

‘Land is everything’

The Social, Cultural, Spiritual and Political Meanings of Customary Land Systems for the Karen People in Kawthoolei



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Abstract

This thesis examines the motivations behind the 2015 revision of the Karen National Union (KNU) Land Policy and why it was possible between 2010 and 2021. Using a qualitative interpretative approach, it draws on semi-structured interviews with Karen ethnic governance organisation (EGO) actors, Myanmar scholars and one KNU official, together with policy document analysis. The research reveals that land has great political, cultural, and spiritual significance for the Karen people. However, decades of land confiscation by the Myanmar military and government—through both violent and legal means and —continued even during Myanmar’s democratic opening (2011). The failure to recognise customary land systems emphasised the need for a formalised local land governance framework. The 2015 revision is motivated by the needs to protect Karen lands, strengthen Karen identity and community, and improve the KNU’s legitimacy as a governing authority. In addition, broader goals such as peacebuilding and self-determination have also contributed to the revision. By examining the intersection of land governance, conflict, and customary and statutory land systems, this study contributes to broader debates on land governance in conflict-affected settings and how local policies serve as tools for resistance and governance.

Acknowledgments

This thesis marks the end of my Master's programme in Human Geography with a specialisation in Conflicts, Territories and Identities. Writing this thesis was a challenging yet rewarding end to this Master's, and it was quite a process to complete it. There were many stressful tears shed during the writing process, but overall, I enjoyed it immensely and it has been the biggest and most interesting work I've done in my life so far. When I started reading about the terrible conflict in Myanmar about a year ago, I could not have imagined that a year later I would be so deep into the subject and have learned so much. Therefore, I would like to take this moment to thank a number of people who have taught me all these things and supported me throughout the process.

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close, and it is an experience I will remember for the rest of my life. The same goes for the other interviewees who donated their precious time to me and were kind enough to teach me about Myanmar and the Karen people. I will continue to follow you and support the Karen struggle and sincerely hope to see everyone again in the future.

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The research and writing of this thesis have taught me a lot, not only academically but also in aspects of everyday life. It has been incredibly valuable for me to gain a new perspective, and to see how people coming from a conflict zone can remain so hopeful, positive, and persistent. I have also been truly inspired by the human-nature relationship of the Karen people and their perception of land, which is so different compared to the Netherlands. I think these different elements can teach us a lot. I hope I can convey this a little bit with this thesis and inspire more people.

Enjoy reading!

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Map 1: Karen State and the Salween Peace Park within Myanmar



Source: Yale Environment (2020)

Map 2: Myanmar government demarcation of Kayin State



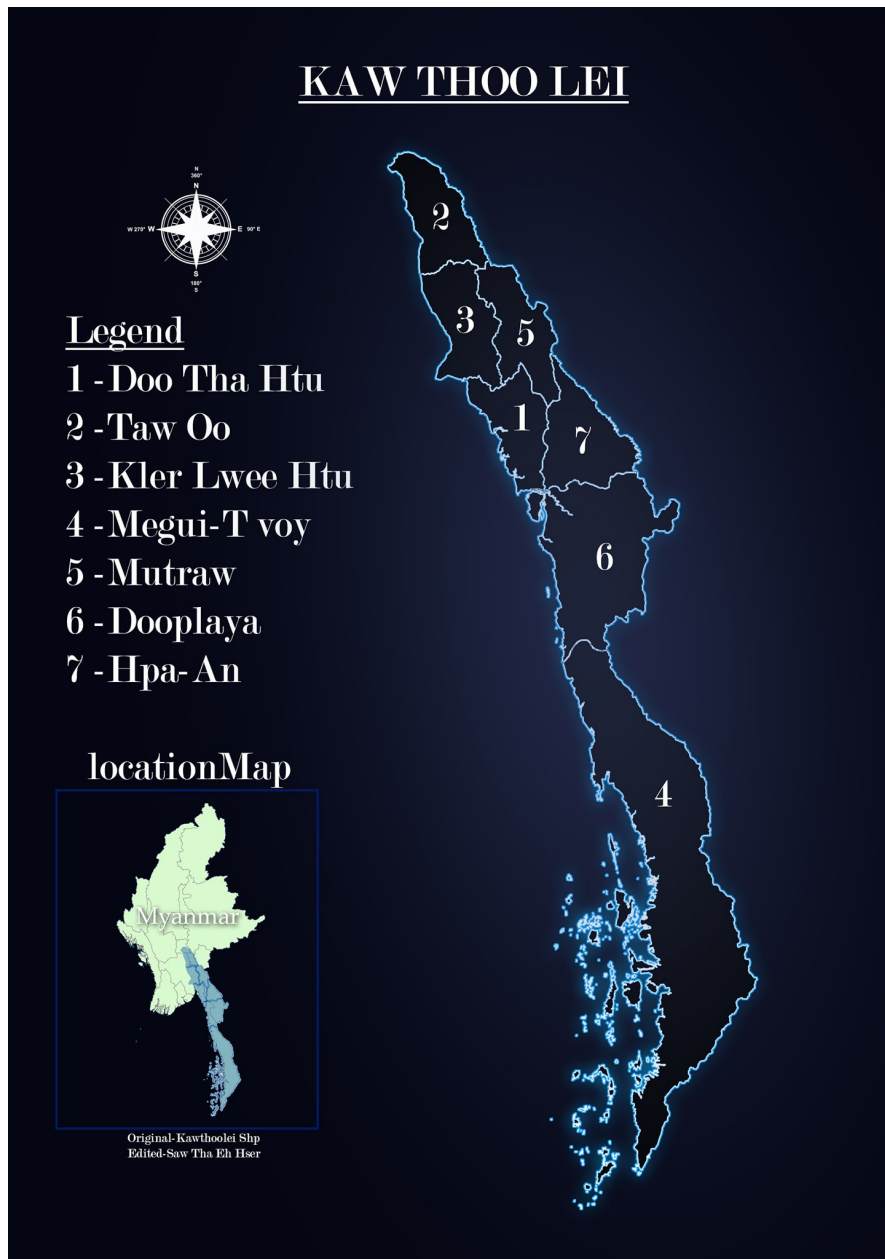
Source: South (2011, 6)

