Ceasefires, Governance and Development: The Karen National Union in Times of Change

Kim Jolliffe

December 2016

The Asia Foundation
Improving Lives, Expanding Opportunities

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About the Author

Kim Jolliffe is an independent researcher, writer, analyst and trainer, specializing in security, aid policy, and ethnic politics in Myanmar/Burma. He is the lead researcher on the Social Services in Contested Areas (SSCA) research project.

About The Asia Foundation

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Preface

The Asia Foundation is pleased to present this report, which examines the governance dynamics in southeastern Myanmar around the 67-year-old conflict between the Karen National Union (KNU) and the Myanmar state. Ceasefires and political change over time have enabled the state to expand its presence in areas where previously only the military had operated, but at the same time, the KNU has also gained much greater freedom to interact with communities in areas of contested authority. The emergence of a quasi-civilian government in recent years has generated intense public discourse on the country's nascent democratic transition and the need to resolve longstanding ethnic conflicts. In this evolving context, new opportunities for peacebuilding are emerging but also potentially new risks which need to be better understood given that the KNU is likely to continue to be an important governance actor for some time to come.

This report seeks to offers both a historically grounded overview of the KNU's internal structures, and the role of the organization in the governance of areas under its influence. The report traces changes in the KNU's approach to governance over time, with particular focus on the conflict period between 1995 to 2011, and changes since ceasefires were signed as part of the peace process initiated in 2011. Emphasis is placed on exploring some of the dynamics that exist within the KNU itself, as different parts of the organization have formulated different responses to the challenges posed by development and the peace process. The paper concludes with reflections of the implications of these dynamics for reform, peacebuilding, and development.

This research paper is authored by independent researcher Kim Jolliffe, who specializes in the areas of security, ethnic conflict and aid policy. The report was generously funded by the Australian Department of Foreign Affairs and Trade (DFAT). The opinions expressed in this report are solely those of the authors and do not necessarily reflect those of DFAT or The Asia Foundation.

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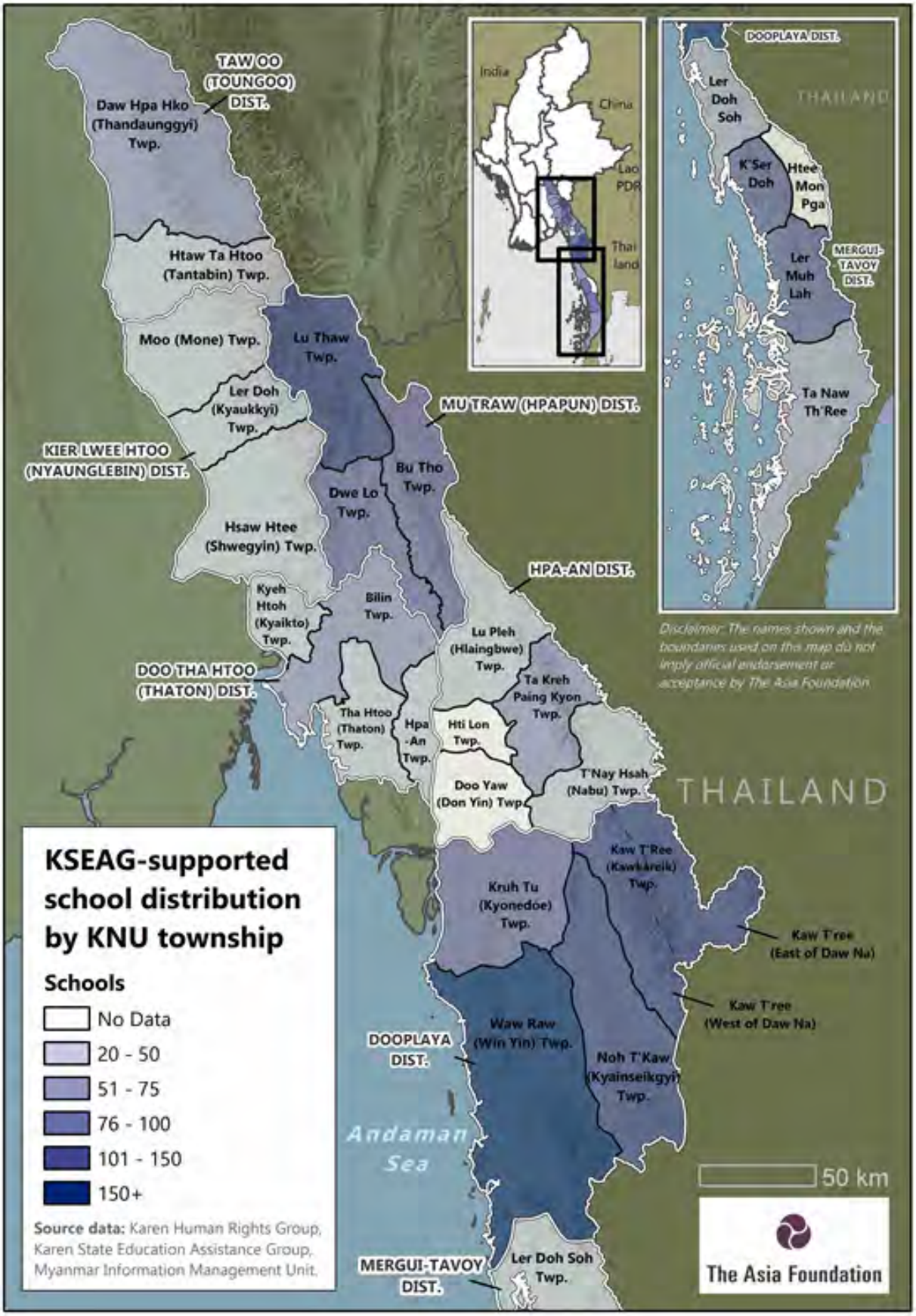
Acronyms

ABSDF	All Burma Students' Democratic Front
BGF	Border Guard Force
BPHWT	Backpack Health Worker Team
CBO	Community-Based Organization
CPB	Communist Party of Burma
DKBA	Democratic Karen Buddhist Army
DKBO	Democratic Karen Buddhist Organization
EAO	Ethnic Armed Organization
EITI	Extractive Industries Transparency Initiative
FTUK	Federation of Trade Unions – Karen
GAD	General Administration Department
GOC	General Officer Commanding
IAIA	International Association for Impact Assessment
IDP	Internally Displaced Person
INGO	International Non-Governmental Organization
KAD	Karen Agriculture Department
KAF	Kawthoolei Armed Forces
KCO	Karen Central Organization
KDHW	Karen Department of Health and Welfare
KED	Karen Education and Culture Department
KESAN	Karen Environmental and Social Action Network
KFD	Karen Forestry Department
KHRG	Karen Human Rights Group
KIO	Kachin Independence Organization
KKO/DKBA	Khlohtoobaw Karen Organization/Democratic Karen Benevolent Army
KNA	Karen National Association
KNDO	Karen National Defense Organization
KNLA	Karen National Liberation Army
KNPF	Karen National Police Force
KNU	Karen National Union
KNUP	Karen National Unity Party
KPC	Karen Peace Council
KPF	Karen Peace Force
KRC	Karen Revolutionary Council
KSEAG	Karen State Education Assistance Group
KUPC	Karen Unity and Peace Committee
KWO	Karen Women's Organization
KYO	Karen Youth Organization
LORC	Law and Order Restoration Council
MMK	Myanmar Kyat
MoE	Ministry of Education
MoH	Ministry of Health
MoU	Memorandum of understanding
NCA	Nationwide Ceasefire Agreement
NDF	National Democratic Front
NLD	National League for Democracy
PDC	Peace and Development Council
SLORC	State Law and Order Restoration Council
SPDC	State Peace and Development Council
TBBC	Thailand Burma Border Consortium

TBC	The Border Consortium
THB	Thai Baht
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UNFC	United Nationalities Federal Council
UWSP	United Wa State Party
VTA	Village Tract Administrator
VTC	Village Tract Chairperson

Map 1: Karen National Union districts and townships

Map 2: KSEAG-supported school distribution by KNU township



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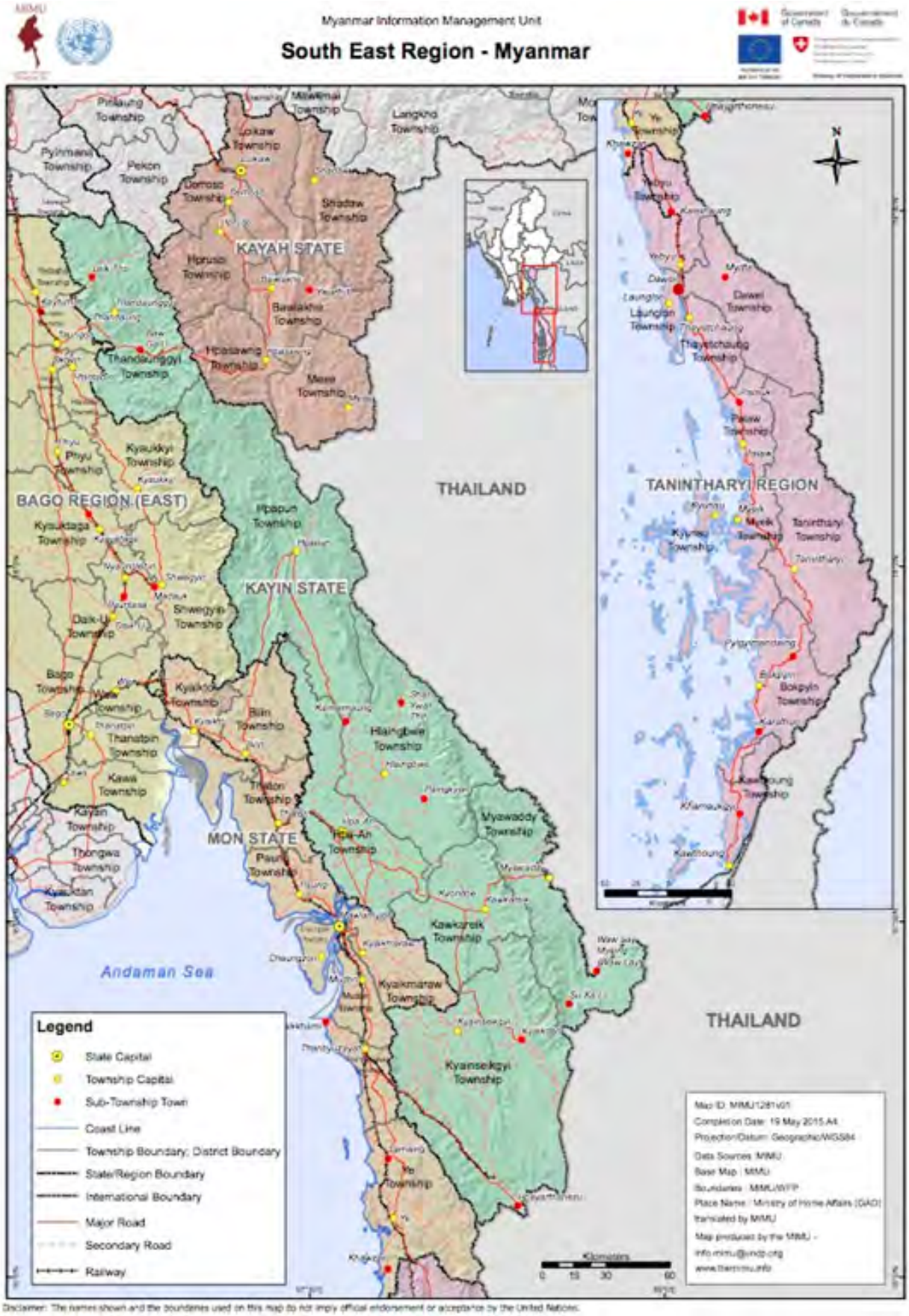
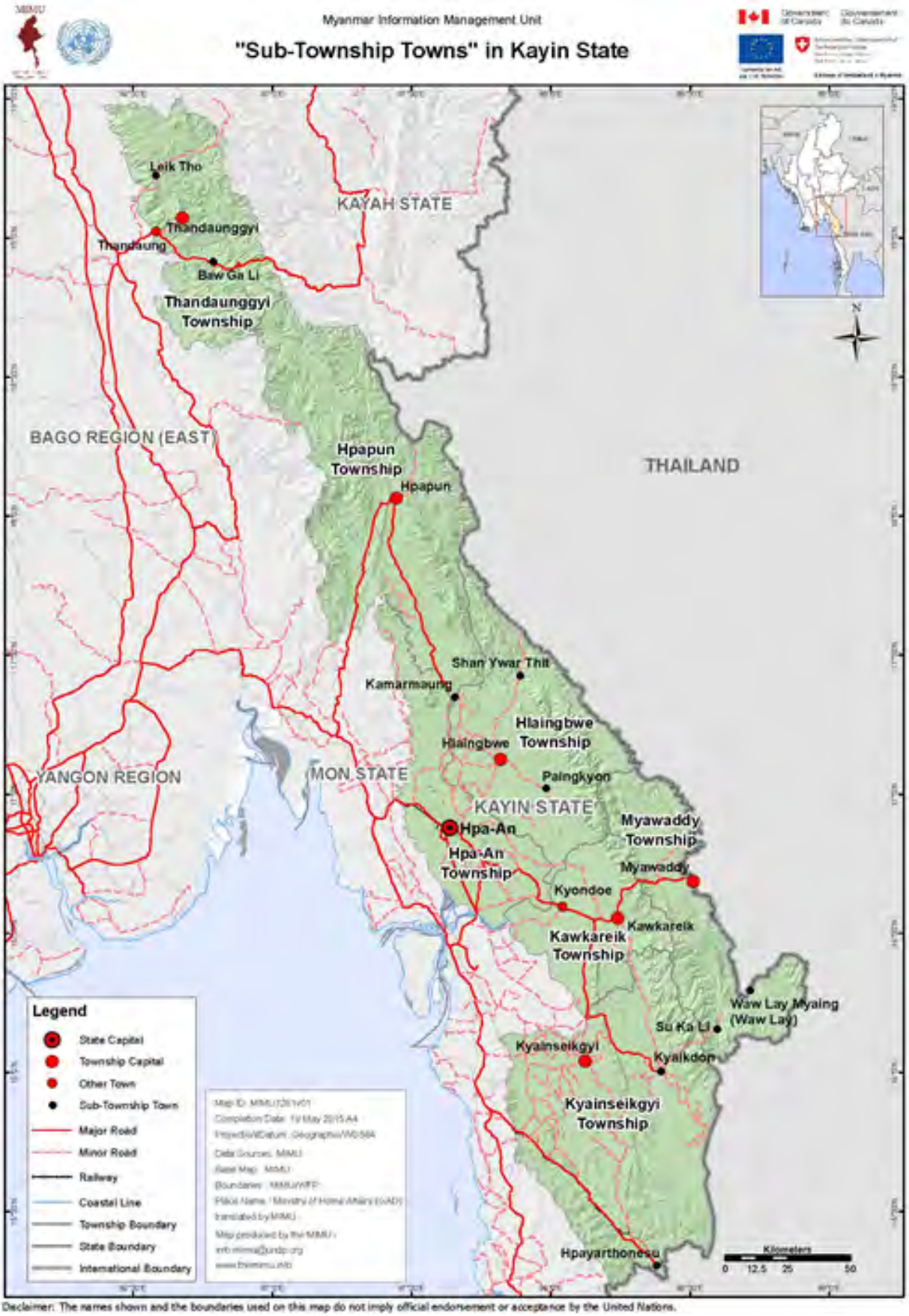


Disclaimer: The names shown and the boundaries used on this map do not imply official endorsement or acceptance by the United Nations.

Map 5: “Sub-township Towns” in government-defined Kayin State



Section ONE: Introduction and Background

This report examines the governance dynamics surrounding the 67-year-old conflict between the Karen National Union (KNU) and the Myanmar state. Between 1962 and 2011, Myanmar was ruled by two successive military regimes, both dominated by the majority Bamar ethnic group. The latter regime then established a partially democratic constitution, and the military has since overseen a gradual process of democratic reform. Since the 1990s, the KNU has splintered numerous times, with the most powerful of the new factions now forming Border Guard Forces, under the command of the Myanmar Armed Forces (Tatmadaw). In 2012, ceasefires were signed between the KNU and the government of former general, President Thein Sein, and the KNU has since become a central player in Myanmar's multilateral peace process.

In March 2016, a newly elected government was formed by the National League for Democracy (NLD), which is the party of Aung San Suu Kyi, the country's long-supported democracy hero, herself a Bamar. The new government is now leading a peace process aimed at forming a federal system of government, as has been long demanded by the KNU and most other ethnic armed organizations (EAOs). However, the Tatmadaw retains significant powers and autonomy in its conduct of warfare, via a constitution it drafted while in power, and remains resistant to dramatic political reforms.

While reflecting on these broad dynamics, this report does not comprehensively discuss the overall politics of the country or the prospects of the peace process writ large. Rather, this report examines how ceasefires and political developments have transformed governance dynamics across rural southeast Myanmar, where the KNU has mostly operated since the 1970s. These developments have allowed the state to expand its presence significantly in territories where only its military had previously been. At the same time, the KNU has also gained much greater freedom to interact with communities in areas of contested authority. This has led to new patterns of cooperation and competition, creating new peacebuilding opportunities and new conflict risks.

The KNU was established in 1947 by Karen politicians, lawyers, civil servants, and other educated Karen nationalists to push for greater autonomy for the Karen people in the context of Myanmar's independence. Since the 1990s, the KNU has firmly supported the NLD and has been calling for the establishment of a federal, democratic union. Having signed the Nationwide Ceasefire Agreement (NCA) in 2015, the KNU is now pushing for constitutional reform through multilateral political dialogue. The KNU retains a central focus on achieving self-determination for the Karen people and has adopted a strongly pro-human rights stance in recent decades, in response to high levels of human rights abuses by the Tatmadaw against Karen and other populations.

Though ultimately seeking reunification with the state, the KNU has established a parallel administration, operating as a proto-government in areas under its control since the 1950s. Its organizational structure is like that of a one-party state, with members of the "party" forming governance bodies at each administrative level. As of 2016, at least 800,000 rural people are governed to some extent by the KNU – subject to taxation, under the authority of its justice and land management systems, and receiving its social services. The majority of these people, however, are in areas where the government and other Karen armed actors also have a presence, and so are under the authority of various actors in varying degrees. An estimated 250,000 people are under relatively firm governance by the KNU but in contact with other authorities, while at least 100,000 are estimated to be under nearly autonomous KNU rule.

In recent decades, the KNU has operated as a de facto federation of seven geographically defined districts, each enjoying significant autonomy in local governance and financial management. The supreme organ of the KNU is its Congress, which is convened every four years and is representative of each of the districts and their corresponding Karen National Liberation Army (KNLA) brigades. This

Congress elects executive bodies to serve for the intervening years, and is the highest authority on all areas of policy and law. In this way, the incumbent central leadership is constrained in its ability to initiate top-down reforms or to make unilateral demands of any of the constituent districts without building consensus. In theory, the institutional arrangements for power sharing within the KNU mean it cannot be easily co-opted by a specific individual or faction. In recent years, the balance of power has been relatively well distributed despite factionalism in the central leadership and differences among the districts.

The recent changes have come in the wake of a nearly 20-year period of steep decline for the KNU, through which it splintered repeatedly, lost significant territories to the state, and suffered successive crises. In recent years, the KNU has been able to rebuild its organization significantly, and is undergoing a resurgence in its ability to influence national politics. This shift has depended on tactful engagement with an entirely new strategic environment, and has led to increasing tensions between districts that face different realities, and among central-level leaders who have differing perceptions of the present risks and opportunities.

The findings in this report demonstrate that the KNU remains a deeply embedded governance actor in large communities, where the state has repeatedly failed to establish stable governance arrangements. However, Myanmar's new semi-civilian political order appears more effective than any previous government at establishing more effective forms of governance in these rural areas, challenging the KNU's primacy as the most widely recognized civilian authority in many areas.

Nonetheless, it seems unavoidable that the KNU – or at least the broad-based movement it embodies – will continue to exist for decades to come in some form, whether in conflict or cooperation with the state. It is therefore crucial that the peace process develop systems of governance that end competition and are supportive of peace. It is crucial that the KNU ceasefire leads to a comprehensive political settlement and does not become protracted while business and development activities increase. The 17-year ceasefire of the Kachin Independence Organization (KIO), which broke down in 2011, provides a worrisome example of what can happen if ceasefires go on, without comprehensive political change. The final section of this report provides some broad reflections on what the key challenges of securing a more stable deal will entail.

Background and key concepts

The Karen people

The Karen are thought to be the third-largest ethnic nationality in Myanmar, following the Bamar and the Shan, with estimates of their number ranging from 3 to 7 million.[1] They live across lower Myanmar, particularly in the southeast and Ayeyarwady, Bago, and Yangon Regions. There are also hundreds of thousands of Karen in Thailand and in Shan State. The majority of Karen are Buddhists, with Christians thought to make up around 20 percent and animists making up a significant but unknown portion.

However, all of these figures are somewhat suggestive, as the term "Karen" essentially refers to a fluid grouping of related ethnicities that has changed over time. Since the 1950s, at least, the Karen nationalist movement has been led by, and focused on, two main subgroups, the Sgaw and Pwo, in addition to 10 to 15 much smaller subgroups. In the colonial and postcolonial eras, Pa-O, Kayan, and Kayah, among other ethnic groups, were also considered part of the Karen family, but they have since become recognized as separate – though related – ethnic nationalities.

Most Karen subgroups have mutually unintelligible languages, but they are connected through customs, traditions, and a long history of shared communities, and thus a sense of unity in diversity.

[1] Smith (1999), 30; Thawnghmung (2012); South (2011).

Despite the ethnic group's heterogeneity, the Karen nationality has been well fostered since the 1880s, through a nationalist movement led primarily by Sgaw Christians. The Karen national flag and other symbols are valued and shared by communities from the hills of northern Kayin State, through the urban communities of Yangon, and to the marshy areas of the Ayeyarwady Delta. Nonetheless, far more work is needed to understand how ordinary Karen people view their own national identities.[2]

The political agenda of the KNU

The KNU seeks for Myanmar to become a democratic, federal union that "guarantees the equality of all the citizens,"[3] and to provide Karen people with self-determination. Since the 1990s, the KNU has voiced continual support for the NLD and the associated pro-democracy movement. Until 2012, its political demands focused on regime change to establish an entirely new democratic government, while stating that it would support tripartite talks between the NLD, the Tatmadaw, and EAOs.

The central grievance espoused by the KNU is the domination of the state by the Bamar ethnic group, and particularly by Bamar military leaders. The KNU sees a federal system that assures ethnically designated states with internal autonomy, in addition to power-sharing arrangements at the "Union" (central) level, as its ultimate political objective. Particularly since the 1990s, the KNU has also greatly emphasized the principles of human rights and democracy as central political demands, particularly in response to widespread human rights abuses committed by the Tatmadaw in the context of armed conflict and in other areas (human rights abuses in the period 1995-2011 are discussed in Section 4).

It is often written that the KNU initially demanded independence from Burma and changed its position to favor federalism in the 1970s. This is incorrect, as the KNU has almost continuously favored federation with the Union, despite emphasizing total autonomy of the Karen State (see more in Section 2).

Since entering talks in 2011, the KNU has called for the Tatmadaw to initiate a unilateral nationwide ceasefire: in other words, to halt offensives against all EAOs simultaneously. A compromise was found in 2013, when the Tatmadaw agreed to negotiate with EAOs as a bloc for the first time in order to establish the NCA. From the perspective of the KNU and other EAOs, this at least provided an opportunity to have their many looser, bilateral arrangements consolidated into a common and more binding deal.

The KNU's strategic position in relation to the state and other EAOs has changed dramatically in recent years. For decades, the KNU was seen as the state's staunchest enemy, having never successfully held a ceasefire, while the majority of other groups maintained them for years. As new and renewed armed conflicts have escalated in the north of the country with other pro-federal EAOs, the status quo has flipped, and the KNU has become perhaps the most cooperative EAO in its relations with the state. This shift was epitomized – to much criticism from other EAOs and many within the KNU's ranks as well – when KNU President Mu Tu Say Po enthusiastically hugged Tatmadaw Commander in Chief Min Aung Hlaing on camera in 2013.[4] The following year, the KNU leadership was widely criticized, including by many in its own ranks and by Karen civil society, for leaving an alliance of EAOs called the United Nationalities Federal Council (UNFC).

In line with the KNU's demands, an NCA text was agreed to in March 2015 that commits all signatories to the establishment of a democratic, federal union, and that even its critics agreed, "encapsulates

[2] For important, sometimes critical perspectives on conceptions of Karen nationality, see Thawnghmung (2007); Thawnghmung (2012); South (2007); South (2008); South (2011); Cheesman (2002); and Rajah (2002).

[3] See a 2013 position paper released by the KNU Supreme Headquarters, available at: http://www.knuhq.org/wp-content/uploads/2014/10/2013-Aug-The-KNU-and-the-Peace-Process.pdf.

[4] Saw Yan Naing, "Army Chief Meets KNU, Says He Supports Stalled Ceasefire Process," *The Irrawaddy,* December 1, 2014, available at: http://www.irrawaddy.com/burma/army-chief-meets-knu-says-supports-stalled-ceasefire-process.html.

virtually every issue important to minority communities in war zones," despite a lack of binding commitments.[5] Crucially, the NCA commits all sides to holding political dialogue aimed at forming a federal, democratic union. However, the KNU was criticized by other EAOs and civil society when it went ahead and signed the deal in October 2015, while the UNFC boycotted it because some of its members were barred. In addition to the seven UNFC member EAOs, the country's largest EAO, the United Wa State Party, also refused to sign, greatly undermining the deal, which as a result was far from "nationwide."

Despite these weaknesses in the NCA process and related disputes, it should be recognized that the KNU has been instrumental in achieving an unprecedented on-paper commitment from the Tatmadaw to the demands long-held by most EAOs for political dialogue and federalism. Additionally, the improvements in security and welfare of local communities in conflict-affected areas have been significant and remain a key reason for continued local-level support for the peace process in most KNU districts (see sections 6 and 7). In late 2016, the KNU remains a key stakeholder in the bi-annual Union Peace Conferences, of which the first two were held in January and August 2016.

The Tatmadaw's four cuts strategy

Since the 1950s, the KNU has mostly operated in rural Karen areas, while the Myanmar state has been able to maintain control over towns and major roads. In the rural areas, the KNU's strength has always come from close relations with rural communities that provided it with sanctuary, resources, intelligence, and recruits. In the mid-1960s, after the country's first coup d'état, General Ne Win developed the "four cuts" strategy, based on British methods used throughout the region, which aimed to cut off this support from the civilian population.[6]

What was initially framed as a "hearts and minds" strategy, aimed at winning over the people so that they would turn on the EAOs, soon evolved into a systematic approach to brutal scorched earth campaigns in which hundreds of thousands of people would be forcibly relocated to sites near Tatmadaw camps, where they could be kept under close control. The Tatmadaw designated territories where EAOs were strong as "black areas," areas under government control as "white areas," and areas of mixed authority as "brown areas." Orders were issued for all civilians in black areas to move to white areas, and those who remained were engaged as enemy combatants.

This strategy was somewhat successful in the KNU's territories in the Ayeyarwady Delta and the Bago Yoma (mountain range), which were away from borders and were cleared of KNU activity by the 1970s. The Tatmadaw began regular four cuts campaigns in the southeast in the 1980s, and was supported by various KNU splinter groups to greatly reduce the KNU's presence. The devastation caused by these campaigns is still felt today, and greatly shapes the political geography in rural Karen areas of southeast Myanmar. More than a hundred thousand Karen civilians fled to refugee camps in Thailand that were established by the KNU and international partners. Meanwhile, hundreds of thousands of others were displaced, either to Tatmadaw relocation sites or deeper into KNU territory.

Governance capacity of the KNU

Among other functions, the KNU governance system collects formally registered taxes; provides a basic justice system with a police force; registers, regulates and provides ownership titles for agricultural

[5] Maung Zarni and Saw Kapi, "Democratic Voice of Burma: Divisive ceasefire won't bring peace," *BurmaNet News,* September 8, 2015, available at: http://www.burmanet.org/news/2015/09/08/democratic-voice-of-burma-opinion-divisive-ceasefire-wont-bring-peace-maung-zarni-and-saw-kapi/.

[6] The term "four cuts" is often interpreted to mean the cutting of four forms of support that populations provide to EAOs (scholars have suggested differing combinations of food, funds, resources, recruits, sanctuary, among others). Others have interpreted it as a four-stage process, that ends with communities turning on the EAOs and cutting the heads of EAO leaders. See Maung Aung Myoe (2009), pp. 25-26; Smith (1999), pp. 258-262; Selth (2001), pp. 91-92, p. 99, pp. 163-164; South (2008), p. 34, pp. 86-87.

land; regulates and manages forestry and other forms of land use; and provides basic social services including education and primary healthcare.

Spread across large swathes of rural southeast Myanmar, the KNU retains influence over an estimated population of at least 800,000 people.[7] Within that population, an estimated 250,000-350,000 are primarily under the authority of the KNU but are also in contact with the government or other authorities. There are likely at least 100,000 people living under the firm control of the KNU who rarely interact with the government or other authorities.[8] This last figure includes 69,753 people in Mu Traw District who were logged based on KNU data but were not enumerated in the 2014 population census because the KNU would not allow the government enumerators access.

The KNU Education and Cultural Department and local NGO affiliates support 1,504 community schools, with a total 167,574 students, and provide stipends to 4,529 teachers.[9] The KNU Department of Health and Welfare serves a target population of around 190,000 people through 61 clinics employing over 700 health workers, while hundreds of medics and dozens of further clinics are provided by a range of affiliated local healthcare NGOs. The Karen National Police Force employs over 600 police officers, who work in conjunction with dozens of judges to provide a basic justice system derived from British-era laws and practices.

Under a recently updated land management system, the Agriculture Department has registered a total of 61,765 land plots, covering just under 354,512 acres (1,435 sq. km). The Forestry Department administers 63 community forests, which cover over 64,000 acres of forested land (over 259 sq. km). The Karen Women's Organization is not a KNU department, but receives special rights under the KNU Constitution to have representatives in every village and at every administrative level. It provides limited female health and other services, as well as various forms of support and access to justice for victims of gender-based violence.

The KNU and affiliates also provide humanitarian relief to internally displaced persons, and are often the first to respond in cases of emergency. Around 80,000 refugees in Thailand live in refugee camps (formally known as "temporary shelters") run by the Karen Refugee Committee, which was set up by the KNU but is no longer directly affiliated.

Far more research is needed to determine how representative of its communities the KNU is. Elections through congresses and public meetings from the village level up are intended to make the central executive leaders accountable to the population. However, local level elections are poorly attended in most areas, as is often the case with government elections at the village tract level. Congresses and other plenary functions, however, at least provide a means of balancing power and making the leadership more representative of local-level civilian and military leaders. These functions have been crucial to maintaining unity within the KNU in recent years, as differences have emerged within the organization.

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[7] This estimate is based on census data of rural populations in 21 townships and 11 sub-townships where the KNU is most active, whose total rural population amounts to more than 2.3 million. The author made conservative estimates of the number of people influenced by the KNU based on existing knowledge, discussions with other researchers, and secondary data. A few thousand were added from six further townships where the KNU is present but even less active, in addition to the 69,753 people in Mu Traw District who were not enumerated in the census. Additionally, the Karen Education Department (KED) and its affiliates provide education to 167,574 children. According to the 2014 census, 18.9 percent of the enumerated Kayin State population is in school. If an equal or lesser proportion is in school in KNU-controlled areas, then there are approximately 888,000 people living in communities where children are receiving KED educational support. In fact, the number could be higher, as a lower proportion of people than the Kayin State average may be in school in rural KNU areas. Some of these are areas where the KNU is very weak, and providing education services does not indicate wider KNU authority, but it gives some indication of how many people are within reach of KNU-related networks. Additionally, there are other areas where the KNLA and other bodies of the KNU are strong but where education provision is weak.

[8] These figures are based on estimates of the population in the 21 townships and 11 sub-townships where the KNU is most active. See previous footnote.

[9] Karen State Education Assistance Group (KSEAG) (2015), 5. Full stipends of THB 7,500 per month were provided to 3,235 teachers in academic year 2015-2016. Another 1,294 teachers received partial stipends to supplement funds from other organizations or the government and bring their total wages to 7,500.

Other Karen armed actors

As discussed in section 2, the KNU has fractured numerous times in its history, but remained united between the mid-1970s and mid-1990s. Between 1994 and 2007, however, numerous splinter factions broke away from the KNU and signed ceasefires with the government, some then turning on the KNU and fighting against it. Today, some of these factions are under the command of the Tatmadaw, while others maintain ceasefires with the government and are allied with the KNU.

