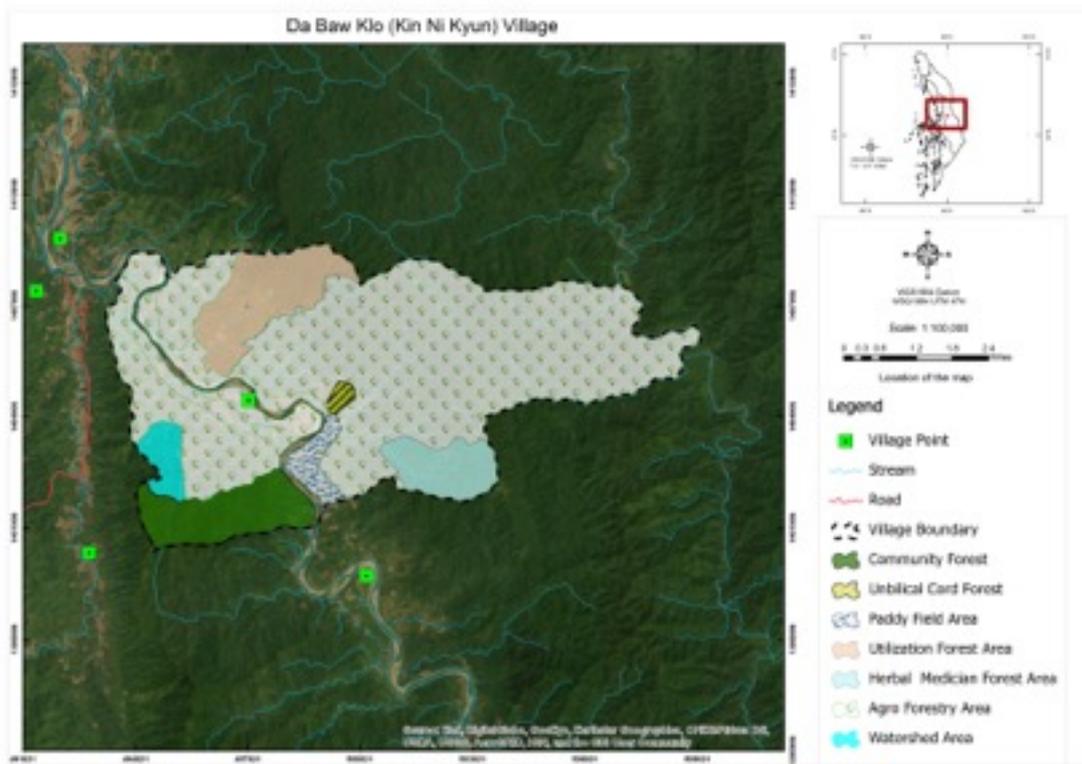


Figure 16: Da Baw Klo Village Land Use Map

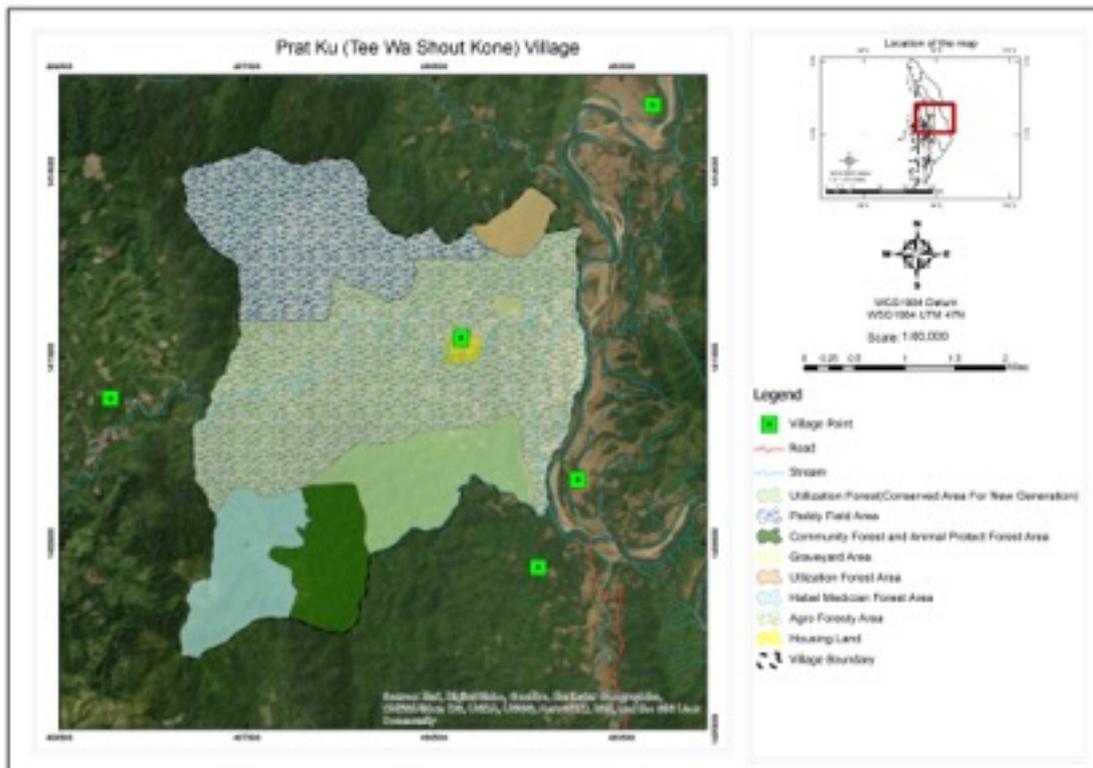


Figure 17: Prat Ku Village Land Use Map

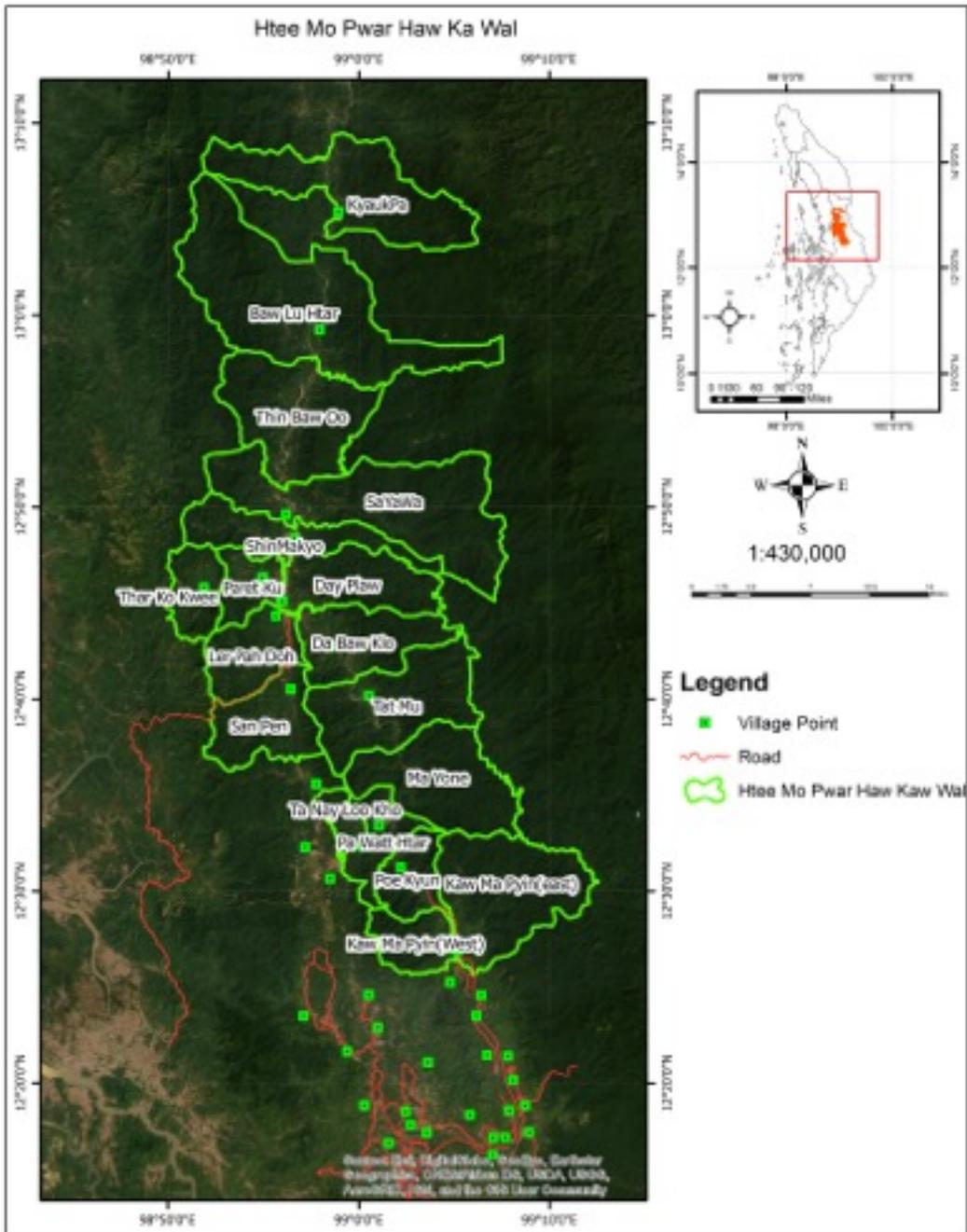


Figure 18: Htee Mo Pwar Haw Ka Wal Map

## Lenya and Monorone Haw Ka Wal (Southern Forest Territories)

Lenya and Monorone are located in Bokpyin Township, Kawthaung District in southern Tanintharyi Region, home to a constellation of 38 Poe and S'gaw Karen villages. The area has become the target of international conservation efforts in recent years, in part because of the discovery of one of the last remaining populations of Gurney's Pitta, an endemic and critically endangered species.

Over the past ten years, however the area has come under increasing pressure from expanding oil palm and mining projects. Further, large protected areas proposed in the area threaten to dispossess indigenous communities from their ancestral lands and forests. Indigenous communities in the area have formed community organisations in order to address intensifying challenges, and to protect and conserve their territories for future generations.

### Hein Line, Yone Daw and Monorone

Hein Line, Yone Daw and Monorone villages are in the Lenya and Monorone territories, located within wide expanses of rich bio-diverse evergreen forest. Like the majority of Karen villages in Tanintharyi Region, these villages were severely impacted by the civil war. After the ceasefire in 2012, villagers began to return to their territories and re-establish their communities and livelihoods. Over the last few years communities have been working together to revive their traditions and practices, demarcate and protect their territories, and establish community committees and conservation plans.



Figure 19: Community conserved forest canopy in Lenya

### Livelihoods

Communities depend on a mixture of shifting cultivation, fruit and betel nut orchards, fishing, hunting, and forest foraging for wild vegetables, leaves and fruits.

### Forest Foraging

The forest is vital for the livelihoods of Indigenous Karen communities in the area. From the forest villagers collect wild fruits, leaves and vegetables, water, bamboo, rattan and timber for domestic construction, and medicinal roots and herbs. Communities have different forests areas, with different use and access rights including; community forests, herbal medicine forests, watershed forests and wildlife forests.

### Hunting

Hunting is a common subsistence livelihood amongst all three villages. Hunters say that they must light candles in the forest for three hours before they go on a hunt to pay homage to forest spirits. Animals caught from hunting cannot be sold, and must be shared equally between each member of the hunt. There are strong taboos relating to animals that can and cannot be hunted. Hunters believe that hunting pangolins, gibbons, elephants, peacocks, hornbills, tigers, some deer species, and clouded leopards will result in sickness and ill fortune. In this way the health of the community and forest are entwined.



Figure 20: Family collecting forest products in Lenya



**Figure 21: Ku practiced in Monorone**



**Figure 22: soil from taunya plot to request permission from land spirit**

### **Ku (Upland Cultivation)**

Upland cultivation is one of the primary livelihood practices of communities in the area. This form of rotational agriculture provides households with ample supplies of rice, aubergines, pumpkins, chillies, beans, cassavas, bananas and marrows for household consumption.

Households in the area must invoke spirits from the land by practicing rituals before clearing land for shifting cultivation. In order to gain permission from spirits to clear forest areas, villagers must sleep with soil from under their pillows for three nights. If the soil gives them bad dreams, it means that the land is home to spirits, and therefore cannot be cleared.