Map 3: KNU demarcation of Kawthoolei



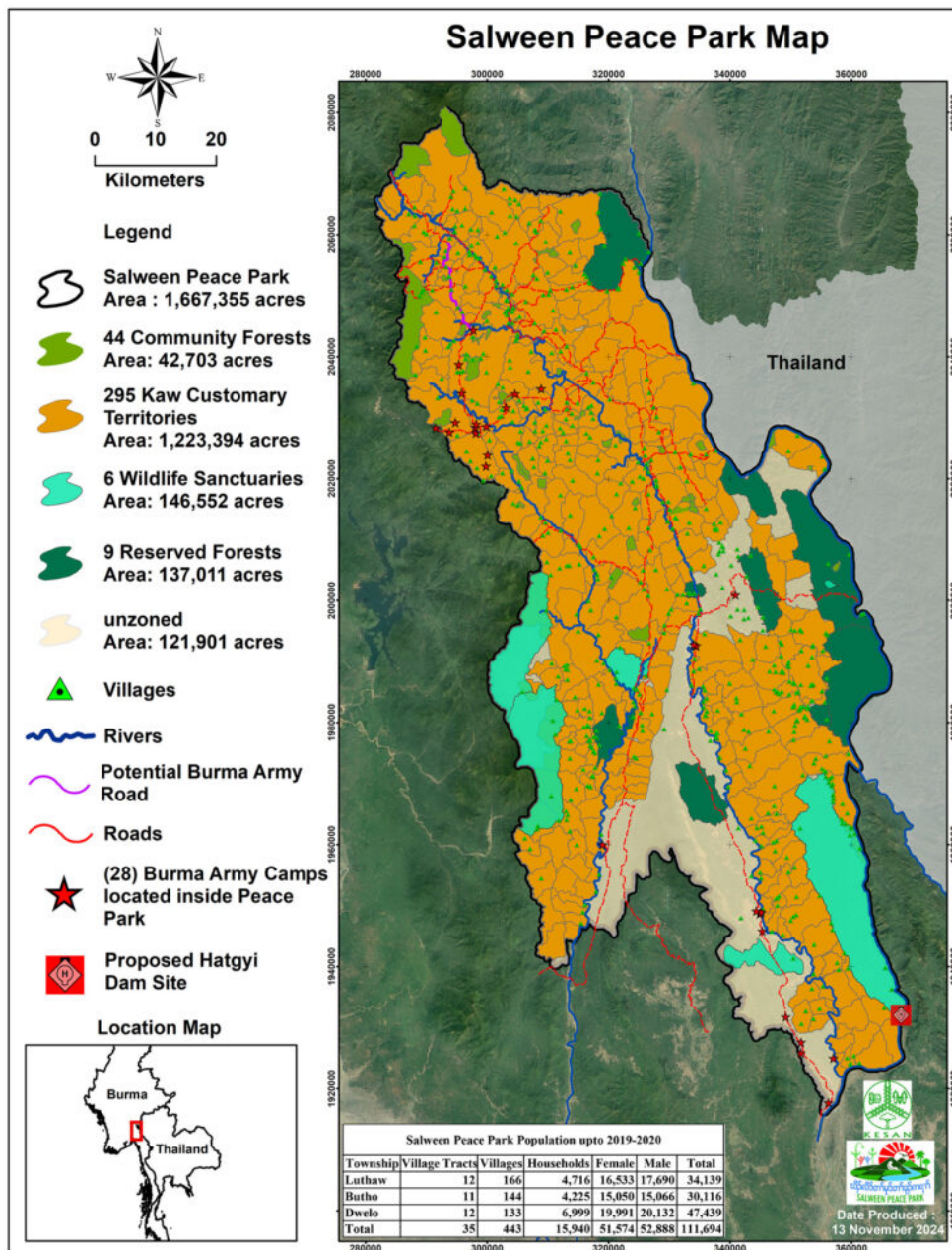
Source: South (2011, 6)

Map 4: Kawthoolei districts and KNLA brigades



Source: Tay Nar Koo (2020)

Map 5: Salween Peace Park Map



Source: KESAN (n.d.)

List of abbreviations

EGO	Ethnic Governance Organisation
ERO	Ethnic Resistance Organisation
IDP	Internally Displaced People
KAD	Karen Agriculture Department
KCLC	Kawthoolei Central Land Committee
KESAN	Karen Environmental and Social Action Network
KFD	Karen Forest Department
KIO	Kachin Independence Organisation
KNLA	Karen National Liberation Army
KNU	Karen National Union
NCA	Nationwide Ceasefire Agreement
NLD	National League for Democracy
NLUC	National Land Use Council
NLUP	National Land Use Policy
NUG	National Union Government
PDF	People's Defence Forces
SAC	State Administration Council
FPIC	Free Prior and Informed Consent
RC	Revolutionary Council
BSPP	Burmese Socialist Programme Party
SLORC	State Law and Order Restoration Council
LUC	Land Use Certificate
SPDC	State Peace and Development Council
SPP	Salween Peace Park

1. Introduction

For more than 70 years, there has been a sequence of violent conflicts in Myanmar, making it the longest running conflict in the world (South 2011, 6). After Myanmar was declared independent from the British colonizer in 1948 (Jitpiromsri, Mahbulul Haque and Chambers 2021, 97) there have been very few periods of peace. One of the causes of this recurring violence in Myanmar has to do with tensions between the country's many ethnic groups and the Myanmar government. Myanmar is one of the most ethnically diverse countries in the world with 135 recognized different ethnicities (Franco et al. 2015). Many of these ethnic groups are discriminated against and marginalized by the Myanmar government, which is made up mostly of an elite group of Bamar majority (ibid., 8). In addition, Myanmar's history has known long periods of military dictatorship. Nowadays too, a military junta¹ rules Myanmar, following a coup in 2021. Decades of violence and war have caused great suffering for the people of Myanmar, especially for ethnic groups in conflict-affected regions (Kramer 2015, 359).

To oppose the oppression and violent attacks by the Myanmar government and military and to fight for their right to self-determination, several ethnic groups have created their own political systems with violent branches attached to them, these are called ethnic resistance organisations (EROs²) (Hein 2022). One of these ethnic groups are the Karen. The Karen is an

¹ In news articles and literature, the Myanmar military is often called the *Tatmadaw*, meaning 'Royal Army'. However, this name has been criticized because it would glorify the brutal and violent army (see, for example, Desmond 2022). Therefore, the word *Tatmadaw* won't be used in this thesis. Instead, there will be referred to Myanmar military or army. When referring to the current and successive military dictatorships that have ruled and are ruling Myanmar, the term *junta* will be used. This is a military dictatorship coming to power through a coup.

² There is some discussion on the use of the – most commonly used – term Ethnic Armed Organisations (EAO) or Ethnic Resistance Organisation (ERO). The term EAOs is supposed to be a neutral term, agreed to in 2013 for the Nationwide Ceasefire Agreement text and since then, policy documents and reports have start using this term. However, some people feel the word 'armed' doesn't do justice to the important struggles these groups are fighting and therefore the term ERO was introduced in 2021 by the National Unity Consultative Council (Jolliffe 2022). There are several scholars explaining their preference on which term to use (see Bissinger 2024; Jolliffe 2022; Thiha 2023). To decide what term to use I contacted one of the founders of KESAN. He expressed the preference for the use of 'ERO', since it's a way to support ethnic groups' politics (e-mail contact, January 6, 2025). To show support for the ethnic groups the term ERO will be used throughout this thesis.

Indigenous ethnic group living in Kawthoolei³ that has been fighting the government and the military since 1947 (Jolliffe 2016, 4). They have a political organization, the Karen National Union (KNU) with an armed wing, the Karen National Liberation Army (KNLA) attached to them (Core 2009). The goal of the KNU is to have a federal system within Myanmar in which the Karen are self-governing (KNU n.d.). To achieve this, the KNU has developed their own governance system with various departments such as the Department of Agriculture, the Department of Defence and the Department of Foreign Affairs (KNU n.d.).