Table 1: Other Karen armed actors and their relations

Group	Relation to KNU	Relation to the state	Areas of operation
Tatmadaw Border Guard Forces (BGFs) #1011-1022 (part of the Democratic Karen Buddhist Army between 1994 and 2010)	Subject to ceasefire	Under Tatmadaw command with embedded Tatmadaw officers.	Dooplaya District, Hpa-An District, southern Mu Traw District
Khlohtoobaw Karen Organization/ Democratic Karen Benevolent Army (KKO/DKBA) (part of the Democratic Karen Buddhist Army between 1994 and 2010)	Allied	Ceasefire, including NCA.	Dooplaya District, Hpa-An District
The Kyaw Htet/San Aung/Po Bee faction, which now again uses the name Democratic Karen Buddhist Army (part of the original Democratic Karen Buddhist Army between 1994 and 2010)	Tenuous alliance, but limited trust	In active conflict.	Dooplaya District, Hpa-An District, southern Mu Traw District
The Karen Peace Council (KPC)	Allied	Ceasefire	Hpa-An District
Tatmadaw BGF #1023 (formerly Karen Peace Force)	Subject to ceasefire	Under Tatmadaw command with embedded Tatmadaw officers.	Dooplaya District
Thandaung "peace groups"/People's Militia Force	Subject to ceasefire	Under loose Tatmadaw command.	Taw Oo District

The Democratic Karen Buddhist Army

In 1994, a few hundred Buddhist soldiers split from the KNU and formed the Democratic Karen Buddhist Army (DKBA) after tensions emerged between the Myaing Gyi Ngu *sayadaw* (abbot) and numerous Christian KNU leaders.[10] By January 1995, the new army had allied with the Tatmadaw and was taking part in offensives against the KNU, allowing the Tatmadaw to seize the KNU headquarters at Mannerplaw and then a crucial border position at Kaw Moo Rah (near today's Shwe Ko Ko). The DKBA became notorious for human rights abuses as it disbanded all the civilian functions it could have inherited from

[10] The website of Paul L. Keenan, "The Formation of the DKBA," May 6, 2016, available at: https://paullkeenan.net/2016/05/06/the-formation-of-the-dkba/; South (2011), 18-20.

the KNU and effectively became a proxy force of the Tatmadaw, assisting it in ongoing four cuts campaigns on civilian communities. The DKBA is considered responsible for the KNU's sharp decline in the late 1990s and early 2000s, and its various factions thus remained deeply distrusted by many KNU personnel and followers.

In 2010, the military government demanded that all ceasefire groups in the country place themselves under full state control as Tatmadaw Border Guard Forces (BGFs). In 2010, the DKBA split into two main factions. The larger faction, led by commanders based in Myawaddy and Myaing Gyi Ngu, formed 12 BGFs (#1011-#1022), while numerous other commanders refused to do so, realigned with the KNU, and reverted to fighting the Tatmadaw. This latter faction then signed a ceasefire with the government in September 2011, and renamed itself the Khlohtoobaw Karen Organization/Democratic Karen Benevolent Army (KKO/DKBA) in April 2012. According to a senior commander of the KKO/DKBA, "At the split, we said, 'if you stand for your religion, join the BGF; if for your nation, like the KNLA, then join with us.'" The KKO/DKBA is now allied with the KNU, allowing the KNU to reestablish social service structures and some other parts of its administration in KKO/DKBA areas and to take the lead on all political strategy. The KKO/DKBA signed the NCA in October 2015.

The KKO/DKBA then split again in mid-2015, as two commanders, Kyaw Htet and San Aung, entered renewed conflict with the Tatmadaw and BGFs due to disputes around new roadways being built in the area. The primary fighting in 2015 took place along a section of the Asian Highway project that aims to create an East-West corridor from India to Vietnam and has formed a central feature of Southeast Asia's regional trade integration strategies for decades.

The fighting faction was dismissed from the KKO/DKBA and then, in 2016, it joined a defected BGF commander in Lu Pleh Township and resurrected the army's original name, the Democratic Karen Buddhist Army. This faction is rumored to be acting under the patronage of the monk U Thuzana, who remains based at Myaing Gyi Ngu. In September 2016, heavy conflict broke out again between the faction and Karen BGFs and Tatmadaw in Lu Pleh Township, and the new DKBA faction has been joined by another commander, Po Bee, who formerly commanded BGF #2012 but defected in 2011. This fighting has taken place along a set of new secondary roads and close to the nascent construction site of a major hydropower dam, called the Hatgyi Dam. The forces of the three commanders are loosely affiliated but not under central command. They are particularly active along emerging trade routes in Lu Pleh and Kaw T'Ree Townships.

The Karen Peace Council

The Karen Peace Council (KPC), also known as the KNU/KNLA Peace Council, was formed in 2007 by factions of the KNLA's 7th Brigade led by Bo Htein Maung. The KPC immediately signed a ceasefire with the government, igniting severe disputes with the KNU. In 2010, the KPC rejected the government's BGF demands, leading its ceasefire to be annulled. Small factions of the KPC then temporarily returned to conflict with the Tatmadaw, fighting alongside the KNLA and the rebel faction of the DKBA. The KPC then signed a ceasefire in April 2012, the NCA in October 2015 and has become a formal political ally of the KNU.

The Karen Peace Force

In 1997, the Karen Peace Force (KPF) was formed by the former 16th Battalion of the KNLA 6th Brigade (in Dooplaya District), led by Thu Mu Hae, as the Tatmadaw launched an offensive in its region. The KPF explicitly aligned with the Tatmadaw and was given a number of economic concessions and nominal authority over various territories in return.[11] In 2010, the KPF transformed into BGF #1023, but the group is thought to have maintained some troops in the old uniform as some form of militia under a

[11] South (2011), 38.

local-level agreement.

Thandaung "peace groups"

In 1998 and 1999, two small factions from the 2nd Brigade in Taw Oo District splintered and formed "peace groups" under ceasefire agreements with the Tatmadaw based near Leiktho Town. The first commander to break away was Kyaw Win, in 1998, who formed a force of just a few dozen troops called the Thandaung Township Special Region Peaceful Association. Another commander, Ko Gyi, then split in 1999 and his similarly sized group became the Northern Thandaung Special Region Peace Association. One or both of these groups is associated with the Keba ethnic subgroup. In practice, these peace groups soon came to act like state-backed militias, and although small, made it difficult for the KNLA to reconsolidate control over much of the command area. One or both factions formed a People's Militia Force in 2010 under the formal command of the Tatmadaw, but exact details are difficult to locate.

Rebuilding relations through the Karen Armed Unity Committee

In 2010, the KNU established a policy for rebuilding relations with the other Karen armed actors, which helped it to re-unite with the KPC and KKO/DKBA. In 2012, the KNU established the Karen Armed Unity Committee, which brings together all the Karen armed factions with the aim of one day reuniting as a common movement. The KPC, the KKO/DKBA, and the new faction of the DKBA have all agreed to follow the KNU on all political affairs and allow it to govern much of their territory. Some senior BGF leaders have attended the meetings and voiced their rhetorical support for the politics of the KNU, but have been much more reserved overall in their relations and remain under Tatmadaw command.

Section TWO: A Short History of the KNU

The 69-year history of the KNU is long, complex, and involves many different actors. This is a very brief overview of some of the key developments and trends, to help in understanding the organization's current situation and agenda.

The colonial era

During the colonial era, Karen populations were spread across numerous administrative areas and were subject to divergent governance arrangements. The majority were within what the British termed Burma Proper, and later Ministerial Burma, where they were intermingled with majority Bamar and other groups. In this area, the colonial state removed all traditional power structures and established a rationalized system of government, which favored the Karen for many military and administrative posts. Meanwhile, the Bamar were deeply marginalized, and sometimes subject to violent repression by Karen forces.

At the same time, most of the region's mountainous territories – including today's Shan, Kachin, Chin, and Kayah States – were designated as "Frontier Areas." These areas were placed under less direct rule, with traditional leaders able to retain influence if they maintained order and paid taxes to the British crown. Among these areas was one Karen-populated territory called the Salween District (sometimes Papun District),[12] which covered the northern portion of today's Kayin State and parts of eastern Bago Region. To this day, this region remains the most autonomous KNU-controlled region and has never been brought under centralized state rule. Some other parts of today's southeast Myanmar were also under very limited rule, and were designated as Part II Frontier Areas in 1937.[13]

In 1881, The Karen National Association (KNA) was founded, led by a Christian, English-speaking elite that was heavily influenced by American Baptist missionaries. The KNA established local subsidiaries across all of the Karen-populated areas and began fostering a pan-Karen national identity through education, literature, and the promotion of economic advancement. The KNA later became an influential political party, and had elected representatives in the colonial legislatures.

In 1928, a prominent KNA figure, San C. Po, called for the formation of a Karen State covering much of southeast Myanmar, initially as a colonial territory under British patronage, but administered by Karen leaders. Although he is most often cited as calling for an "independent Karen state," he unambiguously envisioned this state being federated with the territories of surrounding nationalities. He imagined a "United States of Burma" or a union like Great Britain, "each nation with its own country and its own distinctive national characteristics, ready to unite for the good of the whole country."[14]

The formation of the KNU – 1947

The KNU was founded in February 1947, shortly after Burma's independence leader Aung San signed a deal with the British government that pledged to form an independent Burma "as soon as possible."[15] Tensions were high between Karen and Bamar leaders at the time, as World War II had seen them fighting on opposite sides, only forming an uneasy alliance in the final years of the war.[16]Aung San had

[12] The Salween District covered today's KNU-defined Mu Traw District and parts of Taw Oo, Kler Lwee Htoo, Hpa-An, and Doo Tha Htoo Districts. See "Salween District," excerpt from *The Imperial Gazetteer of India, 1908* (Oxford: Clarendon Press), available at: http://indpaedia.com/ind/index.php/Salween_District,_1908.

[13] These included "eastern Toungoo District," likely constituting parts of today's Bago Region east of the Sittaung River; parts of Thaton District, likely including mountainous areas of today's Bilin and Kyaik To Townships; and territory around the Daw Na Mountains. It also included parts of Myawaddy and of Kyain (KNU-defined Noh K'Taw) in Amherst District. See Frontier Areas Committee of Enquiry (FACE) (1947), Chapter 1, Article 1, vi. See also Government of Burma Act (1935).

[14] Po (1928), chapter 12.

[15] See Aung San-Attlee Agreement, January 27, 1947, available at: https://burmastar1010.files.wordpress.com/2011/06/44172419-aungsan-atlee-agreement.pdf. See also Government of Burma Act (1935).

[16] For most of the war, General Aung San and his predominantly Bamar "Burmese independence" movement had cooperated with the

two Karen officials in the cabinet of his interim government, but invited neither to this meeting. The agreement made no reference for particular administrative arrangements for the Karen, referring only to the formation of a constituent assembly to decide on a constitution. One of these marginalized Karen leaders was Saw Ba U Gyi, who would later become the KNU's revolutionary icon.[17]

The KNU was formed on February 5 1947 as an umbrella group of four Karen social, political, and religious organizations, including the KNA, with the aim of advancing the Karen national cause without religious discrimination.[18] The KNU had broad support from across the Karen-populated territories, where local bodies would hold meetings among their local populations and then would send delegates to large conventions of hundreds of Karen representatives in central locations.

It is often written that the KNU initially demanded independence from Burma and changed its position to favor federalism at a later date. This is incorrect, as it overlooks the political context in which the KNU was formed, and assumes a binary choice between secession or unification that did not exist. Without question, the KNU and its predecessors repeatedly voiced their aspirations for an independent Karen State, initially to cover the Tenasserim Division, which included today's Kayin and Mon States and Tanintharyi Region. Nonetheless, this was consistently envisioned as part of a federation, which would also give them representation in central Burma, where many Karen people resided. Indeed, Karen officials staffed much of the interim government and commanded the armed forces, so the aim was certainly not to abandon the state of Burma altogether. Furthermore, early political positions were often conceived in the context of continued British patronage, and so were not tied to demands for sovereignty as such.[19]

The KNU's first statement called for an autonomous Karen State (covering Tenasserim),[20] and for high quotas of Karen people in the Rangoon legislature, in the national armed forces, and in the civil service. When these demands were ignored, the KNU boycotted the constituent assembly, and Saw Ba U Gyi resigned from his cabinet position. In July 1947, the KNU established the Karen National Defense Organization (KNDO), mobilizing dozens of small forces across the country.[21] As most Karen boycotted the proceedings, the 1947 Constitution established temporary arrangements for administering the Salween District,[22] and provided for a later process to form a Karen State that would be much smaller and less autonomous than what the KNU was calling for.[23] Meanwhile, Karen personnel remained in many mostly non-political governments posts, most notably in command of the armed forces, and in specialized "Karen Rifles" battalions.

The KNU's second statement, following an October 1947 congress of over 600 representatives, was more ambitious, stating that the case for an "independent Karen State" would be taken to the United Nations, and that such a state should include much of the Ayeyarwady Delta and parts of Pegu Division (roughly today's Bago Region).[24] Nonetheless, independence was still seemingly not considered a zero-

Japanese, while the majority of Karen leaders and communities had sided with the British and US allies. The Burmese independence leaders then switched sides in 1945 to aid the Allies, bringing them into direct cooperation with Karen and other former adversaries.

[17] The other was Mahn Ba Khaing, father of the current speaker of the upper house, Mahn Khaing Win Than.

[18] In addition to the KNA, the founding organizations were the Karen Central Organization (KCO), which had formed during World War II, under Japanese Occupation by KNA members; the Karen Buddhist National Association; and the Karen Youth Organization (an increasingly autonomous youth wing of the Karen Central Organization).

[19] In addition to the statements noted below, see the rich discussions about the future Karen State in FACE (1947), 119-69.

[20] See the KNU's first statement, in the form of a telegram to the British government, in Mahn Robert Ba Zan (2008), 95. This largely reflected an earlier statement from the Karen Central Organization, entitled "The Humble Memorial of the Karens of Burma to His Britannic Majesty's Secretary of State for Burma," which was republished in English in a KNU Bulletin in 1987, http://www.ibiblio.org/obl/docs3/KNUBulletin010-LR.pdf.

[21] From the beginning of 1947, Karen communities had already begun arms training, initially in response to threats from left-wing militants of various stripes. The KNDO essentially became a program establishing many loosely linked KNDO units across the country. Smith (1999), 86.

[22] Constitution of the Union of Burma (1947), See Article 181. Readers should note that these temporary arrangements were removed in 1952 with the formation of a Karen State and so do not appear in some published versions of the constitution.

[23] The planned Karen State would cover the Salween District and some surrounding areas, and would be subject to the same governance arrangements as the Shan State. Constitution of the Union of Burma (1947). See Article 180.

[24] This statement is reproduced in Mahn Robert Ba Zan (n.d.), 100. According to the demands, the KNU Executive Committee would be responsible for drawing up the necessary legal arrangements.

sum proposition, as this state was envisioned as part of a federation called "Autonomous National States of Burma."[25] In a formal enquiry following independence, the KNU repeated demands for this "independent Karen State," but maintained that this would not preclude "what will always be regarded as the ultimate goal, namely the Common Federation of all the Peoples of Burma."[26]

This conception of "independence" within a federation helps explain the notion of self-determination as it is still understood by many ethnic nationality leaders today. The emphasis is on gaining inherent sovereignty and self-rule, albeit as part of a federation with other states as equals.

The war begins – 1948-1949

By late 1948, both the KNU and the government appeared to be preparing for war, following numerous cases of armed violence and repeated failures to agree to terms for a Karen State. KNDO forces and defecting Karen Rifles had cooperated to take a number of major towns, but a peace settlement was quickly brokered in November that allowed them to retain arms.[27] Then, in December and January, government militia killed hundreds of Karen civilians in separate attacks, including 80 deaths by grenade in a church on Christmas Eve.[28] Full-fledged conflict erupted in January, as KNDO forces were placed under siege at Insein, on the outskirts of Yangon, and joint forces of the KNDO and defecting Karen Rifles seized towns across lower Burma.[29] Karen commanders were removed from the top positions of the armed forces, and General Ne Win was proclaimed commander-in-chief that month, taking control of a force of just 2000 troops (less than half its original size), due to mass defections to various communist and ethnonationalist armed movements. Ne Win would go on to recruit tens of thousands of Bamar males through the 1950s, giving birth to the modern-day Tatmadaw.[30]

The KNU declared an independent Karen State in April 1949, with its capital in Toungoo, and was then pushed out of Insein in May. An independent Kawthoolei government was proclaimed in June, with Saw Ba U Gyi as prime minister. The Kawthoolei armed forces were formed to bring the KNDO forces and former Karen Rifles under a unified command. A temporary, military-led, civilian administration body was established called the "Civil Affairs Service – Kawthoolei (CAS-K)," modeled on the wartime, British-led "Civil Affairs Service – Burma."[31]

The 1950s-1970s

In August 1950, Saw Ba U Gyi was killed by the Tatmadaw in an ambush near Hlaingbwe Town. In July he had attended his last KNU Congress and had laid down his four principles, which are espoused ardently by the full range of Karen armed actors to this day:

- There shall be no surrender.
- The recognition of the Karen State must be completed.
- We shall retain our own arms.
- We shall decide our own political destiny.

Following a number of early military successes, the KNU was forced from most urban positions by the early 1950s, beginning a sharp distinction between the towns or roads that the Tatmadaw could dig in to defend and the vaster rural areas where the KNU became embedded in local communities. Three distinct KNU command areas formed: the "Eastern Division" in today's southeast; the "Bago Yoma"

[25] Smith (1999), 87.
[26] Ibid., 115.
[27] Callahan (2003), 129-32; Smith (1999), 115-6.
[28] Callahan (2003), 132; Smith (1999), 117.
[29] Smith (1999), 114-8; Thawnghmung (2007), 7.
[30] Callahan (2003), 119, 173.
[31] Smith (1999), 140-3; Mahn Robert Ba Zan (n.d.), 105-6.

(mountain range); and the Ayeyarwady "Delta" Region.

In 1952, a Karen State was formed by the government, with the same boundaries as today's Kayin State and containing less than one quarter of Burma's Karen population.[32] In practice, the 11,600-square-mile territory was mostly controlled by the KNU, though the government was able to control the towns of Hpa-An, Kawkareik, Myawaddy, Hpapun, and the roads that connected them almost consistently from then on. In 1956, the whole KNU was reorganized into three branches: the Karen National Unity Party (KNUP); the Kawthoolei Armed Forces (KAF); and for administering civilian populations, the Karen Revolutionary Council (KRC). Meanwhile, Shan parliamentarians initiated the "federal movement" in the early 1960s, and were joined by representatives from other ethnic states, to push for greater autonomy.

Ideological divides emerged within the KNU at this time. Units in the Delta and Bago Yoma leaned more to the left and allied themselves with communist insurgents, while those in the eastern division leaned more to the right and developed relations with the anti-communist authorities in Thailand.[33] Both factions also formed various alliances with other ethnonationalist forces, including successive Mon, Karenni, Shan, and other groups.

In 1962, while negotiations between the "federal movement" and the central government were ongoing, General Ne Win seized power in a coup d'etat citing fears that the country was on the brink of disintegration. By this point, Ne Win had expanded the size the Tatmadaw from the paltry 2000 troops of 1949, to a force of around 100,000, primarily through the recruitment of Bamar males. This and later military regimes became markedly ethnonationalist in their own character, envisioning a unified Myanmar based largely around Bamar Buddhist identity. As Ne Win, removed local governments from all ethnic states and developed a deep military state, Shan, Kachin, and other ethnic armed movements rose in power and armed conflict escalated dramatically across the country.

Shortly after the coup, head of the KRC, Hunter Tha Hmwe, surrendered,[34] bringing to power Bo Mya as commander of the Eastern Division.[35] Under Bo Mya's rule, illicit border trade with Thailand boomed, as Ne Win introduced heavy, socialist-style tariffs on imports and exports, and Bo Mya increasingly cooperated with the Thai authorities against communism. This widened the gap between the left and right wing factions of the organization, leading Bo Mya to formally split from the KNUP in the late 1960s.

Around that time, the Tatmadaw initiated its four cuts strategy (see Section 1), and successfully pushed the KNU out of the Delta in the late 1960s and the Bago Yoma by the mid-1970s. Remnants of these leftist factions then joined Bo Mya's forces in the Eastern Division and had to compromise on their ideology. Bo Mya had already been joined in the late 1960s by the influential, left-leaning KNUP ideologue Mahn Ba Zan, who had long envisioned a Federal Republic of Burma in which the Karen State would be socialist. In an uneasy collaboration, the two leaders began developing a new political ideology and system in the early 1970s. They also reformed the KAF into the KNLA, while the KNDO remained as a collection of local-level defense units.

A new constitution was then promulgated at the Ninth KNU Congress in 1974, which established the seven KNU districts that exist today and the basis for the current governance system. Despite some compromises, the KNU's new guiding principles were heavily nationalistic and explicitly went against key leftist ideas. "National democratic revolution" was stated as a central aim, and the concept of class as a basis for grievance was explicitly denounced. Instead, it was argued that Karen people of all classes

[32] Smith (1999), 154.
[33] Confusingly, the KNUP effectively became the organization of the left-wing factions, and the KRC became the organization of the right-wing factions, while the three branches of KRC, KNUP, and KAF officially remained three parallel branches in all areas.
[34] The KNUP was in negotiations as part of an alliance with other armed groups and rejected the terms offered, which required them to stay within confined areas and placed great restrictions on their activities. Keenan (2012), 20.
[35] Tha Hmwe had actually been head of the KRC, while Ohn Pe, who defected with him, had been commander of the Eastern Division.

could be unified by patriotism as the "sole ideology." The KNU was said to be "the highest organ for all Karen people, and [to represent] all Karen people."[36]

As conveyed on the KNU website, similar principles continue to guide the organization today: "The policy of the Karen National Union is national democracy. It fully recognizes and encourages private ownership and welcomes foreign investment."[37] Modern KNU positions, however, retain a central focus on self-determination for Myanmar's ethnic nationalities and have grown to include a strong emphasis on human rights, among other modern concepts.

The 1970s-1990s

Following a short power struggle with Mahn Ba Zan, Bo Mya prevailed and established himself as chairman in 1976. He then ruled the organization until 2000, when he officially became vice chairperson,[38] due seemingly to old age. KNU congresses were discontinued entirely between 1976 and 1991, with Bo Mya typically selecting officials unilaterally.[39] Having taken control of the Eastern Division in 1963, Bo Mya could be said to have ruled as an autocrat more than 10 years longer than General Ne Win. In addition to firmly establishing the "national democratic" philosophy and marginalizing leftist ideas, Bo Mya was a staunch Christian – an adult convert from Animism to the Seventh Day Adventist denomination – and was accused of marginalizing Buddhists within the organization.

In the late 1960s and 1970s, the KNU developed a series of alliances with other EAOs, built broadly around the KNU's "national democracy" ideology.[40] The most successful of these was the National Democratic Front (NDF), formed in 1976 by ten EAOs including the influential Kachin Independence Organization and Shan State Progress Party.[41] Bo Mya aimed for the NDF to represent a pro-Western, anti-communist alliance to counter a wide range of EAOs that had become proxies of the Communist Party of Burma (CPB).[42] The NDF formed the basis for the pro-federal movement that continues today, and began the trend of uneasy cooperation between the KNU and the Kachin Independence Organization (KIO), which have often failed to align their strategic directions despite their common political positions.

The KNU areas then received more than 10,000 fleeing student protestors and politicians from central Myanmar in the late 1980s and early 1990s. They fled as a new military regime (called the State Law and Order Restoration Council) came to power in 1988, held elections in 1990, and then annulled the results and cracked down on the NLD in 1990. These new arrivals gained support from the KNU to establish a new rebel army, the All Burma Students' Democratic Front (ABSDF), which set up military bases in KNU territory. This began an era of close cooperation between the NDF – particularly the KNU – and various underground and exiled, mostly Bamar democratic organizations, which came to include the self-proclaimed government in exile, the National Coalition Government of the Union of Burma. These groups all established and maintained firm positions in favor of the NLD, and began joint calls for the formation of a democratic, federal union.[43] The fate of the KNU and these actors changed dramatically in the early-to-mid 1990s, as the Tatmadaw picked up its counterinsurgency and then the DKBA formed in 1994, dealing a heavy blow to the KNU's power base. This era is discussed in detail in Section 4.

[36] Smith (1999), 286.
[37] KNU website, "The Karens, a Nation, Their Nature and History," available at: http://www.knuhq.org/about/the-karens-a-nation-their-nature-and-history/.
[38] This position was the equivalent of what is today, almost invariably, called "Vice President".
[39] Keenan (2013), 2; Smith (1999), 390.
[40] The KNU had actually begun forming alliances in the 1950s.
[41] The NDF was later expanded to include 12 organizations.
[42] The CPB itself had established strongholds in the Kokang and Wa regions and part of northern Kachin State, with armies of local troops and significant support from China.
[43] Smith (1999), 406-19; South (2011), 17-8; South (2008), 70-1.

Section THREE: The KNU's Governance Structure

The existing organizational structure of the KNU was created in 1974 at the KNU's Ninth Congress, following the abandonment of territories in the Ayeyarwady Delta and Bago Yoma and a decision to consolidate control in the southeast of Myanmar. This shift also coincided with the reunification of leftist and nationalist factions of the KNU under a predominantly nationalist and pro-federal ideology. The governance structure is provided by the KNU Constitution, which is reviewed, and typically updated, every four years.

The governance structure is organized into seven districts, containing a total of 26 townships, which cover an area corresponding to all of Kayin State and Tanintharyi Region, most of Mon State, and parts of East Bago as defined by the government (see Map 1). The townships are then divided into village tracts as well as independent villages. Much of this territory is under the control of the government or other armed actors, but these boundaries are still used by the KNU to organize its own administrative and military structures.

The highest organ of the KNU is the quadrennial KNU Congress, which is intended to provide equal representation to the seven districts and elects the central leadership to serve until the next Congress. The Congress can also pass laws and promulgate policies, and determines the broad strategic direction for the organization for the four-year term. Biennial district and township congresses carry out equivalent functions at those levels, but are ultimately bound to laws, policies, and positions determined by the KNU Congress. The equivalent at the village tract or village level are annual plenary meetings, which are nominally open to local communities and are used to elect village or village tract authorities.

Leaders at each level then oversee a range of other bodies, including line departments for specific sectors, defense and security forces including the KNLA and police, and committees and councils to oversee or assist other bodies in specific fields. The judiciary is formally independent of the executive and consists of elected judges at each level.[44] The KNU is also connected in various ways to numerous Karen community-based organizations that operate in its areas and undertake varied social functions, some of which have constitutionally mandated roles.

Despite its relatively centralized and hierarchical structure on paper, the KNU operates as a de facto federation of the seven districts. Each district has a corresponding KNLA brigade and enjoys significant autonomy in local governance and financial management. Nonetheless, the districts remain connected through processes that ensure consensus on major policy changes, particularly in relation to political strategy and external relations.

Congresses and plenary meetings

The KNU's most senior decision-making bodies are its periodic congresses, which exist at the central level (known as the KNU Congress), district level, and township level. The KNU Congress convenes once every four years, while district and township congresses convene every two years. These congresses are intended to be representative of each constituent district, township, and village tract. They are responsible for electing the standing committees and executive committees that lead the organization for the intervening term until the next congress. The structure and function of the standing committees and executive committees are described in the following subsections.

Congresses also determine the organization's positions and primary objectives for the following term,

[44] As discussed in later sections, these judges are often figures who have held numerous political posts in the past, or sometimes even at the same time, so their actual independence is at times limited.

and can promulgate formal policies and pass laws and other motions.[45] Given the KNU's de facto federated structure, the KNU Congress is particularly important for building consensus between the districts on core areas of administration, political affairs, and keeping the organization together. For new policies or laws to be considered legitimate, and thus viable for implementation in all districts, they must be agreed upon during the KNU Congress. Additionally, all major decisions taken by the standing committees and executive committees during their terms of office are expected to be justifiable based on the broad positions and objectives agreed at congresses.

The next KNU Congress is due to be convened in 2017, following a delay that was approved by the Central Standing Committee in November 2016. The next district and township congresses are due to convene in 2017. However, congresses may also be postponed for up to two years by the respective standing committee.

At the village tract level (or in some independent villages), the equivalent to congresses are plenary meetings, which are intended to be representative of the local community and are responsible for electing village or village tract committees. These committees then send delegates to township congresses.

Who participates in congresses?

At each level, rules determining participation in congresses are set by the incumbent standing committees, and so vary from place to place and over time, based on the circumstances. However, key to their legitimacy is that they are broadly representative of the lower levels of administration: the KNU Congress is intended to be representative of all districts; district congresses are intended to be representative of all townships under that district; and township congresses are intended to be representative of all constituent village tracts and villages. Additionally, at least half of the delegates at each congress are officials who already hold posts at that level. The KNLA and KNDO are represented at each congress, but with fewer representatives than the KNU.

More research is required to determine the extent to which the KNU is actually representative of the people living within its domain. Nonetheless, electoral activity within the organization is relatively dynamic, and at least provides a means for balancing power and making the leadership more representative of local-level civilian and military leaders.

The last KNU Congress was the Fifteenth Congress, held in November 2012, which convened 245 participants, including 171 representatives with voting powers and 74 observers. In 2008, there were only 130 participants at the KNU Congress. This difference was due in large part to travel difficulties during periods of conflict prior to the January 2012 ceasefire. No congresses were held between 1974 and 1995, while the organization was ruled somewhat autocratically by General Bo Mya.

District congresses were last held in late 2015. As an example, Mu Traw District's October 2015 congress convened 132 participants, including 82 representatives with voting rights and 50 observers. These included 62 participants (including 42 with voting rights) who were chosen by the existing district standing committee and district heads of departments, 15 participants (including 10 representatives) from each of the district's three townships, and 15 KNLA participants (including 10 representatives).

The functions of the congresses

The most important function of congresses is to elect standing committees and executive committees and approve the selection of department heads, judges, and military commanders for the following

[45] Most *laws* are drafted by the Justice Department, while all departments develop *policies* related to their sector, which are proposed to Congress for approval.

term. The processes for each of these elections are discussed in respective sections on these bodies, below.

Beyond these elections, congresses are the primary arenas for determining the organization's policies and strategic directions for the coming years. A KNU Congress typically begins by hearing updates from each district on their political situation and other key updates from the previous four years. Committees and departments from central or district levels can then propose constitutional amendments, laws, policies, alterations to department handbooks,[46] and other motions to the congress, which are then discussed and voted on to be approved, amended, or denied.

For example, in the 2012 Congress, constitutional amendments were adopted to increase women's participation in political affairs (leading to quotas for females in district and central bodies). Additionally, policies on reunification with the DKBA were reviewed and reaffirmed, committees for economics, development, anti-narcotics, and human rights were established, and decisions to form clearer policies for economics, development, and humanitarian affairs were made. Land and forestry policies were also reviewed and approved, but were brought back for further review as the Agriculture and Forestry Departments felt more work could be done.

Political strategies and the peace process were an important topic at the 2012 KNU Congress, as it came just nine months after the KNU's first viable ceasefire with the government in its history, and shortly after the former leadership attempted to oust three other senior members for taking unilateral action to establish a liaison office in Hpa-An (see Section 5). Overall, the Congress affirmed that "there is a grave and urgent need to work on reaching political dialogue.... The KNU believes that there must be a nationwide ceasefire prior to the dialogue." The Congress also committed the KNU to continue cooperation with other EAOs, and to work "towards establishment of a genuine federal union in order to achieve democracy and equality and self-determination of all ethnic nationalities."[47]

Additionally, the Congress formed a policy aimed at building alliances with the DKBA, the KPC, and other Karen armed actors, including the Karen BGFs. To this end, the Unity Committee for Karen Armed Groups was formed, which includes representatives from these other groups.

At district congresses, townships provide updates on their situation, and their key concerns and priorities are deliberated to decide on necessary measures and responses. Additionally, policies and directives from the central level are discussed, and plans are made for implementation. Agreements are made on core agendas such as income generation, countering narcotics, and transportation infrastructure, and committees and work plans are developed for implementation.

Standing committees, executive committees, and line departments

Between congresses, most governance and political responsibilities fall under the leadership of standing committees, executive committees, and line departments at central, district, and township levels.

Structure and election of standing committees and executive committees

Standing committees are the first bodies to be elected at congresses, and serve as the most senior decision-making bodies for their respective jurisdictions in the intervening years. The Central Standing Committee consists of at least 45 representatives, while district and township standing committees consist of at least 21 members.[48] Each standing committee has five leading members – a chairperson,

[46] Handbooks tend to provide significant detail on specific administrative practices, unlike policies, which vary greatly in their depth.
[47] See Appendix 1.
[48] The Constitution establishes these numbers, but allows for additional members to be included as necessary. Based on official statements by the standing committee, 45 members were elected in 2012, while 48 attended meetings in 2013 and 2014, and 50 attended meetings in

a vice chairperson, a secretary, and two joint secretaries – who assume the equivalent positions ex officio in their respective executive committees (examined below). Like congresses, standing committees are intended to be representative of each constituent district, township, and village tract, and so are crucial for building consensus among leaders from multiple areas. All standing committees are required to have at least three female members.

For the election process, all congressional representatives are welcome in principle to stand and nominate other people for positions on the committees. These nominations must then be endorsed by two other representatives to be confirmed. Once a certain number have been nominated – 30 at the district level and an unknown number at the central level – the committee, including the five leading members listed above, is elected by secret ballot. The incumbent standing committee determines the exact procedures for these secret ballots, which were not documented for this research. There was controversy in the 2012 leadership elections as the ballots were reportedly burned immediately after counting and so were not available for recount. This was particularly controversial as the elections saw significant change in leadership with an internal faction taking key positions for the first time (see section 5).

The five leading members of the standing committee then automatically assume the most senior executive positions at their level. At the central level, these positions are president,[49] vice president, general secretary, and two joint secretaries. At the district and township levels, the equivalents are the chairperson, vice chairperson, secretary and joint secretaries.[50] These leading members then invite other members to join them in forming executive committees, subject to approval by the previously formed standing committee. The Central Executive Committee has 11 members, while district and township executive committees have nine members. The leading members also appoint the General Officer Commanding (GOC) of the KNLA, based on the recommendation of the outgoing GOC.

A variety of customary practices significantly affect the actual outcomes of these elections. First, the KNLA is invariably well represented at every level, with battalion commanders typically taking the position of township vice chairperson, brigade commanders invariably taking the position of district vice chairperson, and the GOC and vice chief of staff being invited into the Central Executive Committee. In the case of Mu Traw District, the District Executive Committee includes two additional KNLA brigade staff, but it is unknown whether this is the same in all districts. Additionally, other positions are often decided in advance, through backroom discussions, or in the period leading up to the congress, meaning the actual proceedings often go ahead without great controversy or debate.