Villagers believe that cultivating land without the permission of the spirits, can result in ill health or even death, and as such villagers must ensure that good relationships with the spirits are maintained. Before harvesting their crops, villagers must also give thanks to the spirits by leaving offerings and holding feasts for respected elders in the community.

### **Orchard cultivation**

Orchard cultivation has become an increasingly important livelihood for communities in Lenya and Monorone. Communities plant a mix of areca nut trees, intercropped with a variety of fruit trees, palms and plants including tan nyi plants, flat palms, mangosteen trees, guava trees, durians, bananas, coconuts, jackfruit, pears, cashews, cardamom, and limes. Diverse orchards provide a mix of cash crops, foods for domestic consumption and plants for household construction. Further, orchard lands provide good grazing areas for livestock such as chicken and cattle.



**Figure 23: Community conservation activities in Hein Line's Community Forest**

### **Community Committees and Conservation Plans**

In response to new the threats and pressures on land and forest resources posed by expanding agribusiness concessions, protected areas and resource extraction projects, indigenous communities in Lenya and Monorone have formed community committees and have developed conservation plans for their territories. These committees have been established to promote the conservation and sustainable use of their lands and forests, and protect their territories from outside threats and incursions.

Community committees hold regular meetings where the community comes together to discuss issues affecting their lands and resources, conduct local knowledge research, develop rules and regulations for the management of their lands, and create work plans for the monitoring and management of their resources. These practices comprise an effective adaptive management system in which resource monitoring activities inform wider management decisions over the territory, enabling the community to respond to arising issues and adapting conservation activities to meet new challenges.

Within Lenya and Monorone, there are two territory-wide committees that are comprised of representatives of all villages within the area. Hein Line and Monorone villages have also established their own village committees to deal with local resource management issues.

Territory	Territory-wide Committee	Village committee
Monorone	Ah Na Gat Ahlin Committee	Monorone
		Ywa Taya
Lenya	Ahlin Thitsar Committee	Hein Line

### Promoting conservation and sustainable use of resources

These committees monitor the condition of resources in their territories, and help to develop and implement solutions for issues impacting their forests and resources. Activities conducted by committees include awareness-raising among the community, the creation of fire breaks, monitoring of community and wildlife forests, and the development and enforcement of rules for resource use and access regulation.

*“The objective of our committee is to look after the forest, so that wildlife and wild animals can live. If we don’t do this, the habitat of the animals will be destroyed, they will have nowhere to stay, and they will enter into our farm areas and cause conflicts with us.” – Member of the Ah Na Gat Ahlin Committee*

### Addressing outside threats and challenges

Community committees are also working to address new threats and challenges from agribusiness and mining companies in their territories. Community committees have provided a platform through which indigenous communities can build a collective voice and stand in unity against land grabs and environmentally destructive activities in their territories.