During the period 2010-2021, many developments took place within Myanmar and the KNU. At the national level, a small political opening emerged from 2011 with the entry of a pseudo-civilian government. However, at the subnational level, this did not automatically lead to more freedom and protection, especially on the issue of land. Due to large-scale land grabs, the KNU along with Ethnic Governance Organisations – a term to describe Karen civil society organisations that actively advocate for ethnic governance issues⁴ – such as the Karen Environmental and Social Action Network (KESAN) started registering Karen land and issuing KNU land titles. In addition, the KNU revised their own land policy in 2015 with a strong focus on customary law and other traditional community practices related to land. As a result, they promote federalism and self-determination with regard to natural resource management (South 2021). For Karen people, the KNU Land Policy is a legitimate policy. However, during the period of 2011-2021 the Myanmar government has also implemented various national laws and policies concerning land use and ownership. These laws prove to be contradictory. For instance, the National Land Use Policy (2016) places great emphasis on the rights of ethnic groups and their customary lands, while the Vacant, Fallow and Virgin (VFV) Lands Management Law (2012) and its 2018 amendment defines most of this customary land as wasteland and criminalises the use of it. While the Karen have *de facto* (practical) legitimacy on customary land, these laws ensure that the state is *de jure* (legal) owner of the land. As a counteract the Karen use official land governance programs such as land registering, titling, mapping, and

³ According to the Myanmar government and military, the territory of the Karen people is named ‘Kayin State’. However, ‘Kawthoolei’ is the name Karen people use themselves. Therefore, in this thesis I refer to Kawthoolei when talking about the Karen people’s state in Myanmar. These terms and their history are discussed in more detail in Chapter 4.5.

⁴ One of the founders of KESAN stated that it’s good to use the term ‘Ethnic Governance Organisations’ for CSOs like KESAN because it “aligns with our advocacy strategies to promote our ethnic governance in this time of political crisis and to advance our movement for self-determination rights” (e-mail communication, January 6, 2025). Therefore, Karen CSOs will be referred to as a ‘EGO’ in this thesis.

demarcation and set up different conservation initiatives, like the Salween Peace Park. However, even after such legal documentation, the Karen are still subjected to land grabbing and rejection of their land ownership rights.

The 2015 revision of the KNU Land Policy has been an important moment in the Karen struggle as it formally recognises Karen land rights and acknowledges the diverse meanings and significance of customary lands within Karen society. This thesis explores the underlying motivations for the revision of the land policy and places this within the broader political context of 2010-2021. In doing so, it explores what consequences political openings at national level have at subnational level, and it aims to contribute to academic debates regarding how land governance in conflict-affected settings can be used as a tools for state-making and gaining legitimacy as well as debates around the political and cultural significance of Indigenous customary systems.

1.1 Societal relevance

The majority of the ethnic groups within Myanmar are in violent conflict with the central government and the Myanmar military ever since independence in 1948. The main grievances of these groups are “the lack of influence in the political decision-making processes; the absence of economic and social development in their areas; and what they perceive as Burmanization policies by successive governments since independence including repression of their cultural rights and religious freedom” (Kramer 2015, 355). In addition to these grievances the Myanmar military has attempted to confiscate the ancestral lands of the Karen people for decennia. For the Karen people, land is seen as more than just an economic resource or a means of livelihood. Instead, land is of profound cultural, social, and spiritual importance and is deeply embedded in their identity and way of life (KESAN, n.d.; Franco et al. 2015, 8; KNU 2015, 28). The Karen people use special customary land systems like the *Kaw*⁵ in which the focus lies on using ancestral traditions.

Customary land is embedded in social and local cultural practices and traditions and derives its legitimacy from these (Springate-Baginski 2019, 10). While customary systems are often undocumented due to their social embeddedness (ibid., 28), it is not merely this lack of documentation that leads to land confiscation and exploitation. Rather, Myanmar’s central government deliberately exploits this absence of statutory documentation through legal

⁵ Kaw is an Indigenous phrasing for customary land within Kawthoolei, see e.g., Lubanski 2019. This is further explained in Chapter 5.

mechanisms that make it difficult for ethnic groups to obtain formal recognition. This process aligns with David Harvey's (2004) process of 'accumulation by dispossession', where resources are turned into private assets for profit with national laws facilitating resource extraction. By disabling ethnic groups to get their customary lands formally and statutory recognised, the state ensures these lands to remain available for economic extraction. This eventually facilitates the dispossession of customary lands and prioritises economic profit over Indigenous claims to their ethnic land.

Through initiatives such as the establishment of peace parks, land titling and demarcation, the Karen are fighting decades of oppression, widespread land grabbing and ongoing violence by the Myanmar government and military. These initiatives not only reflect the determination of the Karen people to protect their lands and preserve their identity but also a broader ambition to achieve self-determination. Progressive land governance by the KNU – such as the revision of the KNU Land Policy – along with grassroots initiatives by Ethnic Governance Organisations such as KESAN represent a critical step towards achieving these goals. However, this struggle remains complicated against major powers such as the military junta and the Bamar dominated government.

In 2011, a small political opening emerged with the Myanmar's shift from outright military regime to partial military-civilian rule⁶. Although this is often framed as a 'democratic opening' for Myanmar, the reality was far more complex (J. Franco, personal communication, January 28, 2025). At the Union level, a limited space emerged for new ideas and voices but on the subnational level this was not automatically the case. Many activist, local voices were suppressed and not included in centralised policy developments. This is evident in the contradictory national land laws introduced between 2011-2021 which seem to be cynical attempts to redistribute farmers' land towards (foreign) investors (Kenney-Lazar, Suhardiman and Hunt 2023, 1537). Furthermore, these laws fail to recognise the claim of customary authorities over local land resources and thereby undermine the rights of ethnic communities (Springate-Baginski 2019, 28).

⁶ Although the shift in 2011 is often portrayed as a democratic opening, one of the respondents explained how this actually is based on a pure myth. In reality, the new 'democracy' was still very much controlled by the military with military still controlled the Parliament; civilian officials were recently retired military commander, and many ministries and subnational areas were still administered directly by the Myanmar Army (J. Franco, personal communication, January 28, 2025)

This thesis examines how the post-2010 political opening at national level in Myanmar influenced governance dynamics at the subnational level in Kawthoolei and in what way land governance is used as a tool for resistance and state-making. By doing so, it contributes to the question how national reforms influence governance dynamics at the subnational level. In addition, this study highlights how land governance serves as a mechanism for both resistance and state-making, particularly in conflict affected areas. It also sheds light on the ways in which customary land systems interact with statutory systems and how influences at the national level influence governance dynamics at the subnational level. By examining the Karen case, the thesis provides insights into broader discussions on the intersection of land, conflict, and governance in conflict-affected regions.

1.2 Scientific relevance

From the early 2000s, scholars have emphasised the importance of researching the land-violence conflict nexus (Unruh 2003; Cotula et al. 2004). Over the years, academic interest in land tenure and claim making in conflict situations has grown significantly, resulting in a broader body of literature, though most of this research has been conducted in African countries. Nevertheless, a knowledge gap on this subject remains (van Leeuwen and van der Haar 2016).

The existing literature reveals a disparity between the anticipated outcomes of localized land registration in conflict-affected settings and the realities observed (van Leeuwen et al. 2023). Several studies show how local land registration programs can have undesired outcomes. For instance, van Leeuwen et al. (2021) show how land registration programs can risk reproduction of conflict and are not able to create necessary changes for sustainable peace. This is endorsed by Djomo, van Leeuwen and van der Haar (2020), who show how land registration can inflame conflicts rather than preventing or resolving them. In addition, localized land registration can fuel commodification and disadvantage marginalized groups like poor people, women, and customary land users (ibid.) and could result in an increased state control over local territories (van Leeuwen et al. 2021, 61).