Executive committees then nominate the heads of line departments to administer specific areas of governance under the leadership of the executive committee. The department heads then nominate their department secretaries, and both have to be approved by the respective standing committee. At the central level, there are fourteen departments, as follows:

- Agriculture
- Alliance Affairs
- Breeding and Fisheries[51]
- Defense
- Education
- Finance and Revenue (sometimes called the Treasury)
- Foreign Affairs
- Forestry
- Interior and Religious Affairs
- Justice
- Mining
- Organizing and Information
- Health and Welfare
- Transportation and Communications

2014 and 2015.

[49] The President is sometimes referred to as Chairperson in English, but this is rare of late.

[50] Officially, there are two joint secretaries, though in some districts there appears to be just one active joint secretary.

[51] This department is still sometimes referred to with its old name: "Fisheries, Livestock and Farming".

The Departments of Foreign Affairs, Defense, Justice,[52] and Interior and Religious Affairs only exist at the central level. The head of the Department of Defense is a civilian, who must be a member of the Central Executive Committee. These departments vary greatly in their operational capacity and level of activity from district to district and township to township.

The functions of standing committees

Standing committees serve as the most senior decision-making bodies, and the primary organs for building consensus among leaders from different areas in the intervening years between congresses. Regular standing committee meetings take place annually, while emergency standing committee meetings can also be convened if there are urgent decisions to be made.

Annual meetings of the Central Standing Committee typically begin with a review of the major decisions from previous meetings and from Congress, followed by updates from each district and central-level leaders on key challenges and areas of progress. Standing committees can adopt or amend formal policies, as long as they are compatible with the broad policies, positions, and strategies determined by the prior Congress. They may also make decisions about specific agendas or activities proposed by executive committee members.

In recent years, annual Central Standing Committee meetings have focused largely on the peace process and the changing political, security, and economic context, allowing districts and central leaders to share perceptions of opportunities and challenges, to review specific ceasefire documents for approval, and to make decisions about participation in peace talks and EAO summits. Additionally, recent annual Central Standing Committee meetings have promulgated policies for education, humanitarian affairs, and media relations, among other matters, some of which might be further amended and approved at the next Congress. Recent Standing Committee meetings have also focused on concerns related to development, particularly land confiscation by the government and private companies. The emergence of shared concerns across the districts has led to agreements for all districts to implement a new land registration system developed by the Agriculture Department, which is explored in depth in the case study in Annex 1.

Since the 2012 KNU Congress, there have been no less than five emergency Central Standing Committee meetings, due to the intensity of political negotiations and related tensions within the organization (discussed in Section 5). These meetings have been convened primarily in response to the organization's external affairs – both the peace process and its alliances with other EAOs. For example, an emergency meeting was called in 2014, following the decision of the KNU to leave the United Nationalities Federal Council, to review this decision and to reaffirm its policy on alliances with other Karen armed actors.

In April 2015, following the approval of a text for the NCA by negotiators from the KNU and 15 other EAOs, an emergency meeting was held to review the decision and ultimately to reaffirm unity within the KNU. After a thorough review of the text, seven points that needed to be raised with the government were agreed upon, and plans were made to attend an EAO summit hosted by the United Wa State Party to discuss the potential NCA signing. In August 2015, after raising these seven points with the government, another emergency Standing Committee meeting was held, at which it was agreed that the KNU would sign the NCA.

Research was not conducted about the typical proceedings of standing committee meetings at district and township levels, which also take place on an annual basis or in cases of emergency.

[52] The justice department is often said to also exist at lower levels, but formally – according to the justice department – there is only the independent judiciary at lower levels, which is separate from the justice department and not under its leadership.

The functions of the Central Executive Committee

The president of the KNU (sometimes referred to as chairperson) is the most senior figure in the organization and takes the lead on all governance and political affairs. Most visibly, the president takes the lead on political strategy and external relations, leads delegations, and makes key speeches at Karen national events. The president is also responsible for tasking and leading other members of the Central Executive Committee. The vice president is responsible for taking on the responsibilities of president in his or her absence and receives tasks and responsibilities from the president.

The general secretary is typically the most active member of the Executive Committee, particularly in managing and coordinating the work of the line departments, which report to the general secretary's office. The general secretary also administers the assignment of budgets to line departments at the central level. Additionally, the general secretary will regularly issue written notifications to district and township administrations and the KNLA on policy changes, new administrative practices, warnings about emerging challenges, or other issues. In this way, the general secretary acts as a de facto prime minister, leading the day-to-day work of the incumbent administration. The general secretary also plays an important role in political strategy and external relations.

The Central Executive Committee meets at least once every three months. All important decisions must be approved by at least seven members of the Executive Committee and must be deemed consistent with mandates from the Central Standing Committee and Congress. The Central Executive Committee can develop policies to be proposed to the Central Standing Committee or Congress, and can formulate work plans for the line departments.

The president of the KNU has never been a woman, and is often a former military commander. The current vice president, P'doh Naw Zipporah Sein, is the most senior female member of the KNU in the organization's history.

Since 2012, the Central Executive Committee has been occupied by the following persons:

Figure 1: KNU Executive Committee (as of October 2015)

1. P'doh Mutu Say Poe (chairperson)
2. P'doh Naw Zipporah Sein (vice chairperson)
3. P'doh Saw Kwe Htoo Win (general secretary)
4. P'doh Saw Thaw Thi Bwe (joint secretary 1)
5. P'doh Mahn Mahn (joint secretary 2)
6. General Saw Jonny (general officer commanding the KNLA)[53]
7. General Saw Baw Kyaw Heh (vice chief of staff of the KNLA)
8. P'doh Roger Khin (head of the Defense Department)
9. P'doh Saw Thamein Tun
10. P'doh Mahn Nyein Maung
11. P'doh Ta Doh Moo (head of the Central Economics Committee)

The functions of central line departments

The fourteen central line departments are the most senior bodies in the KNU for their assigned sectors. Aside from the Departments of Defense, Foreign Affairs, Justice, and Alliance Affairs, these departments each oversee their subdepartments at district and township levels. They do this by developing policies and procedural handbooks, by holding annual meetings and periodic trainings with representatives from the lower levels, and by monitoring and reviewing their activities. In some cases, they also

[53] The exact titles given to these KNLA commanders vary. The general officer commanding is sometimes referred to as commander in chief.

disperse funds and monitor the implementation of specific activities, but this is not common among all departments.

Departmental policies and handbooks are developed by central-level department officials, often in coordination and consultation with the district departments via annual meetings, and then are submitted to the Central Standing Committee and the Congress for approval. Policies usually consist of broad principles and objectives rather than specific targets with specific indicators, while procedural handbooks typically contain much more detailed instructions, rules, and regulations that determine the responsibilities and duties of staff at each level.

Typically, trainings on new policies and procedures are given by central-level departments to district-level departments, who are then responsible for rolling them out to township and village tract levels where necessary. Some departments invite staff from other departments to their annual meetings if their sectors overlap. For example, the Agriculture Department and the Forestry Department typically attend each other's meetings, as do the Justice Department and the Interior and Religious Affairs Department, which oversees the police.

Figure 2: Heads of line departments (as of mid-2015)

P'doh Mahn Ba Tun – Forestry Department
P'doh Kawkasar Saw Nay Soe – Transportation and Communication Department
P'doh Saw Eh K'lu Shwe Oo – Health and Welfare Department
P'doh Saw Hla Tun – Organizing and Information Department
P'doh Saw Lah Say – Education and Culture Department
P'doh Saw Mya Maung – Breeding and Fishery Department
P'doh Saw Roger Khin – Defense Department
P'doh Saw Kae Le – Mining Department
P'doh Saw Eh K'lu Say – Justice Department
P'doh Saw David Thakabaw – Alliance Affairs Department
P'doh Saw Aung Win Shwe – Foreign Affairs Department
P'doh Saw Ah Toe – Interior and Religious Affairs Department
P'doh Saw Khay Hsur – Finance and Revenue Department
P'doh La Say (acting head) – Agriculture Department

The KNU's Karen Education and Culture Department (KED) and local NGO affiliates support 1,504 community schools, with a total 167,574 students, and provide stipends to 4,529 teachers.[54] The KED has a full Karen-language curriculum that is the sole curriculum used by 285 schools and is used alongside the government curriculum in 553 schools. The KNU Department of Health and Welfare serves a target population of around 190,000 people through 61 clinics, employing over 700 health workers, while a range of NGO affiliates provide dozens more facilities and employ hundreds more health workers.

District and township administrations

All district-level administrative bodies are more junior to their central counterparts and must report to their central leaders accordingly. In practice, however, they retain significant autonomy in determining their own priorities and policies and in raising and spending revenue. Meanwhile, township-level bodies are often more closely controlled by their districts than district departments are by central bodies. Townships often rely on districts for financial management and procurements of military and nonmilitary equipment from outside their territory. They are also based closer to their district

[54] KSEAG (2015), 5. In the 2015-2016 academic year, full stipends of THB 7,500 per month were provided to 3,235 teachers. Another 1,294 teachers received partial stipends to supplement funds from other organizations or the government and bring their total wages to THB 7,500.

headquarters than district headquarters are to central headquarters, and so are summoned for more regular meetings and are more closely supervised. However, some township authorities, along with their corresponding KNLA battalions, have become more independent from their districts, particularly where they are in remote areas and have access to their own revenues.

District executive committees

Each district executive committee is led by a district chairperson who determines broad policy directions, has ultimate decision-making power, and leads delegations to central-level or district-level engagements with external actors such as the Myanmar government. Meanwhile, the district secretary and district joint secretary are responsible for managing and overseeing the district-level departments, much like the role of the general secretary at central level. The parallel KNLA brigade commander is automatically vice chairperson of the district administration in every district, but they do not have specific roles in overseeing the departments.

According to the Mu Traw District Executive Committee, its main responsibilities are to take instructions from central administration; to make sure that everyone abides by the law, including local people as well as their own staff; to ensure that line departments are sticking to policy; to organize community events (e.g., nationalist celebrations); "to ensure support from the people"; to provide resources for, and manage, each department; and to ensure that every department at every level is working and abiding by the Constitution.

Importantly, the district executive committees are in charge of procuring and disbursing rations (or cash equivalents) for district- and township-level department and military personnel, and also disbursing funds for other expenses to the KNLA and KNDO in their districts. District executive committees are required to convene at least once a year and to send an annual report on all activities to the central level. In practice, they often convene much more frequently. Township executive committees have an identical formal structure, but no research was conducted into their specific functions.

Figure 3: KNU district chairpersons (as of October 2015)

P'doh Hsar Pi Htu – Mergui Tavoy District
P'doh Dee Gay Junior – Mu Traw District
P'doh Saw Hser Gay – Kler Lwee Htoo District
P'doh Shwe Maung – Dooplaya District
P'doh Saw Nu Yin – Hpa-An District
P'doh Saw Eh Wah – Taw Oo District
P'doh Saw Thein Min – Doo Tha' Oo District

The functions of district and township line departments

The district line departments are subject to oversight both from the central departments of their sector and from their respective district executive committees. In practice, they are often most subordinate to the latter, because they are largely dependent on rations and expense budgets provided by their respective district finance and revenue department. Additionally, they have to report most regularly to their respective district secretary and joint secretaries.

However, they are bound to procedures and overall policies that are developed at the central level and approved by the Central Standing Committee and at the KNU Congress. In some cases, they are also dependent on funds and other resources that come from the central level for specific purposes, especially when receiving international aid, such as for healthcare. Generally, they are required to

maintain records of their activities and report to both their own district administrations and the central department at periodic meetings or when requested.

Village and village tract governance and representation

Similar but more rudimentary governance structures, called "KNU basic organizations," are established at the village tract level, or in some cases for individual villages. Below village tract-level basic organizations, each village will typically have at least a customary village head with a number of assistants. For each KNU basic organization, plenary meetings are held every year and act as an equivalent to higher-level congresses. These plenary meetings elect, by open or secret ballot, a village/village tract committee consisting of chairperson, secretary, treasurer, organizer, social affairs officer, security officer, and transport officer.

The village/village tract committees take directives from the township level, collect taxes, and organize social services. They are also responsible for enlisting people to become KNU party members, and likely for identifying recruits for the KNLA and KNDO as well. Customary village heads are required to sustain their own livelihoods and are usually farmers or other ordinary workers. The village/village committees are permitted to take 10% of collected taxes before submitting 90% to the township level (see the following subsection on taxation, revenue and financial management).

Far more research is needed to determine the actual levels of representation that communities receive through the KNU governance system. The exact rules for who should participate in plenary meetings were not investigated in depth, and may depend on arrangements made by the incumbent village/village tract committee.

On the whole, plenary meetings appear to be poorly attended, because the majority of local people are focused on their livelihoods and have not been systematically mobilized to take part. In many cases, the meetings are convened by just a handful of the most influential KNU party members, KNLA officials, and educated persons, and often allow the same leaders to stay in place for a long time, or for a few individuals to rotate among the senior positions.

According to a farmer interviewed in Lu Thaw Township, every household in his village tract is invited to send one family member, but in practice, people aren't interested, and the meeting has to have at least five people to proceed. He added:

> Most of the time we can choose whom we want [as chairperson], and [the senior KNU authorities] cannot just select whom they want. It's supposed to be a different leader every time, but if everyone wants the same leader, then [that leader] has to continue. The chairperson of this village tract has been in control a long time.... We support this leader because he understands our [communal land practices] and can manage [our taxes accordingly] by dealing with the township office.

This farmer is particularly influential in his village, however, and so the perceptions and experiences of other, more marginalized people may differ from his. According to a township-level KNU line department staff member, in his own village tract, one man has been village tract chairperson for decades and rules like a "mini dictator," because no one ever challenges his position. Additionally, the author was told of one case in Dooplaya District where the community elected a new village tract leader, but the KNU township authorities rejected the selection and instated their own.

On the other hand, in many communities, leadership positions are extremely unpopular, which is another reason that particular figures often remain in power for a long time. This is because most people are farmers and do not want the extra responsibility or do not consider themselves to have the right connections and experience necessary to coordinate with more senior authorities and to serve

the village well. Those who do take the positions, therefore, often feel an obligation to their community and are greatly respected for their work. As in many aspects of rural Karen culture, well-entrenched patron-client relations are formed, where "patrons" assume the burden of significant responsibility and societal pressure as well as the apparent luxury of unchallenged authority. Their legitimacy as local leaders therefore vary greatly. Village heads always have to work nearly full time for their own livelihoods in addition to their leadership responsibilities, as do some village tract chairpersons.

Leadership positions are particularly unpopular in areas where multiple armed actors and authorities overlap. In such areas, leaders have to act as messengers between authorities and communities and negotiate with authorities in the face of frequent exploitative demands, such as for recruits, money, or materials. Sometimes, villagers in leadership positions have to pay taxes or fines themselves in order to protect poorer members of the community who are unable to meet demands. Physical abuse is also a significant threat to villagers in leadership positions, as they are often blamed by one authority for supporting another or failing to follow demands, or used as an example to keep a community in line.[55] Villagers in leadership positions have often had to flee territories of mixed control and become refugees for these reasons.

In particularly insecure areas, and in times of war, it is common for communities to rotate village leadership positions regularly, in order to spread the burden. Some communities draw straws to delegate the positions. During periods of insecurity, women often take the positions of village and village tract chairperson, as they are less likely than men to be physically abused or intimidated by authorities.[56] A 2014 study found that women were thought to account for approximately 30-40 percent of village heads in the mostly KNU-controlled Mu Traw District.[57]

Since ceasefires were signed, however, these dynamics appear to be changing. The Karen Human Rights Group (KHRG) has documented how women have become increasingly marginalized from positions of influence as men have returned from war and the direct threats of abuse of men have decreased. Among these are women who saw the positions as burdensome and dangerous, and others who saw them as beneficial to their status and gave them purpose.[58] It is quite likely that leadership positions are also becoming more popular since the ceasefires were signed, as they are less dangerous and there are increasing economic opportunities in most areas.

In areas of overlapping administration, it is also common for villages and village tracts to designate separate village heads for each authority, at times leading to intra-communal tensions. KNU-defined and government-defined village tracts don't usually match each other perfectly, so there may be a government village tract administrator and a KNU village tract chairperson with overlapping jurisdictions, or one figure might take both positions but have different jurisdictions for each.

Defense and security

The KNU's defense and security structure consists of the Karen National Liberation Army (KNLA), an additional defense force called the Karen National Defense Organization (KNDO), the Karen National Police Force (KNPF), and locally organized village-level militia. The KNLA, KNDO, and village-level militia fall under the direction of the Defense Department, while the KNPF falls under the Interior and Religious Affairs Department, providing a formal division between the military and police.

The KNLA consists of seven brigades, whose command areas correspond directly to the seven district

[55] KHRG (2014), 35, relates two cases, from 2012 and 2013, where village chairpersons were abused by state security forces over demands that they provide intelligence on the KNU. KHRG (2008), 85-91, documents a series of cases of detention without trial, threats of physical abuse, torture, and killing of village heads.
[56] KHRG (2008), 94; KWO (2010). However, women too are known to have experienced physical and sexual abuse by Tatmadaw soldiers as a means of intimidation. KWO (2010), 15-6.
[57] Minoletti (2014), 11. The report refers to the government-defined Hpapun Township, which corresponds to roughly the same area.
[58] KHRG (2016), 24-6.

areas and operate alongside their respective district administrations.[59] There are an additional three battalions under the direct command of the supreme headquarters, positioned within Hpa-An, Dooplaya, and Mergui Tavoy Districts. KNLA battalions are all dominated by infantry, but include varied forms of organic support. In wartime, the KNLA is primarily engaged in territorial defense, and depends on the use of guerrilla warfare to keep its enemies from traversing its territory. The KNLA only employs male soldiers, but includes all-female medical units. The KNLA occasionally takes on domestic security and justice responsibilities, but this is rare.

Table 2: KNU districts and corresponding KNLA brigades

District (Sgaw language name)	District (Myanmar language name)	Corresponding Brigade
Taw Oo	Taungoo	2nd Brigade
Mu Traw	Hpapun	5th Brigade
Doo Tha Htoo	Thaton	1st Brigade
Kler Lwe Htoo	Nyaunglebin	3rd Brigade
Hpa-An	Hpa-An	7th Brigade
Dooplaya	Dooplaya	6th Brigade
Blih-Dawei (Mergui Tavoy)[60]	Myeik-Dawei	4th Brigade

The original armed forces of the KNU, the KNDO, was essentially made up of many local-level KNDOs that were raised separately in various areas and were brought under centralized command in the 1950s. Through various reformations of the military structure, the KNDO remained in place, consisting of loosely connected units undertaking local security responsibilities and defending their home territories. Until 1991, when the KNPF was founded, the KNDO units were responsible for domestic justice and security. Since then, it has been maintained as a home defense force and operates in a similar way to the KNLA, often in joint operations. Today, the KNDO has a headquarters in Kawkareik Township, Dooplaya District, and seven battalions spread out across the other districts.[61] In practice, these seven battalions are under the authority of their corresponding KNLA brigade more than the KNDO headquarters.

The KNPF has a presence in all seven districts (but not all townships) of the KNU and claims to have over 600 personnel, including female police personnel in each district.[62] Guidelines for KNPF handling of criminal cases are set forth in the Code of Legal Procedure. The KNPF has headquarters and chiefs at the district and township levels, who are based in police offices located in the same compounds as the KNU district and township offices. The KNPF is most active in Doo Tha Htoo, Blih-D'Weh, Mu Traw,

[59] They have corresponded in this way since 1994.
[60] This district is often referred to locally by its English-language name, Mergui Tavoy, as indicated in Map 1, but its actual Sgaw Karen name is Blih D'Weh.
[61] The current chief commander of the KNDO is Ner Dah Mya, son of Bo Mya, who established this headquarters at a site where he has long been most influential. Once source also noted there is a parallel KNDO headquarters in Lu Pleh Township, Hpa-An District, also under the command of Ner Dah Mya, but the way this relates to the overall command structure is unclear.
[62] The information provided here on the KNPF is reproduced or paraphrased from McCartan and Jolliffe (2016), and due thanks are given to Brian McCartan.

Dooplaya, and Hpa-An districts.[63] The KNPF is expanding and continues to train new personnel, and has received some assistance from foreign development organizations.

The KNPF coordinates with township authorities and with village and village tract security officers, who monitor the situation in their area and report any crimes, and oversee security representatives at more local levels (e.g., for each village in a village tract or for collections of households).

The KNPF has been denounced by the Tatmadaw as illegitimate, but the KNU attests that continuation of the KNPF is in line with interim arrangements provided for in the NCA. The agreement states that EAOs "have been responsible for development and security in their respective areas," and that in the period prior to political settlement, NCA signatory EAOs and the Myanmar state shall carry out certain programs and projects in coordination with each other, including "matters regarding peace and stability and the maintenance of the rule of law in said areas" and "eradication of illicit drugs."

The Justice Department and the judiciary

In addition to the KNPF, the KNU's justice system consists of a Justice Department, which falls under the executive at the central level, and independent judges who are established at all administrative levels. The KNU's Justice Department is responsible for making laws and promoting awareness of the law, reviewing current laws, and updating them. It does this by disseminating legal codes down to the village level, and providing training to KNU departments and judges on legal issues. The KNU has four legal books covering legal procedure, criminal law, civil law, and "magic" law. The Code of Legal Procedure is concerned with how to implement the law, including the role of judges, how trials should be conducted, jurisdictions, roles and responsibilities of the police, and police procedures.

The judiciary is formally constituted as a separate and independent body, but is often staffed by figures that have held political posts in the past, or even by members concomitantly serving in political capacities.[64] It consists of a Supreme Court, district courts, and township courts. Formal courts with KNU-appointed judges do not exist at the village or village tract level. Instead, village heads, through a village committee, have the authority to deal with minor criminal cases and civil disputes within the village. Cases that cannot be solved in the village, or that involve more than one village, are usually handled by elders at the village tract level.

Judges are elected at township, district, and central congresses. There are three Supreme Court judges at the central level, who are elected by the Standing Committee in the same way as figures on the Central Executive Committee. At the district and township levels, there is one judge per district and township, elected at their respective congresses. Judges may have other duties in the KNU besides their role as judge, and have staff underneath them supported by the KNU.

The most common cases handled by the courts are murder cases, as well as what interviewees often described as domestic or "family" cases involving adultery or violence. The KNPF reports that the main cases that the police deal with in Karen areas involve murder, theft, rape, and the production, sale, and use of drugs. Adultery is also a crime by KNU law.

The KNU has recently created a Karen Legal Affairs Committee as an interdepartmental committee under the Central Court, which includes a representative from the Karen Women's Organization (KWO).[65] The committee is mandated to promote rule of law and legal awareness, reform the legal

[63] For example, in Mu Traw District, where the KNU is particularly strong, there are 34 police at the district level. At the township level, there are 22 police in Lu Thaw, 21 in Dweh Loh, and 25 in Bu Tho Townships. In Kawkareik Township, Dooplaya District, police are assigned to each village tract from the township office. Interview with senior KNU Interior and Religious Affairs Department official, 2015; interview with KNU Mu Traw District judge, 2015; interview with Kawkareik Township KNPF officer, 2015.

[64] For example, the Mergui-Tavoy District Judge is also head of the Mergui-Tavoy District Mining Department.

[65] The committee is made up of the heads of the Interior and Religious Affairs Department and the Justice Department, the chief justice and two central judges, and a representative each from the KWO, the Organizing and Information Department, and the Agriculture Department.

system, strengthen knowledge of legal issues, and train police, judges, and village heads.

Once a year, there are centrally organized meetings between the Justice Department, the judges, and the KNPF. Discussions at the meetings concern what was implemented over the past year, and making plans and strategy for the coming year.[66]

KNU councils and committees

The KNU Constitution provides for ten councils and committees at the central level. These include the Council of Patrons, the Military Council, the National Security Council, the Discipline Supervision and Maintenance Committee, the Finance Committee, the Economic Committee, the Cooperation and Advisory Committee, the Committee for Relations with Karen in Diaspora, the Award and Honor Conferring Committee, and the Natural Environment and Resources Conservation Committee.

Many of these committees are intended to provide additional oversight or peripheral support to the other KNU bodies, to develop new policies and strategies, or to ensure that standards are being upheld and that certain individuals or elements are not going against broadly agreed objectives. The Council of Patrons is made up of aged former members of the KNU who can no longer take on full-time roles, who provide counsel and advice to acting officials and oversee important meetings and decisions. The Military Council is led by the KNU president, with the GOC as deputy, and is charged with analyzing the military situation and setting military strategy.

The National Security Council is charged with identifying and countering subversive activities of the organization's enemies. The Discipline Supervision and Maintenance Committee is in charge of ensuring that all KNU members are adhering to the Constitution, standards, policies and objectives of the KNU. The President-led Finance Committee is assigned to develop and centralize the organization's financial system, but has been all-but-defunct in recent years. The Economic Committee was constituted in its current form in 2012, and has become increasingly active since 2016 with the formation of a secretariat. With some support from an international non-governmental organization (INGO), the committee is working to instigate rules and regulations for private sector governance, provide policy advice on economic issues in the peace process and facilitate engagement with Karen civil society.

Some districts also have committees, but the linkages between central and district committees are unknown; Mu Traw District has an anti-narcotics committee, for example, among others. In some cases, central-level committees are charged with the difficult task of changing practices at the district level, but they only have limited authority to do so, and have to work hard to build consensus and understanding with local-level officials.

Community-based organizations

Various forms of community-based organizations (CBOs) operate in KNU-controlled areas, some of which have officially mandated roles in relation to the KNU structure.

The KWO, the Karen Youth Organization (KYO), and the Federation of Trade Unions – Karen (FTUK) all report to the Organizing and Information Department and have rights and responsibilities as part of the organization. Every village, village tract, township, and district in the KNU domain is required to select a KWO and KYO member for their area, which gives these CBOs unique abilities to organize at the community level. However, they have much greater independence than KNU departments, operating with their own constitutions and internally determined mandates, despite having to cooperate and collaborate with the KNU authorities for practical reasons.

[66] Interview with KNU Supreme Court judge, 2015. Difficulties in communications, transportation, and security mean that sometimes not all district chairs attend.

KWO and KYO members can also be nominated as delegates to Congress or as Standing Committee members. KWO members fill many, but not all, of the women-only posts on the standing committees, executive committees, and village/village tract committees. Little is known about the FTUK, but it has often been most active in Thailand, where there are high numbers of Karen migrant workers.

The Committee for Internally Displaced Karen People, the Karen Office for Relief and Development, the Karen Legal Aid Center, and other organizations also report directly to the KNU through various arrangements, and often have members that concomitantly serve in KNU positions. The Karen Teacher Working Group works in partnership with the Karen Education Department in schools across the KNU area, and has its own staff who are officially recognized by the KNU but are not subject to its direct management.

Other Karen CBOs, such as the Karen Environmental and Social Action Network, the Karen Human Rights Group, and many smaller organizations, are independent but have long worked in KNU territory. They require basic permission to ensure their security, but are not subject to direction by the KNU. The Karen Refugee Committee, which administers five refugee camps in Thailand, retains a close relationship with the KNU, but is not under its direct authority. Some members of some of these independent CBOs may also hold positions in the KNU at various levels or may at least attend congresses.

Taxation, revenue, and financial management

The KNU collects taxes from local people and from traders and companies that operate within its domain. The organization used to collect some of its taxes in rice rather than money, but has stopped this practice in almost all areas in recent years. The KNU then uses this revenue for organizational expenditures, which are likely dominated by military expenditures, in addition to large quantities of food rations to feed its personnel, general services expenditures, and expenditures for political activities. The way that revenue is collected and disbursed tells us a great deal about how power is actually divided among the various organs of the KNU.

Internal revenue: taxes and fees

Emerging from decades of guerilla warfare and instability, the KNU is relatively poor in comparison with other large EAOs, such as the KIO and the United Wa State Party (UWSP). Its primary source of revenue is the mining sector, in particular gold, tin, and antimony mines; followed by taxes on agricultural land use and livestock. In the past, the KNU benefited from ample, informal, cross-border trade, particularly when Myanmar was under the rule of the Burma Socialist Program Party and maintained heavy import tariffs on most goods. Some districts have engaged in intense logging activities in the past, but an official ban has been implemented on commercial logging since 2009, which has been relatively successful in most districts, due partly to the strategic benefits of maintaining forests in addition to concerns for the environment and local livelihoods.[67]

The amount of overall revenue that actually makes it back to the central level is relatively low, as the districts are largely responsible for procuring rations for their own staff and military personnel and for most other expenses. This is a product of the districts' level of autonomy, and in turn is a major reason that this autonomy is maintained.

The Finance and Revenue Department is responsible for administering taxes and fees in coordination with other departments in their respective sectors. Procedures and rates for taxes and fees are laid out in centrally developed handbooks for the Finance and Revenue Department and other departments. For example, taxation procedures for farmland are included in the Agriculture Department's handbook.

[67] Logging appears to have decreased in some districts simply because all the valuable wood has been logged and the land has already been converted to agriculture or other uses.

These procedures have been the same for many years, but the rates are typically reviewed and adapted as necessary at each KNU Congress. These taxes and fees can typically be paid in either Thai Baht (THB) or Myanmar Kyat (MMK), depending on which economy the area has most access too.
The most common form of tax paid to the KNU by ordinary people is agricultural tax. Rates are set at 7 percent for large plantations, but at varying rates for different types of smallholder land. In mid-2015, both wetland and hillside paddy yields were reportedly taxed at 4 percent of their value for smallholder farmers with a yield of more than 25 standard baskets of paddy. According to policy, this is supposed to be collected based on the yield declared by the landowner upon harvest, but due to apparent difficulties with landowners lying about the harvest to avoid taxes, agricultural taxes are collected in many areas based on the size of the landholding, adjusted for the type of land and its assumed productivity.

Special, local-level arrangements are often made where communities practice communal land use, which is particularly common where they depend on hillside, swidden agriculture. In such areas, village leaders and their local village tract administrations often agree on a collective tax that is then apportioned among all farmers in the village, through customary practices, according to their own yields. As discussed in the case study in Annex One, the evolving KNU land policy hopes to introduce systematic practices that are responsive to customary land practices.

Other taxes and fees provided by informants to this study include:

- Import taxes on goods coming from Thailand via border checkpoints, which include a 5-7 percent tax on the value of general goods as well as fees for live animals and vehicles.
- Fees and taxes on large, resource extraction, excluding logging, which has been made illegal by the KNU Congress.
- Taxes on the export of live animals, such as THB 150 per cow, THB 20 per pig, and THB 5,000 per elephant.
- A 10 percent tax on the transportation of forest or small plantation products to sell in towns (such as cardamom, tapioca, dog fruit, and honey). This is collected at checkpoints along main waterways and walkways into nearby government-controlled towns, or at cross-border checkpoints.
- Local-level taxation of such products, including special taxes for small plantations or collection of honey from forests.
- Fees for firearms kept by civilians for hunting: THB 5 for a musket or THB 20 for a .22 rifle, for example.[68]

These taxes and fees are typically collected in cooperation with the relevant departments, such as the Agriculture Department, Forestry Department, or Breeding and Waterways Department, which also establish the policies and procedural guidelines. Receipts should be provided for all forms of taxation, following the guidelines in procedural handbooks. Members of the KNU are also subject to the same taxes as other people, and there is an explicit policy of no discrimination based on levels of income or seniority.

Cross-border checkpoints and taxes and fees on ventures involving large companies are typically administered by the district line departments, though a few specific projects are under central departments. Internal checkpoints are usually administered by township-level authorities, but some large ones are also controlled directly by districts. Meanwhile, most taxes collected from specific individuals, such as agricultural taxes, are collected by village tract-level authorities.

Village tract authorities are then permitted to keep 10 percent of their total revenue before delivering the rest to the township Finance and Revenue Department. The township is not permitted to take any,

[68] These fees were documented in THB but can typically also be paid in MMK.

and must log and send it all to the district Finance and Revenue Department. The district Finance and Revenue Department then pays 14 percent of most forms of revenue, and 40 percent of revenue from mining and possibly other large ventures, to the Central Finance and Revenue Department.

Irregular taxation

In practice, some districts pay little or no tax to the central level, and in some cases allow townships to take a set amount before sending it on. The KNU's main source of revenue, mining, is subject to particularly weak central departmental control. In the past, the Mining Department at central level would administer taxes and fees directly in cooperation with local-level subordinates. Today, each district administration and the district Mining Department work together to tax mining ventures in their area. They are then required to report the total revenue to central level and pay the 40 percent tax, but often avoid doing so. The mining sector, therefore, remains poorly regulated and managed. There are likely cases where townships and village tracts also take more than they are supposed to, but such cases were not documented in this study.

There are also a range of informal taxation practices that take place at the local level. These include informal procedures that are more or less accepted by communities and have become routine and regular practices. For example, some communities opt to pay taxes on communal lands based on looser agreements with local village tract authorities, as discussed in Annex 1. In other cases, however, informal taxation amounts to outright extortion and corruption, particularly in areas where the KNLA has a strong presence but KNU administration is weak. The author has previously documented such cases in areas where internally displaced persons (IDPs) have recently returned, which often have weak administrative practices in place.

The proper implementation of taxation procedures is also dependent on security conditions and levels of actual control enjoyed by the KNU. Typically, in areas where the KNU's presence is weak, particularly during times of conflict, taxes are collected summarily from village or village tract chairpersons, based on rough estimations of land being used or other activities occurring in that village or village tract. For example, if the township administration has a rough idea of how much land is being farmed by a particular village tract or village, it will collect a round sum from the relevant chairperson, who will then collect from each individual or family. Village tract or village chairpersons sometimes collect these fees based on the average per individual or household, rather than on each household's actual assets or income.

This form of taxation can be particularly burdensome in mixed-control areas, because these communities are subject to the rule of other authorities such as the government, the DKBA, or the BGFs, which typically charge their own taxes too. Additionally, according to a CBO leader, small enterprises are stifled in mixed-control areas, because if they grow into a successful small or medium enterprise, they attract too much taxation and cannot continue.