One example of actions taken by the Ah Na Gat Ahlin committee to protect their lands and resources from outside development projects is from 2018, where Shwe Ywa Shwe Pi mining company came to Monorone to start a gold mining operation in their territory. Upon hearing this news, the committee gathered villagers from 9 villages within Monorone, who confronted the mining company and told them that they were not to enter the village and were not permitted to mine on their lands. Following this action, the mining company left the village and has not returned to mine in their territory.

*“Before we established our committee we would not have been able to do this, but now we are united, we are strong, and we know the value of our lands and resources” –*

Another such example comes again from Monorone, where the MAC oil palm concession covers a vast expanse of 133,600 acres of community and forest lands.<sup>27</sup> Within the boundaries of this concession is the Tan San Kee village community forest, a community managed forest of 2,475 acres that is home to important biodiversity and vital resources for the community. In order to maintain access and control over the forest and protect the area from deforestation, the committee approached the company, and negotiated that their community forest be protected and released from the concession area. After several meetings, the company agreed that the community could continue to manage the area and that they would remove it from their concession area.

<sup>27</sup> ALARM and Southern Youth., (2018)., Behind the oil palm: the consequences of international investment in oil palm plantations: Myanmar.

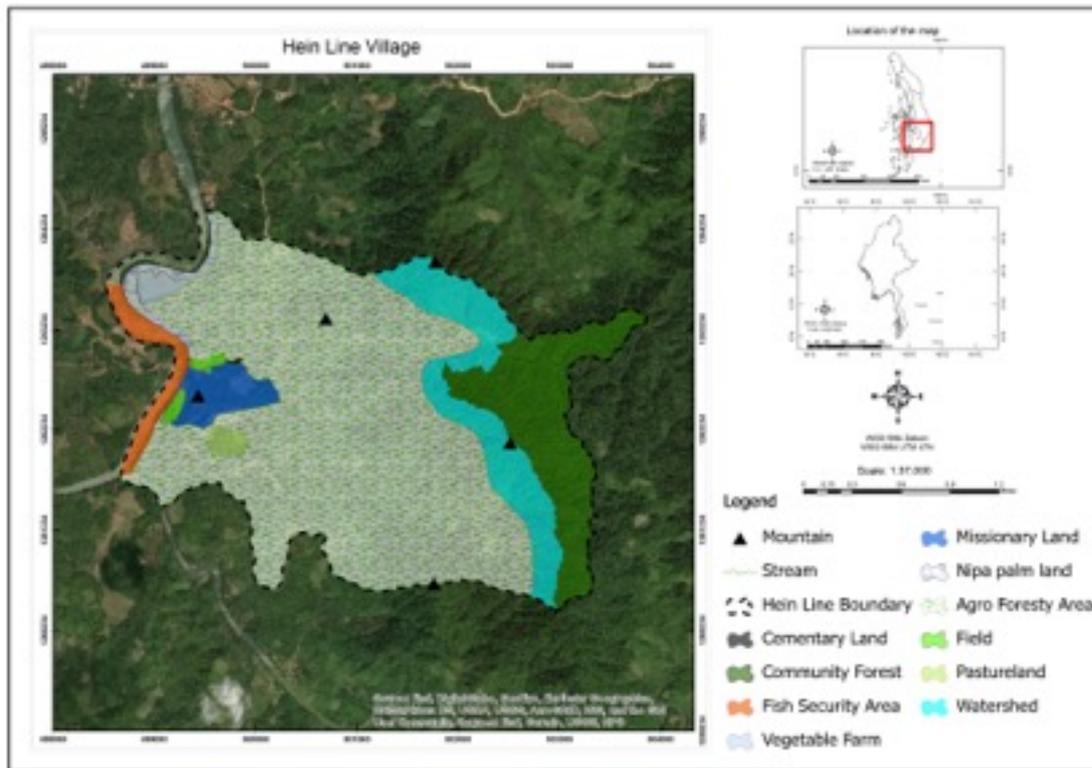


Figure 24: Hein Line Village Land Use Map