In the context of Myanmar, the studies of Kenney-Lazar, Suhardiman and Hunt (2023) and Springate-Baginski (2019) both highlight the complexity of land policy reform. They emphasize that for the understanding of contemporary land policy processes it's not sufficient to solely focus on programs like land registration and titling. Instead, they argue for a comprehensive examination of broader policy processes and the (often conflicting) goals and interests of different stakeholders. This aligns with a growing consensus among scholars that land governance research should focus on the multifaceted dynamics which are shaping violent

conflicts, and the reciprocal impact between violent conflicts and land-related issues (van Leeuwen and van der Haar 2016; van Leeuwen 2021; van Leeuwen 2023; Djomo, van Leeuwen and van der Haar 2020; Kenney-Lazar, Suhardiman and Hunt 2023; Springate-Baginski 2019). The focus should shift from narrow programs like titling and registering to a more holistic approach that examines the interplay of socio-political, economic and cultural dynamics alongside formal land policies.

For Myanmar, this approach is integrated by authors such as Paul, Roth, and Sein Twa (2022) and Franco and Borrás Jr. (2021). They examine programs which include all these different facets and by doing so discuss the opportunities for policies around land in Myanmar. In this, recognition for ethnic groups as legitimate owners of customary land plays an important role. This research aims to contribute to this academic debate and the existing knowledge gap on land governance in violent conflict settings. By focusing not only on narrow local land programs but addressing different dynamics like the socioeconomic factors and the political sphere within Myanmar, it tries to contribute to the existing academic body of knowledge.

1.3 Research questions and objective

Land holds profound cultural, spiritual, economic, and political importance for the Karen community. Customary land systems serve both as governmental systems and places for spiritual and cultural practices. However, both the military junta and the Bamar-dominated government do not recognise the land rights of ethnic groups like the Karen. The period after 2011 is often framed as a democratic opening with hopes for land reforms benefiting ethnic groups. In reality, however, this opening seemed to be uneven and inconsistent, mostly happening at the central Union level. In Kawthoolei, land grabbing intensified, and national laws contributed to the dispossession of Karen lands. Despite these challenges, Ethnic Governance Organisations like KESAN continue to courageously oppose oppression and exploitation of the Karen community and the dispossession of Karen lands. They play an important role in developing and investing in conservation and environmental projects and supporting the KNU with developing inclusive and progressive land policies. The 2015 revision marked a big step towards self-determination, autonomy, and recognition for the Karen people. In this thesis, the motivations for the revision of the land policy will be analysed and placed within the broader political landscape of 2010-2021, a period with a small political opening at the central level in Myanmar. Therefore, the main research question of this thesis is: *What were the key motivations behind the 2015 revision of the KNU Land Policy, and why was this reform possible during the period from 2010 to 2021?*

To obtain an answer to the main question, three sub questions have been developed:

1. What is the perception of the concept of land within the Karen community and how is this reflected in the KNU Land Policy?
2. What was the political context in Myanmar in 2011-2021, and how did it shape the KNU Land Policy's revision?
3. What are the key motivations behind the 2015 revision of the KNU Land Policy, and how do they reflect the KNU's broader political and social goals?

By examining these questions, it is explored how national-level political openings influence subnational governance and policy reforms. In addition, the thesis aims to contribute to the wider academic debates regarding the role of land governance in conflict-affected regions, the interface between customary land systems and state systems and the role of local land programmes in the struggle towards self-determination in a context of oppression and conflict.

2. Theoretical Framework

This chapter discusses key debates and theoretical concepts relevant to this research. It begins by exploring the concept of land, focusing on its meaning and significance within both capitalist Western societies and Indigenous communities. Particular attention is given to the strong connection Indigenous peoples have with their land, along with the crucial role of their customary land management systems. The chapter then turns to the historical transformation of land governance, examining how colonialism and post-colonial neoliberal policies have reshaped land ownership and governance. Next, it looks at the existing literature on the relationship between land and violent conflicts, arguing that while disputes over land can intensify violence, they are rarely the sole cause. The chapter further analyses how various land governance programs, such as land titling, may either help resolve or contribute to these conflicts. Additionally, the discussion focuses on the interplay between land and state formation, emphasizing how land governance contributes to the creation and maintenance of state authority and legitimacy. Finally, the concepts of legitimacy and authority are explored, with a particular focus on how rebel groups can establish and sustain power through land governance.

2.1 Conceptualising land

According to the Food and Agriculture Organisation of the United Nations, ‘land’ refers to:

“a delineable area of the earth’s terrestrial surface, encompassing all attributes of the biosphere immediately above or below this surface, including those of the near-surface climate, the soil and terrain forms, the surface hydrology (including shallow lakes, rivers, marshes and swamps), the near-surface sedimentary layers and associated groundwater and geohydrological reserve, the plant and animal populations, the human settlement pattern and physical results of past and present human activity (terracing, water storage or drainage structures, roads, buildings, etc.)”
(FAO n.d.)

According to this definition, land isn’t only soil or surface, but also encompasses human activities and their physical impacts. Land can encompass the soil on which people live, on which food is grown or over which roads are built. In addition, land is of great importance in both the human as other ecosystems. It sustains every aspect of human lives and has many functions such as the production of food, regulation of the storage and flow of surface- and groundwater, co-determinant in the global energy balance and many more (FAO n.d.). Therefore, land is central to the maintenance of fundamental life-support systems for the planet.

However, there are also aspects of land that are missing from this definition. For instance, land can also have a spiritual or cultural meaning, it can be part of people's identity, and it can be looked at with a relational perspective (see e.g., Alfred and Cornassel 2005; Ali Jarwar, Dumontet and Pasquale 2024; LIOH 2022). These aspects are particularly relevant to Indigenous Peoples and their relationship with land. The different functions and ways of considering land will now be explained. Herein, the multidimensionality of land will be central, and the differences between the meaning of land in capitalist societies and indigenous societies.

2.1.1 Land as a multidimensional concept

According to authors such as Ojeda (2022), Sud (2023) and Lund (2022), land isn't a one-dimensional concept, but a multidimensional, complex web of relationships. It is a political, economic, social, and cultural (including spiritual) concept (Franco et al. 2015, 5; Dei, 2015). Land and humans are inextricably linked and influencing one another. In addition, land can be an authority, property, or territory (Sud 2023, 1). Simultaneously, land can be an enlivened space and function as a site of access and exclusion (ibid., 10). This multi-dimensional aspect of land is important because it shows the different ways in which land is made and re-made. Besides this, it can refer to all the different ways in which land holds meaning for people and in which people find meaning in land (Franco et al. 2015, 5). Discussing land inevitably involves discussing humans. Land and people are inextricably connected since land has been essential for human existence (ibid., 4-5). However, the way people think about, and experience land differs per time and place. In capitalistic Western societies for example, land has a different meaning and value than in societies or communities with customary systems or animist beliefs.

2.1.2 Land in the modern capitalist Western world

The Oxford Dictionary defines 'nature' as "the phenomena of the physical world collectively, including plants, animals, the landscape, and other features and products of the earth, as opposed to humans or human creations." This definition shows the way how the modern Western world separates humans and non-humans and thereby disconnects human from nature (Ali Jarwar, Dumontet and Pasquale 2024, 2). Nature is perceived as something external, based on a positivist assumption that it exists "out there," as something humans can control and dominate.