Financial and resource management

As the majority of revenue collected by the KNU ends up at the district level, the district administration is responsible for dispersing the majority of funds for activities at district and township level. Accordingly, the Central Finance and Revenue Department has few spending responsibilities at the district level or below. It is primarily responsible for central-level costs, such as rations for central-level staff and personnel, construction, rent, and maintenance costs for central offices and other facilities. Additionally, it provides funds for political activities such as travel for negotiations, workshops, and national celebrations at headquarters level. These funds are dispersed following budget requests from the departments and approval by the General Secretary.

The township executive committees and district level departments each submit their budget requests to the district executive committee, based on the number of staff they need to fulfill their responsibilities and other projected costs. Security forces also apply to the district administrations for some of their costs, but it is unclear exactly how these are divided between the district and the KNLA general headquarters.[69]

The district executive committee then evaluates these requests in relation to spending reports of prior years and the priorities laid out by the central and district legislative bodies, and determines the final budget. Naturally, these decisions are based on a combination of priorities adopted by Congress and the Standing Committee, and the priorities of that district's standing committee and the most influential leaders.

In a self-ascribed "revolutionary" spirit, no civilian staff or military personnel at any level receive a formal salary. Rather, they are considered volunteers and receive food rations and basic shelter, along with pocket money and provision for other specific needs at the discretion of their immediate superiors.

Typically, unmarried persons are required to live in the office where they work or in shared living quarters, where they eat from communal rations. Department offices often grow their own food and keep animals for subsistence. Married people typically receive rations for their whole families and assistance for private accommodation. It is standard procedure for these rations to be delivered to the wife, and they can include oil, chili, salt, fish paste, and monosodium glutamate in addition to rice. However, some departments in some districts are not even able to provide these basic rations, and they expect people to have access to alternative sources of income, such as land or remittances from family members. These staff might also have to live in communal headquarters along with their spouses or children, who are expected to take on domestic tasks.

The lack of consistent support for staff may encourage corruption, and engagement in private business activities, particularly in areas where local officials are far away from their seniors and subject to weak oversight, though no specific cases were documented.

In the past, the KNU would accept taxes from rice farmers in paddy rather than in money, and distribute rations directly from these reserves. However, districts now typically provide township administrations with money and allow them to procure rice at the local level. Meanwhile, as village tract-level committees keep 10 percent of the revenue they collect, they do not receive funds for rations or other recurring expenditures from the district level. It is possible that village tracts still collect tax in rice or other produce at the local level, and then pay their taxes to the township in cash from other sources.

External sources of funding

Some KNU activities, particularly social services, benefit from targeted funding from mainstream international aid donors. In particular, the education and health services provided by the KED and the Karen Department of Health and Welfare (KDHW) depend on international funding to provide care to hundreds of thousands of Karen people. Additionally, the Agriculture Department and the Forestry Department have some projects administered with international funds, including work related to policy development and community-development programs aimed at improving local livelihoods.

These funds do not pass through the KNU Finance and Revenue Department at any level, and are either managed by the department directly, through mechanisms akin to those of a local NGO, or are managed by INGO partners or local CBOs. Funds are then allocated for specific procurements and

[69] According to members of one district executive committee, the security forces are also required to submit their budgets to the district administration to receive their funds. However, some KNLA costs were said to remain with the KNLA headquarters and handled by the quartermaster general, so it is unknown exactly how these spending responsibilities are divided or where KNLA central revenue comes from. It is likely that rations, shelter, and other human resource costs fall to the respective district administration or brigade.

activities in accordance with typical management methods for aid projects. KNU-affiliated CBOs, including those with formal connections to the KNU, also depend on international funding.

The KNU also receives an unknown – but likely significant – amount of funding from the Karen diaspora, including around 100,000 people that were displaced by war and resettled to developed countries such as the United States. These families were, almost by definition, people with strong ties to the KNU, often living under its rule since independence, and many remaining deeply loyal to the organization. Additionally, given the loss and trauma experienced by these people, many are ardently pro-revolutionary. However, no research was conducted into KNU funding from the diaspora or how it is managed.

Section FOUR: Life Under "Occupation": Governance Dynamics from 1995 to 2011

To understand the present governance dynamics in rural Karen areas of southeast Myanmar, it is crucial to first examine the period between the formation of the DKBA in 1994 and the 2012 ceasefire. During this period, the KNU underwent a sharp decline as the Tatmadaw seized huge amounts of territory, leading to mass displacement and devastating the preexisting social and political order.

Throughout this period, the state was under the control of a military regime called the State Law and Order Restoration Council (SLORC), which took power from Ne Win in 1988 and was renamed the State Peace and Development Council (SPDC) in 1997. Following the SLORC's annulment of the 1990 election's results, Aung San Suu Kyi was intermittently placed under house arrest until 2010, and the NLD was greatly marginalized from political participation. Ceasefires maintained stability in most areas, allowing the Tatmadaw to focus its military operations on the KNU and a few nearby EAOs. Through a "national convention", that was boycotted by the NLD and other parties, but hesitantly attended by numerous ceasefire EAOs, the SPDC near-unilaterally developed the 2008 constitution and paved the way for elections in 2010.

Key dynamics of the KNU conflict (1995-2011)

Since the 1950s, the state had almost continuously controlled the major towns of Taungoo, Hpa-An, Bilin, Thaton, Kawkareik, Myawaddy, Hpapun, and Dawei as well as the roads that connected them. However, most of the surrounding area outside of these towns was under the control of the KNU, as were dozens of important border trading posts. This began to change after 1984 as the Tatmadaw was able to establish strategic bases in the hills and on the Thai border to carry out regular, dry-season offensives on the KNU's most important positions. By the early 1990s, the Tatmadaw had set up its own bases at the strategically important border villages of Mae Th'Waw, Wawlay (today Waw Lay Myaing), and Hpalu, causing regular outflows of Karen refugees to Thailand. The Tatmadaw also greatly extended the number of relocation sites in areas under its firm control and began routinely moving populations to these sites.

In 1994, the DKBA was formed by numerous Buddhist KNLA commanders, after tensions emerged between the Myaing Gyi Ngu *sayadaw* and a number of Christian KNU leaders.[70] By January 1995, the new army had allied with the Tatmadaw, and through joint offensives they seized the KNU headquarters at Mannerplaw and then a crucial border position at Kaw Moo Rah (near today's Shwe Ko Ko).

Through the late 1990s, the Tatmadaw carried out extensive four cuts operations in all seven districts, burning hundreds of villages, displacing hundreds of thousands of people, and successfully establishing a network of military facilities deep in KNU territory. The KNU was further weakened by more defections,[71] and an emerging leadership crisis, as Bo Mya grew old and passed away in 2006, President P'Doh Mahn Sha was assassinated in 2007, and President Ba Thin Sein died in 2008. Improved relations between Thailand and Myanmar in this period also placed extra strain on the KNU, which had long benefited from cooperation with Thai security officials at various levels.

The seven KNU Districts became subject to what Mary Callahan has termed "occupation" and "ongoing but deterritorialized war."[72] Tens of thousands of civilians were relocated by the Tatmadaw to areas near its facilities or vehicle roads. At these "relocation sites," they were typically restricted from

[70] The website of Paul L. Keenan, "The Formation of the DKBA," May 6, 2016, available at: https://paullkeenan.net/2016/05/06/the-formation-of-the-dkba/; South (2011), 18-20.
[71] See Section 1 for a list of the other groups that splintered during this period.
[72] Callahan (2007), 33.

accessing their farms or places of origin and told they would be treated as insurgents for doing so.[73] Additionally, tens of thousands of people fled to refugee camps in Thailand or to a handful of small IDP camps deep in KNU territory. Tens of thousands of others spent much of this period intermittently hiding in the forest, so that they could remain close to their farms or other assets while avoiding the Tatmadaw, often moving back and forth depending on the situation.[74] Meanwhile, the majority of KNU central leaders moved to Mae Sot, Thailand, and became increasingly detached from the realities on the ground, while the districts increasingly diverged in their agendas and character.

All governance functions of the SLORC/SPDC were placed under law and order restoration councils (LORCs) – renamed peace and development councils (PDCs) in 1997 – for each state and division, district, township, ward, and village tract or village. These LORC/PDCs were run by Tatmadaw operational commanders, with the General Administration Department (GAD) tasked to provide administrative support and carry out directives. As the Tatmadaw took new territories in Karen areas, it established village or village tract LORCs/PDCs wherever it had stable access. In most areas, however, this was not possible, and the SLORC/SPDC seemingly "governed" through orders given by battalion commanders directly to village heads.[75]

During this era, the aptly named State Peace and Development Council championed the goals of *peace and development* as one and the same, urging all EAOs to come back "into the legal fold", attend the national convention, and cooperate with the Tatmadaw's vision for stability and economic progress. Across the country, ceasefire groups that were willing to abandon their political agendas also adopted this language, as did the DKBA and other KNU splinter factions. These groups often argued to local communities that these goals would be more beneficial to the Karen people than gaining political autonomy, and that the KNU was an obstacle to them.

In practice, the primary "development" activities that took place in ceasefire areas were the large-scale resource extraction, agribusiness, and infrastructure development projects that the Tatmadaw and EAOs could profit from, while communities experienced very few benefits.[76] In Karen ceasefire areas and elsewhere, communities faced widespread land confiscation, forced displacement, high rates of forced labor, and a range of other abuses as their areas remained highly militarized.[77] These development activities also spread the reach of the SPDC's crony companies and encouraged increased migration from other parts of Myanmar, which spurred local opposition. By the 2000s, the majority of ceasefire EAOs across the country had shrunk significantly in size or disbanded as their territories were eroded. Ceasefire EAOs that continued to voice political grievances, such as the KIO, saw their economic concessions gradually reduced, and constantly came into tension with the SPDC.

The governance dynamics that evolved in KNU areas during this period varied greatly from region to region. To simplify, there were two main types of areas:

- Strongholds, viewed by the Tatmadaw as "black areas"; and
- Areas of mixed authority, viewed by the Tatmadaw as "brown areas."

Many of the strongholds areas were majority Karen, had more Christians and animists than Buddhists, had been more autonomous during colonial rule, and likely had the least interaction with historical Myanmar kingdoms. In contrast, most areas of mixed authority had far larger numbers of Buddhists

[73] KHRG (1998); KHRG (2008). See The Border Consortium (TBC) website, "IDPs Reports," published annually between 2002 and 2014, available at: http://www.theborderconsortium.org/resources/key-resources/.

[74] For yearly estimates of IDPs, including the types of their displacement locations, see TBC website, "IDPs Reports," published annually between 2002 and 2014, available at: http://www.theborderconsortium.org/resources/key-resources/. For more context on their experiences, see KHRG (2008), KHRG (2009).

[75] Thousands of "order documents" spanning nearly 20 years have been collected by the Karen Human Rights Group, documenting especially orders for resources, forced labor, or recruits. See Karen Human Rights Group website, "Orders Reports," available at: http://khrg.org/reports/type/35?keys=&title=&date_filter[min]&date_filter[max]&qt-name=key&&&&page=3.

[76] Kramer (2009), 22-3.

[77] More detail is provided in the following subsections on these issues. For a particularly important source, see KHRG (2007).

(including Karen Buddhists), had a higher proportion of other ethnicities, and had been much more integrated into Myanmar proper in previous eras. In the vast majority of areas of mixed authority, sustained state control beyond the immediate vicinity of Tatmadaw bases depended on its alliances with local proxies, such as the DKBA.

Stronghold ("black") areas

From the 2000s onwards, much of what had been the autonomous Salween District during the colonial era emerged as the main KNU stronghold, including the majority of Mu Traw District, the eastern mountainous parts of Kler Lwe Htoo District, the southern part of Taw Oo District, and some of the mountainous parts of Bilin Township, Doo Tha Htoo District. In the other three districts, only a few stronghold areas were maintained, typically in the most mountainous and forested areas and right on the border with Thailand.

In 1994, the KNLA 5th Brigade was established to cover the area already established as Mu Traw District.[78] The district had previously been defended by the 20th Battalion, which was under the 7th Brigade and later the general headquarters. From the late 1990s, the 5th Brigade was under the command of General Baw Kyaw Heh, now vice chief of staff, who became revered as a hero among Karen resistance supporters, particularly among youth in the refugee camps, migrant schools, and those working throughout KNU departments.[79] Under his leadership, the 5th Brigade and battalions from surrounding brigades were able to maintain these "northern areas" as the most autonomous region under Karen control.

Even so, the northern areas were transformed by the Tatmadaw's annual, dry-season offensives, including particularly heavy campaigns in 1997-1998 and 2005-2008.[80] The Tatmadaw established relocation sites in much of Kler Lwe Htoo District, eastern and southern parts of Taw Oo District, and southern parts of Mu Traw District, where tens of thousands of people were moved over the years. Parts of Bu Tho and Dwe Lo Townships also came under greater government control with support from the DKBA, while two small splinter groups in Taw Oo District helped the state increase its control there.[81] Even through the heart of Mu Traw District, the Tatmadaw was able to consolidate control over a network of dozens of military facilities, construction sites, mines, and international border posts, connected by vehicle roads with infantry outposts positioned along them.

Despite these gains, however, the army remained largely confined to areas where its proxies were dominant or to the nodes and arteries it could afford to closely defend. Vast surrounding areas remained guarded by roaming KNLA guerilla forces and were designated as black areas. Both the Tatmadaw and the KNLA became heavily dependent on landmines to protect their own assets and positions, and to box in and restrict opposing forces. Attacks and accidental clashes in either direction were frequent and would increase in the dry season, as the Tatmadaw would usually send in additional troops and undertake more concerted containment offensives. Smaller patches of territory in other districts, such as those east of the Daw Na mountain range, likely took on a similar character.

More than 100,000 people remained in such black areas, including many who had fled Tatmadaw offensives in their villages and were living in temporary, makeshift shelters. Aside from a minority of communities that demonstrated their willingness to cooperate with the Tatmadaw, populations remaining in the black areas were considered to be KNU members or their families and were targeted as combatants. Tens of thousands spent long periods living in hiding in the forest, avoiding all contact

[78] The previous 5th Brigade had covered the area of today's 1st Brigade, or Doo Tha Oo District, but was disbanded with the surrender of Hunter Tha Hmwe in 1963.
[79] Baw Kyaw Heh, who had previously led a "commando" battalion in defense of Mannerplaw, became the youngest brigade commander in the KNLA's history (his exact age is unknown to the author).
[80] See KHRG (1998), KHRG (2010), International Human Rights Clinic (2014), TBBC (2008).
[81] The two KNLA factions in Taw Oo District defected in 1998 and formed two small "peace groups" allied with the Tatmadaw, bringing those areas under increased government control.

with the state, often with support from the KNLA to defend their sites with landmines and armed patrol units. Tens of thousands of others remained in areas more securely ruled by the KNU, but still subject to occasional attacks or patrols by the Tatmadaw.

The SPDC expressed its view of such communities in a 2009 Myanmar government statement to the UN regarding more than 5,000 people who had fled joint Tatmadaw and DKBA offensives against their settlements in a KNU stronghold in eastern Hpa-An District. "As the remnants of the KNU/KNLA forces are hiding in some pockets of remote areas near the Myanmar-Thai border where no civilian resides, it is obvious that those who fled across border are none other than members of KNU/KNLA and their families," the statement said.[82] The effect that this broad supposition had on Tatmadaw operations is evidenced in testimony from Tatmadaw officials collected by KHRG. Among the statements documented, one Tatmadaw private stationed in Mu Traw explained:

> Even if they were not KNLA soldiers, when the soldiers went to the front line and saw women, men, or children, they arrested them all. After they arrested them, they said that the villagers were their enemies because they didn't stay under government control.... They say the villagers are on the enemy's side, and kill them.[83]

Human rights groups have reported extensively on high rates of shooting, arrest, interrogation, physical abuse, torture, and other abuses against civilians who remained in black areas, as well as frequent shelling and ground attacks on their villages. In particular, civilians were regularly punished for the actions of the KNLA or for being suspected of supporting them. Given the high rates of sexual abuse in conjunction with targeted military operations, the Tatmadaw has been accused repeatedly of using sex as a weapon of war. The Tatmadaw was also reported to use landmines specifically to target civilian settlements and work places, often to restrict IDPs from returning to areas the army had cleared of supposed KNU supporters.[84] Communities in areas close to Tatmadaw facilities, in particular, were subject to routine forced labor – for public/military works if close to Tatmadaw camps, or as porters, guides, and human minesweepers. There were also high levels of extortion and arbitrary taxation.[85]

In 2008, the Thailand Burma Border Consortium (TBBC) reported that there remained 60,000 civilians displaced and "in hiding from roving [Tatmadaw] patrols" in the northern Karen districts of Mu Traw, Taw Oo, and Kler Lwe Htoo.[86] Just months before the KNU's ceasefire in 2011, a similar TBBC report demonstrated how downtrodden and detached from the state people in those areas remained:

> Most of the population in the upland areas do not expose themselves to the Tatmadaw. They have been displaced for years and dare not return to their original villages, but rather have formed new communities which move between temporary shelters. The location of temporary settlements depends primarily on the security situation and the availability of land for cultivation. While the scale of the Tatmadaw's military offensive decreased during the past year, the threat of artillery attacks targeting upland Karen communities is ongoing.[87]

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[82] The statement was in response to an EU statement regarding DKBA and Tatmadaw joint offensives that had sent around 6,000 Karen people, including around 3,000 from the Ler Per Her IDP camp, fleeing into Tak Province of Thailand in 2009. This was a particularly harsh statement for an area under particularly close KNU control. See Permanent Mission of the Union of Myanmar to the United Nations Office and other International Organizations, Geneva, "Ministry of Foreign Affairs releases Press Statement in response to the declaration of EU Presidency," Press Release No. 5/2009, June 15, 2009; available at: http://www.burmalibrary.org/docs07/MOF-Press_Release_No_5-2009.pdf.

[83] KHRG (2001a), 42-4. Overall, this report is a crucial contribution to understanding these dynamics.

[84] KHRG (2012a).

[85] The documentation of human rights abuses in these areas is too vast and broad to usefully disaggregate claim by claim. Some of the most credible and thorough examples covering the range of abuses include: International Human Rights Clinic (2014); KHRG (1998); KHRG (2001a); KHRG (2001b); KHRG (2001c); KHRG (2008); KHRG (2009); KHRG (2014); South et al. (2010); The Border Consortium (TBC) website, "IDPs Reports," published annually between 2002 and 2014, available at: http://www.theborderconsortium.org/resources/key-resources/; Amnesty International (2008); Human Rights Watch (1995); Human Rights Watch (1997); Human Rights Watch (2005a); Human Rights Watch (2005b); Human Rights Watch (2011).

[86] TBBC (2008), 30. The organization changed its name to The Border Consortium (TBC) in 2012 allowing the organization to establish an office in Yangon.

[87] TBBC (2011), 46.

Amid these dire and unstable conditions, communities in the KNU strongholds continued to pursue agrarian livelihoods as best they could, and KNU governance functions largely continued. Some communities built up the strength of their own village defense militia, called *gher der*, with KNLA support, and civilians also used landmines to protect their assets, homes, and hiding places from the Tatmadaw. Village heads and village tract officials continued to attend to KNU functions, and populations continued to pay taxes, abide by KNU regulations, and provide recruits to the KNLA. KNU administrative departments remained active in strongholds, continuing to issue tax receipts and mostly sticking to other ordinary procedures. The KNU and local NGOs also rebuilt a basic capacity to deliver social and humanitarian support, particularly in areas where the organization retained control. However, even in strongholds, these services were greatly constrained by the difficulties of maintaining supply routes and communication channels.

Mixed authority ("brown") areas

Outside of these strongholds, meanwhile, former KNU territories across the seven districts became subject to much deeper state control and overlapping claims to territory by the Tatmadaw proxy forces formed by KNU splinter factions.[88] The largest of these splinter groups was the DKBA, which became the main Karen authority across much of Hpa-An, Dooplaya, and Doo Tha Htoo Districts and neighboring parts of other districts. The DKBA and its patron monk, U Thuzana, were able to establish Myaing Gyi Ngu as a protected area where Karen people could live free from portering and other demands made by the Tatmadaw.[89] By 2002, the DKBA and the SPDC controlled most of the territory west of the Daw Na mountain range in these districts, with the KNU and KNLA restricted to a mobile presence.

The Tatmadaw was also assisted by the two Thandaung peace groups in Taw Oo District, by the Karen Peace Force in southern Dooplaya District, and by the much smaller P'Doh Aung San Group in Hpa-An District. Even in areas where these proxy forces were relatively small and weak, they appear to have been instrumental in keeping communities under their patronage rather than supporting the KNU and allowing the latter to expand back into old territories.[90]

As the state assumed greater control over territories, the SPDC was slow to fill the governance void with its own administration, and the Tatmadaw continued to be the main state actor present. Despite early proclamations of a civilian wing called the Democratic Karen Buddhist Organization (DKBO), the DKBA ultimately became a proxy militia of the Tatmadaw. DKBA commanders became dependent on recruitment of untrained levies from local communities using resources provided by the SPDC. The army retained control over many populations in its areas of operations, but seemingly dropped the administrative institutions and practices, and did not have civilians within its structure. As a result, the KNU remained the main civilian authority in most areas, but was heavily restricted, and people were subjected to overlapping claims of multiple authorities.

In most areas, the DKBA engaged with communities primarily for taxes, recruits, and intelligence, and came under heavy criticism by human rights organizations.[91] In joint operations with the Tatmadaw, the DKBA was responsible for targeting many communities deemed to be supportive of the KNU,

[88] The situation in other majority Karen mountainous areas, such as the eastern parts of the Mergui Tavoy District and border areas of Hpa-An District, was likely quite similar to that experienced in the northern areas, as both areas were hit by mass offensives starting in the late 1990s but were not consolidated under firm state control.

[89] Myaing Gyi Ngu sits across the Salween (Thanlwin) River from Kamamaung (see Maps 1, 4 and 5) in Lu Pleh Township, Hpa-An District, on the border with Mu Traw and Thaton Districts.

[90] For example, KNLA battalion commanders from the 2nd Brigade (Taw Oo) explained that they had lost control in much of their command area since the two peace groups were formed, because they no longer had control over the communities, despite the reality that these groups only have a few dozen soldiers.

[91] For particular detail on such abuses in the context of the DKBA and SPDC's consolidation of control over areas west of the Daw Na mountain range, see KHRG website, "Consolidation of Control: The SPDC and the DKBA in Pa'an District," September 7, 2002, available at: http://khrg.org/2014/08/khrg02u4/consolidation-control-spdc-and-dkba-paan-district. See also KHRG (1998); KHRG (2001a); KHRG (2001b); KHRG (2001c); KHRG (2008); KHRG (2009); KHRG (2014); South et al. (2010); The Border Consortium website, "IDPs Reports," published annually between 2002 and 2014, available at: http://www.theborderconsortium.org/resources/key-resources/; Amnesty International (2008); Human Rights Watch (1995); Human Rights Watch (1997); Human Rights Watch (2005a); Human Rights Watch (2005b).

including in the refugee camps on Thai soil. Other abuses, such as informal taxation and forced labor or recruitment, often represented the continuation of practices that the DKBA inherited from its time in the KNLA. However, in some areas these abuses appear to have become much worse under the DKBA, as it was not subject to oversight from any civilian institutions or dependent on support from local populations as it had been under the KNU.[92]

As was the case with the KNLA, the DKBA's ability to obtain willing recruits rather than depend on outright coercion largely depended on how well it was able to maintain the perception that it was protecting people from other armed actors. It should also be noted that the DKBA's relationship with communities varied greatly from area to area, and the force continued to be seen as a protector of local communities in some areas.[93] South et al. have documented a number of ways that the Karen use relations with armed actors (including the Tatmadaw) for protection against others.[94]

The Tatmadaw, the Ministry of Border Affairs, and other bodies began development activities, including the construction of roads and some public buildings, and touted some relocation sites and other newly secured areas as "model villages" to be consolidated under state control and bring development benefits to local people. However, the bulk of actual "development" activity was for large commercial projects such as agribusiness, resource extraction ventures, hydropower facilities, and connected roads. These projects typically exported the resources to provide revenue for the state and to profit local-level commanders from the Tatmadaw, DKBA and other KNU splinter groups.[95] In some areas, despite the conflict, local-level KNU and KNLA commanders benefited from such activities too. Such projects led to high levels of forced labor, land confiscation, and displacement, among other abuses. People were also subject to forced recruitment, informal taxation, extortion, and physical abuse, in addition to the widespread scourge of landmines.[96]

Government clinic and school buildings were among the public buildings established. But these also often relied on community resources and labor and were poorly staffed and supplied, meaning government social services remained sparse overall.

Many community schools that had previously been supported by the KNU were converted by the Ministry of Education (MoE) into "affiliate schools," which received textbooks and were able to put students through government examinations, or "branch schools," which also received teachers. All support from the MoE would be for Myanmar-language curriculum, and teachers were typically Bamar people from urban areas who could not speak Karen languages. MoE teachers often had high levels of absenteeism, as they were brought in from other areas, were poorly compensated, struggled to develop good relations with communities, and also faced ongoing security risks. The MoE's expansion also led to an increasing number of mixed KED-MoE schools, even amid ongoing conflict. By the time ceasefires were signed in 2012, mixed schools made up around 27 percent of the total that received KED support.[97]

Meanwhile, the KNU continued to organize communities under its existing administration system where it could, through what one administrator called a "mobile ministry" approach. In many areas,

[92] Notably, the DKBA began emulating the Tatmadaw practice of ordering forced labor and other support by written edict, which the KNU had also done in the past. For periodic compilations of order documents issued by the DKBA and the Tatmadaw, see Karen Human Rights Group website, "Orders Reports," available at: http://khrg.org/reports/type/35.

[93] For example, see a 1998 report by KHRG, typically damning of the DKBA in that period, which noted that the DKBA 907 Battalion, under the command of Saw Law Pwe near Wawlay, was viewed much more favorably than the DKBA in other areas. Karen Human Rights Group website, "Dooplaya Under the SPDC: Further Developments in the SPDC Occupation of South-Central Karen State," November 23, 1998, available at: http://khrg.org/1998/11/khrg9809/dooplaya-under-spdc-further-developments-spdc-occupation-south-central-karen-state.

[94] South et al. (2010). See also South (2012).

[95] KHRG (2007), KHRG (2006).

[96] KHRG (2006), 19-55; KHRG website, "Consolidation of Control: The SPDC and the DKBA in Pa'an District," September 7, 2002, available at: http://khrg.org/2014/08/khrg02u4/consolidation-control-spdc-and-dkba-paan-district. See also KHRG (1998); KHRG (2006); KHRG (2008); KHRG (2009); The Border Consortium (TBC) website, Central Karen State sections of "IDPs Reports," published annually between 2002 and 2014, available at: http://www.theborderconsortium.org/resources/key-resources/; Amnesty International (2008).

[97] In the 2013-14 academic year, 364 of 1,356 schools (26.8 percent) that had teachers supported by KED/KSEAG, also had MoE teachers.

village and village tract chairpersons continued to attend KNU congresses and other functions, but often had to do so secretly, travelling at night to areas under firm KNU control. The KNU's reduced administrative capacity meant that its formal taxation protocols were weakened, and summary taxes became common, with township staff often taking lump sums from village tract or village leaders based on estimates of the value of land used by that village.

As explained by a KNU administrator who had served in part of Kawkareik Township where the DKBA's 907 Battalion, and later its 5th Brigade, were powerful:

> We were not strong around here before 2011: the DKBA was really in control.… It was very dangerous to come into much of the area [then]. We had no agreement or good relationship with the DKBA,… because DKBA and the Bamar cooperated. It was hard to meet villagers; they would get punished.… All of the Karen villages had village heads, and we maintained regular contact with them; but we had some problems accessing them, especially in areas very close to DKBA military positions.

According to a village head based near Waw Lay who maintained close relations to the KNU through this period, "I used to go to KNU village tract congresses, but had to travel secretly to another place [to attend]. And I couldn't let everyone in the village know – only my deputy [village head]." The village head described abject difficulties managing the presence of multiple authorities, particularly the DKBA, due to his relationship with the KNU. "The [DKBA and KNU] both controlled us, but only the DKBA had a military base here.… [Each group] passed through at different times, and I went to meetings with both sides. I was in crisis: when DKBA called me, I had to go; when KNU called me, I had to go. I was working closely with KNU, so I was targeted by DKBA; they didn't like that."

Village leadership positions became particularly undesirable in mixed-authority areas, largely due to the threat of punishment by one authority for supporting another.[98] Communities would often choose village heads by drawing straws, or through monthly rotation systems.[99] According to a village leader and refugee who fled a mixed-control area of Kler Lwee Htoo:

> I was a village leader in my village until 2010, but one day I realized that the only way I was ever going to die was to be killed by the Tatmadaw or the KNLA – it was inevitable.… When times are hard, no one wants to be a village leader.… We had a monthly rotation system, but whenever it got tough people would ask me to do it, and [for a time] I decided that I would work for my community no matter what. I heard that after I left, the community had to pay the new leader three lakh [MMK 300,000] per year.

As noted in the previous section, KNU social departments and their affiliates gained increasing support from local and international NGOs in this period, but were often subject to restrictions from the Tatmadaw and the DKBA, and had to adapt their ways of working to conditions in areas of mixed authority. According to one KED administrator working in a DKBA area at that time, "I had to work hard to build a relationship with DKBA [to provide support to local schools], because I am from the KNU." The KED would sometimes provide education under the banner of its collective, known as the Karen State Education Assistance Group (KSEAG),[100] and would have to meet teachers or school committee members outside the village in farmland areas.

The Karen Department of Health and Welfare and other health organizations developed a range of mobile healthcare models. These included the training and equipping of community health workers to serve in their own communities, as well as mobile "backpack" medics, who usually travelled alongside

[98] In another account, a refugee from Kaw T'Ree Township explained the main problems that had forced his family to leave. "We were under the control of three armies before [we left the country]; if we gave [taxes or resources] to one, we'd have problems from the others," he said.
[99] Jolliffe (2015a), KHRG (2008).
[100] KSEAG was established in 2005, made up of the KED, the Karen Teacher Working Group (KTWG), and Partners Relief and Development.

KNLA security details and would meet people outside of their villages or for temporary visits in the village. According to one medic from the KDHW affiliate, the Backpack Health Worker Team (BPHWT), "Before 2010 we were very scared of both SPDC and DKBA. We had to enter a village [to provide care] for two to three days at a time and then flee." Even in times of ceasefire, such healthcare delivery models remain a crucial means to serve some of the country's most vulnerable and hard-to-reach populations.

Overall, the KNU's connections to communities it had once governed were greatly diminished in areas of mixed authority. Despite the provision of some services, in their everyday lives, some communities likely came to view KNU/KNLA as just another group moving through their area, collecting taxes and making demands. Indeed, communities with connections to the DKBA and other splinter groups living in areas where the KNLA was powerful were likely treated with great suspicion and subject to harassment and abuse. Even where they supported the KNU's broad cause, the desire for a single and consistent authority that would allow people to live in relative stability became the primary desire of many Karen civilians living in these areas.[101]

[101] See Jolliffe (2015a), 25-30.

Section FIVE: Tensions in the KNU amid Times of Change

Multiple events between 2010 and 2012 brought dramatic changes to the political dynamics in Karen areas. In 2010, the DKBA split in two, as a major faction acceded to SPDC demands and formed BGFs under direct Tatmadaw command. Multiple other factions refused the demands, as did the KPC, leading to their ceasefire statuses to be annulled and repeated threats from the Tatmadaw of a return to conflict. On election day in November 2010, the largest of these new rebels, the DKBA 5th Brigade, launched a surprise attack on Myawaddy town, and initiated strikes on Tatmadaw positions in numerous other areas. Limited joint operations soon began between DKBA, KNLA and KPC units against the Tatmadaw and BGFs.

The elections were won by the military backed Union Solidarity and Development Party (USDP) and in 2011 the Thein Sein administration came to power. The new government was dominated by members of the former regime, but it began a gradual process of civilianization of government and economic liberalization. In 2011, the rebel faction of the DKBA signed a ceasefire and then renamed itself the Khlohtoobaw Karen Organization/Democratic Karen Benevolent Army (KKO/DKBA) and entered a more formal alliance with the KNU and KPC.

Skepticism towards development for peace

Backroom peace talks began between the KNU and Thein Sein's government in 2011, and disagreements quickly surfaced within the KNU. While all sides agreed that peace should be pursued and that their ultimate aim was political negotiations, differences arose over allowing outside investment, the degree to which the KNU should cooperate on the ground with the state on things like humanitarian relief, and whether to prioritize alliances with other EAOs or to focus on the KNU's immediate agenda.

There have always been differences within the KNU about how peace talks with the government should be approached, with some factions typically being more skeptical of cooperation with the state than others. Throughout the 1990s and 2000s, some leaders were staunchly committed to supporting the pro-democracy movement in exile by making regime change a prerequisite. Others were more flexible, and saw ending war and building a more cooperative Karen nationalist movement as the primary aims. Additionally, there have always been differences between Karen leaders who see their isolated hill regions as a bastion of the simple and traditional Karen lifestyle that needs to be defended, and those who think these areas need development through education and exposure to the outside world.[102] While the former might also support modernization, they often emphasize that autonomy must come first to ensure that Karen leaders and society are in control of the process.

During the 1990s and 2000s, skepticism about external influence, and particularly about development, grew stronger, due to the experiences of other EAOs and the Karen splinter factions. As the DKBA and others reiterated the SPDC's rhetorical calls for peace and development, Karen people in the conflict areas bore the brunt of large-scale commercial projects that destroyed the environment and devastated local communities. According to a 2007 Karen Human Rights Group report, based on extensive testimony from rural Karen communities:

> Not only do SPDC-implemented development schemes fail to benefit local peoples – functioning as they do on exploitative practices, regime-centred initiatives and neglect of local voices – they moreover involve widespread, frequently violent, abuses against the civilian population.[103]

[102] Disagreements partially along these lines emerged in the late 1940s between the KNU and KYO, as the KYO sought to incorporate the Salween District into an independent Burma and ensure it benefited from development, while the KNU sought to expand the autonomous region to surrounding areas.
[103] KHRG (2007), 6.