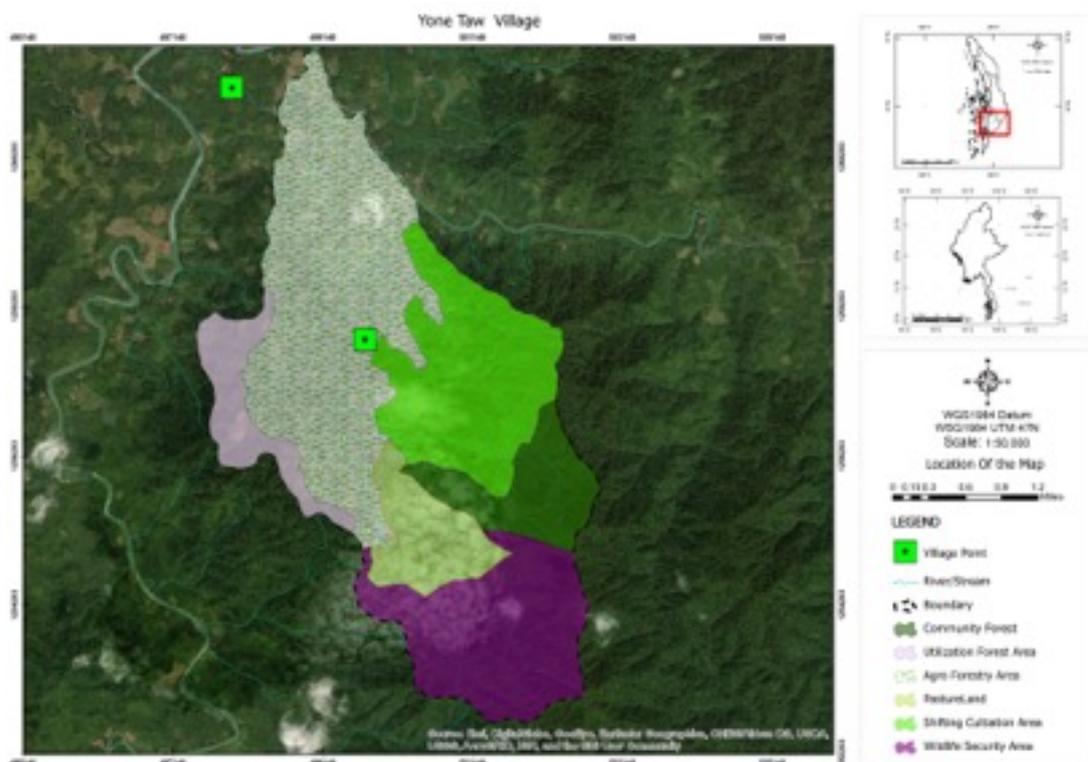


Figure 25: Yone Taw Village Land Use Map



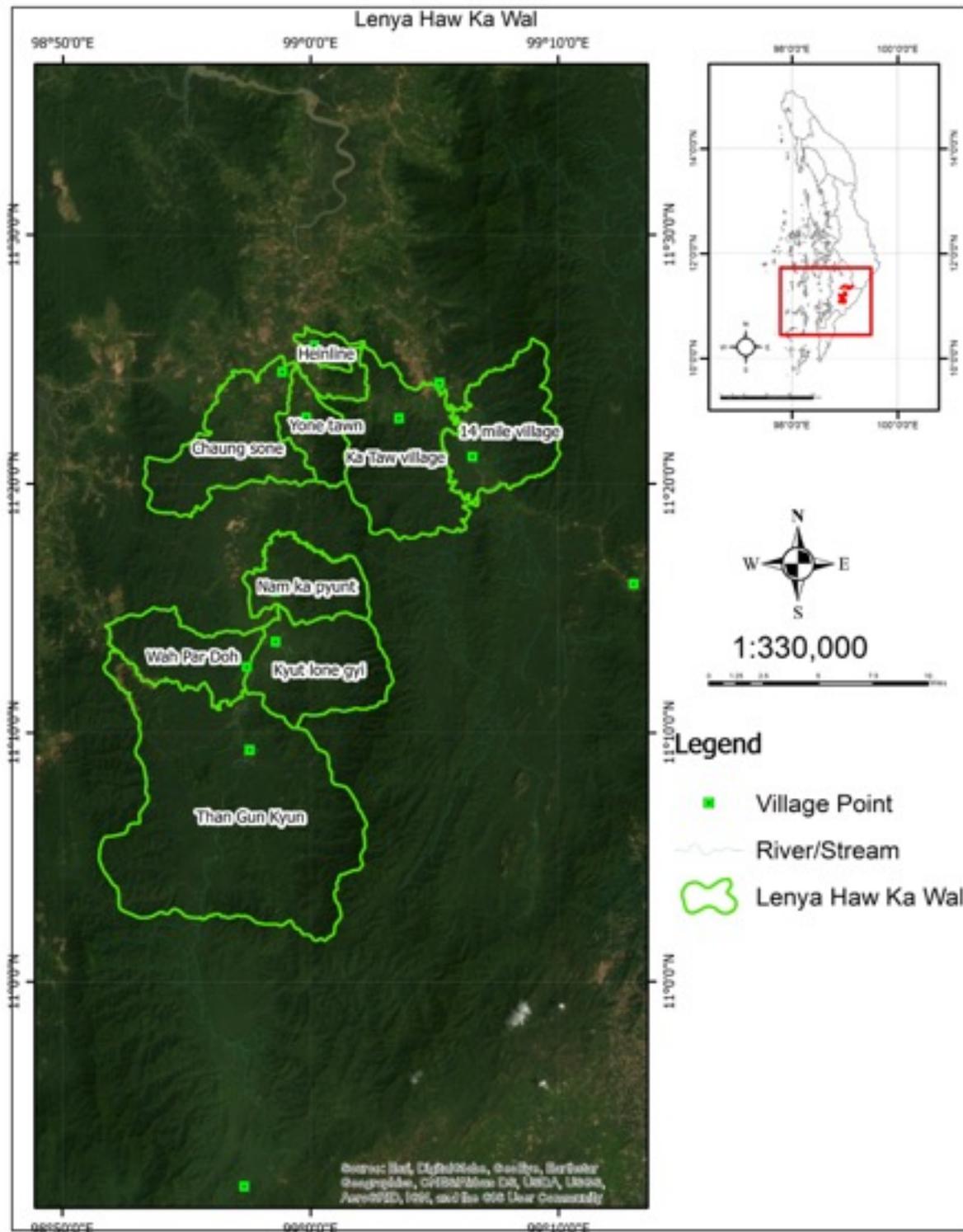


Figure 27: Lenya Haw Ka Wal Map

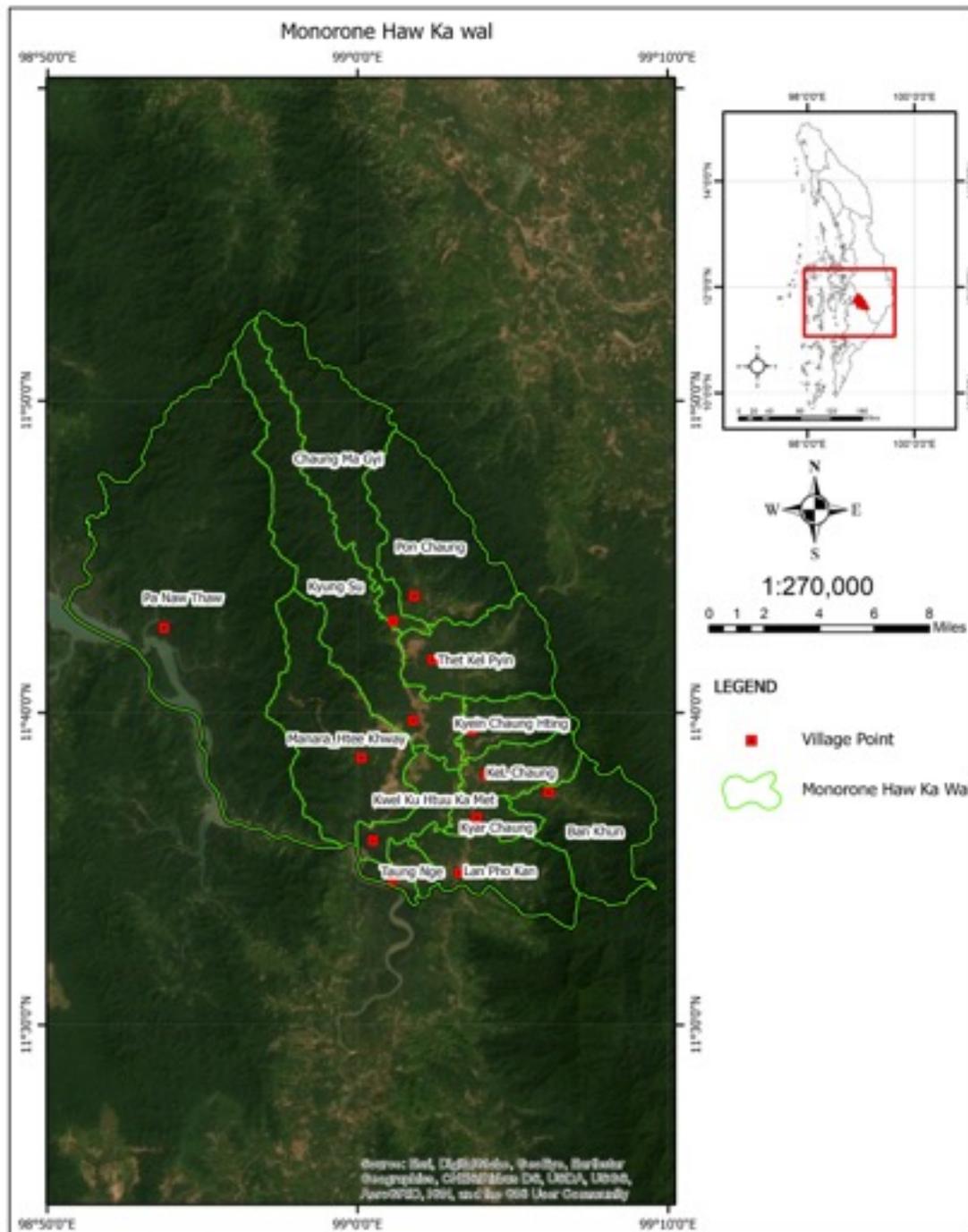


Figure 28: Monorone Haw Ka Wal Map

### Scientific Management in Action: An Indigenous Biodiversity Inventory

At Paw Klo (*Burmese*: Banchaung), a wide river valley on the northern edge of the proposed Ridge to Reef Project, members of Conservation Alliance Tanawthari (CAT) are working with locals to start documenting the biodiversity that indigenous communities use and manage across Tanintharyi. Their goal is not only to document the rich knowledge of local communities and their conservation methods, but also to give these communities tools to help manage and protect their traditional resources from overexploitation and biopiracy—an indigenous biodiversity inventory.

The Paw River (from which the valley derives its name) is one of two principle tributaries of the Tanintharyi River. The heavily forested mountains that enclose this valley not only serve as a key watershed for the Tanintharyi River but are also respected and protected by local communities as a uniquely medicinal ecology. Villages in the valley maintain their own medicine forests which provide villagers with a vital source of healthcare in this remote area. Each year herbalists from across the valley unite to lead residents into the forest to gather and brew medicines for their health in the new year. In recognition of these local traditions of conservation the Karen National Union established Myanmar's first and only natural medicinal conservation zone in Paw Klo: *Tameh Thighiwahsay Thaybwa* or Tameh Herbal Medicine Forest.