This perception of nature as a separate entity can be traced back to the sixteenth and seventeenth centuries, with the founding of the modern, liberal state (Ojeda 2022). At this time, the process of “primitive accumulation” began (Marx 1867/1967). Marx describes primitive accumulation as the “prehistoric stage of capital” (Chapter 26, p. 873), where money is turned into capital, and surplus value is generated (Siddiqui 2023, 526). This shift wasn’t merely economic, but a violent and coercive process that altered social relations. The process of primitive accumulation separated producers from the means of production, often happening through plunder and force (Ojeda 2022; Siddiqui 2023). As a result, peasants and small landholders had to shift to labour force where their labour was sold for wages (Ojeda 2022; Siddiqui 2023, 526). Marx argued that this separation was critical for the rise of industrial capitalism, as it enabled the transformation of goods into commodities and facilitated the extraction of surplus value from labour (Siddiqui 2023, 526).

The transformation of land into private property and the commodification of land and natural resources are essential characteristics of the birth of capitalism (Claeys et al. 2023; Bernstein 2022; Ojeda 2022; Ofstehage and Wolford 2024; Siddiqui 2023). However, primitive accumulation was not a one-time event limited to the early stages of capitalism (Siddiqui 2023, 535). Harvey (2005) argues that capitalist accumulation based on violence is a process that permanently repeats itself in capitalist development (cited in Siddiqui 2023, 535). The commodification of land allowed landowners to gain exclusive control over the land, with the power to exclude others (Ojeda 2022). Simultaneously, land became a static and exploitable object (ibid.). This exclusion affected, and still does in contemporary society, mainly marginalised groups such as women and migrants (ibid.) or Indigenous peoples (Claeys et al. 2023).

In conclusion, the theory of primitive accumulation shows the violent and coercive origins of capitalism and explains how land, natural resources and labour became commodified. This process disproportionately harmed peasants and marginalized groups. Authors such as Sud (2023) and Harvey (2005) have further developed this theory, linking it to colonialism and describing how these exploitative dynamics persist in contemporary societies.

2.2 Colonialism

Several authors discuss the impact colonialism had on the dispossession of land from peasants and Indigenous people (see e.g., Murray 2022; Sud 2023; Lund 2022; Harvey 2005). Sud (2023, 2) traces the evolution of land-making processes from colonial to postcolonial periods.

Colonial states used land management as a tool for asserting authority and control. Areas inhabited by Indigenous Peoples were seen as *terra nullius* that could be civilized by modern, Western states (Sud 2023; Murray 2022; Atleo and Boron 2022). Entering and grabbing these “empty” lands was justified by Western ideas of the “oriental” (Lund 2022, 9). Colonizers gained power through “Othering” (ibid.) and claiming superior knowledge and productivity (Sud 2023, 2). Hereby they used their power to categorise, regulate and exclude (Lund 2022, 9). In doing so, entire groups were granted or denied rights to property and political participation. By perpetrating this rule by property coloniser states flattened complex systems of land rights and land use that had been built over centuries and reorganised them to strengthen their own position (Sud 2023, 3).

2.2.1 Postcolonialism and the liberalisation of land

With the independence of colonial states, most of these post-colonial states build on the colonial legacy of land as property with most of this land remaining in the hands of the few (Sud 2023). The 20th century as the ‘Age of Development’ required vast amounts of land to be used for development projects such as dams. In many countries, Indigenous Peoples and rural people have been the ones needing to leave their territories to make place for big development projects (ibid). Although some newly independent states attempted to address systemic inequalities, land concentration among elites perpetuated and colonial land frameworks sustained. In the 21st century the liberalisation of land markets has led to the state facilitating land for regional and international capital, also known as ‘land grabs’ (ibid., 5). Herein, the state once again validates its authority by acting as a facilitator of land taken away from the (rural) populations.

2.3 Indigeneity

The definition of the concept of ‘Indigeneity’ is contested and not unilateral. Even though some dominant groups, policy makers, and international organisations such as the United Nations (2004) and the International Labour Organization (ILO) (1989) have offered descriptions and characteristics of Indigenous Peoples⁷⁸, authors such as Dei, Karanja and

⁷ The terms ‘Indigenous’ and ‘Peoples’ are both capitalised to demonstrate respect for Indigenous perspectives (American Psychological Association 2020, 261).

⁸ According to the United Nations Department of Economic and Social Affairs (2004, p. 2), Indigenous communities, peoples and nations can be defined as: “Indigenous communities, peoples and nations are those

Erger (2022) critique this for neglecting the way colonialism shaped these definitions and how deeply land is tied to Indigenous worldview, identity, and sense of self. In addition, they also fail to recognise the Indigenous Peoples' agency or their right to self-identify (Dei, Karanja and Erger 2022, p. 88). Western definitions of Indigeneity are seen as colonial constructs, designed to fit political purposes and maintain control (Alfred and Corntassel 2005). With that, Indigenous identities are limited to definitions approved by legal and political authorities (ibid., 600). This leads Indigenous communities to follow practices and definitions set by dominant non-Indigenous institutions, instead of defining themselves (ibid.). By focusing on state-approved definitions and practices, Indigenous people get distracted from more important goals such as decolonisation and rebuilding their communities in ways that align with their own values and traditions (ibid.). Therefore, in an effort to decolonise this research as best as possible (Dei, Karanja and Erger 2022; Battiste 2007, Alfred and Corntassel 2005) this study does not adhere to a singular, standardized definition of Indigenization. Instead, it follows the way the Indigenous Karen people define and perceive themselves as Indigenous.

2.3.1 Indigenous epistemology

To understand how people see concepts such as 'land' or 'nature', it's important to consider the ontology and epistemology that shape people's relationship with their lands (Paul, Roth and Moo 2021). Within an Indigenous knowledge paradigm, 'knowing' reality (ontology) is to form a relationship with this reality (epistemology). Therefore: "reality is not an object but a process of relationships, and an Indigenous ontology is actually the equivalent of an Indigenous epistemology" (Wilson 2008, 73 as cited in Paul, Roth and Moo 2021).

In such a relational Indigenous ontology, social personhood and agency is assigned not only to people (Paul, Roth and Moo 2021), but to all forms of 'persons' (Paul 2018, 22). This understanding of the word 'person' includes not only 'human persons', but is an umbrella

which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing on those territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal system."

According to the ILO (1989, p. 2) Indigenous Peoples are "descent from populations, who as belonging to an inhabited the country or geographical indigenous people. region at the time of conquest, colonisation or establishment of present state boundaries. They retain some or all of their own social, economic, cultural and political institutions, irrespective of their legal status."

term for, among others, also ‘animal persons’ and ‘wind persons’ (Hallowell 1960, cited in Paul 2018, 22). Boundaries between humans and non-humans, between culture and nature, between physical and spiritual and between ontology and epistemology thus become blurred (Paul 2018; Helander-Renvall 2009). For Indigenous Peoples, ‘land’ includes water, rivers, seas, and skies, but also plants, animals and rocks and other living and non-living things (Dei et al. 2022, 113).

This more-than-human relational ontology is also called ‘animism’ (Paul 2018, 22). Harvey (2006) describes how the concept of animism was introduced in the 19th century by Edward Tylor as “the belief in spiritual beings” (Tylor 1871/1958 cited in Harvey 2006, 11). However, this interpretation of the concept of animism has faced criticism, as it privileges a Western scientific ontology and suggests that animists merely ‘believe’ in the personhood of objects. Harvey (2013) calls this “the rather bad habit of thinking that ‘we know’ while ‘they believe’” (cited in Paul 2018, 21). The contemporary understanding of animism goes beyond merely attributing spirit and soul to natural phenomena. Here, the bond between humans and non-humans has a relational and social character in which reciprocity and mutual obligations are central (Paul 2018; Helander-Renvall 2009; Atleo and Boron 2022; Andersson, Cothran and Kekki 2021).