The DKBA and many non-Karen EAOs soon came to be viewed by the KNU and Karen civil society as opportunists who had sold their struggle and communities to the Tatmadaw. As the KPC was being formed in 2007, the KNU accused its leaders of attempting "to ally with SPDC to go into developmental business."[104]

As a result, by 2011, many KNU leaders had come to view the term *ceasefire* as synonymous with *surrender*, and the term *development* as a code word for personal profit. The very notion that development could be part of peacebuilding became greatly distrusted by many within the KNU and Karen civil society groups, and viewed simply as a means to quell their political opposition by distracting and dividing their leaders with personal agendas and greed.

Fractures emerge as ceasefires are signed

Informal talks beginning in 2011 were led by a number of figures including Mu Tu Say Po (then GOC), Kwe Htoo Win, Roger Khin, and the late David Taw. These leaders quickly received criticism from other KNU leaders, Karen civil society, and the Karen diaspora for attempting to sell the organization out rather than continue the push for regime change alongside the broader democracy movement in exile.

In particular, these leaders were seen as pro-development. Indeed, most of these figures were on an economic committee,[105] and had already been in talks with the Italian Thai Development Company and other key development actors that were starting major development programs in KNU-influenced territories.[106] These leaders insisted that organizational survival and the well-being of the Karen society depended on engagement with the government and regional development.

They felt that the opening up of southeast Myanmar to the regional economy had become inevitable, and that the KNU did not have the power to stop it even if it so wished. It was crucial, they argued, that the KNU become a stakeholder in the new economy, or it would simply be overridden. In order to get the best deal for communities being pushed off their land, for example, the KNU had to have relations with those companies. In order to avoid their local-level commanders becoming corrupt or forming their own fiefdoms, KNU central would have to be proactive in its approach to economic reform.[107] Indeed, in most KNU districts, their presence had been reduced to mobile units in the most remote areas, while the most powerful EAOs in the country were the KIO and UWSA, which had held ceasefires for nearly two decades, had engaged in business and development, and had raised vast revenues.

Meanwhile, other leaders were deeply resistant to these views, including those at the helm of the organization, President Tamla Baw, Vice President David Thackapaw, and General Secretary Zipporah Sein (daughter of Tamla Baw). For these leaders, the goal of regime change, and solidarity with the pro-democracy movement in exile (and by extension Aung San Suu Kyi), remained front and center. They viewed any overly enthusiastic engagement with the Myanmar government as tantamount to the actions of the DKBA and the KPC, and they remained deeply skeptical that their demands could be realized through negotiation. In particular, they felt that beginning development cooperation too soon would expose KNU leaders and local communities to harmful business activities and allow the state to slowly occupy their territories through other means. In 2011, Naw Zipporah Sein stated, "The new Burma military government uses development as a weapon to destroy and wipe out the resistance groups and to persuade ethnic groups to forget about their struggle."[108]

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[104] President P'Doh Mahn Sha La Pahn, quoted in Than Htike Oo, "Mizzima News: 7th Brigade cease-fire talks 'against Karen interests' – KNU CC," *BurmaNet News,* January 26, 2007, available at: http://www.burmanet.org/news/2007/01/26/mizzima-news-7th-brigade-cease-fire-talks-against-karen-interests-knu-cc-than-htike-oo/.

[105] This committee was seemingly less formalized than the current one that was established at the 2012 KNU Congress, so it is unclear what its exact title or role was.

[106] Interview with David Taw (Thailand, 2011).

[107] Ibid. Interview with other Central Executive Committee leaders (Thailand, 2013).

[108] "KNU Stops Tavoy Road Construction," *Karen News,* July 19, 2011, available: http://karennews.org/2011/07/knu-stops-tavoy-road-construction.html/.

District- and township-level leaders also differed in their views. Naturally, those in the stronghold areas were much more resistant than those in areas of mixed authority. For the former, their autonomy depended on routine guerilla operations, and the supposed benefits of engagement were a complete mystery unless they meant withdrawal of Tatmadaw forces. For those in areas that were essentially under occupation, the desire to rebuild relations with the various DKBA factions and to give their troops and communities a break from war was much more prevalent. Additionally, areas of mixed authority have long been more integrated with the Myanmar economy, and Karen society has been more mixed with other ethnicities. Meanwhile, stronghold areas are usually more connected to the neighboring Thai economy, have well-established systems for receiving cross-border aid to provide basic social services, and have been only marginally socially integrated with other nationalities.

In January 2012, a delegation led by Mutu Say Poe and David Taw travelled to Hpa-An for the first formal peace talks. They had an ambitious, 11-point proposal, which top leaders had approved but seemingly thought would not be agreed to, as the SPDC had always come to negotiations with its own agenda and inflexible demands. There was an air of shock, therefore, when government minister Aung Min agreed to all the points and signed an agreement. Among these points were commitments to cease Tatmadaw offensives across the country, end Tatmadaw human rights abuses, release political prisoners, and ensure that the peace process would be transparent and open to the media.[109]

A series of more detailed talks then commenced in April 2012, at which the KNU was led by Naw Zipporah Sein. These included talks with the Tatmadaw on establishing ceasefire protocols and monitoring mechanisms, as well as much more detailed discussions on the earlier human rights and political demands. The KNU also secured agreement that its land management system would be recognized.[110]

There were further upsets, however, in October, when Mutu Say Poe, David Taw, and Roger Khin were removed from their positions for attempting to establish a liaison office in Hpa-An without senior approval. David Taw then passed away due to ill health shortly thereafter, before Mutu Say Poe and Roger Khin were reinstated at an emergency standing committee meeting. At the meeting, the organization committed to "start with a clean slate" in the interest of unity.[111]

New leadership and a fragile path forward

At the 15th KNU Congress in November 2012, Mutu Say Poe was elected president, and, Kwe Htoo Win, was elected general secretary. Meanwhile, Naw Zipporah Sein was appointed vice president, and her close associate, Mahn Mahn, became joint secretary 2. Power therefore shifted in favor of those who had been pursuing the ceasefire talks and who were generally more open to development, but was balanced by leaders who remained more skeptical of the government.

Under the previous leadership, the KNU had broadly agreed on a policy that development activities would only be allowed to proceed following a substantive and guaranteed political settlement that would meet their demands for federalism. This directly contradicted the Thein Sein government's initial "Roadmap for Peace," which envisioned cessation of hostilities leading immediately to development. Under this government roadmap, EAOs could only influence politics if they gave up arms and formed political parties.

The new leadership's position on the link between peace and development was more ambiguous.

[109] See Keenan (2012).

[110] The agreement stated, "Both sides agreed to acknowledge land ownership agreements existing within the KNU and other ethnic organizations and to find solutions in consultation for customary land ownership and other land rights issues for IDPs." For this provision and a full list of the agreements made then and in previous negotiations, see Keenan (2012), 70.

[111] Karen National Union website, "Position Statement of the KNU Central Standing Committee Special Emergency Meeting," October 27, 2012, available at: http://www.karennationalunion.net/index.php/burma/news-and-reports/news-stories/position-statement-of-the-knu-central-standing-committee-special-emergency-.

While maintaining continued the policy that large-scale development, such as mega dam construction, would have to wait until there was clear political progress, the new leaders asserted that more pro-active engagement in the economic and development sectors would be necessary. Accordingly, the Congress affirmed to establish economic and development policies and a more formalized Economics Committee. The organization retained as a central priority the commencement of political dialogue, and the new leaders have remained careful not to suggest that development was an immediate goal. The Congress affirmed that "there is a grave and urgent need to work on reaching political dialogue," and that the KNU would continue cooperation with other EAOs to work "towards establishment of a genuine federal union in order to achieve democracy and equality and self-determination of all ethnic nationalities."[112]

This shift set the stage for ceasefires that have continued into late 2016, leading to increased development activity and the emergence of a wide range of new forms of competition and cooperation between the state and the KNU at the local level. Though differences within the KNU have persisted, they should not be overstated, as all parts of the organization have remained committed to the broad positions agreed at the 2012 Congress. At the time of this writing, prospects of a long-rumored split in the KNU seem slim, and adherence to the formal decision-making processes in the Constitution appears to have kept disagreements from growing out of control. Nonetheless, tensions continue to be exacerbated by state expansion and differences in opinion around development cooperation.

[112] See Appendix 1.

Section SIX: Governance and Development Since 2012

Since 2012, the political developments discussed in Section 5 have transformed the territorial and governance dynamics across the seven KNU districts. On the one hand, the state has been able to expand its presence significantly, which has come alongside increased civilianization of government, despite ongoing military expansion. On the other hand, the KNU has gained much greater space for its civilian activities in many areas, and has become increasingly involved in the fast-growing economy. Civilians have experienced significant improvements in their overall security, but remain subject to multiple, overlapping authorities and exposed to threats from increased business activity and a growing drug trade.

How control is claimed

None of the active ceasefire agreements have determined explicit, territorial boundaries on paper, and the "ceasefire areas" referred to in the NCA remain poorly defined.[113] As of late 2016, discussions are ongoing through the NCA Joint Monitoring Committee to establish better defined ceasefire territories, but progress has been slow. Therefore, the authority of different actors continues to overlap significantly, with little agreement on who controls which territories or populations. The KNU, government, and other armed actors establish authority in two main ways:

1. **Military deterrence**

Military deterrence works by posing an implicit or explicit threat to other actors that enter a territory. In most areas, mutual recognition of each actor's deterrence capabilities has allowed the Tatmadaw, EAOs, and paramilitary actors to reach local-level agreements over "areas of operation," where particular actors are permitted or not permitted to carry weapons.[114] In other areas, opposing armed actors maintain military encampments or continue patrols in close proximity to one another, increasing the risk of armed clashes or violent disputes.

2. **Building relations with community leaders**

Establishing relations with village-level leaders or other influential persons allows authorities to ensure that communities cooperate with their activities more than with those of their competitors. This does not give them exclusive access to territory, but makes it much easier to operate and protect interests. In many ways, influence over populations is an objective in and of itself to both the state and the KNU, as the state aims to consolidate all populations under normalized state control, and the KNU seeks to govern Karen populations with autonomy. Demonstrating an active role in governing populations is also crucial to both actors' claims to legitimacy as representatives of the people. There are many areas where multiple actors have a military presence but one has deeper connections to communities than the others. There are even areas where EAOs have no military presence, but where they maintain influence through these kinds of relations.

Most communities have relations of different kinds with different authorities, but there are some cases where local-level agreements are made between governance actors placing certain villages exclusively under certain authorities. To a degree, conflict dynamics have been transplanted into the governance domain, with various institutions of the KNU and the state vying for influence at the village level, as discussed in the following subsections.

[113] An addendum to the NCA that outlines issues needing further clarification notes, "It is agreed to discuss the definition of the term 'Ceasefire Area' and to review this phrase while discussing it."

[114] There have been tentative efforts to ensure that the NCA Joint Monitoring Committee recognizes these arrangements, but they remain vaguely constituted.

Expansion of the state through development and services

Since 2012, the state has invested heavily in extending government administration, land management systems, social services, and development to communities in ceasefire areas that had previously only interacted with the Tatmadaw. Through such processes, the state has built and deepened relations with community leaders, gaining increased control over the ceasefire areas.

Expansion of the state has followed a similar geographical pattern to the territorial expansion of the Tatmadaw that was discussed in the previous section. Rather than extending from east to west, the government expands outward from administrative centers at sites that have been fully secured, but that are surrounded by EAO-influenced territories. These centers include towns that have long been under government control, such as Hpapun or Kawkareik, as well as newly established "sub-township towns" that act as administrative hubs in areas too difficult to govern from the township capitals.[115]

Nine sub-township towns have been established in Kayin State and are listed in Table 3, detailed in Annex 2 and shown in Maps 1, 4 and 5. They vary greatly in size, but all are close to large Tatmadaw bases. Some are long-established urban and peri-urban settlements, while others were formerly relocation sites or simply a collection of households surrounding a Tatmadaw base. These and existing government towns serve as the launch pads for government departments to reach out to surrounding rural communities and to carry out development activities.[116] In this way, the state has been able to deepen relations with communities where the SPDC had already established a presence, and develop new relations with communities that were previously governed only by the KNU or DKBA.

Much of this activity has been led by the GAD, which has established village tract administrators (VTAs) wherever it can. These VTAs are often the same local leaders that have long served as village tract chairpersons under the KNU system, and they frequently retain both positions. There are also areas where government and KNU village tract authorities exist side by side, either in the same or overlapping jurisdictions. As per nationwide protocol, these VTAs are supposed to be indirectly elected by convening representatives for every ten households, and then receive administrative training and a monthly stipend. In practice, as in the KNU system, these elections are not particularly competitive or well attended, and more research is needed to determine how representative they are. According to a woman interviewed by the KHRG, she was forced to be a government VTA against her will.[117]

New health facilities have been built, and existing community schools that have long received KED/KSEAG support have been brought increasingly under the Ministry of Education system.[118] The government has also introduced its land management system, registering people's farmland in accordance with two 2012 land laws that, in principle, allows people to register their land to gain tenure, but not full ownership. Additionally, police stations have been established for the first time in a number of areas, but have yet to reach most rural communities. The practical and political complications created by all of these new "services" are discussed in Section 7.

At the same time, a vast array of companies has entered the region from other parts of Myanmar and neighboring countries, which have often been able to unfairly acquire land used or considered owned by local people. Companies have often done this either through provisions of the law that fail to recognize customary land use, or by simply cooperating with local authorities to confiscate land from

[115] The GAD and other government bodies initially assigned these areas as "sub-townships" with clear boundaries, as demonstrated in the Myanmar 2014 census. However, as the term "sub-township" does not appear in the constitution the government has instead opted to designate the central settlement in each of these areas just as a town, with its own government offices. In practice, these "sub-township towns" continue to act as the administrative centers for their surrounding areas.

[116] This is similar to the approach taken by the colonial state, which established towns in new areas, connected them with roads, and then extended to surrounding rural areas in many stages.

[117] KHRG (2016), 26. See also the full interview transcript, listed as source document #34, available at: http://khrg.org/sites/default/files/hshs_appendix_final_resize.pdf.

[118] For more on these processes in education, see Jolliffe and Speers Mears (2016).

local people who have insufficient understanding of the laws or access to the right institutions.[119]

Kayin State's sub-township towns

The most dramatic increases in government activity have taken place around sub-township towns, as many of these areas previously had the most limited state presence. Since 2012, government buildings have been built in all nine sub-township towns, including police stations, high schools, and rural health centers. Sub-township-level officials have been instated for key departments, including GAD officials, known – at least locally – as "sub-township administrators." High school head teachers have acted as education officers to extend MoE support to primary schools in their areas, under the direction of township education officers. The government has also invested heavily in road infrastructure to connect the sub-townships to other towns and the Thai border.

These towns vary greatly in their history. Some have been under government control for decades, often as small hill posts or relocation sites rather than full-fledged towns, while others were seized from the KNU during military campaigns in the 1990s. Only two of the towns, Kamamaung and Hpayarthonesu, have more than 10,000 urban residents, while two others, Shan Ywar Thit and Su Ka Li, are essentially military bases with "urban populations" of only a few hundred people. Meanwhile, they all have tens of thousands of people in the surrounding areas, which are usually areas of EAO or mixed authority. The key features of each are listed in Table 3, including the dates that they were brought under state control. Much more detail on these dynamics is provided in Annex 2. Many of these towns are known locally by their Karen-language names, but have had new signboards put up in recent years indicating their Myanmar names.

Table 3: Overview of nine sub-township towns in government-defined Kayin State

Myanmar government designation	KNU designation	Karen name	Total Population	Urban Population	Under state control since	Significant government administration since:	Present state-backed paramilitary actors
Leiktho Town, Thandaunggyi Township.	Daw Hpa Hko Township, Taw Oo District.	–	48,606	3,093	Ca. 1970	After 1998	Thandaung People's Militia Force
Baw Ga Li Town, Thandaunggyi Township.	Htaw Ta Htoo Township, Taw Oo District.	Kler Lah	17,237	1,999	1979	2011	None
Kamarmaung Town, Hpapun Township.	Dwe Lo Township, Mu Traw District.	–	20,895	13,992	1950s	After 1995	BGFs #1013 and #1014 (former DKBA)

[119] KHRG (2012a), KHRG (2015), KHRG (2016).

Shan Ywar Thit Town, Hlaingbwe Township	Lu Pleh Township, Hpa-An District.	Klaw K'Tee	21,735	531	Ca. 1995	2012	Outposts of multiple BGFs (former DKBA)
Paing Kyon Town, Hlaingbwe Township.	Ta Kreh Township, Hpa-An District.	Ta Kreh	88,604	4,074	1997 at latest (Tatmadaw access since 1960s)	Early 2000s	BGF #1015 (former DKBA)
Kyaikdon Town, Kyainseikgyi Township.	Kaw T'Ree Township, Dooplaya District.	–	57,938	3,515	1997 (but seized temporarily before)	2000s	BGF #1023 (former KPF)
Wawlay Myaing Town, Myawaddy Township.	Kaw T'Ree Township, Dooplaya District.	Wah Lay (variable spellings)	9,213	3,083	1990 (under DKBA control 1995-2010)	2012	None
Su Ka Li Town, Myawaddy Township.	Kaw T'Ree Township, Dooplaya District.	Choogali	5,703	342	1997	2012	Outposts of unknown BGF(s) nearby.
Hpayarthonesu Town, Kyaiseikgyi Township.	Noh T'Kaw Township, Dooplaya District.	–	90,484	27,311	1990	Late 1990s	Outposts of unknown BGF(s) nearby.

A notable share of the international assistance in Kayin State has been geared towards these sub-township towns.[120] Hundreds of projects have been established around each of the sites, most notably in Paing Kyon and Leik Tho, which have both been secured under state control with the assistance of local paramilitary actors. Shan Ywa Thit, a "town" of only 531 people that didn't even appear on most maps in 2010 and that has 20,000 people living in the contested periphery, has also seen nearly 200 humanitarian and development projects.

As part of a comprehensive development plan for southeast Myanmar, the Japanese International Cooperation Association earmarked the sub-townships for particularly extensive development, and designated Paingkyon, Shan Ywa Thit, Waw Lay Myaing, and Su Ka Li as areas for initial attention. These four sub-township towns, in addition to Hpayarthonesu, have been touted by the government as primary areas for IDP and refugee resettlement, leading to some controversy among CBOs based in refugee camps. These CBOs have criticized the government for attempting to make unilateral plans for

[120] Out of 8,142 projects documented by the Myanmar Information Management Unit (MIMU) as ongoing in Kayin State in November 2015, 1,619 projects (19.88 percent) were listed as within a sub-township area. However, this includes projects run by the KNU and affiliates. More up-to-date MIMU data does not mention sub-townships, likely due to the government shift to not using the word directly, but most of the same projects remain under implementation. In Jolliffe (2015), the report incorrectly noted that "the bulk" of aid to the state was going to the sub-township towns. Closer examination shows this not to have been the case, even based on data cited at that time.

their return to state- and DKBA-controlled areas that remain insecure.[121]

A village leader based near the "town" of Su Ka Li, which was seized in 1997 and has an "urban" population of just 342, remained deeply skeptical of the new developments, and was wary of both increased government control and of migration from other parts of Myanmar. While the accuracy of all his claims was not verified, they give a clear indication of how these new centers can look to surrounding communities. He said:

> There are only 43 households there. [Twelve of] the other 13 villages around it are completely controlled by KNU. They just built the government buildings and want us to take their education system. The government wants to tame us.... I'm worried for the future, as the population might increase. I think more Burmans [will come].... There are already some, but I think they are all government and military families.

These sub-townships have also been a site of conflict and controversy with the EAOs due to their implications for local governance dynamics. In Baw Ga Li, Waw Lay Myaing, and Su Ka Li, the government has gained access unilaterally due to the strength of the Tatmadaw and because the rules of the ceasefire bar EAOs from disrupting the development activities. According to a KNLA battalion commander positioned near Baw Ga Li, "They have wanted to instate their administration [and set up a police station] there for a long time, but were not able to [before the ceasefire].... The real administration arrived in 2011.... [Previously, this was not possible, because] the KNLA would attack them, but now they can do it because of the ceasefire."[122]

Officials from the KNU Mu Traw District administration claim that the government requested their permission to establish two additional sub-township towns within the district's territory. One was at Meh Way in southeastern Dwe Lo Township, a rich gold-mining region, where the Tatmadaw has stationed a major facility for many years.[123] However, the KNU refused to grant permission, and the government was seemingly not strong enough to implement unilaterally.

Although not directly related to the sub-township, the area surrounding Shan Ywa Thit was also a site of heavy fighting in September 2016 as a splinter faction from the DKBA endured concerted joint offensives from the Tatmadaw and multiple BGFs. This was linked in part to the government's desire to consolidate control over new roads and the nearby Hatgyi Dam construction site, as well as local level rivalries and disputes over the DKBA's splinter group's informal taxation activities.

Tatmadaw, back to the barracks?

Since 2012, interaction between civilians and Tatmadaw soldiers has been greatly reduced in the ceasefire areas. This has led to great overall improvement in the security conditions faced by local people, but numerous forms of abuse by government security forces persist. Despite its improved conduct with regard to civilians, the Tatmadaw has maintained a forward posture throughout the ceasefire areas and continued to strengthen its military standing. Meanwhile, governance has largely been transferred to civilian departments, but the military-controlled GAD remains the most powerful, and Bamar males, including former officers, continue to dominate most departments.

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[121] Karen Peace Support Network (2014). See also Timothy Syrota, *Nothing About Us, Without Us*, documentary film, 18:40, produced by Burma Partnership in collaboration with the Karen Women's Organization, posted December 19, 2012, available at: https://karenwomen.org/2012/12/19/nothing-about-us-without-us-video-on-refugee-return-with-kwo-secretary-dah-eh-kler/.

[122] Interview with two KNLA battalion commanders from the KNLA 2nd Brigade (November 2015). It should be noted that the Tatmadaw has been much stronger than the KNLA in that area since the 1970s, and has had a PDC established at the site since at least the early 2000s. Nonetheless, the KNLA interviewees insisted that the government was mostly restricted to a village 13 miles away along the road from Toungoo and could not establish proper government functions at Baw Ga Li.

[123] The other site could not be verified. According to Mu Traw officials, the site is called "Paw Hko" and has a battalion under the southeast command based there. However, this could not be verified. It may be Plah Koh, on the Kyaukkyi Saw Hta road that runs through Lu Thaw Township; Kay Pu, near the border with Taw Oo District; or somewhere else entirely.

Prior to the introduction of the 2008 Constitution in 2011, the Tatmadaw was supreme over every sector of governance, and was particularly dominant and abusive in areas where it was fighting EAOs. Governance duties have now been handed over to formal government departments, making a significant impact on the way that the state is experienced by local communities. According to the head of a village in the east Daw Na Region adjacent to a large Tatmadaw command facility:

> Now it is much better – not only [in my community's relationship with] KKO/DKBA and KNU, but also with the government soldiers. Even high-ranking Tatmadaw [officials] do not have the right to carry weapons in my village. The Tatmadaw used to always search us; we had to notify them before we traveled and so on, but now we don't have to.... In the past, I was not allowed to host foreigners here either, but now, no problem.

According to the head of a different village, on the road between Su Ka Li and Kyaikdon, "Our village is on the Tatmadaw-built road, but now we don't see them. They stay in their camps.... We have no fear now. They just pass by. In the past, they used to take our chickens and had improper behavior." Other people reported Tatmadaw attempts to improve relations, including handing out medicines and rice, and offering funds for local development directly, though in many areas these are ignored or accepted grudgingly by local people.[124] These anecdotal perspectives largely fit with findings of the KHRG, which has documented significant reductions in many forms of human rights abuse committed by the Tatmadaw and its proxies.[125]

Nonetheless, communities remain subject to levels of abuse by the Tatmadaw, and particularly by the BGFs, that are far from acceptable. These include cases of land confiscation, accidents resulting from heavy weapons exercises, and abuse by individual personnel, seemingly with impunity.[126] Furthermore, as almost all of GAD township and district administrators, and the senior staff of many other departments, are former Tatmadaw officers or other Bamar males, they are still often viewed as a somewhat foreign and potentially threatening presence by Karen populations affected by war.

While the Tatmadaw has retreated from governance, it has retained an aggressively forward posture and has strengthened its facilities and infrastructure significantly. In Mu Traw District, the Tatmadaw has established at least thirteen new facilities since 2012, and has improved its airborne capabilities by moving helicopters into the region, to facilities established shortly before the ceasefire. In many other areas, the Tatmadaw has pulled back from some of its outposts and consolidated forces in its larger bases, though many of these are close to civilian settlements and are dotted throughout areas where EAOs are the main governance actors. The Tatmadaw has also been able to replace bamboo fortifications with concrete, to resupply and rotate its troops far more regularly, and to begin reconnaissance operations in areas it has never accessed before.

The Tatmadaw's continued forward posture and the strategic gains it has made during the ceasefire have greatly damaged confidence in the ceasefire among the KNLA, whose military strategy had long focused on harassing and constraining Tatmadaw positions and movements. While the KNLA may also be able to strengthen certain facilities and positions, it has far fewer resources than the Tatmadaw, and does not have the capacity to construct networks of roads or develop an airborne capability, so the respite from fighting is of less strategic utility. Focus group sessions with dozens of KNLA battalion

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[124] Interviews with civil society and village heads in East Daw Na area and Mu Traw District (2015). According to these accounts from Mu Traw District, the Tatmadaw has left bags of rice on the side of the road, along with notes telling communities that they will no longer hurt or harass them and that they do not need to run away.

[125] KHRG (2013), KHRG (2014), KHRG (2016). See also the KHRG website for regular situation updates from all seven districts, available at: http://khrg.org/reports/type/30. Some indications are that the NCA has led to further improvements still. See KHRG website, "Hpapun Situation Update: Dwe Lo Township, January to May 2016," available at: http://khrg.org/2016/09/16-61-s1/hpapun-situation-update-dwe-lo-township-january-may-2016.

[126] KHRG website, "Hpapun Interview: Saw A---, January 2015," August 11, 2015, available at: http://khrg.org/2015/08/15-15-a2-i1/hpapun-interview-saw-january-2015; "Dooplaya Photo Set: Tatmadaw conduct heavy weapons target practice in Win Yay Township, January 2015," June 5, 2015, available at: http://khrg.org/2015/06/15-2-ps1/dooplaya-photo-set-tatmadaw-conduct-heavy-weapons-target-practice-win-yay-township.

commanders revealed that Tatmadaw advances were seen as a major threat, and that negotiations were considered to have been ineffectual in forcing the Tatmadaw to rein them in. Local personnel in many areas have therefore placed hope in the NCA Joint Monitoring Committee to secure the KNU's existing level of territorial control while political dialogue goes ahead.

Growing space for KNU civilian activities

At the same time, the KNU now has more space for a range of governance and other civilian activities because of reductions in conflict and improved relations with other authorities. In particular, the KKO/DKBA has permitted the KNU to fully reestablish its governance structures in areas under its control, as have some BGFs. Across the southeast, the KNU can now organize congresses and committee meetings and provide social services much more liberally than before, including in areas where KNLA control is limited.[127]

Schools supported by the KED and its network, KSEAG, have increased each academic year since 2012, as government and paramilitary authorities have allowed their staff much greater access to communities under their control. These are typically communities that had been governed by the KNU until its losses in the mid-to-late 1990s. Between academic years 2012-13 and 2015-16, the number of schools receiving support from KSEAG rose from 1,356 to 1,506.[128]

The KDHW has also benefited from the ceasefires and has been able to begin setting up village tract health centers, a new type of health facility that is more stationary than in the past, though backpack and community health workers remain crucial to reaching more remote areas. According to a medic from the Backpack Health Worker Team, which works in cooperation with the KNU, "We have a lot more space now to work in [BGF-controlled areas]. We don't have to register or anything. We just talk to the local commanders about primary healthcare, and they let us coordinate with the village leaders directly." According to KDHW leaders, speaking in 2016, the department is now officially coordinating the health activities of all the Karen armed actors, including those linked to some of the BGFs.

These and other social sectors are expecting increased support from international aid, as the Nippon Foundation has committed more than USD 20 million to strengthen the organization's "social infrastructure." In conjunction with the signing of the NCA, there has been a lot of talk about increased support going to the EAOs for such functions, in line with the "interim arrangements" in the NCA text that provide a limited degree of recognition to the EAOs' role in governance.

Civilians are now able to attend KNU events such as Martyrs' Day, Revolution Day, and Karen New Year celebrations much more openly. On Martyrs' Day and Revolution Day, major KNLA bases are opened to the public, who come to watch military parades and hear speeches from civilian and military leaders. People from government-controlled areas and from refugee camps in Thailand can now travel much more safely to attend such events, and have done so by the many thousands. Tatmadaw, government, and BGF officials have also attended such events in recent years, which have often featured parades by units of KNLA and KNDO side by side with KKO/DKBA and KPC.

"Karen Unity and Peace Seminars", which have been bringing together leaders from all parts of Karen society since 1999, have also become much more systematic and well attended since the ceasefires. A formal Karen Unity and Peace Committee (KUPC) was formed, including KNU members alongside religious leaders, political party representatives, and civil society leaders from Myanmar proper. The KNU has hosted multiple KUPC seminars in its territory, and has regularly sent Central Executive Committee and other members to them in other parts of the country. These events have brought

[127] It should be noted that, in some areas, the KNU has experienced increased restrictions on its movements, particularly in its taxation of communities that it could only enter for brief periods of time in recent years.

[128] Data provided by KSEAG. See Jolliffe and Speers Mears (2016). The percentage of these schools also receiving support from the Myanmar government's Ministry of Education also rose significantly in this period, from 26.8 percent to 49.3 percent.

something of a revival of the kinds of mass events that were held during the colonial era, and that led to the formation of the KNA, the KCO, and ultimately the KNU. Since the late 1800s, and particularly since the KNU split in the 1990s, Karen leaders of all types have emphasized the concept of "Karen unity" as the key to political progress. These events have been crucial to restoring the KNU's legitimacy in the eyes of other Karen leaders, and to establishing common political and social goals.[129]

Through liaison offices in Myawaddy, Hpa-An, Kyaukkyi, Thaton, Dawei, and Hpayarthonesu, the KNU has been able to reengage with communities in and around the towns and conduct "awareness raising" activities, not just on the peace process itself, but also through workshops on federalism and other political aims of the KNU. These offices have also improved the provision of social welfare, by coordinating actual services (like transportation to hospitals) as well as by serving as contact points for international humanitarian and development partners. And communities and individuals have used the liaison offices to seek help from the KNU in land and other civil or justice-related disputes, particularly where such disputes involve the government and the aggrieved parties don't have the necessary connections to handle it themselves.[130]

The majority of KNU-linked CBOs now have offices in government-controlled towns and cities, and are able to access mainstream donor support from within Myanmar and work with more widespread populations. The KNU and some of the CBOs under its guidance, such as the Committee for Internally Displaced Karen People and the Karen Organization for Relief and Development, have been able to develop programs to support IDPs much more openly, even in some government-controlled "relocation sites." They have also been supporting IDPs that are returning to areas cleared by the Tatmadaw and previously designated off-limits, and have been heavily involved in planning for eventual organized repatriation of refugees.

IDP support and other areas of social support have also received a boost from increased cooperation with Karen religious and civil society organizations that previously only operated in government-controlled areas. Prior to the ceasefires, these organizations were unable to engage with the KNU, or even with communities in KNU areas, without being accused of supporting terrorists. Open cooperation between Karen CBOs and civil society organizations, including those from the refugee camps, KNU-controlled areas, and government-controlled areas, has also burgeoned since the ceasefire due to these changes. Additionally, independent CBOs that were previously only able to operate in KNU areas or in refugee camps can now operate much more openly in government-controlled areas. Many have registered with the government and opened offices in several major towns.

Increased space for business activity

The most controversial set of "opportunities" now available to the KNU are those associated with business and large-scale development, particularly in the extractive industries, though proper research was not conducted into these sectors. Some Executive Committee members have taken the lead in establishing new KNU-affiliated companies, such as the Thoolei Company, aimed at engaging in socially responsible business. Meanwhile, district and township-level authorities, particularly in Mergui-Tavoy, Dooplaya, Hpa-An and Doo Tha Oo Districts have also setup their own companies of various forms.

According to multiple sources, the government has actively encouraged the KNU to establish companies and to reduced taxation on local people. From the perspective of some figures within the KNU and Karen civil society, this encouragement is aimed primarily at distracting KNU leaders from their political agenda, and to weaken the organization's solidarity.

It is often not clear if these enterprises are privately owned and managed by individual personnel, if

[129] See Davis (2016a).
[130] For much greater depth on the liaison offices and the support they provide see Ethnic Peace Resource Project & Myanmar Peace Support Initiative (2015) and Davis (2016b).

they are being run by district- and brigade-level authorities, or if they have direct links to personnel at the central level. It is also not clear to what extent these enterprises have benefited from the KNU's political and military influence.

Overall, it appears that a lot of business activity has been poorly regulated by the central level KNU, particularly as the districts have such significant autonomy. As has been experienced in other ceasefire areas throughout Myanmar's recent history, there are significant risks that political progress will move more slowly than the expansion of private business (particularly in extractive industries). Such dynamics could create a vast ceasefire economy and hinder governance reform, while a sustainable peace settlement remains elusive, and thus increase volatility to renewed conflict.

There has also been increased cooperation between the KNU and government in the construction of roads, and other public goods development, but it is often unclear how the KNU is involved and at which administrative levels.

Governance on the ground: sector by sector

These changing dynamics have led to many new forms of cooperation and competition on the ground, particularly in eight main sectors: administration, taxation, education, healthcare, land management, road construction, justice, and humanitarian assistance. Crucially, there is a large amount of cooperation and competition in various other economic fields, particularly in resource management, but those are not covered here.