Inspired by these traditions, CAT member organizations have engaged locals in Paw Klo and other areas to document the medicinal, edible, and other useful plants that these communities have traditionally consumed and conserved. Starting in 2016, CAT member organizations launched the first stage of this inventory project with rapid surveys of villages and medicine harvesting events. Their efforts recorded over 245 varieties of medicinal plants and 188 wild edibles in Paw Klo and another 130 medicines and 120 edibles in the Lenya River Region to the south. Reviewing these initial surveys with local herbalists, it appears that only a portion of the biodiversity that locals use was recorded, and moreover that some medicines and edibles listed under a single name actually consisted of several different species used in the same fashion. The message of the initial surveys was clear: indigenous communities utilize and conserve an immense diversity of plants in the forests of Tanintharyi, the documentation of which requires a more detailed, long-term effort.

Recognizing this need, six CAT member organizations came together in January 2020 to study how to better document this biodiversity and start the second phase of the inventory project. Over a week-long training session in the Hpawtawpokhee Medicine Forest and Conservation Zone of the Paw Klo valley, CAT members received an intensive education from a professional ethnobotanist on how to botanically document these resources using high-resolution digital photography and GPS units. In addition, they studied survey techniques for documenting these medicine forests with technical training in how to determine forest cover and tree diameter.

At the end of their training, team members undertook a sample survey of this conserved medicinal landscape. After selecting a random plot, team members walked a 100 x 15ft plot with two local herbalists, document 48 records of medicinal plants from 20 unique species. The diameter of trees (DBH) along the transect ranged from 9" to 2' 4" and canopy cover averaged over 90% across six readings. While this survey represents a tiny fraction of the medicinal plants, it represents the first effort of the second stage of the indigenous biodiversity inventory. In the second stage, this level of technical data is being compiled into a shared database by CAT that links information on these resources and their local management to a high-resolution photo catalogue of plants and precise records of their distribution. Building on their training, CAT members are now commencing the second stage of the indigenous biodiversity inventory, conducting trips to multiple village-managed medicine forests throughout Paw Klo to document the many plants they use—including returning to Hpawtawpokhee to more extensively document this area's vast medicinal biodiversity.

### Ah Nine Haw Ka Wal – Coastal Territories

Tanintharyi Region's coastal territories are home to wetlands with large expanses of intact mangrove forest and adjacent mudflats. While mangrove forests in the Ayerwaddy Delta and Rakhine State have been significantly degraded and deforested over the past ten to fifteen years, Tanintharyi's mangrove forests have remained intact, even growing in size in some areas.<sup>28</sup> These forests support diverse animal and plant life, including several globally threatened mammal and bird species. They are also important for human life, protecting the coast from storms and storm surges during cyclones, preventing erosion, and are essential to healthy fisheries as a habitat for shrimp, crabs and fish.

Coastal communities are well aware of the importance of mangrove forests and coastal ecosystems, both in terms of the livelihoods that they provide and the ecological functions that they play. As such indigenous communities have worked hard to protect their mangrove forests from outside threats or over extraction within their own communities by imposing restrictions on use, and re-establishing mangrove areas that have become depleted.



Figure 29: Mangrove forests in Sin Gu territory

#### Sin Gu

Sin Gu village is a Karen village located in Ah Nine territory, along Tanintharyi's southern coast in Kyun Su Township, south of Myeik. The village was originally established 185 years ago, and today the village is home to 58 households. Villagers in Sin Gu have a diverse livelihood base, which supports food and income for the community. Livelihoods of the community consist of a mixture of shifting cultivation, paddy farming, fishing, orchard harvesting, and foraging for fish and crabs in mangroves and mudflats.

<sup>28</sup> Zockler and Aung, 2019, The mangroves of Myanmar

Villagers say that the community's strength is their unity. The community has worked together for generations to protect their ancestral territories and the resources that sustain them. In the past, the community say that their ancestral lands encompassed the entire coastal enclave, but as outsiders came to the area the community demarcated their territory within the coastal enclave, incorporating the village boundaries of 5 villages which comprise the Ah Nine territory.

Sin Gu's territory is a wetland, encompassing mangroves, mud-flats, coastal estuaries, and forests. The village has clearly demarcated land use areas, delineated by large trees, streams and rivers. The community say that these land use areas were originally demarcated by their ancestors and comprise mangrove forests, grazing land, utilization forests, wildlife sanctuaries and protected watersheds. Each land use has a set of livelihood and ecological functions, and the community have developed rules and regulation for each one in order to ensure sustainable use and protection of important and fragile resources and ecosystems.



**Figure 30: Mangrove forests in Sin Gu territory**

#### **Village committee and Conservation Plan**

A village committee comprised of elders, leaders and active community members helps to manage land and resources within the territory. The village committee holds regular assemblies with the community, where local conservation and development issues are discussed, and decisions are taken with respect to land and natural resources. The primary objectives of the village committee are to:

1. Sustainably use and conserve the territory
2. Promote education and development of the community

In order to meet these objectives the Village Committee works with the community to develop conservation interventions to ensure that resources are used sustainably and for the benefit of the community, rather than for business or individual profiteering. Where rules and regulations are

broken, villagers say that warnings are given and environmental awareness sessions delivered to the community, if rules are broken for a second time fines and sanctions are enforced.

To meet the development needs of the community the Village Committee say that they network and create partnerships with organizations and authorities working in the area who can help to support the educational needs of the youth and the infrastructural needs of the community.

### Village rules and regulations

The community have developed three overarching rules for their community:

1. Land within the community's boundary cannot be sold to outsiders
2. Fires cannot be set in community owned territory
3. Plastic that enters the village must be disposed of properly.

Village elders say that these rules have never been broken, they are the values of the community and that there is a common understanding among all in the village.

Rules and regulations developed for village land use types ensure that land use boundaries are well maintained, key resources and biodiversity conserved, resources are used for the needs of the community rather than personal enrichment. For example, long term trees and plants cannot be planted in rotational agriculture areas, logging, grazing and fishing is forbidden in watershed areas, and all community members are encouraged to plant trees in collective forest lands.

### Livelihoods

The community in Singu has a diverse livelihood base, comprising shifting cultivation, livestock rearing, coastal foraging, fishing, agroforestry, and paddy farming. Careful land use management through local institutions ensures the provision of sustainable livelihoods alongside the protection of important ecosystems.

#### Ku (Rotational Agriculture)

The community practice in Sin Gu practice rotational agriculture, sometimes called shifting cultivation, in parts of their territory. Villagers collectively clear and burn areas of forest, planting rice and vegetables for household use, and then leave the area fallow for several years, giving the soil time to regenerate before it is cleared again. The community committee does not allow villagers to plant long-term crops or trees on shifting cultivation land, as it would transfer collective land to individually owned plots, and as a result would undermine the food security of the community.

#### Fishing and coastal foraging

Villagers catch fish and forage in mangroves and coastal wetlands for snails and crabs.

#### Agroforestry

Betel and fruit orchard harvesting is an important component of community livelihoods in Singu village. Income from betel and fruit trees provides income for households to invest in education and health care. The community have locally enforced regulations, ensuring that all villagers mix trees and crops in agroforestry land, avoiding monocrops and maintaining a rich biodiversity in the area.