The relationship between Indigeneity and land is an interplay (Dei et al. 2022) and has a reciprocal character (Kovach 2021). Indigenous Peoples see themselves as intrinsically interconnect to and with the land, living in a harmonious reciprocal relationship with the land and nature as a whole. Land has a spiritual, physical, social, and cultural meaning and it feeds and sustains their communities (Dei et al. 2022, 114). In return, Indigenous Peoples protect the land (Robbins and Dewar 2011).

2.3.2 Customary land systems

According to a Rights and Resources Initiative study from 2023 more than 85% of the total amount of land on earth is held by Indigenous Peoples, Afro-descendant Peoples, and local communities. Many of these Indigenous groups practice customary land regimes. Customary land regimes are systems developed by communities to manage communal lands, forests, and resources (Sauls et al. 2022, 59). Within these systems, local people are “controlling, managing and using their local lands and natural resources, primarily for the benefit of the local people themselves, according to and expressing their cultural traditions and knowledge systems” (Springate-Baginski 2019, 9). Customary and Indigenous land regimes are characterized by land use and management systems that operate primarily based on

community norms and collective decision-making, rather than statutory laws. Customary land management systems are not a fixed set of rules, but “living laws” (LIOH 2022, 12). These regimes reflect a strong connection between local communities and their territories, with land rights being derived through social membership within the community. They are passed on from generation to generation but are flexible to adapt to changes in the community or physical environment or climate (ibid.).

Gnych et al. (2020) emphasize that access to land is perceived as a social right, rather than an individual entitlement, with protocols for land use often being unwritten but deeply embedded in the cultural practices and worldviews of these groups. Such systems may also incorporate elements of environmental stewardship and the recognition of the rights of nature (Escobar 2008; Sauls, Galeana and Lawry 2022), which makes them distinct from statutory land systems. Within these management systems, the community as a whole serve as a decisionmaker and practices are based on the needs of the local community (LIOH 2022, 13). Customary land systems are an important tool in unifying communities with great social differentiation. By providing a space for the whole community to participate in decision-making, customary land systems can reduce (land) conflicts and serve as a building block towards external threats (ibid., 14).

Not all communal lands are handled under customary systems (Sauls, Galeana and Lawry 2022) and even within these customary systems there is a great variety of how the systems are being managed. Although rules often don't go beyond a certain community (Fitzpatrick 2005; Springate-Baginski 2019), village authorities do conduct negotiations with neighbouring villages to make agreements or solve disputes (LIOH 2022, 15). ‘Customary land systems’ is therefore a useful but broad and context-specific term. Also in Myanmar, and even within the Karen community, there are many different customary land systems. However, for the sake of comprehensibility, the umbrella term customary land systems will be used in this thesis. Later in the thesis, more will be told about the different customary systems within the Karen community.

To summarise, customary land systems are important for Indigenous communities in many ways, including providing food security, solving disputes and creating an inclusive decision-making system. Additionally, customary land systems are important for cultural identity and spiritual beliefs (LIOH 2022, 15). However, in contemporary society there is global pressure to maintain these customary systems due to the ‘global land rush’ in which various actors try to pursue capitalist interests by taking away land and making large investments (LIOH 2022; Franco 2014). Despite the great importance of customary systems for Indigenous

communities across the world, many countries fail to recognise customary land systems by law (LIOH 2022, 25). By denying customary land tenures, the traditions, knowledge, and socio-economic and political systems of Indigenous populations are undermined (Springate-Baginski 2019).

2.3.3 Identity and recognition

Lund (2022) highlights the importance of recognition in different aspects of people's lives. He applies this for example to property and citizenship (*ibid.*, 3). He argues that recognition by others is essential to ownership. Without recognition, something claimed as “yours”, cannot truly be regarded as yours (*ibid.*). Similarly, the same principle applies to citizenship. Without the recognition of institutions, you are not a citizen, but you merely exist (*ibid.*).

Moreover, Lund describes how recognition is mutual and discusses the “contracts” that link property, citizenship, and political authority to each other (*ibid.*). By recognising certain claims to property or citizenship, institutions simultaneously legitimise and reinforce their own authority (*ibid.*). Because the institution is capable of granting certain rights, it confirms and strengthens its own authority. Hence, the act of authorising strengthens the authority of the institution authorising, creating a reciprocal relationship. The interplay between recognition and authority aligns with Sud’s (2023) ‘land-making as state-making’, where states exercise authority by controlling and distributing land. The recognition of property by institutions or states is thus both a validation of claims and a way to exercise authority.

In addition, Lund (2022, 8) also discusses the role of indirect recognition when direct recognition by a government is unavailable. If land claims are unrecognised, indirect recognition can be of great importance. Indirect recognition can be the first step into the recognition of land claims, for example by mapping or recognition by other forms of governance. Although these indirect claims are often not legally very strong, this can change over time and can therefore be a good alternative to having no recognition at all (*ibid.*).

2.4 Land and violent conflicts

After the Cold War there has been a decline in interstate wars and a rise in the frequency of civil wars (Kalyvas 2001, 99). These ‘new’ wars resulted in a renewed attention to civil wars and ethnic conflicts (Valentino 2014, 93). Even though these civil wars were hardly new, a renewed interest entered the academic field. The relationship between land and violent conflict also has garnered increasing attention in contemporary scholarship (see e.g., Unruh

2003; Grajales and Chauveau 2023; van Leeuwen and van der Haar 2016). Land and other natural resources can play an important role in the emergence and continuation of violent conflicts and research shows that the frequency and intensity of violent conflicts are often related to environmental or resource issues (Collier et al. 2003, 98). However, land issues rarely seem to be the ultimate cause of the outbreak violence (Pons-Vignon and Solignac Lecomte 2004, 11). Even more so, there is no consensus on whether unequal land distribution can either reduce or enlarge the chances of a violent conflict breaking out (ibid.).

2.4.1 Land conflicts and land titling

As explained, previous studies have examined the nexus between land and violent conflicts. Besides these more general studies on the link between land and violent conflict, there have also been researchers who have specified conflicts around land.

Conflicts around land are contestations on the ways in which land is governed (van Leeuwen and van der Haar 2016, 97). Land conflicts concern the struggle of authority and legitimacy of leadership and concern around conflicting land governing institutions (ibid.). Conflicts derive from contractionary land governance that operates in a setting where different land governance institutions operate next to or in opposition to each other. Therefore, unilateral measures like land titling or registration may not yield the desired outcomes and could potentially have adverse effects. Thus, to address these potential negative impacts, it is important to examine the political dimensions behind land conflicts and land tenure (Tchatchoua-Djomo, van Leeuwen and van der Haar 2020).

As an alternative, localized land tenure registration programs have been introduced. Land (tenure) registration is “the official recording of legally recognized interests in land” (FIG 1991 cited in van Leeuwen et al. 2023, 2). However, research shows that local land registration cannot always effectively protect the most vulnerable, resolve land disputes or contribute to lasting peace (ibid.). Land registration is a complex process which does not automatically lead to more security and productivity. Instead, it carries risks such as exacerbating existing conflicts and institutionalizing injustice (ibid.; Tchatchoua-Djomo, van Leeuwen and van der Haar 2020).