Administration

At the village tract and village levels, the KNU administration system and the GAD system of the Myanmar government often run in parallel, with village tract leaders sometimes being both a KNU village tract chairperson (VTC) and a GAD village tract administrator (VTA). In other cases, KNU VTCs and GAD VTAs are different people operating side by side, covering the same or overlapping jurisdictions. There may be multiple KNU-designated village tracts within one government village tract, or vice versa, or the boundaries of KNU and government village tracts may simply overlap.

Typically, these officials have to deal to some extent with both authorities, as well as with other armed actors, whether they are formally integrated into their system or not. According to a village head in Kaw T'ree Township, "The [VTC] has to deal with both sides. It's very difficult for him." These overlapping systems also mean that people must often pay taxes to multiple authorities, frequently without knowing what services or other benefits will be provided in return. Nonetheless, maneuvering among multiple authorities is typically much easier during times of ceasefire than during war. One particularly enthusiastic village head in the East Daw Na area explained, "Now [KKO/DKBA] comes to the village, or KNU comes to the village, no problem.... I welcome every party here, including Burmese [authorities]. If they stay here without any fighting, it's fine."

Nonetheless, the same village head expressed skepticism about a number of tasks that had come with the expansion of the Ministry of Home Affairs to his area, such as requirements to send villagers for fire-service training. "I didn't want to send anyone, because we don't want to serve the government.... They came to test us and persuade us [to cooperate with their governance system] in many ways," he said.

At the village level, the KNU is typically more organized than the government. Below the GAD VTAs, the government recognizes heads of 10 household groupings for voting purposes but has no specific system for recognizing village heads. In the KNU system, some villages have their own "KNU Basic Organizations" with village chairpersons and village-level committees elected through formally

mandated plenary meetings. Other KNU-controlled villages, particularly smaller ones, only have a village head and less systematically constituted committee members around them, but these figures are formally recognized as the main leaders at their level. In practice, GAD VTAs and more senior government and Tatmadaw officials seem to engage with village heads for certain activities, but do not officially recognize them or bestow any official responsibilities on them. Accordingly, even where village leaders are relatively incorporated into the government system, it is not uncommon for them to ask the KNU's permission before any form of cooperation. As one village head said, "We are just a village. Five villages make up a village tract. Without village tract or township leaders, we cannot decide anything ourselves."

Taxation

Taxation remains a sensitive area, where there is little cooperation between the different governance actors. The government seems to view all EAO taxation as illicit, and often denounces the KNU and other groups for taxing communities and placing an unnecessary burden on those people. Meanwhile, the DKBA and the KNU seem to tax side by side in areas where they overlap. According to a KNU administrator in one area mixed with the DKBA and the Tatmadaw, "We and the DKBA do not share our tax revenues, we just both tax [communities separately]. If we tax 10 percent, they tax 10 percent." He also said that taxation is perhaps the only area of "governance" where the DKBA is most organized, with its own tax collectors and checkpoints and some form of centralized system. He added, "If there are ever tensions between us and DKBA, they are usually about taxation and income."

Meanwhile, the KNU has been restricted in some areas from accessing communities outside of its direct control, where local-level agreements have been made to delineate boundaries of authority. This has made it more difficult to collect taxes from such communities. According to battalion commanders from the KNLA 3rd Brigade, they have been restricted from visiting communities on one side of a major car road, from whom they used to collect taxes. This is often not a bad thing for local people, as taxation in areas of limited control is often done summarily and is particularly burdensome and poorly regulated. Nonetheless, according to the commanders, "Some of the loyal villagers still want to [pay taxes], so they cross over and give them to us." There have also been cases of the Tatmadaw or BGFs blocking KNU VTCs from collecting taxes in areas that have been locally agreed to be under the control of the Tatmadaw or BGFs.[131]

Education

Education is a particularly sensitive social service because of the role it plays in building national identities, preserving languages, and teaching history. As explained by one local-level KED administrator, "We have our own language, culture, and belief, so we want to continue our own schools and our own education." Since the ceasefires, the number of government MoE teachers in KSEAG-supported schools has almost tripled, from 1,574 in 2012-13 to 4,718 in 2015-16. This has led to the creation of 379 new mixed schools in just a few years, bringing the total to 743. Today, almost half of the schools supported by the KED are mixed schools that also receive MoE support.[132] Among these, KSEAG reports that nearly all also have a strong MoE "administrative presence."

The MoE has typically dispatched these teachers with little or no direct coordination with the KNU. GAD or MoE officials have tended to reach out directly to village leaders, KED-supported teachers already in the schools, or school committee members to make offers of teachers, school uniforms, upgrades to school buildings, textbooks, or other support. In sub-township towns, high school principals and the GAD have led in much of this work. According to one MoE teacher in Su Ka Li, extra

[131] See, for example, KHRG website, "Hpapun Situation Update: Bu Tho Township, March to May 2016," September 16, 2016, available at: http://khrg.org/2016/09/16-53-s1/hpapun-situation-update-bu-tho-township-march-may-2016.
[132] In 2015-16, 49.3 percent of KSEAG-supported schools also had teachers supported by MoE, up from 26.6 percent in 2012-13.

teachers have been based at these high schools for years, while awaiting deployment to surrounding villagers as soon as they can get access.

As discussed in Jolliffe and Speers Mears (2016), this lack of coordination has led to a range of practical and political complications. This has deepened suspicions among some in the KNU that the government is trying to slowly occupy Karen territory and "Bamanize" the local people rather than negotiate a political settlement. While the exact responses of KNU authorities on the ground have varied greatly, skepticism of the government's intentions is widespread, and leaders often emphasize that the government should cooperate with the existing education authorities. According to the East Daw Na KED administrator, "If the KED or the individual school requests support or accepts [teachers or other support] from the government, then they are allowed. But if it is not agreed, it's not okay. In 2013, the government started sending teachers without request. This is a problem."[133]

Communities have mixed opinions on whether they want the teachers or not. For example, 29 KED-supported community schools in East Daw Na Region have been offered MoE teachers for the first time since 2012. While 13 have accepted support from the state, thereby creating mixed schools, 16 have rejected it, often after having consulted with the KNU. Community members that had accepted teachers often said this was because resources are so scarce in their village, and because parents want their children to have an education recognized by the Myanmar government. Reasons for rejecting were often linked to skepticism of the government's intentions, fears of Karen language classes being undermined, and due to commitment and loyalty to the KED and its affiliates. Perceptions of authority play a key role in these decisions. Interviewees in two communities reported being intimidated or pressured by the Tatmadaw or the DKBA to accept government support, and others indicated that they had rejected it due to not getting clear permission from the KNU.[134]

Higher-level coordination between the KED and the MoE has been extremely limited overall, but has picked up in recent years, largely as a result of state-level, education-sector coordination meetings facilitated by UNICEF. These forums, and other meetings facilitated by international partners including World Education, have provided some space to discuss a range of challenges related to MoE expansion, to make it easier for students to transfer between systems, and to gain greater government recognition of qualifications provided by KED. As explained by the East Daw Na KED administrator, "We still don't know how or if we can integrate [with the MoE] in the future. That depends on the negotiations between the MoE and central KED. Our aim [at the local level] is to give children an education."

Healthcare

Unlike education, there is typically very little organic interaction between healthcare providers linked to the KNU and the government's Ministry of Health (MoH), as they simply administer different clinics, even if serving overlapping catchment areas. Nonetheless, due to a "convergence" agenda initiated by the KDHW and its affiliates, various forms of cooperation have taken place that provide a range of benefits to local populations. They include ongoing meetings to share information about their systems, policies, and strategies; joint immunization programs; detailed mapping of some areas of mixed health coverage to identify underserved areas; limited joint trainings hosted by the MoH; and joint activities to counter malaria, which a senior MoH official said have produced enough progress in central Kayin State that elimination programs can now be contemplated.[135] The various forms of cooperation and coordination between KNU-linked healthcare providers and the MoH are discussed in depth in Davis and Jolliffe (2016).

[133] Interview with the KED administrator of the East Daw Na Region (October 2015). See Jolliffe and Spears-Meers (2016) for detailed accounts of these events and surrounding dynamics.
[134] Among those who cited not getting permission from the KNU, one said this was out of loyalty and respect for the fact that his village is only a small part of the KNU region, while others said it just wasn't up to them and they were following directions.
[135] This comment was provided to the author in a discussion in August 2016 and is not included in Davis and Jolliffe (2016). The claim was backed up by the head of KDHW's Hpa-An office.

Land management

Both the government and the KNU have been implementing their new land management systems by demarcating and registering plots owned by local farmers in mixed-authority areas. Since the KNU's April 2012 bilateral ceasefire with the Union government commits the state to recognizing the KNU's land system, the KNU has begun systematizing its land registration processes explicitly to ensure that this is adhered to. Since 2012, the KNU has registered 61,765 plots covering just under 354,512 acres (1,435 sq. km). Many of these plots were previously registered only in locally held KNU taxation books, while many others had long been subject only to summary taxation and so had not been documented in the owners' names at all. The KNU's land management system and recent systematization efforts are discussed in a detailed case study in Annex 1.

Desperate to attain secure tenure in an environment of increased development, most landowners have been enthusiastic to register their land with both authorities, and have often been able to do so. According to one village leader, whose village near Su Ka Li Town had been registered by both sides, "If you have no registration and people ask you to prove it, you can't. So they can take your land."[136] The KAD has been actively prioritizing the registration of land in areas where the government also has access, and leaving areas under firm KNU control for later, to ensure that their land practices are not overridden.

In some areas where it doesn't have good access to communities, including Mu Traw District and the East Daw Na Region, the government has requested assistance from the KNU to register agricultural and forestry land. These requests have typically been rejected, however, as the KNU remains focused on having the government recognize its own system.

Roads

Since the ceasefires, the government has initiated a comprehensive program of road construction and upgrading. This has included a particularly high number of roads in Dooplaya, Hpa-An, and Mergui Tavoy Districts. The most famous is the "Asian Highway" road connecting Thin Gan Nyin Naung (near Myawaddy) to Kawkareik, which has made the Daw Na mountain range traversable in less than half the previous time. Other major road developments include an Asian Highway section from Kawkareik to Ein Du, which will complete the Myawaddy-Yangon corridor, and from Kanchanaburi, Thailand, to Dawei Town, where a deep-sea port is under construction. A large number of roads that were formerly used mostly by the Tatmadaw and the DKBA are being upgraded in Hpa-An and Dooplaya District, including roads connecting Shan Ywa Thit to Mae Th'waw on the Thailand border (and close to KNU central headquarters), and to Myaing Gyi Ngu and Hlaingbwe. Other roads are being upgraded to connect Su Ka Li, Wawlay Myaing (see Map 3), Kyaikdon, and Hpayarthonesu, among others.

In previous eras, the Tatmadaw depended on the forced labor of local communities to build and maintain roads in conflict-affected areas. Many roads would need to be repaired each dry season, placing a heavy burden on local people. They were used primarily for military and large-scale commercial purposes, and offered few benefits to communities given the high import tariffs on vehicles. In black areas, roads were considered off limits to local people, who would seek to avoid them to stay away from Tatmadaw patrols.[137]

The new roads, however, which are now open to the public, have stimulated a rise in rudimentary public transport, and were said by the whole range of interviewees to have brought huge, demonstrable benefits to ordinary local people. On the other hand, they have been the cause of confiscation of local

[136] Interview with village head from unnamed village near Su Ka Li (October 2015).
[137] KHRG (2007), 18-31.

people's land, often with little or no compensation,[138] and have also been associated with armed conflicts.

Roads appear to have affected conflict dynamics in two main ways. They have firstly been a source of tension, as KNLA and DKBA commanders have become concerned about their strategic implications. Compared with the Tatmadaw, EAOs have long had the upper hand in mountainous regions because of their knowledge of local terrain, connections with local communities, and relatively minimal use of heavy equipment. Roads provide much greater access to the Tatmadaw to conduct regular supply missions and troop rotations and even to bring in armoured vehicles, more advanced artillery systems, and potentially tanks. As such, roads are seen as a key way in which ceasefires have given the Tatmadaw a huge strategic victory that will put the armed forces in a much stronger position if there is a return to war, e.g., if political dialogue fails to find a lasting solution to conflict.

For this reason, KNLA 5th Brigade authorities have denied the government permission to build new roads in their territory, and have said that they consider them a means of invasion and thus a violation of the ceasefire. In the past, the KNLA 5th Brigade has blown up bulldozers, left by companies overnight, to stop construction of roads. Meanwhile, the Mu Traw District Transportation Department has built mud roads and set up motorbike and tractor taxi routes for permitted visitors and local residents, but it has purposely made them low quality to discourage heavy vehicles and high connectivity with other regions.

In the East Daw Na area, EAOs and local CBO representatives repeatedly showed an awareness of these risks, but said that it had to be weighed up against the benefits for local people; indeed, EAOs and CBOs themselves are also using the roads. As a DKBA commander summarized:

> Roads have positive and negative effects. They make transport very comfortable for local people, which means they can go to town in the rainy season. But the negative impact is our concern about Tatmadaw activities and the security situation. If we block the road building, then we are not looking out for the people, but on the other hand, if they are used for military purposes, we need to look out for our security.

A second way that roads have affected conflict dynamics is in their fostering of competition over the taxation of traders. Most notably, conflicts broke out in mid-2015 along the Asian Highway between a faction of the KKO/DKBA and a number of BGFs based in Myawaddy and Kawkareik. The KKO/DKBA faction was then ousted from the group and has reformed itself as the Democratic Karen *Buddhist* Army. Other elements from this faction have also been active around Shan Ywa Thit, Mae Th'Waw, and Myaing Gyi Ngu, leading again to conflicts along the roads in 2016.

It is unclear what level of cooperation takes place between EAOs and the government to facilitate the building of roads. In the East Daw Na Region, a DKBA-linked company is among four companies building roads. Meanwhile, the most senior local KNU official said that from his perspective, "The roads are just built by the government. We don't know what agreements there are at more senior levels [between the government and the KNU]. We just watch them being built." In the case of the Asian Highway, KNU President Mu Tu Say Po attended the road's opening ceremony, and a semiformal taxation system has been established to tax road users that provides revenue to all of the EAOs. Roads were also said to be facilitating state expansion and Bamanization of Karen areas by attracting Bamar migrants, including businesspeople, to settle in sub-township towns.

[138] THWEE Community Development Network et al. (2016). See also KHRG (2012b), KHRG (2015).

Justice

Since the ceasefires, the government has established police stations in all of the sub-township towns in Kayin State. Meanwhile, the KNU has continued to expand its own police force, the KNPF. Both systems work primarily by responding to reports from village tract-level leaders, who come to them for serious crimes or disputes that cannot be solved within the village tract.[139] Although no systematic survey of opinion has been conducted, it is the view of all CBO members spoken to that communities take their cases to EAOs or the BGFs much more commonly than to the government.

The Myanmar government has complained since the 2012 ceasefire about the increasing strength of the KNPF police, their training, and their recruitment. However, the KNU feels that maintaining the KNPF is in line with interim arrangements in the NCA that provide for the continuation of EAO governance roles in the period prior to a political settlement. Specifically, Section 25A of the NCA makes clear that EAOs "have been responsible for development and security in their respective areas." The article goes on to state that during the interim period, signatory EAOs and the Myanmar state shall carry out certain programs and projects in coordination with each other, including, "matters regarding peace and stability, and the maintenance of the rule of law in said areas," and "eradication of illicit drugs."[140]

The KKO/DKBA typically refers serious cases to the KNU courts, as it does not have a formal justice system of its own. The BGFs typically refer cases to the Myanmar Police Force. Overall, the vast majority of crimes and disputes in rural Karen areas still go unreported or are handled at the local level, often through customary practices in which village leaders or elders arbitrate negotiations for compensation to be paid to the aggrieved.

Humanitarian assistance

As the number of international humanitarian actors working in the ceasefire areas has increased, there has been a lack of cooperation to coordinate and regulate their activities. Most INGOs begin by obtaining a memorandum of understanding (MoU) from the government, and then approach the KNU later only if they deem it necessary to get access to specific territories.

INGOs providing assistance from the Thai side of the border have long worked with CBOs and KNU social departments, with the latter typically taking care of implementation. According to one Central Executive Committee member, "[The arrival of new NGOs] by way of the government causes a lot of confusion, because [local KNU officials] don't know how to approve and register them. If they come directly through the KNU, it's very straightforward."

In 2014, the KNU issued an updated humanitarian policy asserting its authority over the "grant[ing] of permission, termination, withdrawal of permission, extension" for all projects. It also stated that all projects should support the existing functions of KNU departments, and that local organizations should have the right to participate in implementation. The KNU announced in 2015 that 10 percent of the value of all projects must be provided to the KNU: according to KNU officials who initiated this policy, this was intended to require that at least 10 percent of all project costs go towards local KNU departments or other vetted implementing partners. However, it was widely viewed as a direct tax on humanitarian assistance, leading to some opposition from the international aid community.

In practice, the KNU has failed to implement a consistent system for regulating aid flows. This is because INGOs and the government will often cooperate on a program and only later engage the KNU, when it is too late to disturb the program without harming the beneficiaries. Additionally, the KNU's 2014

[139] McCartan and Jolliffe (2016).
[140] Items four and six of the Interim Arrangements for Administration section of the NCA.

humanitarian policy states that both central- and district-level authorities have the power to approve projects, leading to different practices in different areas. According to a policy document written by Vice President Naw Zipporah Sein, "As soon as the EAOs signed preliminary ceasefires, representatives of the international community met with local and central leaders and discussed plans to start humanitarian development, economic development, and demining processes. The EAOs were not ready to face a huge influx of the international community and its plans straight after signing the preliminary ceasefires. This caused a lot of tension."[141]

Meanwhile, in some areas the KNU is actively blocking humanitarian support from the government. For example, the government has attempted to provide rice loans to communities in Mu Traw District that are reportedly suffering from food insecurity, but has been blocked. Farmers from a different part of Mu Traw District told the author that they had heard about the government offering solar panels, loans, and other things to communities, but that the KNU had blocked the assistance, saying that "they have to wait, but then nothing happened, so villagers are not happy."

New governance and political dynamics are emerging due to the initial attempts of IDPs and refugees to return home. In particular, tens of thousands of people have made tentative attempts to return to areas previously designated off limits by the Tatmadaw as part of its four cuts counterinsurgency strategy.[142] For years, these areas have been largely unpopulated except for military actors, and many have lacked formal governance institutions from the KNU or the government. Both the state and the KNU have thus had to establish administrative institutions anew, leading to new forms of competition and cooperation. In some cases, government and KNU authorities have made local-level agreements regarding which authority governs which villages. For example, in Taw Oo District, there are return sites where all villages on one side of a river have households registered by the GAD, while all households in villages on the other side are registered by the KNU. Much more research is needed to consider how return and resettlement assistance relates to governance and political dynamics in the context of ceasefires.

[141] This is quoted from a document circulated in January 2016 by the vice president, entitled "A Brief NCA History, the NCA's Flaws and Failings."

[142] Working-age family members will usually be the first to return and begin to scope out the potential for return, starting by building a basic shelter near their farm and then slowly working with other villagers to rebuild the village. Elderly family members and children will usually remain wherever they have most stability and access to services, which is often in refugee and IDP camps, in relocation sites, or in temporary host villages where locals allowed them to find sanctuary.

Section SEVEN: Responding to Change

Facing a range of new threats and opportunities, KNU officials at all levels have had to make difficult decisions about how to manage the changes taking place. There is a seemingly ubiquitous consensus within the KNU that ceasefires must be maintained and that political dialogue must be pursued as central priorities. But there are also widespread concerns about the strategic risks of state expansion, as the KNU has had to adjust to no longer being the primary civilian authority in many of its traditional areas of influence. Indeed, in many places, the organization is being superseded by the state in terms of capacity to deliver development and social services.

Concerns within the KNU

Rapid state expansion in ceasefire areas has created continued uncertainty within the KNU and the KNLA, and has damaged confidence in the peace process, particularly as many within the organization had called for development activities to be halted until significant political progress had been made. In 2015, a Central Executive Committee member who has been closely involved in negotiations with the government explained this problem:

> [The KNU] wanted to establish a ceasefire with a code of conduct, then move to political dialogue before development activities got underway. But we are still at the ceasefire stage, and they are already moving ahead with development to expand into our area.... They have a greater capacity than us [in negotiations], so we feel like we are just making requests but ultimately following their way."[143]

KNLA commanders are especially sensitive to the strategic challenges posed by government expansion through development. In discussions with this author, KNLA battalion commanders from six out of seven brigades called the expansion of the government's administration the most urgent security threat they face, citing the concomitant strengthening of the Tatmadaw as of less immediate concern.[144] Battalion commanders from the KNLA 7th Brigade, whose area includes the NGO-heavy sub-township towns of Paing Kyon and Shan Ywar Thit, listed government investments in social services as the primary threat.[145]

Battalion commanders from the KNLA 4th Brigade said they were most concerned by large infrastructure projects and natural resource extraction. They were wary of facing the same fate as the Kachin Independence Organization, which held a ceasefire with the Tatmadaw for 17 years and saw its area overrun by SPDC-linked extractive industry projects. One commander said bluntly, "If foreign companies come and take all of our resources and destroy our forests and rivers, we will start a war again like the Kachin." While it is not entirely accurate to suggest that the KIO were responsible for restarting conflict due to these grievances, it is certain that disputes over large-scale development greatly exacerbated tensions in the lead-up to the ceasefires being broken.[146] Such concerns for the protection of natural resources and traditional livelihoods are particularly strong in KNU stronghold areas.

Additionally, assistance from the international community for government social services in KNU territories is perceived by KNU leaders to be tipping the popularity scales in the government's favor,

[143] Interview with a Central Executive Committee member (February 2014).

[144] The only brigade not represented in the discussion was the KNLA 1st Brigade.

[145] Focus group discussion with KNLA battalion commanders (November 2015). The specific concern about health and education was shared by many participants, but was considered the most important by battalion commanders of the KNLA 7th Brigade, whose area of operation corresponds roughly to the government's Hpa-An and Hlaingbwe Townships and northern parts of Myawaddy and Kawkareik Townships. Paing Kyon and Shan Ywar Thit were not mentioned specifically, however.

[146] It should be noted, however, that the KIO asserts it did not choose to re-enter conflict and it was the Tatmadaw that initiated the renewed conflict in 2011. Nonetheless, both sides would agree that this followed years of increasing tensions, and that disputes over SPDC-led development initiatives, particularly dams, were a major factor. It should also be noted that the Mergui-Tavoy District (KNLA 4th Brigade area) has been one of the most active in engaging in business activity since the ceasefire.

which has weakened the KNU's bargaining position and led to tensions at the local level. According to the chief commander of the KNLA 5th Brigade, based in Mu Traw District, "The international community gives support to the government, and they provide for our people, and it becomes like they are government[-ruled] people. So when we go to negotiations, what can we say? Because we will have no people."[147]

According to one local-level KED administrator, "The government gets a good reputation because of international support. The international community should not support only them; they should not be biased.… These funds serve to make a good name for the government, but that just means they will control our people."[148] In reality, state expansion has benefited far more from increases in the government's own budgets for services such as health and education than from international aid.[149] Nonetheless, the international community has committed funds and technical support to these sectors, and has added great legitimacy to the government's development agenda in recent years, which has certainly boosted the government's expansion efforts.

A number of KNU representatives described new channels of assistance coming from the government as a cause of tension between the KNU and the communities that have long been under their administration, but that the government can access. "Some villagers misunderstand the KNU because we cannot support them as the government can, especially with education and paying village tract leader salaries," explained one local administrator.[150] One KNU Executive Committee member explained, "The government is going into the villages and making many offers, but because the people don't understand the importance of the political process, they simply think the government is improving things for them and don't understand the bigger problems."[151]

Similar concerns were expressed by a senior commander from the KKO/DKBA, who said, "We feel like the government is trying to separate the civilians from the EAOs. It seems like the wrong attitude. We accept the administration of government, but their approach is the wrong way. If there is peace, then we can accept [greater government presence], but now it is too early." Speaking to an assembly of KNLA, KNDO, KKO/DKBA, and KPC soldiers at a Karen Revolution Day celebration in February 2015, General Ner Dah Mya stated that while he and his comrades supported attempts to find "genuine peace," he could not accept what were described as government attempts to use ceasefires to expand its administration into his group's area."[152]

Different perspectives within the KNU

Notwithstanding these widespread concerns, there has been some variety among KNU and KNLA leaders in their attitudes towards development, and in the extent to which they are willing to cooperate with the government or the Tatmadaw. These differences have sometimes fallen along factional lines, but they have not always been predictable, and demonstrate that leaders are having to balance many different factors and adjust to new circumstances. On the one hand, leaders are inclined to maximize the benefits of increased development and pursue cooperation with the government for the sake of peacebuilding. On other hand, they are wary of losing territory and patronage over populations prior to a political settlement, and for the social and environmental impacts on natural heritage and livelihoods. For most leaders, these decisions involve considerations of three main factors:

- What is best for the local people;
- What is best for the KNU movement in the near and long term; and

[147] Interview with 5th Brigade chief commander (November 2015).
[148] Interview with East Daw Na region KED head administrator (October 2015).
[149] See Jollife and Spears Meers (2016) and Davis and Jolliffe (2016).
[150] Interview with East Daw Na region chairperson (October 2015).
[151] Interview with a Central Executive Committee member (February 2014).
[152] Notes taken by author at the event (Kayin State, February 2016).

- What is best for selfish interests such as profit-making, individual power, or personal security.

Leaders vary in how they prioritize each of these factors and how they address each one. At the central level, President Mu Tu Say Po and General Secretary Kwe Htoo are particularly cooperative with the government and have led the establishment of new companies and foundations expressly to increase development. These leaders have insisted that a proactive approach is necessary in order to ensure more centralized oversight over development activities and to ensure that programs are being carried out responsibly and in the interests of the people. These leaders have also taken a leading role in joint KNU-government peacebuilding development projects, such as those supported by the Myanmar Peacebuilding Support Initiative and various Nippon Foundation programs.

Meanwhile, other leading Central Executive Committee members, including Vice President Naw Zipporah Sein, have sought to retain the KNU's "politics first" position, and have focused on improving KNU capacities to regulate humanitarian and development activities, such as through the 2015 humanitarian policy. In January 2016, the vice president wrote, "Before we reach agreement on political solutions, it is important that the EAOs are able to maintain their current administrations and territory."[153] In the same document, the vice president also blamed international aid actors for adding to the confusion in Karen areas by offering a range of humanitarian and development programs to KNU leaders and distracting them from developing a strong political strategy.

Notwithstanding these significant differences in perspective at the top of the organization, the extent of factionalism should not be overstated, as leaders have continued to cooperate broadly, based on the priorities outlined in the 2012 Constitution. Additionally, KNU personnel at all levels vary greatly in their degrees of skepticism or enthusiasm towards the ceasefires and towards development for a wide range of factors. These differences cannot be simply attributed to suppositions about which faction particular figures are for or against.

Different districts face extremely different strategic realities due to geographic, demographic, and historical factors. As in the prior analysis of governance dynamics between 1995 and 2011, broad generalizations can be made to contrast stronghold areas with areas of mixed authority. In areas that are historically the most autonomous, leaders and communities are usually more inclined to protect what they have and to see state intervention as an existential threat. In areas of mixed authority, where the KNU has been all but defeated already, leaders and communities may be more inclined to improve relations and seek respite from decades of oppressive occupation, to increase human development, raise revenues (or sometimes personal profits), and gain more space to carry out civilian activities.

Stronghold areas

As discussed in the previous section, leaders in KNU strongholds, such as the "northern areas" that once formed the heart of the Salween District, have been highly sensitive to the risks of allowing the state access to their territories. Indeed, these territories have yet to ever be brought under a centralized government or to send delegates to any centralized parliament. Most of these areas have predominantly Karen populations with fewer Buddhists among them, and so communities there have remained much closer to the KNU than to the state, the DKBA, or other splinter groups.

Additionally, these districts have typically been more integrated into the neighboring Thai economy than that of Myanmar, and have well-established systems for receiving cross-border aid to provide basic social services. They have thus remained focused on ensuring those channels remain open, rather than becoming too dependent on new ones connecting to Myanmar proper.

[153] This is quoted from a document circulated in January 2016 by the vice president, entitled "A Brief NCA History, the NCA's Flaws and Failings."

Leaders in Mu Traw and parts of Taw Oo District have been particularly resistant to government advances, refusing government departments access and demanding that international aid actors continue to provide all assistance directly to them, rather than in cooperation with the government. Speaking in 2013, shortly after the Tatmadaw's refusal to establish a bilateral code of conduct, KNLA Vice Chief of Staff Baw Kyaw Heh, who remains particularly influential over the KNLA 5th and 2nd Brigades, lamented:

> The [ceasefire] discussions have been stopped, and business development and other issues have taken over the agenda. At the same time, the government is expanding their administration areas, overlapping with our administration territory.… Businesses want to come to our areas, but we ask them not to, as this is not the time; it is still too early. First, we need to create a sustainable situation.… If we don't have rights that are guaranteed, and if we let any business or any developer in, we will not be able to control them. If we cannot manage these issues systematically, it will create problems for us in the future.

Attitudes in Mu Traw District remain much the same today. District staff and the 5th Brigade commander explained that they continue to support the ceasefire for the well-being of local people, but they are unwilling to give up influence over their territory until some guarantees of political autonomy are received. According to the KNLA 5th Brigade commander:

> We are behind our leaders [on the Central Executive Committee, in regard to the peace process]. They are trying, so we support them. But we want them to go slowly. We don't want a liaison office in our district, because the government will spread its administration and take control of our areas.

According to the Mu Traw District secretary, "We remain focused on being prepared for the ceasefires breaking down,… so we don't want to change things to depend on government." Accordingly, officials stressed that they will continue to cooperate with any international development or humanitarian actors that will work with them directly, but will not make deals that depend on government approval. These leaders and Vice Chief of Staff Baw Kyaw Heh also hold markedly conservative views on development in general, emphasizing the value of traditional Karen ways of life that have seemingly existed for thousands of years in this region. The district administration remains particularly active in regulating logging and large-scale gold mining, and takes a hard line against narcotics and inward migration of businesspeople for similar reasons. Nonetheless, township-level and battalion authorities in the area vary in their views, so these regulations are not always fully enforced.

While there is likely a wide range of views, there are clear indications that many people from communities in Mu Traw are also extremely skeptical of state expansion. According to one farmer, "I talked to a lot of people in Lu Thaw Township, and they mostly agree that they don't like [everything about the peace process] and disagree with some of the leaders' decisions. They think it is too soon. Twenty years ago we used to have to flee into the jungle, and we can't forget it. We are hearing about the government giving solar panels to communities and about more logging on the Salween,… so we are very sad to hear about some of the leaders' decisions [to sign the NCA]." In 2013, a female teacher in Mu Traw District spoke during a focus group session about concerns regarding the expansion of government administration and services. She said, "As we see all of this, we can clearly see the Karen system being broken down." [154]

Areas of mixed authority

Contrastingly, KNU leaders in less isolated areas are much more accustomed to integration with Myanmar, and have fewer means to resist it in any case. Large parts of Doo Tha Oo, Hpa-An, and

[154] For more on these focus group discussions in Mu Traw District, see Jolliffe (2013), 28-33.

Dooplaya Districts, in particular, have especially diverse populations and have had considerable interaction with government authorities since the colonial era.[155] Since the mid-1990s, these areas have been all but occupied by the Tatmadaw and its local allies, greatly constraining KNU relations with local communities. These districts have also been far more constrained in soliciting cross-border assistance for local welfare, and local populations have been much more integrated into the Myanmar economy. KNU leaders in these areas thus have typically been more hopeful about rebuilding relations with former antagonists and benefiting from the rapid development processes taking place around them.

Speaking shortly before the signing of the NCA, KNU and DKBA leaders in the East Daw Na Region repeatedly attributed improvements in governance to their strengthening relations with one another and to the ongoing peace process, and laid out hopes for these dynamics to improve further post-NCA. According to a member of a KNU-affiliated CBO, the Karen Youth Organization (KYO), who works closely with the East Daw Na KNU administration, "The situation has been getting better, and we must continue the peace process. After the NCA signing, things will keep improving, and we can improve our administration and system in this area further." A DKBA commander based nearby had similar hopes: "[Our governance system] needs reform. I hope after the NCA, the KKO will take on a stronger role as a political movement.… We have the same political objectives as the KNU, so we can go with them."

KNU and KNLA personnel in mixed control areas have become particularly active in business activities since the ceasefire, compared with those in stronghold areas. As discussed in the prior section, it is often unclear whether such activities are undertaken privately or in association with the organization, or where revenues are going.

Nonetheless, in these areas too, skepticism about the government's attempt at expansion remains extremely high, as evidenced by the difficulties that the government has had in extending its administration and education systems around Su Ka Li, discussed in the previous section. Many communities and local KNU authorities continue to reject government support and display great distrust.

The push for "interim arrangements" and for high-level cooperation

Overall, the majority of KNU and KNLA officials have taken a moderate approach, wary of allowing the government too much influence too quickly, but also recognizing the benefits of cooperation and building trust. Since 2012, the KNU has sought to ensure the right balance of cooperation and local autonomy through negotiations with the government. In particular, the KNU and other EAOs pushed repeatedly for "interim arrangements" in the NCA that would comprehensively recognize their governance roles and secure them some autonomy in the period prior to a political settlement. This, they hoped, would include formal recognition of their existing institutions, and establish limits on the unwarranted expansion of government development and social services.

The negotiators failed to reach agreement, however, and the final NCA text contains only a loose recognition of EAOs' roles in a list of sectors, while emphasizing that they need to cooperate with the government in such activities. This provides a basic formal mandate that could protect their existing governance functions from explicit government repression, but it fails to provide them with clear authority.