#### Singu Village rules and regulations for mangrove Forests

- *No logging or deforesting*
- *No burning or setting fires*
- *No poisoning or pollution of water*
- *No electro-fishing in the mangrove forest*
- *No construction of charcoal burners near the mangrove forest*
- *No outsiders allowed inside mangrove forest –*

***Fine for breaking rules - 100,000 kyats to be paid to village committee***

### Wet rice cultivation

Some villagers grow wet rice in lowland paddy fields within the territory, providing rice both for subsistence and to sell. Community members say that they only use organic fertilisers and pesticides, and forbid villagers from planting betel orchards

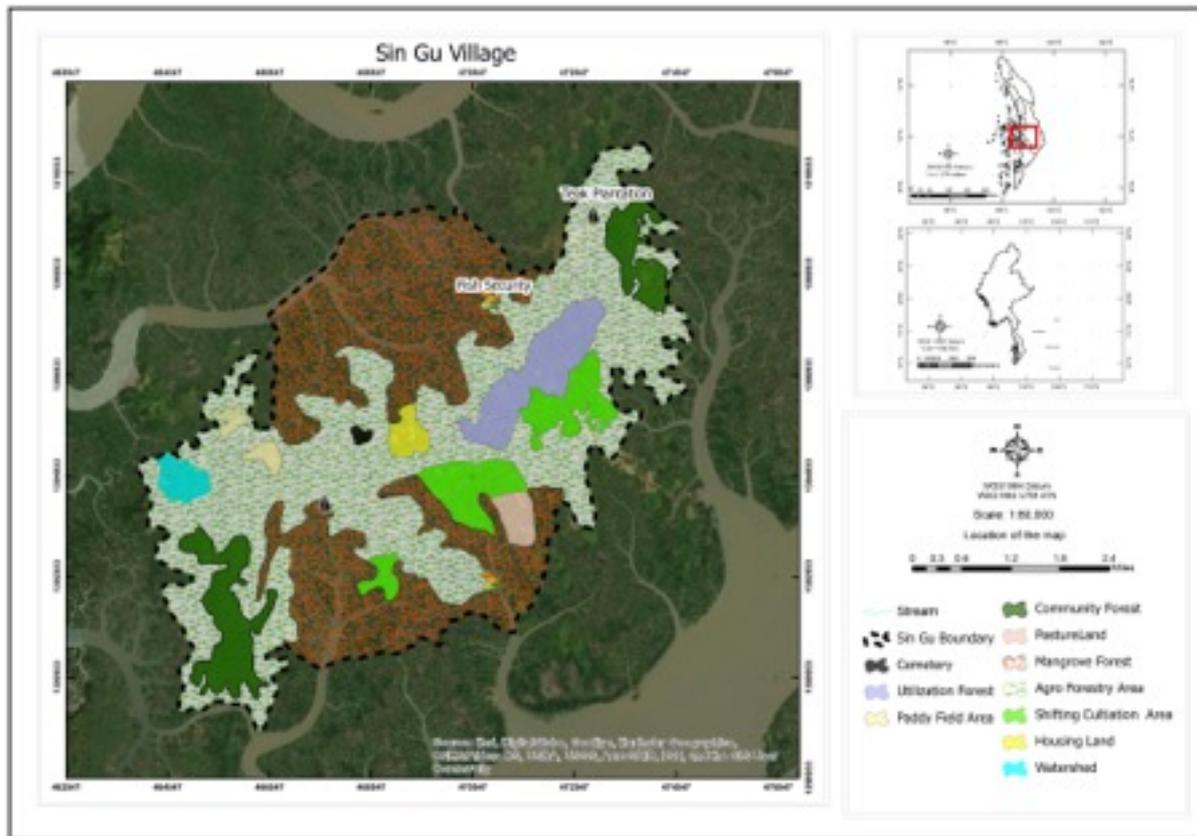


Figure 32: Sin Gu Village Land Use Map

## Done Pe Le Haw Ka Wal (Marine Territories)

The Myeik Archipeligo is a constellation of over 800 islands located in the north-west reaches of the Andaman Sea. The islands are covered with forests, pristine beaches and mangrove forests. The area is also home to huge marine biodiversity including coral reefs, sea grass meadows, mudflats and mangrove ecosystems, which support a range of threatened species including marine turtles, wale sharks and a massive diversity of fish, ray, shark and coral species. The area is home to Moken, Karen and Burmese communities who depend on terrestrial and marine resources, and manage surrounding ecosystems and habitats according to local practices and knowledge.

### Za Lat

Za Lat in Moken language means an '*abundance of fish*'. The village was originally established in 1954, when Karen communities settled on the island, and is now home to 280 households. Za Lat village, is located on Thayawthahangyi, a collection of islands located about 80km west of Myeik in Kyun Su Township. The main island spans an area of roughly 120km<sup>2</sup> and is home to Karen, Moken and Burmese communities. The island is rich in natural resources, and in evergreen forests, pristine white beaches, mud flats, mangroves and coral reefs within its boundaries.



Figure 33: Sea Scape used by community for their livelihood in Za Lat territory

### Livelihoods

Za Lat village incorporates rich fishing waters, mangrove forests, sandy beaches and mud flats, coral reefs and evergreen forests and watersheds into its territory. The community rely on a mixture of fishing, shifting cultivation, and orchard cultivation for their livelihoods, providing an ample source of food for subsistence and income.

## Fishing

Za Lat villager's lives are entwined with the sea, and community members have a deep knowledge of the surrounding marine ecosystem. Villagers use fishing practices such as diving, line fishing and coastal foraging to catch fish, squid, snails, clams, oysters, crabs, sea cucumbers and other sea creatures. Fishing is done mainly for household consumption, but some community members collect and sell sea snails and clams in Myeik.

### Community Fishing Methods

Diving with hands	Sea cucumber, crabs, snails, sea horse, oysters, lobster
Diving with spear	Puffer fish
Fishing with rod	Squid, mullet, grouper, mackerel
Fishing with net	fish, crabs, prawns
Collect at shore	Snails, squid, crabs

### Orchard Harvesting

Orchard harvesting is one of the main livelihoods of Karen households in Za Lat. Villagers grow a mixture of betel nut, cashew nut and coconut, which are transported and sold in Myeik. This provides an important income source for community members to pay for health and education needs.



Figure 34: Traditional fishing in Za Lat territory



Figure 35: Community are collecting shall in Za Lat territory

Moon	Sea
(waxing and waning) 	Diving for: lobsters, sea cucumbers, sea snails, clams, oysters, sea horse, puffer fish.  Line fishing for: squid, fish (groupers, mackerel, snappers)  Net fishing around island for: crabs, shrimp, fish, snails.
(full and new moon) 	Coastal foraging for snails, squid, clams and molluscs.  Inland fishing with nets for fish, crabs, shrimp, snails.

Month	Sea	Land
January	Diving, fishing, coastal foraging for fish, crabs, snails, squid	Betel nut, Clear land for cultivation, Cashew net become ripe, coconut
Febuary	Diving, fishing, coastal foraging for fish, crabs, snails, squid	Betel nut, Clear land for cultivation, ready to harvest Cashew net

March	Diving, fishing, coastal foraging for fish, crabs, snails, squid	Cultivation Set fire, ready to harvest Cashew net
April	Diving, fishing, coastal foraging for fish, crabs, snails, squid	Clearing land for cultivation after fire
May	Diving, fishing, coastal foraging for fish, crabs, snails, squid	Plant fruit in taungya
June	No diving	Plant rice in taungya
July	No diving	Weeding taungya
August	No diving	Weeding taungya
September	No diving	Rice blooming
October	Diving, fishing, coastal foraging for fish, crabs, snails, squid	Rice harvest, fruit harvest
November	Diving, fishing, coastal foraging for fish, crabs, snails, squid	Betel nut, rice harvest, fruit harvest
December	Diving, fishing, coastal foraging for fish, crabs, snails, squid	Betel nut, cut taunya , Cashew net

**Figure 36: fishing in Za Lat territory**

### Conservation in the community

The community established a committee to ensure the protection of valuable resources such as mangrove forests, watershed areas and fish stocks in their territories for future generations. Villagers say that some fish species and forest vegetables have become increasingly rare in recent years, and have therefore strengthened their conservation plans to protect their resources for future generations.