These dynamic and multi-dimensional aspects of land illustrate the important role of the state. As the state makes the land, the land also shapes the state. According to Sud (2023), land and the state are deeply intertwined, each shaping and influencing the other. Similarly, the interaction between the state and society is reciprocal, with both exerting influence on one

another. As a result, the state, society, and land are inseparable, continuously affecting and reshaping each other. The following section will elaborate on this dynamic relationship.

2.5 The state, society, and the land

The relationship between the state, society, and land is complex and multifaceted. The society-land connection, as discussed earlier, revolves around how different groups perceive and engage with land, and how this can lead to inequalities and even violent conflict. Similarly, the state and land are closely linked, with each influencing the other. At the same time, societal pressures continuously shape and impact state governance. This highlights that 'power' is not created unilaterally but is constantly negotiated between the state, society, and land, particularly in the context of land governance. The following section will further elaborate on these dynamics.

2.5.1 Land-making as state-making

Land-making as state-making refers to the concept that the process of shaping and governing land is intricately linked to the formation and evolution of the state (Sud 2023; Lundsgaard-Hansen et al. 2021). According to Sud, there is a co-productive relationship between land and the state, where changes made in each sphere can impact the other. The state exercises control and authority over land through policy, practice, and politics (ibid., 9). By making and re-making land, the state can control who can use land and who is excluded. She emphasises the importance of viewing this process in the context of other societal actors and dynamics such as property-owning colonised natives and landlords, regional and international capital, and socially and politically connected intermediaries all influence the land and state (ibid., 10).

2.5.2 State-society interactions

Sud (2023) emphasizes the importance of local actors in the state-making process. Land governance is not merely a top-down process but involves multiple layers in which local actors play a significant role. This perspective aligns with Fox' (1992) analysis, which shows the dynamic, reciprocal process of the state-society interaction. Rather than a simple, one-way interaction, processes between state and society are ongoing negotiations. Actors from society can apply active pressure on the state while trying to pursue their interests with the state (ibid., 31). At the same time, state actions are not solely based on external intervention, but they also have their own economic and political interests, as individuals and as members of a collective (ibid., 14). This suggests there are also internal pressures and conflicting interests, with various state actors pursuing different agendas. In this complex relationship, both state and societal

actors exert influence on one another while also acting in alignment with their own goals. By highlighting this complex relationship Fox critiques both state-centred and society-centred approaches, arguing that neither is sufficient to fully explain the effectiveness of distributive reforms.

Fox also discusses the work of James O'Connor in which the 'fiscal crisis of the state' is introduced. According to O'Connor, the capitalistic state tries to fulfil two contradictorily functions namely 'accumulation' and 'legitimation' (1973, 6 as cited in Fox 1992, 15). The state must support capitalist growth to ensure economic stability, but it also needs to provide enough welfare and social surfaces to maintain social order and legitimacy (O'Connor 1973). The contradiction of these functions of the state refers to spending money on social services, which undermines capitalist economic growth, creating a *fiscal crisis*. The state is thus constrained by balancing between these two functions, and state actors are often forced to choose between these two. In addition, O'Connor discusses how capitalism is characterised by self-destructive tendencies whereby it creates its own limits. The capitalistic system exploits people and nature by taking resources from the environment, making it harder for capitalism to grow (1973, p. 13). When states try to maintain both functions this causes a constraint on carrying out reforms (Fox 1992, 15).

O'Connor argues that these structural contradictions lead to constant tensions within the state, dealing with both economic as political limits. Furthermore, Fox (1992) discusses the way both state and society are not monolithic entities but heterogenic groups with different and sometimes contradicting interests. Both state and society actors act upon a combination between their own interest and a shared interest and often actors have competing interests. All of this is done within the context of the capitalistic state, where the functions of accumulation and legitimation often contradict and can cause friction. It is therefore important to consider these dynamics and reflect on where different actors position themselves along the spectrum, as well as by whom or what they are influenced.

2.6 Legitimacy and authority

According to Weber, 'authority' exists when the commands of some actors are considered binding by others (1954, 328 as cited in Mark 2022, 227). Hereby, legitimacy is what justifies authority (Peter 2024, 596). Legitimacy can be defined as "a psychological property of an authority, institution, or social arrangement that leads those connected to it to believe that it is appropriate, proper, and just" (Tyler 2006 cited in Duyvesteyn 2017, 671) or "the capacity of the system to engender and maintain the belief that the existing political institutions are the

most appropriate ones for the society.” (Lipset 1969, 52 cited in Mark 2022, 227). Thus, the concept of legitimacy revolves around the question why a certain authority is accepted and perceived as legitimate. There are descriptive and normative approaches to legitimacy. Where normative legitimacy is based on moral justification of political authority (Peter 2024), descriptive legitimacy is about whether the governed have faith in their political institutions and leaders (ibid., 596). Similarly, legitimacy can be seen within state institutions but also outside of formal state structures, such as with rebel groups. In this chapter it will be discussed how rebel groups obtain legitimacy.

2.6.1 Legitimacy in rebel governance

Much research has been done on rebel governance and how, why, and when these processes create legitimacy and authority (see e.g., Duyvesteyn 2017; Terpstra and Frerks 2017; Termeer 2023; Loyle et al. 2023). A ‘rebel organisation’ can be defined as “consciously coordinated groups whose members engage in protracted violence with the intention of gaining undisputed political control over all or a portion of a pre-existing state’s territory” (Kasfir 2015, p. 24). Kasfir continues that “they are rebels because they violently oppose the existing state government and/or any other rebel group” (ibid.). ‘Rebel governance’ is often defined as “the set of actions insurgents engage in to regulate the social, political, and economic life of non-combatants during war” (Arjona, Kasfir and Mampilly 2015, 3). These definitions explain how rebel groups and rebel governance differ from other legitimacy seeking non-state actors. Rebel groups are, unlike for example CSOs, definitionally violent and seek statehood, unlike gangs or militias (Loyle et al. 2023, 7).

Kasfir (2015, 25 as cited in Terpstra and Frerks 2017, 284) outlines that for rebel governance to emerge, rebels must control at least some territory, civilians must reside in this territory and rebel groups must act violently or threaten. When these conditions are met, some form of governance arises, although this does not necessarily equate to popular support (ibid.). Where traditional state actors normally can seek legitimacy by adhering to legal principles, this is usually not an option for rebel groups (Termeer 2023, 20; Loyle et al. 2023, 8). Therefore, rebel groups have to behave and interact in a strategic way with civilians to come across as legitimate alternatives to the state (Podder 2014, 219). Often rebel leaders establish alternative governance structures and provide public goods to secure legitimacy from their followers (Mark 2022, 227). Without this support, a rebel governance or insurgency is not likely to succeed. Since without recognition of followers, the legitimacy of a movement or its ideas does not exist

(Weber 1947, p. 359). Without this support, an armed group is bound to fail in its attempt to claim power and authority (Duyvesteyn 2017, 673).

2.6.3 Land governance as a legitimacy tool maker

Land governance does not only involve securing tenure or resolving disputes, it is also a mechanism through which legitimacy and authority are constructed, negotiated and challenged. Legitimacy and authority can be gained through different doorways. Van Leeuwen, van de Kerkhof and van Leynseele (2018, 289) discuss how local public authority may establish their power, gain legitimacy, and generate local people's confidence and trust through land governance.