The NCA text first states that that the Tatmadaw and EAOs shall work in consultation with one another to "improve livelihoods, health, education, and regional development for the people."[156] It later states that "the ethnic armed organizations that are signatories to this agreement have been responsible for

[155] Large parts of these territories were Part II Scheduled Areas or fell under the full control of Ministerial Burma during the colonial era.
[156] Nationwide Ceasefire Agreement (2015), Article 9a.

development and security in their respective areas," and that prior to a political settlement, signatories are to, "in consultation with one another," undertake a range of governance "projects."[157] The NCA provisions concerning interim arrangements are provided in Appendix 2.

Additionally, both the KED and KDHW have leaders in place who have been hesitant to engage too quickly with government, but who have also realized that a level of coordination is crucial to their basic aims, such as reducing malaria and providing effective education. These leaders have taken considerable steps to engage government authorities at the senior level, to gain greater recognition of their alternative systems, and to find ways to cooperate. These and their counterparts in other EAOs repeatedly stress that greater official recognition of their systems is crucial to build trust and to create space for more local-level cooperation.

In the meantime, the KNU Central Executive Committee has issued numerous notifications to the lower levels, warning that the government is expanding its presence through development and social services, particularly education, prior to negotiation. These have not set specific rules about how local authorities should respond, but have urged them to be wary and make appropriate plans to ensure new development activities are as coordinated as possible.

Balancing the opportunities and risks presented by increased development and cooperation with the government continues to be a core challenge for KNU leaders at all levels. The subject will likely remain contentious for years to come, particularly if the peace process paves the way for greater development cooperation.

[157] Nationwide Ceasefire Agreement (2015), Article 25.

Section EIGHT: Implications for Reform, Peacebuilding, and Development

The findings in this report demonstrate that the KNU remains a deeply embedded governance actor in the rural communities of hundreds of thousands of people. These communities are in areas where the state has repeatedly failed to establish stable governance arrangements, in spite of huge military victories by the Tatmadaw in recent decades. Myanmar's new semi-civilian political order, however, appears more effective than any previous government at establishing effective governance in these rural areas, challenging the KNU's primacy as the most widely recognized civilian authority in many areas. Nonetheless, it seems unavoidable that the KNU – or at least the broad-based movement it embodies – will continue to exist for decades to come in some form, whether in conflict or cooperation with the state.

As the KNU's ceasefire period approaches its fifth year, there remains great uncertainty as to whether a comprehensive peace settlement can be agreed in the near-term. Amid increased development activity, continually loose territorial arrangements, rapid expansion of the state, ongoing militarization, and growing ceasefire economy, it is likely that instability and fragility will continue for years to come. Through the 1990s and 2000s ceasefires were held across northern Myanmar, as the state expanded its presence through militarization and increased business activity, while meaningful political negotiations remained elusive. These factors greatly contributed to the rising of tensions that led to renewal of conflicts in 2011, which have continued since and displaced tens of thousands of people every year.

It is therefore crucial that the current peace process gets beyond the stalemate of ceasefires and achieves sustainable political settlements that can transform the conditions that drive conflict. As per the stated aim in the NCA, this is expected to involve agreements to establish "a union based on the principles of democracy and federalism… that fully guarantees political equality [and] the right to self-determination."

Given the KNU's deeply embedded role in many rural regions, a successful transition would then likely require the KNU, or a new set of institutions developed under its leadership, to establish an official role in governance and politics. This would ensure a stable process of reform, building on the existing societal structures that have existed since the country's independence. It would also assure its personnel a clear future, so that they can move away from their current dependence on armed resistance as a means to maintain influence.

Without question, any such arrangements would be best shaped around the KNU establishing itself as a political party and competing in elections. However, this will likely only be agreeable to the KNU in the context of significant reforms to introduce a federal and more democratic system of government, as the current constitution provides limited influence to locally elected leaders.

Such a process would be inextricable from the challenges of reforming the security sector in Karen areas, so that local Karen elites feel assured that locally based forces are properly constituted to defend the territory and to protect the local people. The KNU has long emphasized its unwillingness to relinquish arms, as this would be a violation of Saw Ba U Gyi's four principles. On the eve of the NCA, the KNLA released a statement saying bluntly that it "shall never accept the transformation of the KNLA into the Border Guard Force or Civil Police, but shall remain as the Karen National Liberation Army."[158]

As the political dialogue picks up, there will no doubt be further talk of how the KNU's existing defense

[158] See Karen National Liberation Army Headquarters, "KNLA Position with regard to Ceasefire", October 14, 2015, available at: http://www.mmpeacemonitor.org/images/2015/oct/statement-of-knla.pdf.

and security forces can be reconstituted as properly mandated services. These talks will be complicated significantly by the number of Karen armed actors, including the BGFs, which are unlikely to respond positively to the KNU being offered a better deal than they already have, especially after decades of loyalty. Without a workable settlement on security sector reform and disarmament demobilization and reintegration, the potential for renewed conflict will remain ever present. All sides will have to compromise significantly for such an achievement.

Of crucial importance to building peace will be the establishment of appropriate governance arrangements for the most autonomous parts of the northern KNU districts that constituted the Salween District under colonial administration. Having never been brought under centralized state rule, these areas have long been at the heart of Karen nationalist narratives. Since the early twentieth century, Karen ideologues have envisioned these areas as the natural center of an independent Kawthoolei. Among themselves, Karen elites have held conflicting visions for the area. Some have lamented the area's perceived neglect, and called for it to be "uplifted" through increased development and education. Others have done the opposite, heralding the area as a perfect example of a simple Karen lifestyle, untarnished by the outside world, that should be guarded at all costs.

It will be extremely difficult for the Myanmar state and the KNU to agree on a uniform system of governance to cover the entire Kayin State, let alone all KNU-influenced areas, or all Karen-populated areas. For example, the maximum degree of autonomy that the Myanmar state is willing to allow the government-defined Hpa-An Township will inevitably be much lower than the degree demanded by the KNU for the government-defined Hpapun Township. It would likely be more practical to discuss making the northern areas and other stronghold territories more autonomous than other areas, even if within a federal system of government.

More than anything, these complicated questions indicate just how long it will take for the two sides to find adequate compromises and to implement them successfully. It is crucial that all stakeholders recognize this from the beginning and work to establish more robust mechanisms for mitigating conflict. In particular, it is critical that more stable temporary arrangements are made for governance and economic management in KNU-influenced areas, aimed at reducing potential tensions in the most sensitive areas, and increasing cooperation in mixed territories.

Renewed attempts to establish "interim arrangements" could create a temporary order that stabilizes the situation and provides a basis for gradual reform. Such arrangements could see the stronghold areas given more direct authority over key areas of governance, and specialist joint administrative bodies for areas of mixed authority. If territorial and governance arrangements are left as fluid and fragile as they are, a breakdown of the ceasefire will be an ever-present risk, and sporadic bouts of violence will be inevitable. This will not only destabilize the peace process, but also obstruct the government's broader reform agenda, as the Tatmadaw will maintain a grip on politics, and communities will remain forever detached and distrustful of the Myanmar state.

All stakeholders, particularly economic and development-focused actors, should remain mindful of the divisions within the KNU, and should develop an awareness of the different positions among leaders at different levels. This goes for domestic stakeholders as well as international development partners. Attempts to drive the peace process by increasing development cooperation is risky with the KNU, and could marginalize some of the organization's less visible but more powerful leaders, damaging confidence in the peace process.

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Annex ONE: Land and Forestry Management

As KNU territories have become increasingly open to external actors in recent years, land and forestry governance have become key priorities of the KNU administration at every level. The KNU has attempted to bolster its existing land registration and management systems, and rapidly institutionalize existing customary and local-level practices into a more rigid and transparent policy and procedural agenda. The reform program has led to the promulgation of a new land policy as well as the registration of more than 61,765 land plots that cover just under 354,512 acres (1,435 sq. km), and 63 community forests across the seven districts, covering over 64,000 acres (over 259 sq. km).[159]

This has been done explicitly to ensure that existing norms and practices can be continued, and to protect KNU-influenced territories from perceived threats of Myanmar government expansion, outside companies and development actors, and migrant populations. In particular, it has been driven by concerns about government land laws that expose land that has been left untilled to potential seizure, putting traditional land practices in jeopardy.

Exploring how and why this has taken place provides useful insights into how KNU policy and administrative practices work and evolve, how they relate to Myanmar government activities, and how international aid can be harnessed via CBOs to achieve governance objectives.

The importance of land and forestry management

In any political environment, the governance of land is of key importance, as it is central to the economic well-being of local people, it holds great symbolic and spiritual importance, and territorial control is at the foundation of any claim to political power. The management of agricultural land and forests, in particular, is crucial to the livelihoods and traditional cultures of Karen people in southeast Myanmar. The large majority of these people farm rice and other crops, or utilize land to raise livestock. Meanwhile, the forests are central to traditional animist belief systems and continue to provide crucial food, building, and other resources. In areas where people have been displaced dozens of times in their lives, the forests have been a lifeline, providing sanctuary for thousands of people during Tatmadaw offensives.

A 2013 focus group of Karen schoolteachers from numerous districts, internally displaced persons, and one retired soldier, ranked land acquisition by the government as the primary threat to their region's security and stability. A female teacher in her 40s explained:

> [We see protecting our land as our primary concern] because all of the other [threats we face from the Myanmar state] support [its] strategy of land confiscation. They are ultimately trying to take all of our land. During wartime, we had our own land. Even though war was dangerous, our own land could be used to support our own livelihoods. If they control our land, we will become their slaves, making money for them. [Then we will be unable] to control our own [societal] structure. We are also worried that the Karen people and our culture will disappear one day [because of this].

P'Doh Mahn Ba Tun, the head of the Central Forestry Department, described the particular importance of forest management in KNU areas:

> We Karen people have lived in the forest for thousands of years. We know the forest. We have totally depended on the forest for our survival, and we have passed down a lot of knowledge from generation to generation, such as the prohibition of "slash and burn" swidden agriculture

[159] These figures were provided by the KNU's Agriculture Department in October 2016, but have been rising week-on-week, as registration is ongoing.

or the shooting of animals in certain areas, and so on. We know if we eat fish, we have to preserve the rivers and lakes; if we want to eat animals, we have to preserve the forest. Before we had a governance system, we held this knowledge traditionally. Now we have terms like "community forest management," but even before that term was created, we had the customary practice.

The Agriculture and Forestry Departments

Most land and forestry management responsibilities in the KNU fall under either the Karen Agriculture Department (KAD) or the Karen Forestry Department (KFD), which work closely together at all administrative levels. These departments trace back to the original Kawthoolei government established in Toungoo in June 1949, which included a Ministry of Forestry and Agriculture made up of officials who had served in the civil service under the British state. In particular, the British Forestry Department had been staffed by a large number of Karen officials. When the KNU reconstituted its organization in the southeast in 1974, a single Forestry and Agricultural Department was formed, which was then split into two separate departments in 1992.

The KAD has eight staff at the central level and over 600 in total across all districts and townships. Meanwhile the KFD has 10 staff at the central level and over 250 staff in total. However, in both departments, some of these staff also have other responsibilities and positions, particularly in areas where the KNU is less active. Unlike most other departments, the KAD and KFD often have specific representatives, or at least local people with key responsibilities, at the village tract level. These are typically farmers or people with other normal livelihoods, but they are given specific responsibilities and associated training.

KFD and KAD policies, procedures, and regulations are determined at the central level, with the central department providing training and convening all staff at annual meetings. Both departments receive some funding for central-level core costs and specific programs through partnerships with CBOs, particularly the Karen Environmental and Social Action Network (KESAN), which is mostly funded by international aid donors. Meanwhile, staff and most other core costs at the district, township, and village tract levels are provided by the district administrations and are thus subject to available resources and priorities at that level. KAD and KFD staff typically attend each other's central annual meetings and have close working relations at the district, township, and village tract levels.

The central KAD's primary responsibilities are establishing policies (subject to congressional approval) and building the capacity of district, township- and village tract-level staff. Training topics range from basic agricultural taxation and documentation procedures to irrigation and ecological farming techniques. The KAD also conducts food-security training and programs for communities, and tax collection and documentation for agricultural land use. The KFD is organized into six branches that relate to its primary responsibilities. These are research and documentation, training and awareness, forest land demarcation, tree nurseries and reforestation, development, tax collection, and a program and project team for donor relations and program management.

How KNU land and forestry governance evolved (1950s to mid-2000s)

In the 1950s, the KNU inherited land and forestry laws and procedural guidelines from the British state, which were largely focused on making land and forestry resources more profitable and manageable, but also provided for wildlife sanctuaries, reserved forests, and reforestation practices. When the KNU reformed itself and the Agriculture and Forestry Department in 1974, it translated these laws into Karen and Burmese, with few or no changes to their content. According to the head of the KFD, the forestry provisions of the British "were 70-80 percent relevant to the local context," but failed to recognize key customary practices. The departments also promulgated new policies in 1974, but these

did not lead to new acts or to significant, systematic changes to the actual procedures in place.

Through decades of conflict, the actual practices and procedural guidelines of these departments evolved to be more adaptable to the context of war and to some customary land practices. While this led to the evolution of some practices to be more appropriate for the local context, it also meant they became less systematic and institutionalized. For example, while village tract and township authorities maintained official taxation procedures in most areas, and continued to provide receipts, they did not always provide official registration or land titles, meaning that land tenure had to rely primarily on recognition by local authorities.

Additionally, informal practices had to be developed to tax communities engaging in communal land use, as the official procedures failed to recognize these kinds of customary practices. As explained by a farmer in a mountain village in Lu Thaw Township:

> We don't pay taxes for specific plots of land.... The sizes of our plots vary, so we usually combine them all as a village and talk to the leader and agree that it amounts to, for example, 10 plots. So it is based on us developing an understanding [with the leaders].... The village chairperson then goes to the village tract chairperson. That's why we support this leader, because he understands our situation and can manage this for us by dealing with the township office. Other leaders might try to force us.

Similar practices developed over the years in most areas, and the KAD insists that this has been relatively stable and successful, as the local authorities understand local land practices and are able to be flexible and make it work.

From 1980 until 1998, the KFD was headed by P'Doh Aung San, who became focused on logging activities for profit, leading to great depreciation of the forests. Logging for teak increased further in the late 1980s and 1990s, when the practice was banned in Thailand and the KNU and Myanmar SPDC began selling concessions to Thai companies.[160] As the KNU weakened and became more decentralized in the late 1990s, local authorities in some areas began to profit substantially from logging without central involvement, as did the DKBA and rogue elements of the Tatmadaw. P'Doh Aung San then surrendered and formed a state-backed militia in 1998, taking with him THB 28 million from the KNU treasury. In the following years, the KFD became weaker and weaker as logging continued in some areas with little central KNU regulation.

Meanwhile, KNU land management and taxation practices had become more informal in many areas. In particular, township administrations became more reliant on summary taxation of villages and village tracts in areas where they didn't have full control. Furthermore, communities became increasingly subject to the taxation regimes of multiple authorities, including the KNU, the DKBA, the Tatmadaw, and a range of militias. Nonetheless, the KNU typically maintained its formal taxation system in its stronghold areas.

Early attempts at land and forestry governance reform (2005-2012)

In 2005, KESAN began helping the KAD and KFD to develop new land and forestry policies to guide the reformation of existing acts and procedures, which remained a melting pot of formal, informal, externally conceived, and indigenous practices. The aim was to develop more systematic procedures based on local land use and other livelihood practices, and to incorporate departmental practices that had evolved at the local level but had not been systematized. The development of more sustainable and environmentally sound practices was also a key objective, particularly in the case of forestry policy.

[160] See Bryant (1997), 178-9.

KESAN, KAD, and KFD say they began conducting widespread consultations with communities and KNU personnel in all districts in 2004. This work was also guided by programs KESAN had been running since the 1990s to learn about communal land and forestry management practices and to provide communities with skills and knowledge about environmental protection and sustainability.

In 2005, the KAD began registering land and issuing new titles, in tandem with the development of the full land policy. According to a farmer in Lu Thaw Township who still holds an individual land ownership title from that period, his village chairperson told him that it would give him more security, and so township authorities came and registered his land and issued a title on the spot. In 2008, the 14th KNU Congress approved new KFD and KAD policies, but the departments continued to review and amend them, as they felt they could continue to improve as new practices were tested. At this time, the KNU invested little in the implementation of these policies overall, and they were not systematically implemented across all districts.

In 2009, the KNU Executive Committee instituted a ban on large-scale logging in all districts, disallowing most forms of commercial logging, allowing only very small ventures in addition to existing quotas for homes and public buildings. This was prompted by the realization that Karen areas had lost tens of thousands of acres of virgin forest in recent decades, which had caused displacement and the worsening of livelihoods, and was considered a critical spiritual loss by some KNU and CBO leaders. Furthermore, logging was seen increasingly as a strategic threat, as deforested areas were much easier for the Tatmadaw to occupy, while logging ventures themselves were considered to be bringing large numbers of migrants to KNU areas and attracting the government to establish a greater presence in KNU areas. Implementation of the logging ban was slow, and it has taken hold in some districts more than others. According to the Mu Traw District KFD, where the ban has apparently been largely successful, it got easier in 2014, when the Myanmar government began tightening its restrictions on logging too.[161]

Accelerated reform (post-2012)

The broader KFD and KAD reform agendas received a significant boost in 2012, as the KNU realized that its territory would become more open to external actors than perhaps at any time in its history. This new level of exposure meant that local recognition of customary practices would no longer be enough to ensure land tenure for local people or to secure the KNU's ability to govern the lands long under its control. Additionally, the KNU secured a written agreement from Minister Aung Min, during their April 2012 Union-level ceasefire talks, that the government would "acknowledge land ownership agreements existing within the KNU and other ethnic organizations and… cooperate with the KNU to find solutions in consultation for customary land ownership and other land rights issues for IDPs."[162]

Between 2011 and 2012, the KHRG documented a sharp increase in reports of land confiscation from the seven KNU districts, and of large-scale development activities taking place without consultation with local communities.[163] Between December 2012 and January 2015, the KHRG documented 68 cases of land confiscation associated with infrastructure development, 55 reports of land confiscation related to natural resource extraction, and 21 cases of land confiscation related to commercial agriculture, including numerous cases where local KNU authorities had permitted the companies to operate or were otherwise involved. Additionally, KHRG documented 22 reports of land confiscation for Tatmadaw or state-backed militia infrastructure in that period.[164]

Land laws passed by the Thein Sein government in 2012 are believed to expose communities to land

[161] The arrest of illegal loggers by Mu Traw District officials was in the news in September 2016. See Saw Yan Naing, "Illegal Log Trade Continues on Salween River," *The Irrawaddy,* September 27, 2016, available at: http://www.irrawaddy.com/news/burma/illegal-log-trade-continues-on-salween-river.html.
[162] See Keenan (2012), 70.
[163] Karen Human Rights Group (2012b), 26-7, 29-30.
[164] Karen Human Rights Group (2015), 6-7.

grabs by the government and big companies, particularly in cases where customary land practices or forced migration have led to land being left untilled for extended periods of time. This is of particular concern in upland areas, where communities practice swidden agriculture and traditional practices like leaving lands unworked to encourage animals to breed or in respect for sacred spirits. In other cases, authorities, including the government, the KNU, and other armed actors have simply seized lands unlawfully for their own ends.[165]

Further complications have emerged, as hundreds of thousands of displaced persons have tentatively begun returning to old lands or seeking out new ones. Many people have returned to find their old land in use by companies or other individuals. In some cases, these lands are now registered by the new occupants under the government's land governance system, leading to a range of legal complications. Additionally, as so many people have been moving continuously for so long, people displaced from one area have often ended up temporarily occupying land that previously belonged to other people who were themselves displaced.

As a result of these issues, KNU district and township authorities across the seven districts have made securing existing land governance an organizational priority. According to district and township administrators and secretaries from Dooplaya and Hpa-An Districts interviewed in 2014 and 2015, the bulk of their time in recent years has been taken up dealing with complaints about land confiscation or destruction, primarily due to the activities of new private companies and large-scale public development projects. The KHRG has documented 13 cases in which communities brought complaints related to land confiscation to the KNU between December 2012 and January 2015.[166]

This has created an opportunity for KESAN and the central offices of KAD and KFD to invigorate their reform program and gain significant traction with KNU officials at all levels. Since 2012, these efforts have been supported by small grants from The Border Consortium with funds from USAID and DFID as well as assistance from Oxfam Novib and the Transnational Institute. The program objectives of KESAN's work with KFD and KAD are summarized in Box 1.

Box 1: KESAN program objectives

- Work with KNU to improve land policy, raise community awareness, and support demarcation and registration to improve small farmers' land tenure rights and security.
- Empower and support Karen communities to revitalize and strengthen their own *kaw* land customs and natural resource governance systems, and to advocate for their recognition and inclusion in relevant KNU policies.[3]
- Establish and demarcate community forests, herbal medicine forests, reserved forests, and wildlife sanctuaries, and protect them from land grabbing and other forms of post-conflict development aggression.

Major areas of reform

Particularly notable land and forestry management reforms have been seen in four main areas: further policy development, the introduction of a systematic land registration and titling system, more systematic management of traditional *kaw* lands, and demarcation and management of a range of special forest areas such as wildlife sanctuaries and protected forests.

[165] Karen Human Rights Group (2015).
[166] Karen Human Rights Group (2015), 78-9.

Further policy development

Since 2012, KAD and KFD policies have been further reviewed, based on continued consultations across the districts. A new land policy was formally approved by the KNU Central Executive Committee in December 2015, and was released publicly in Myanmar language and English in Yangon in 2016. The latest version of the forestry policy has been under review, and is due to be submitted to the 16th KNU Congress.

2015 land policy of the KNU

The KNU's 66-page land policy provides an impressive framework for protecting the land tenure of local people and warding off socially and environmentally harmful investment. The policy is much more concise than previous versions that were tentatively approved in 2012 and 2013. The earlier policies included more than 20 types of land use, various forms of landlords, more specific rates for taxation and loan interest, and detailed historical accounts of land governance in the region. The new policy provides a much broader framework and determines how tax rates can be revised periodically by relevant authorities. As its core objectives, the new policy envisions:

> Recognition, restitution, protection, and support of the socially legitimate tenure rights of all Karen peoples and longstanding resident village communities, resulting in improved political and ecological governance of tenure of land, forests, fisheries, water, and related natural resources. This aspires toward greater self-determination in the context of a decentralized federal Union of Myanmar.

It further states the following core objective in relation to land tenure rights:

> To recognize, protect, prioritize, and promote the tenure rights of Karen peoples and longstanding resident village communities, with emphasis on the occupation and use rights of the poor, marginalized, and vulnerable, and with special attention to the rights of women and youth, and to protect them from any loss of enjoyment of these rights and benefits of use.[167]

The 2015 land policy gives explicit land ownership rights to households and private actors who are recognized as long-established users of a particular plot of land. It also gives land use rights to actors using land under a range of other circumstances. The policy emphasizes the recognition of customary practices such as collective ownership and use of land,[168] and includes multiple provisions for protecting vulnerable populations and managing land issues in the context of displacement.

The 2015 land policy focuses explicitly on protecting indigenous land rights and traditional practices, and emphasizes the rights of the Karen people and of "ethnic nationalities" in general, in addition to "other longstanding residents of Kawthoolei." As a result, it seemingly excludes a range of landowners or users who do not fit these descriptions. Specifically, it provides tenure for people who have "primarily resided in Kawthoolei since before 1988," or who have moved to the area since 1988 but "have performed public services for the benefit of the indigenous people of Kawthoolei."[169] It also makes special allowances for displaced persons, previous residents, and spouses of titleholders. However, the law excludes all persons who have been "convicted of any violation of law."

The policy includes a range of ambitious provisions to protect the environment, and against harmful

[167] Karen National Union (2015), Article 1.2.2, pp. 6-7.
[168] Communal land is defined in the policy as "land that is held in common, maintained, and used by all members of the local village community. Communal lands are a central aspect of traditional *kaw* land tenure systems, and may also form a part of village lands as defined in this Policy. Communal lands include not only the land itself, but associated forest and aquatic resources as well."
[169] The policy does not specify what kinds of service one has to have done for the indigenous people, or exactly which authority is able to determine this.

investment of various types. It bans all use of chemical fertilizers and pesticides without prior permission from KAD, as well as activities causing negative downstream impacts. Furthermore, it does not allow landowners to own more than 50 acres of land, including companies. It also states that "land should not be used for speculation, and should be used to contribute to the resilience of local food production systems," placing other types of private land use in a murky legal area.

The law designates protected lands, including those "near waterways that periodically form based on water flow or rain," as well as reserved forests and wildlife reserves. It also includes almost six pages of provisions regulating forms of investment considered harmful, which threaten the environment or the rights of vulnerable people, stating that investments should not ignore "the imperatives for peace and social justice, present and future public welfare," or sustainability.

The policy refers to a range of international standards and conventions, including the Universal Declaration of Human Rights; the 1989 ILO Indigenous and Tribal Peoples Convention; the UN Principles for Housing and Property Restitution for Refugees and IDPs (the Pinheiro Principles); the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP); Free, Prior and Informed Consent; and standards of the International Association for Impact Assessment (IAIA).

Upcoming forestry policy of the KNU

The KFD policy has been a work in progress since 2005, and is due to be completed in time for review at the 16th Congress. According to the head of the KFD, these policy efforts have focused first and foremost on "protecting villagers' right to survive," i.e., to use the forests for essential livelihoods. Other key objectives are to "protect natural resources"; to promote traditions and culture of local people, including animist practices; to preserve biodiversity and local species; to ensure sustainable development by maintaining and protecting local ecosystems; to strengthen community coordination and participation; to raise awareness of local communities to preserve nature and the forest; and to promote the skills and knowledge of KFD staff and local-level committees.

In 2015 and 2016, this process has gained additional support from KESAN and external experts. Following consultations across multiple departments with representatives from all districts, the new policy that is under development is focused primarily on putting forest management in the hands of local communities through a set of institutionalized practices built on existing community forest models. Existing community forest programs are discussed below.

Land registration and titling

Perhaps the most important area of tangible reform since 2012 has been the introduction of a new and more systematic land registration and titling system in all seven districts. Land registration under the new system began that year in tandem with the policy reform. Between 2012 and the end of 2014, the KNU demarcated and registered 34,544 household land titles. As of September 2016, titles for a total of 61,765 land plots have been issued, covering just under 354,512 acres, and amounting to almost 1,435 sq. km. The majority of these plots have been in areas of mixed authority, as the KNU has prioritized lands deemed at risk of acquisition by outside actors, such as the state, companies, and other armed organizations. During field trips by the author to Mu Traw and Dooplaya Districts in 2015, new titles were being issued by the day.

As explained by the Mu Traw District KAD head, the KAD has "done land registration for a long time as a basic activity, but in the last few years we have really focused on this because of government expansion; because we want to give people some legal documentation to protect their land." According to the chairperson of a mixed-authority part of Kawkareik Township, Dooplaya District:

> We have long taxed specific plots of land and provided receipts, but we have never done this kind of registration before. The [decision to prioritize] land demarcation has come from the top. If we don't do it, we will lose everything. If we can get to the political dialogue stage, after signing the NCA, we need to show that we have our land and that it is demarcated and regulated. The government is also trying to demarcate the land [in this area].

The 2015 land policy emphasizes that the KNU system provides land ownership rights. However, in most of its specific provisions, it refers to "occupation and use rights," and does not clearly distinguish between the two. According to the KAD secretary, around 65 percent of the titles issued so far are land ownership grants that unequivocally recognize the holder as the rightful owner. The remaining 35 percent are land use grants that have been issued to persons not eligible for full ownership. These include people using land who are in dispute with other claimants; people using land known to have a different owner who is not currently occupying the land; post-1988 migrants who do not meet the ethnicity or residency requirements noted in the previous subsection; short-term, forced migrants (displaced persons); and landowners with more than 50 acres of land.

To demarcate the land, KAD district or township authorities make arrangements through village tract chairpersons and village tract-level KAD representatives. They arrange to meet land users at their farms and measure their plots. GPS coordinates are logged, and a questionnaire is filled out. As long as there are no outstanding disputes regarding the land, and local authorities can confirm the data collected to be true, the title can be issued. If there is a dispute, the information is still recorded for further inquiry, but the title is not issued. According to the Mu Traw District KAD head, there have been many cases where disputes exist, or where information cannot be confirmed for certain, and so titles have not been issued.

The KAD charges MMK 1,000 in administrative costs for KAD transportation, and an additional MMK 4,000 for the title certificate. This documentation is then submitted to the Finance and Revenue Department, and is kept at the local KAD registry at the township or district level. Examples of land titles are included in Appendix 3.

District officers then periodically visit the central KAD with their computers to log all of the data on a single system. The KAD and KESAN aim to develop a software system to log all of these plots on an interactive map that shows what land is owned or used by whom, what types of land exist in which areas, the locations of water catchment areas, and so on. They are currently looking for funding and technical assistance to make this a reality. The KNU land policy also envisions more systematic spatial planning, and more advanced maps at KAD registries that show their entire territories.

Systematization of traditional and customary land management

KAD, KFD, and KESAN have also begun to institutionalize customary land practices, so that they can be regulated, taxed, and enhanced through more systematic governance practices. This has sometimes meant creating special categories of land use that have exceptional rights and responsibilities unlike those in other areas.

According to the departments, many traditional practices provide sustainable livelihoods, and trying to override them with more market-friendly policies would risk marginalizing local communities. Inclusive economic development, they argue, requires that formal policies and practices reflect existing community practices. Nonetheless, KESAN insists that many customary practices are fluid and evolving, and their efforts are not just about freezing time or harking back to primitive lifestyles; rather, the aim is to envision what modernization of existing practices could look like, while putting the welfare of local people ahead of large-scale development processes.

The most advanced of these efforts has been a program to institutionalize – and in some cases revive

– a particular form of communal land, called *kaw,* prevalent in Mu Traw District, particularly in Lu Thaw Township. A kaw is an area, defined by a specific kaw boundary, that is subject to traditional animist spiritual and societal practices, including various methods, handed down from generation to generation, for managing land and other resources sustainably.

Some are tens of thousands of acres in size and span multiple village tracts, but are united as land use falls under the stewardship of customary authorities. These authorities include a hereditary *kaw hko* ("kaw head") and a customary assistant known as the *kaw hka* ("kaw jaw") who have a range of spiritual and traditional governance obligations. Most of the kaw are in areas that have historically had very little interaction with the Myanmar state and remain largely autonomous from the Myanmar government.

According to the kaw hko of a kaw visited by this author, their local arrangements provide for different areas to be designated as farmland (primarily hillside paddies), grazing areas where animals can eat anything, areas for keeping animals, forests where trees can be cut, forests where hunting is allowed, forests where no hunting or cutting is allowed, and forests where cardamom or other crops can be grown. However, these exact arrangements vary greatly from kaw to kaw, and others include rules protecting waterways and watersheds or putting more emphasis on spiritual lands. Other kaw provide more specific regulations and practices for each type of farming, foraging, hunting and so on, and include practices for managing both household-owned land and community-owned land.

Through collaboration between KAD, KFD, and KESAN, 18 kaw have been recognized by Mu Traw District and the respective township-level KNU authorities. This was achieved through joint programs in which the traditional stewards of the kaw and local KNU authorities demarcate the locally recognized kaw boundaries with GPS coordinates, so that official titles can later be issued by central authorities. As with those issued for community forests, these titles include software-generated maps with key terrain features and other geographic details. At the time of writing, no kaw has yet been fully recognized by the central KNU, but progress has been made, as the multi-departmental Central Land Committee has been officially tasked with taking the process forward.[170]

Just as the exact rules and regulations vary from kaw to kaw, so do the reasons that their communities are eager to have them formally recognized. Some kaw continue to be inhabited by large animist populations, for whom the full range of spiritual practices associated with the kaw remain intact, and who see outside actors wishing to utilize the land as a potential threat. KESAN has facilitated a "participatory action research study" of the ongoing practices in one particularly traditional kaw, called Kaw Thay Ghu, which has 30 villages and covers an area of 27,000 acres.

In other areas, large portions of kaw populations have converted to Christianity or otherwise lost touch with their traditional beliefs; however, kaw practices have been continued out of habit, respect for tradition, and to ensure sustainability of natural resources. For example, banning hunting in some areas is necessary to provide breeding grounds for wild animals that are hunted in other areas, to ensure their numbers are not depleted. Virgin forests are understood to harbor seed reserves for future generations. For some communities, institutionalizing kaw practices through formal recognition by the authorities is seen as an important opportunity to protect their area from external actors, including the government, companies, and surrounding communities. A Christian kaw hko of Mer Lay Hko Kaw in Lu Thaw Township summarized these reasons:

> We believe that our kaw practices have been maintained through many generations [with] different beliefs and different arrangements, … [but essentially], we believe that the spirit of the kaw will look after us if we look after the kaw. In my parents' time they recognized the kaw,

[170] The Central Land Committee has 15 members from six departments (KAD, KFD, Breeding and Fisheries Department, Mining Department, Interior and Religious Affairs Department, and Finance and Revenue Department) in addition to civil society representatives and expert advisors. There are also plans to establish district land committees.

> and they always told me we should have the kaw, and I knew that if I didn't do this it would be lost after I died. We care about our resources and our animals, and if we don't look after them, they will be destroyed. So we want people to know that [this kaw] belongs to us, and that if other people use it, it's not okay.… For me, regardless of religion, we need to keep our kaw. We need it because [the Myanmar state] thinks all the land belongs to them [as in the Constitution], so we need to maintain it and establish a clear registration system.

Most kaw communities see official recognition of their system by the KNU as necessary to defend it from the Myanmar government, which they have typically encountered only in the form of the Tatmadaw. As the participatory study conducted in Kaw Thu Gay noted, "When asked why people in Kaw Thay Ghu desire KNU land titles, some community members replied that Kaw Thay Ghu does not have soldiers to defend itself if the [Myanmar] government or mining companies come. The people see the KNU as their defense, so they wish to pay taxes to the KNU and support [what they view as] their own ethnic administration, while keeping their own kaw traditions."