### Ta Ra Kla (Mangrove Forest)

Mangroves are a critical resource and defence to the community in Za Lat, both because of the rich ecosystems that they support and because of the vital functions that they play. In order to protect their mangrove forests from depletion the community have made a collective decision to conserve them. The *community say that in* protecting their mangrove forests their objectives are; to prevent coastal erosion, protect the territory from storms and bad weather, and to prevent the deforestation of mangrove forests. A series of collective rules and regulations were developed to achieve these, which include heavy restrictions on fire wood collection and charcoal production in mangrove areas, prohibition of business activities, and banning of logging. If community members are found breaking these community rules, they are given warnings, followed by community service orders.

### Watershed areas

There are two watershed forests in the south and north western ridges of the territory. These watersheds are of vital importance of the community, providing the only source of fresh water to the village. These areas are carefully protected by the community, who have demarcated the areas and enforce rules and regulations that restrict villagers from cutting trees or taking forest resources. As a result these areas have remained well conserved and the area continues to produce a healthy supply of fresh water.



**Figure 37: Sustainability usages of natural resources in Za Lat territory**

### **Waters**

The indigenous community in Za Lat possess a deep knowledge of surrounding marine ecosystems and biodiversity. The community follow traditional fishing practices for household consumption including diving, spear fishing, line fishing and coastal foraging. These traditional fishing practices ensure that fishing is sustainable and only for subsistence, not for unsustainable commercial exploitation.

### **Threats and Challenges**

Despite the community's endeavours to protect and control their territory, villagers in Za Lat continue to face a number of external threats and challenges.

### **Pearl Farming**

Pearl farming operations started in Za Lat's territory in 1998. Pearl farms in the area are operated by Myanmar Atlantic Company, a joint venture between Australian and Myanmar companies. The company receives security provision by the Myanmar navy, and has closed off large areas of community fishing territories. The company has also started to divert a portion of the community's fresh water sources to the operation, threatening the water security of the village.

### **Commercial fishing**

Commercial fishing vessels including trawlers and lightning squid boats routinely enter Za Lat's territory, hauling in unregulated masses of fish, clams, squids and other sea creatures, and damaging coral reefs with their dragging nets. Communities fear that overfishing of their territories will impact their fish stocks and diversity of fish species, impacting their livelihoods and future of their communities.

### **Tourism operations**

As the Myeik Archipelago opens up for tourism, an increasing number of island-based tourist operators are appearing. The northern edge of Za Lat's territory has now been taken over by bungalows and tents for tourists, restricting community access to large areas of their orchard lands.



Figure 38: villagers fish in Za Lat customary territory

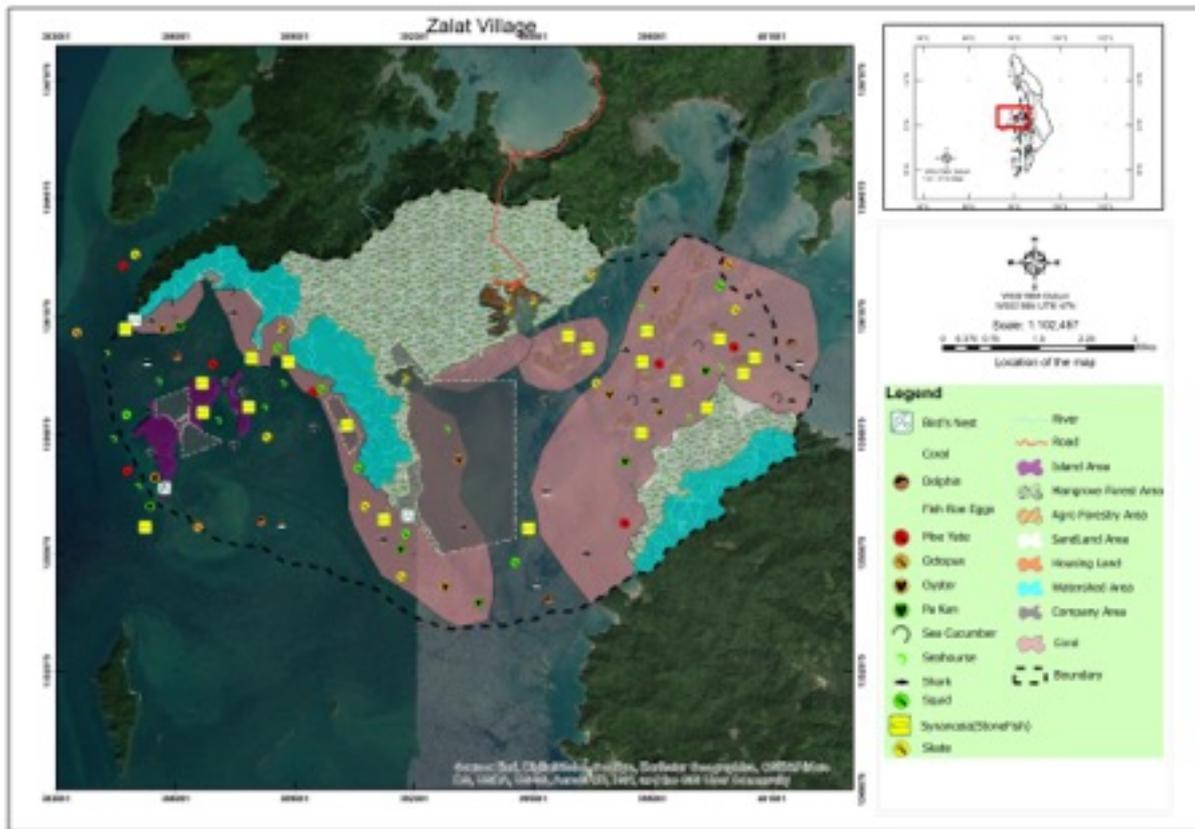


Figure 39: Za Lat Village Land Used Map

## Conclusion

Tanintharyi Region is home to one of the largest intact expanses of low-elevation evergreen forest in South East Asia, a frontier of well-maintained mangrove forests and wetlands, and a vast stretches of marine ecosystems with a rich biodiversity. This biodiverse landscape harbours a range of endangered and vulnerable species including tigers, tapir and pangolins, as well as a massive carbon sink, critical in the fight against the onset of climate change.

While these forests and biodiversity are officially ‘unprotected’, in reality much of this landscape has for generations been conserved and managed under the territories of indigenous communities. Within these territories, indigenous communities have deep relationships with critical resources, extensive knowledge of surrounding ecosystems, and locally developed management institutions, systems and practices. These carefully managed territories are recognised internationally as indigenous community conserved territories and areas (ICCAs), areas managed by indigenous communities with important conservation outcomes.

Across Tanintharyi Region’s diverse terrains and ecosystems, corridor of indigenous community conserved areas and territories (ICCAs) come together to form an indigenous conserved landscape. This landscape is critical stronghold for biodiversity, species protection and climate resilience. It is an expression of self-determination and a declaration of peace and environmental protection for decades to come.

There is a growing body of evidence that shows that securing indigenous land claims is the most effective mode of conservation. Globally indigenous territories cover 25% of world’s land surface,

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and encompass over 36% of remaining intact forest landscapes.<sup>29</sup> As in Myanmar, a majority of these areas are not formally recognised by government institutions.

In order to safeguard Tanintharyi's unique landscape of life, we call on the government, KNU, international organisations, donors and civil society to recognise the territories of indigenous communities and the immense contribution they have made to the conservation of forests and biodiversity.

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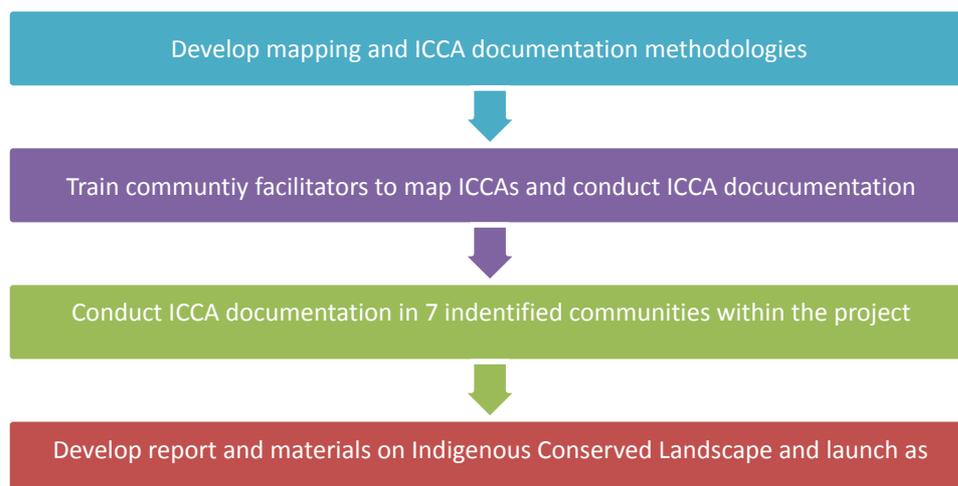
<sup>29</sup> Fa, J.E., Watson, J.E., Leiper, I., Potapov, P., Evans, T.D., Burgess, N.D., Molnár, Z., Fernández-Llamazares, Á., Duncan, T., Wang, S. and Austin, B.J., 2019. Importance of Indigenous Peoples' lands for the conservation of Intact Forest Landscapes. *Frontiers in Ecology and the Environment*.

## Annex 1: Methodology for ICCA Documentation

### ICCA Documentation Objectives:

1. To document the defining social and ecological features of the ICCA
2. To document decision making and governance arrangements used for ICCA management
3. To document traditions, customs and practices that support ICCA conservation and potential threats to ICCA integrity

### Process:



### Research methods:

- Focus group discussions
- Seasonal calendars
- Venn diagrams and social mapping
- Transect walks
- Resource inventories
- Plan De Vida

<b>Key community information</b>	<ol style="list-style-type: none"><li>1. Village name</li><li>2. What date was the village established?</li><li>3. How many households and what is the population?</li><li>4. What are the primary livelihoods in the village?</li><li>5. Languages spoken</li><li>6. Ethnic group</li><li>7. How would you define the wealth of the community?: Well-off, average, vulnerable</li></ol>
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<b>Values of ICCA</b>	<ol style="list-style-type: none"> <li>1. Why is this territory important to you? Why have you chosen to protect it?</li> <li>2. What benefits does the territory bring to you and your community? (livelihoods, culture, conservation, forest resource ect.)</li> <li>3. Who in the community benefits from and participates in the protection of the territory?</li> <li>4. Do outsiders benefit from the protection of this territory? How?</li> </ol>
<b>Defining ecological features:</b>	<ol style="list-style-type: none"> <li>5. Can you list any points in your territory of ecological or cultural significance?</li> <li>6. Why are these points important?</li> <li>7. Does the community protect them?</li> </ol>
<b>Mapping</b>	
<b>Land use and livelihoods:</b>	Mapping, seasonal calendars, resource inventory
<b>Land ownership/tenure claims</b>	<p><b>Mapping</b></p> <ol style="list-style-type: none"> <li>1. Are the boundaries of the ICCA clearly defined?</li> <li>2. Have the boundaries ever changed? Why?</li> <li>3. Is it clear who is entitled to use or not to use this land and associated resources?</li> <li>4. Who manages this land?</li> <li>5. Are the rules enforced? How are they enforced?</li> <li>6. Who is involved in rule enforcement (monitoring, decision making)?</li> <li>7. If someone breaks a rule about this land use type, what will happen?</li> <li>8. What are the sanctions for the different levels/types of violations? Has this ever occurred?</li> <li>9. Have the rules ever changed?</li> <li>10. How can the rules be changed?</li> <li>11. Who decides? Who participates? (give examples) –</li> </ol>
<b>Village organisations and institutions</b>	<ol style="list-style-type: none"> <li>1. What institutions/organisations exist at village level?</li> <li>2. What are the roles of these institutions?</li> <li>3. Who participates in these institutions? (are young people involved?)</li> <li>4. How are the members chosen?</li> <li>5. How are the leaders chosen? Do they ever change? When and how?</li> <li>6. Which institutions make decisions over land and resources?</li> <li>7. When were these institutions started? Was it developed by the community or was it brought in from outside?</li> <li>8. Are there any traditional institutions that used to exist in the village that do not any more?</li> <li>9. What are they and what where their roles?</li> </ol>

<b>Decision making for land and resource governance in your ICCA</b>	<ol style="list-style-type: none"> <li>1. Why do you manage and conserve your territory?</li> <li>2. What do you do to manage and look after your territory and resources?</li> <li>3. Who in the community makes decisions relating to land and resources?</li> <li>4. When and where are these decisions made?</li> <li>5. Who normally participates in making these decisions?</li> <li>6. Are women and youth involved?</li> <li>7. What rules and regulations do you have for resource use? What are the rules for; water, fish, forests, land, ect.</li> <li>8. Who makes these rules? And how are these rules developed?</li> <li>9. How does the community know about these rules and regulations?</li> <li>10. Can the rules be changed or altered? How?</li> <li>11. What happens if someone breaks these rules?</li> <li>12. What are the punishments?</li> <li>13. Who enforces them? Does anyone monitor to check if anyone is breaking the rules? Who and how?</li> </ol>
<b>Conflicts and Dispute resolution</b>	<ol style="list-style-type: none"> <li>1. What kinds of conflicts occur over land or resources in the village?</li> <li>2. How do people try to resolve the conflict?</li> <li>3. Who is involved in resolving the conflict?</li> <li>4. Who is involved?</li> <li>5. What are the steps for resolving a conflict in the customary system?</li> <li>6. In what cases do people use the customary system, and what cases do they use the government system?</li> <li>7. What conflicts are not being successfully resolved?</li> <li>8. How can the situation be improved?</li> </ol>
<b>Traditional beliefs and practices in your ICCA</b>	<ol style="list-style-type: none"> <li>1. What are the main religions in the village?</li> <li>2. Are there any other religions that you used to practice in the past? What are they?</li> <li>3. Can you tell me about some of the traditional beliefs and practices in the village?</li> <li>4. Were there any ceremonies that you practiced in the past? Do you still practice them now?</li> </ol>
Seasonal/ spiritual calendar	<ol style="list-style-type: none"> <li>5. Can you give me an example of these ceremonies? When would you practice them?</li> <li>6. Are there any shamans in the area? Were there any in the past? What was their role?</li> <li>7. Are there any songs or dances that you traditionally do? When do you do them?</li> <li>8. Are there any events that you practice that relate to land and livelihoods?</li> </ol>
<b>Threats and challenges facing your ICCA</b>	<ol style="list-style-type: none"> <li>1. What are the main threats facing your territory?</li> <li>2. What are you doing to prevent these threats?</li> <li>3. Do you have any challenges managing your territory?</li> <li>4. What are these challenges and how have you overcome them?</li> </ol>
<b>Conservation plan/ community life plan?</b>	<ol style="list-style-type: none"> <li>1. Do you have a plan for managing your territory? What is it?</li> <li>2. What is your vision for your territory in the future? What would you like to see?</li> <li>3. What will the community do to achieve this vision?</li> <li>4. Is the whole community aware of this vision? Are they all participating in this?</li> </ol>