The kaw hko of Mer Lay Hko Kaw, whose kaw land title is yet to be fully approved, gave a similar rationale. Even though the Tatmadaw was only said to have entered his kaw area once before, in the 1990s, he and other members of his community repeatedly noted that the ceasefire meant the government was likely to expand its presence into their area. The kaw hko asked the author, "If we get the kaw grant from the KNU, will we be able to stop the [government]? The reason I ask is that the government is not doing this [ceasefire] for peace; they are doing it because they want to expand into our area with development.… I just hope that if the government wants to do anything on this land, they will [ask the] KNU. At least if we have an official title, it will help."

Indeed, there is still uncertainty about whether even the KNU will fully approve and respect the grants. According to KESAN, "The communities have gained the approval of local KNU authorities because they attend the workshops and they know the local system.… They cannot reject it or [the issue will be reported] to central; so they have to accept it." However, this is still not fully guaranteed. According to the kaw hko of Mer Lay Hko Kaw, the process has been instrumental in reviving clear boundaries that are respected by the communities in seven surrounding kaw, but he remains unsure whether the area will be fully protected by the KNU. He explained:

> Actually, I don't think it will be easy to get the kaw accepted. We attended a community consultation with KESAN, and the head of Lu Thaw Township announced that they wanted to register and recognize the kaw system.… But we just really hope the KNU takes it seriously.… We don't want them to approve it and then give it to us with their feet.… Even if we get the title, if the KNU doesn't stand with us [and honor it], what can we do? Providing us with the title is not enough; they need to stay close [to us] and guarantee it.

These fears demonstrate the vast difficulties in implementing people-centered policies protecting local livelihoods, particularly in the context of increased territorial openness and economic development. While ambitious KFD and KAD officials at central and district levels, and other parts of the KNU, remain committed to developing systematic procedures to protect local practices, it will be very difficult to ensure that the systems are fully respected at the local level – not just by the KNU, but also by the government. Such procedures will be even more difficult in other districts, where development and profit-making activities are much more prevalent.

Community forests

In 2008, the KFD introduced a program to establish "community forests" in all seven districts. These are specifically designated forest areas legally under the management of local communities. Unlike some other forestry practices, the community forestry program was not inherited from the British state, and is a purely modern initiative. However, the approach has been structured around some

existing practices, as rural communities have often passed down customary systems for managing local forests. There are currently 115 community forests either registered or undergoing registration. As of late 2015, the registration of 63 community forests had been completed, covering over 64,000 acres of forested land (over 259 sq. km). The Myanmar government also has a community forestry program that it began in 1995.

Figure 4: Number of KNU Forestry Department community forests, by district (late 2015)

Doo Tha Htoo	31	Mu Traw	2
Mergui Tavoy	5	Dooplaya	21
Kler Lwee Htoo	3	Hpa-An	2
Taw Oo	0		

According to the head of the KFD, "Community forestry basically means the community can choose collectively how to use their forests. [Different communities] have different aims and purposes – some focus on protecting wildlife and their watershed; others mostly want to use materials for public buildings such as schools, temples, etc." The program hinges on the involvement of local-level KNU authorities, who are bound to respect the decisions made by the community and cannot override the decision by, for example, selling forestry land or resources to companies against the community's wishes.

However, community decisions are also subject to certain restrictions and boundaries, based on "community forest guidelines" developed by KFD and circulated in 2012. These provide detail on who can hold title, restrictions on cultivation within the forest, and logging, among other provisions.

In line with KNU directives from 2009, the community forest guidelines ban all forms of commercial logging – perhaps to a fault, according to one KESAN staff member. He argued that "we should introduce [commercial] community timber harvesting, so it can be done within certain regulations [to ensure it is sustainable]; then [the local community] can benefit, and it can be taxed by KED." Indeed, too stringent prohibitions could increase the risk of illegal logging, while precluding regulation and taxation, creating tensions between the KFD and communities. The KESAN staff member envisioned a similar approach to other potentially harmful commercial activities to encourage greater regulation; for example, "If local communities or authorities want a gold mining area, there should be a specific process to plan for [and regulate] that."

Community forests are assigned to a single village or a collection of villages. Village chairpersons are notified of the program and must apply through their village tract administration to register a community forest. In some cases, communities with forested areas are approached directly by KESAN or KFD. The KFD then works with the committee and local authorities to designate the community forest area, record its GPS coordinates, and establish rules and regulations for its management. According to the KFD head, "These forests then belong to the community and not to the KNU Forestry Department.... We are just there to advise and give technical support. We work with the community to make their own rules and policy, but they are at the center."

Once rules and regulations have been agreed to by the committee, they must obtain signatures from every household, attach the rules and regulations, and send this documentation to the village tract chairperson. The village tract administration then has to approve it and send it to township KFD, which checks it and submits it to the district KFD. The district KFD conducts its own check and then officially

documents the community forest with the central KFD. Central KFD and KESAN keep software-based maps, which include terrain features, of all of the community forests, and can issue official titles (see Appendix 4).
According to the Mu Traw District KFD head, the process "is slowed down significantly by negotiations between the community and township levels, because the township will come back to them if their chosen [forest] rules are not appropriate. So this process can take a long time." For these reasons, in late 2015, 12 community forest applications were stagnant at the township level, while nine others were still at the village tract level.

In addition to some applications contradicting KFD guidelines, others have been held up for "security reasons." This exposes a challenge at the heart of KFD's community forest efforts: central-level departments and KESAN must create an institutional process that restricts the activities of local-level authorities in favor of local people. Notably, the KFD has invested fewer of its resources in establishing community forests in certain districts, such as Mu Traw, where logging and other forms of forest destruction have been of less concern. "In Mu Traw, they have [stronger traditional practices] and are protecting their forests quite well already, so there is no need to focus there," explained the head of KFD.

Other forestry initiatives

The KNU also administers around 14 wildlife sanctuaries, 64 reserved forests, and eight herbal medicine forest zones, but little research was devoted to these designations. Most of the reserved forests were designated originally by the British colonial administration and have also been inherited by the Myanmar government, so they appear on the maps of both the KNU and Myanmar forestry administrations. However, they vary greatly in the extent to which they have actually been preserved, and some are now the site of agribusiness concessions or other commercial land use. Central KNU authorities have therefore had trouble deciding whether they should tax such commercial plantations (currently being permitted and taxed by district authorities), as they have little power to stop them.

The KNU began establishing wildlife sanctuaries in the late 1980s, but these also vary in the extent to which they have been preserved. One of the KNU's most securely established wildlife sanctuaries, Kler Moo Pli, traverses part of the border of Kler Lwe Htoo and Mu Traw Districts. Each district has a 20-man ranger unit in place to protect wildlife in the area. These include former KNLA and KNPF personnel, who receive training from KESAN and international advisers on conservation and other practices.

Interaction with the government

The potential for cooperation on land management between the KNU and the government was not part of this research. As the ceasefire process moves forward, there may be opportunities for the two authorities to develop common aims and positions. However, at this time, trust remains low, and the KNU appears to view all government attempts to collaborate merely as ploys to override their existing structures, which they insist the government must officially recognize first.

In many districts, the government has reached out to cooperate with the KNU, typically in order to gain access to areas where it has no stable presence. In Mu Traw, the government has sent maps of the areas it recognizes as reserved forests in KNU territory, and asked permission to enter and demarcate the land. The KNU, however, refused, which led the government to ask permission to collaborate. These forest areas often match those recognized by the KNU, but KNU authorities are unwilling to admit the government's surveyors into areas where they have never been, both for security reasons and because they don't trust the government's intentions. Overall, the Mu Traw authorities feel they have been protecting the area from government-led development activity, and they are skeptical of government intentions.

In other areas, such as in Dooplaya District, government authorities have requested permission to accompany the KNU to register agricultural lands in areas that the KNU already has on its records and where it knows the local communities. In most cases, the KNU appears to have rejected these advances too.

Annex TWO: Profiles of Kayin State's Nine "Sub-township" Towns

One of Kayin State's sub-township towns, Shan Ywa Thit, did not even appear on government maps in 2010, while some others only had Tatmadaw bases, or were only partially accessible to the SPDC through coordination with its local proxies. In Kamarmaung, Paingkyon, Shan Ywa Thit, Kyaikdon, and Leiktho, the Tatmadaw has been able to access and invest in the sites through cooperation with paramilitary actors.

Myanmar government designation: Leiktho Town, Thaundaunggyi Township
KNU designation: Daw Hpa Hko Township, Taw Oo District
Total population: 48,606
Urban population: 3,093
Site under state control since: ca. 1970 (despite state influenced since around 1950)
Significant government administration since: post-1998
Notes on political and administrative history and status:

Leiktho has long been a large village, and has been under government control since around 1970. The consolidation of the surrounding areas under government control began in 1998 and 1999, aided by the defection of two small factions from the KNLA 2nd Brigade that formed two "peace groups" and began cooperating with the Tatmadaw. One or both of these peace groups formed a People's Militia Force in 2010, but the exact details are difficult to determine (see Section 1).

Myanmar government designation: Baw Ga Li Town, Thandaunggyi Township
KNU designation: Htaw Ta Htoo Township, Taw Oo District
Karen name of town: Kler Lah
Total population: 17,237
Urban population: 1,999
Site under state control since: 1979
Significant government administration since: 2011
Notes on political and administrative history and status:

Baw Ga Li was established as a government-controlled relocation site with an adjacent Tatmadaw base in 1979. Until recently it was known as Baw Ga Li Gyi Village Tract. It is positioned along the road from Toungoo Town into Kayah State. There was a government middle school and basic clinic there before the ceasefire, but little formal government administration, which was restricted to Thandaung Town. The government has long touted the village as a "model village," earmarked for special development, and it has received increasing numbers of non-Karen migrants in recent decades. However, according to the KNLA, the government was unable to establish any significant administration there. The state attempted to establish a police station there before the ceasefire, but the KNLA apparently blocked them from doing so.

Since 2012, the state has upgraded the existing middle school to a high school, sent seven more teachers, and built government buildings including a police station. The town has a population of 1,999, which is large in comparison to surrounding settlements. There are fewer than 10 other villages in the surrounding area under full government control. These have government primary schools. All other surrounding communities have KED-supported and mixed schools, and the KNU retains a significant presence.

Myanmar government designation: Kamarmaung Town, Hpapun Township
KNU designation: Dwe Lo Township, Mu Traw District
Total population: 17,237
Urban population: 1,999

Site under state control since: 1950s
Significant government administration since: post-1995
Notes on political and administrative history and status:

Kamarmaung Town sits just across the Thanlwin River from Myaing Gyi Ngu, the traditional headquarters of the DKBA since 1995 and the current headquarters of BGFs 1013 and 1014. The KNU/KNLA has a strong presence immediately north of Kamarmaung, which is where Mu Traw District begins. Most of the villages close to the road between Kamarmaung and Hpapun are under the mixed authority of the KNU, BGFs and the government, and the Kyaw Htet/Aung San/Po Bee faction of the DKBA. In 1992, Kamamaung was the site of the LORC township sub-office, indicating a similar function to that of today's sub-townships.[171] The area was under firm DKBA and government control between 1995 and 2009, and then the local faction of the DKBA transformed into BGFS 1013 and 2014, which remain in the area.

Myanmar government designation: Shan Ywar Thit Town, Hlaingbwe Township
KNU designation: Lu Pleh Township, Hpa-An District
Karen name of town: Klaw K'Tee
Total population: 21,735
Urban population: 531
Site under state control since: ca. 1995
Significant government administration since: 2012
Notes on political and administrative history and status:

The area surrounding Shan Ywar Thit (meaning Shan New Village) has been heavily contested since at least 1984, when the Tatmadaw launched a major offensive in the region, securing a strategic KNLA base and border trading post called Mae T'Waw opposite Tha Song Yang, Thailand. The KNLA later temporarily retook the base, but was unable to secure it. The DKBA and the Tatmadaw then cooperated in 1995 to take much of the surrounding area (including Manerplaw to the north), and again in 2009 to take some key KNLA positions on the border further south. All of these offensives led to mass displacement of civilians.

Today, Shan Ywar Thit itself is firmly under the control of the Tatmadaw, which maintains an infantry base on its outskirts. According to the 2014 census, this village has a population of just 531 people. Nonetheless, it has become the site of government buildings and a police station to extend the government's presence to surrounding areas. A road is being constructed from Hlaing Bwe to the site for the first time. Additionally, roads to Mae T'Waw on the border and Myaing Gyi Ngu, to the west, are being upgraded.

The surrounding area is currently home to multiple factions of the former DKBA, including the recent splinter factions under the command of Kyaw Thet and Po Bee, and outposts of multiple Karen BGFs. Additionally, the KNU/KNLA has maintained positions on the border, and since 2012 has maintained its central headquarters less than 20 miles from Shan Ywar Thit, close to Mae T'Waw. There was significant fighting in the region between Tatmadaw and Karen BGFs and the Kyaw Thet/Po Bee faction of the DKBA, both in September/October 2014 and in September 2016 – much of this took place along a road north of Shan Ywa Thit, between Myaing Gyi Ngu and Mae T'Waw. In September 2016, the Tatmadaw and BGFs announced they had cleared the area. While the DKBA faction has been pushed from five main positions along the road, it retains a mobile presence in the area.

[171] See KHRG website, "The SLORC's New Forced Relocation Campaign," January 8, 1993, available at: http://khrg.org/1993/01/93-01-08/slorcs-new-forced-relocation-campaign.

Myanmar government designation: Paing Kyon Town, Hlaingbwe Township
KNU designation: Ta Kreh Township, Hpa-An District
Karen name of town: Ta Kreh
Total Population: 88,604
Urban Population: 4,074
Site under state control since: 1997 at latest (within Tatmadaw access since the 1960s)
Significant government administration since: early 2000s
Notes on political and administrative history and status:

Paing Kyon has been under consolidated state control since around 1996, when the KNLA was pushed out of the area by the Tatmadaw and the DKBA. It was likely accessible to the Tatmadaw before then, as it has long been connected by road to the town of Hlaingbwe, but the KNU had a strong presence at least until 1997, and communities there experienced conflict until the late 1990s. There are multiple Tatmadaw facilities near the town in addition to the headquarters of BGF 1015, which is regularly accused of human rights abuses related to the drug trade and quarrying activities. BGF 1016 is also based nearby, and other BGFs sometimes operate in the region.

Myanmar government designation: Kyaikdon Town, Kyainseikgyi Township
KNU designation: Kaw T'Ree Township, Dooplaya District
Total population: 57,938
Urban population: 3,515
Site under state control since: 1997 (though it was seized temporarily in 1961 and at other times)
Significant government administration since: 2000s
Notes on political and administrative history and status:

Kyaikdon was under KNU rule almost continuously until 1997, when it was seized as part of a large-scale Tatmadaw offensive. The site was a key trading post, and was connected to Kyainseikgyi Town by road, even while under the control of the KNU. It was seized temporarily from the KNU in 1961, and several times thereafter, but was not successfully brought under state control. In the midst of the 1997 offensive, the KNLA's 16th Battalion, led by Thu Mu Heh, defected and formed a ceasefire group called the Karen Peace Force, which effectively became a Tatmadaw-controlled militia. Large numbers of Muslims were forcibly removed as mosques were burned down during these offensives, and many Karen people fled into hiding.[172] The KPF transformed into BGF 1023 with just a few hundred troops in 2009, and is now headquartered in Kyaikdon. However, state control over the town has long depended on the Tatmadaw, which has multiple large infantry facilities in and around town. In 2015, there was fighting between a DKBA splinter faction and the Tatmadaw in the area.[173]

Myanmar government designation: Wawlay Myaing Town, Myawaddy Township
KNU designation: Kaw T'Ree Township, Dooplaya District
Karen name of town: Wah Lay (variable spellings)
Total population: 9,213
Urban population: 3,083
Site under state control since: 1990 (but mostly under DKBA control from 1995-2010)
Significant government administration since: 2012
Notes on political and administrative history and status:

[172] For two detailed accounts on the region from the late 1990s, see KHRG website, "Developments in the SLORC/SPDC Occupation of Dooplaya District," February 25, 1998, available at: http://khrg.org/1998/02/khrg98u1/developments-slorcspdc-occupation-dooplaya-district; and "*Starving Them Out: Forced Relocations, Killings and the Systematic Starvation of Villagers in Dooplaya District,"* March 31, 2002, available at: http://khrg.org/2000/03/khrg0002/starving-them-out. Find other accounts on the region on the KHRG website.
[173] KHRG website, "Two Separate Clashes Between Armed Actors in Kawkareik Township, Dooplaya District, February 2015," May 1, 2015, available at: http://khrg.org/2015/04/15-3-nb1/two-separate-clashes-between-armed-actors-kawkareik-township-dooplaya-district.

The border post of Wawlay Myaing (long known locally as Wahlay) was seized by the Tatmadaw in 1990. However, from the perspective of local people interviewed, the area was still under the control of the KNU when the DKBA split in 1995, indicating the state's overall presence had been limited. Somehow, after 1995, however, Wahlay became the headquarters of the DKBA 907th Battalion commanded by Saw La Pwe, which controlled most of the surrounding region and was then converted into the 5th Brigade in the late 2000s. Meanwhile, the Tatmadaw maintained a major facility just outside the town and began connecting the town with Su Ka Li and Myawaddy by road.

The 5th Brigade then refused to form a BGF in 2010, and launched an attack on Myawaddy Town. It was joined by forces from other DKBA renegade factions, and fought for months with the Tatmadaw in the Wahlay Region. These conflicts forced at least 2,500 civilians to flee, and led to numerous abuses of civilians.[174] Having been cleared from Wahlay in 2011, the 5th Brigade established its headquarters in Son See Myaing, around 10 miles north of Wahlay, and renamed itself the KKO/DKBA. The government appeared to rename the town to Wawlay Myaing around that time, and also renamed a nearby village from the Karen name, Tee Nya Li, to the Burmese, Aung Mingalar. Much of the area surrounding Wawlay Myaing today is predominantly controlled by the DKBA, which has formally given permission to the KNU to reestablish is administration system and social services in the area. The KNLA is in control of some border areas to the east. Additionally, KNDO headquarters is around 20 miles south, under the command of Bo Mya's son, Ner Dah Mya, who has been influential in the region for many years.

Myanmar government designation: Su Ka Li Town, Myawaddy Township
KNU designation: Kaw T'Ree Township, Dooplaya District
Karen name of town: Choogali
Total population: 5,703
Urban population: 342
Site under state control since: 1997
Significant government administration since: 2012
Notes on political and administrative history and status:

The Tatmadaw has maintained control of the site of Su Ka Li since 1997, when it undertook a major offensive in Dooplaya District and seized it from the KNU. It is a small village, which had a population of just 342 people in the 2014 census. According to a village leader from a nearby village, "No one around Su Ka Li could speak [the Myanmar language] 20 years ago." The site has long been slated to become a refugee return site under the government's administration. The KKO/DKBA controls much of the surrounding area, and has allowed KNU to reestablish its administration. Most villages are under dual administration by the government and the KNU, and are answerable to the KKO/DKBA. Since 2011, government buildings, including a police station, a sub-rural health center, and a high school, have been built. According to a government-employed teacher, there are 19 teachers in this school, but only 71 students, including one each in grades nine and 10, as there are still so few people living in the town, while the majority of communities in the surrounding area remain under the governance of EAOs.

Myanmar government designation: Hpayarthonesu Town, Kyaiseikgyi Township
KNU designation: Noh T'Kaw Township, Dooplaya District
English-language name: Three Pagodas Pass
Total population: 90,484
Urban population: 27,311
Site under state control since: 1990
Significant government administration since: late 1990s
Notes on political and administrative history and status:

[174] KHRG News Bulletin, "Civilians at Risk from Continued SPDC-DKBA Conflict in Dooplaya District," November 14, 2010, available at: http://www.burmalibrary.org/docs21/KHRG-2010-11-14-Civilians_at_risk_from_continued_SPDC-DKBA_conflict_in_Dooplaya_District-en-red.pdf.

Hpayarthonesu (meaning Three Pagodas) is a large and well-established town. Hpayarthonesu sits at a break in the mountains in the tri-border area between Thailand, Kayin State, and Mon State, which is famously known in English as Three Pagodas Pass. It has great historic significance as the main route used by Thai and Myanmar kings when invading one another, and by the Japanese during World War II for their famous "death railway." NMSP headquarters was situated near the pass between 1965 and 1990.[175] During this time, the KNU and the NMSP jointly controlled the pass and used it for trade. In 1988, amid sporadic attacks from the Tatmadaw, the NMSP and the KNU fought each other for nearly a month for control of the pass.

The Tatmadaw seized the site in a decisive offensive in the 1990s that displaced thousands. The government has had full control of the town and the border crossing since then, but the surrounding areas have also had a DKBA and KPF presence since the mid-1990s.[176] Since the NMSP's 1995 ceasefire with the government, it has administered an autonomous ceasefire territory, which begins immediately south of Hpayarthonesu Town. Since then, the DKBA, the KPF, and the NMSP have also maintained checkpoints along roads and rivers in the area, benefiting from cross-border trade. In 2010, the KKO/DKBA and the KNLA attacked Hpayarthonesu in a joint operation, which reportedly led to the burning of government buildings including a police intelligence facility.[177] However, the Tatmadaw retained control.

[175] See South (2005).
[176] For more on the business activities at the pass during the 2000s, see HURFOM (2008).
[177] Paul Keenan, "DKBA Commander Saw La Pwe Dies," Paul Keenan website, March 5, 2016, available at: https://paullkeenan.net/2016/03/15/dkba-commander-saw-lah-pwe-dies/.

Appendix ONE: Statement of Karen National Union 15th Congress (original text)

27 Dec 2012

1. The 15th Congress of Karen National Union was held in its 7th Brigade area in Pa-an District, Kawthoolei from November 26 to December 26, 2012. The Congress was attended by a total of 245 people consisting (171) representatives and (74) observers.

2. The Congress reviewed and approved the political situation analysis and activity reports of the KNU from its past four-year term. The Congress also reviewed and reaffirmed the Constitution, political objectives and basic programs of the KNU.

3. The Congress also adopted future work plans to increase women participation in politics and national affairs, build unity among Karen people and enhance administration and organization. It also decided to formulate economic and development policies and establish a Human Rights Committee for the protection of people from abuses.

4. The Congress elected the new Central Executive Committee of the Karen National Union

1. P'doh Mutu Say Poe (chairperson)
2. P'doh Naw Zipporah Sein (vice-chairperson)
3. P'doh Saw Kwe Htoo Win (general secretary)
4. P'doh Saw Thaw Thi Bwe (joint secretary 1)
5. P'doh Mahn Mahn (joint secretary 2)
6. General Saw Jonny (general officer commanding of the KNLA)[178]
7. General Saw Baw Kyaw Heh, (vice chief of staff of the KNLA)
8. P'doh Roger Khin, (also head of Defense Department)
9. P'doh Saw Thamein Tun
10. P'doh Mahn Nyein Maung
11. P'doh Ta Doh Moo (also head of Central Economics Committee)

5. The Congress also appointed Brigadier General Saw Jonny, the commander of 7th Brigade, as new general officer commanding and Brigadier General Saw Baw Kyaw Heh, the commander of 5th Brigade, as deputy general operation commander of the Karen National Liberation Army. [Both of these commanders were actually ranked general, even before these promotions].

6. The KNU reviewed the current ceasefire and peace processes of the Burmese government and views that there is a grave and urgent need to work on reaching political dialogue. The KNU believes that there must be a nationwide ceasefire prior to the dialogue.

7. The KNU is very concerned over the Burmese authorities' violent crackdown on people's movement while the government is engaging in ceasefire negotiations and peace processes with ethnic armed resistance groups. However, the KNU welcomes the government's initiative of establishing a commission to investigate and seek for truth.

8. The KNU pledges to continue to work in collaboration and cooperation with other ethnic and democratic forces, while keep working on the current peace process, towards establishment of a genuine federal union in order to achieve democracy and equality and self-determination of all ethnic nationalities.

[178] The exact titles given to these KNLA commanders vary. The general officer commanding is sometimes referred to as commander in chief.

Appendix TWO: NCA "Interim Arrangements" (from official translation)

Article 25. Tasks to Be Implemented During the Interim Period

25.

a. The ethnic armed organizations that are signatories to this agreement have been responsible for development and security in their respective areas. During the interim period of holding peace talks, we shall carry out the following programs and projects in consultation with each other in said areas.

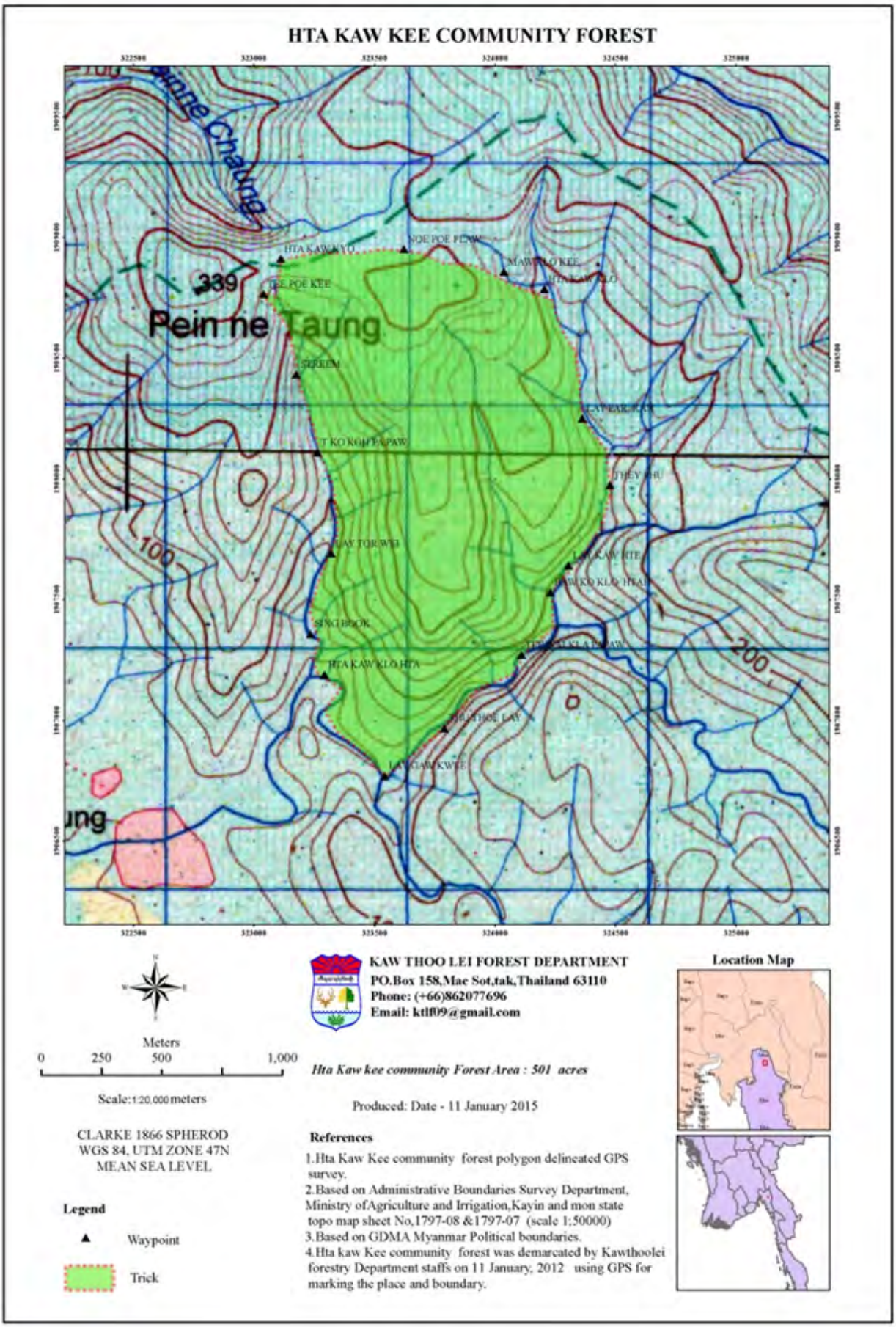
    (1) Projects concerning the health, education and socio-economic development of civilians.
    (2) Environmental conservation.
    (3) Efforts to preserve and promote ethnic culture, language, and literature.
    (4) Matters regarding peace and stability, and the maintenance of rule of law in the said areas.
    (5) Receiving aid from donor agencies both inside and outside the country for regional development and capacity-building projects.
    (6) Eradication of illicit drugs.

b. Planning and implementation of projects that may have a major impact on civilians living in ceasefire areas shall be undertaken in consultation with relevant Ethnic Armed Organizations and with local communities in accordance with the Extractive Industries Transparency Initiative (EITI) standard procedures.

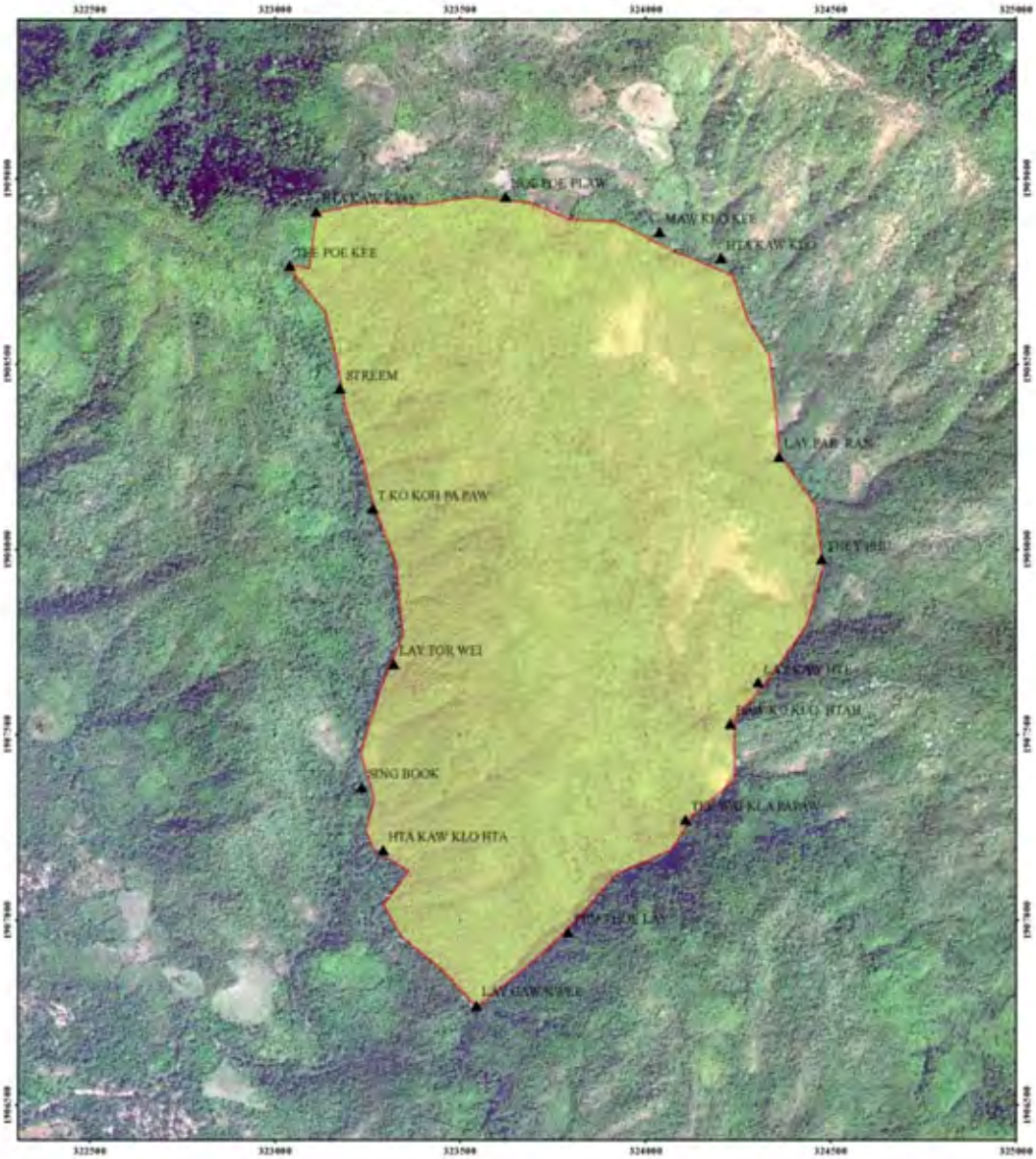
c. The government and the individual ethnic armed organizations shall coordinate the implementation of tasks that are specific to the areas of the respective ethnic armed organization.

Appendix THREE: KNU Land Titles

Appendix FOUR: KNU Community Forest Titles



HTA KAW KEE COMMUNITY FOREST



Hta Kaw kee community Forest Area : 501 acres

Produced: Date - 11 January 2015

Meters
0 250 500

Scale: 1:17,000 meters

CLARKE 1866 SPHEROD
WGS 84, UTM ZONE 47N
MEAN SEA LEVEL

Legend

▲ Waypoint

Trick

KAW THOO LEI FOREST DEPARTMENT
PO.Box 158,Mae Sot,tak,Thailand 63110
Phone: (+66)862077696
Email: ktlf09@gmail.com

References

1.Hta Kaw Kee community forest polygon delineated GPS survey.
2.Based on easy Bing map, zoom Level 17, projection WGS 84
4.Hta kaw Kee community forest was demarcated by Kawthoolei forestry Department staffs on 11 January, 2012 using GPS for marking the place and boundary.

Location Map

The Asia Foundation

Improving Lives, Expanding Opportunities

No.17, Thu Khi Tar Street
Pyi Thar Yar Residence Lane 1
15 Ward, Bauk Htaw, Yankin Township
Yangon, Myanmar

Photography by Kim Jolliffe