The study from van Leeuwen, Van de Kerkhof and van Leynseele (2018) shows how land governance programs can improve local state formation and local state authority. Strengthening of the state at the local level results is herein attributed to new land policies, decentralization, and the involvement of chiefs in local land governance. They emphasize the importance of the interactions between state and non-state actors in shaping local authority. However, Lund (2023) explains that governance is not reserved for statutory institutions alone. Besides formal government institutions there are also public entities that hold authority (ibid., 3), such as customary authorities or rebel groups. This 'public authority' can be exercised through land governance programmes. In settings where multiple authorities coexist, competing claims to authority over land can lead to tensions between state land governance and customary land systems. Questions on legitimacy and authority also involve the contradiction between 'de jure' (legal) claims to land and 'de facto' (practical implementation). While Indigenous populations like the Karen assert de facto legitimacy over their land, states attempt to establish this through legal claims. As described by Van Leeuwen and Van der Haar (2016), land conflicts frequently revolve around governance structures. The absence of legal acknowledgment of Indigenous rights gives rise to a discernible 'conflict of claims' (Springate-Baginski 2019, 27).

For a long time, the idea prevailed that to achieve land tenure security and land rights the best method was through land titling (van Leeuwen et al. 2023, 2; van Leeuwen 2013, 292). However, individual titling programs give mixed outcomes. Often, such programs risk creating tenure insecurity and ignore marginalized groups (ibid.; van Leeuwen and van der Haar 2016). Rather than focusing on land titling programs in isolation, political dimensions should be incorporated and

3. Methodology

In this chapter the methodological choices are described that have been made to give an answer to the research question *what were the key motivations behind the 2015 reform of the KNU Land Policy, and why was this reform possible during the period from 2010 to 2021?*

For this study, a research internship was conducted at two different organizations. Two months of this internship was conducted with the Karen Environmental and Social Action Network (KESAN), and the remaining part with the Transnational Institute (TNI). The research internship at KESAN took place in Chiang Mai, Thailand, and the internship at TNI was done from home.

The research period has been divided in three different phases. During these phases different data collection methods and analysis have been applied. Phase 1, which contained approximately two months, mostly focused on reviewing literature and documents. The aim of doing this was to become familiar with the rich and complex history of Myanmar, the KNU, and the two organisations where the internship would be conducted. Part of phase 1 was conducted in the Netherlands, part of it took place in Thailand. Phase 2 took place in Thailand and was characterised by building trust within KESAN and conducting interviews. During the first part of this phase mostly informal conversations have been held. Instead of immediately asking in-depth questions and conducting interviews, these conversations had the aim to get to know the organisation, its staff, and to learn basic information without a clear scope. In the second part of phase two in-depth interviews have been conducted. During phase 3 the collected data got analysed and the research question and focus were adapted. This phase took the longest time, approximately five months. There were also processes that were ongoing throughout the whole of the research period such as document analysis and literature review. The research questions were also adjusted and sharpened during the study based on the information obtained from interviews and other sources.

3.1 Research methods

Since the aim of this research is to find underlying motivations, this research adopts a qualitative interpretative epistemological approach. Within qualitative research the emphasis is on “conducting detailed examinations of specific cases that arise in the natural flow of social life” (Neuman 2008, 167). Instead of verifying or falsifying a hypothesis, new hypotheses are being generated and processes and mechanisms are described in detail (ibid.). Within qualitative research, social contexts are of great importance. Instead of looking for

causes and explanations for behaviour, interpretative approaches try to understand the meaning of actions while keeping historical and cultural contexts in mind (Demmers 2012).

3.1.1 Case study

For this research, a case has been selected. A case study is a preferred strategy “when “how” or “why” questions are being posed, when the investigator has little control over events, and when the focus is on a contemporary phenomenon within some real-life context” (Yin 2003, 1). By using a case study, contemporary phenomes can be studied in-depth and in real life contexts (Yin 2009, 18).

Instead of following a cross-case method and researching different land governance practices in Myanmar superficially (Gerring 2004, 1), a single case study approach has been chosen for this research. To focus on one specific case is especially crucial in Myanmar, with more than 135 ethnic groups and many different laws and policies concerning land. However, it is arguable if research is ever a single case study, since to frame a case it is necessary to think of the question “what is this a case *of*” (Gerring 2004, 13). Furthermore, this research compares different (sub)level laws with national laws and therefore the case study is also synthesised with results gained from cross-case analysis (ibid.). However, since the number of cases that have been researched is small, the empirical research can be classified as a case study rather than a cross-case study (ibid., 20).

3.1.2 Selecting the case

For this research, the Karen community has been selected as the used case. The Karen community has the most comprehensive land policy of any ethnic group in Myanmar and is therefore a suitable case to conduct research on. Case studies tend to get criticised because their results cannot be generalised for other cases (Yin 2003; Kohlbacher 2006). However, the aim of this research isn't to gather generalisable data that can be applied to more cases. Rather, this research is meant to give a thorough understanding of the Karen community's land policy specifically.

3.2 Data collection

Several data collection techniques have been implemented within this research. Using more than one technique causes triangulation and therefore increases the reliability and validity and can give an enhanced understanding of the studied phenomena (Bekhet and Zauszniewski

2012; Yin 2016; Denzin 1970). The techniques which have been used in this research consist of document analysis, participant observation and semi-structured interviews.

While in the field, three data collection techniques were used: participant observation (Spradley 1980), open-ended interviews (Fontana and Frey 1994; Levy and Hollan 1998), and analysis of written and audio/visual publications (Hodder 1994).

3.2.1 Document analysis

A big part of this research has been desk research. To start a research on a war that has been going on for more than 75 years, one needs to thoroughly read about the history of Myanmar. After reading more general information about the history of Myanmar and the Karen people, there was a shift towards reviewing literature on land use and the role of land in violent conflicts. Literature review proves useful when conducting own research since it can give an overview of already existing insights on topics and conclusions based on existing material (Boeije and 't Hart 2016).

3.2.2 Semi structured interviews

For this research semi structured interviews with open ended questions have been conducted. Before every interview, a topic list has been set up, and adjusted after each interview to new questions and topics that arose after the previous interview. Semi-structured interviews have been favoured over structured interviews because they can lead to obtaining more information (Boeije and 't Hart 2016) since the researcher can guide the interview through a guide but is open and flexible to respond to unexpected input (ibid.; Longhurst 2003).

A total of twelve interviews have been held with twelve respondents. Eight of these have been in person during the fieldwork in Chiang Mai. Three of the interviews have been held online and one consisted out of questions through e-mail. Of these twelve interviews, two interviewees spoken to in Chiang Mai didn't want to be recorded and are therefore not transcribed. The interviews approximately took around one hour each. In addition, there has been email contact with two of the respondents after returning to the Netherlands. The information provided in these e-mails is also used for the research.

The selection of the interviewees was based on their knowledge and involvement in the Karen struggle and Myanmar. Most of the interviewees are employees of KESAN and they have been working on environmental and social issues for many years. The other interviewees mostly consisted of academics, and one of the respondents is a member of the agriculture department of the KNU. Initially I planned to talk to more people, but because of

various reasons (explained in ‘limitations’ section) the number of interviewees has stayed relatively low. For security reasons I decided to anonymise all the respondents.

All interviews were held in English. Even though neither me nor the participants are native English speaking, the interviews generally went well. Sometimes when a participant would use a Karen word I had to ask for clarification, and they would spell it out for me. However, some nuances will always be lost due to the interpretive method of this study. This will be discussed further in the ‘limitations’ section. One interview had to be conducted through e-mail since there was no translator available and the participant didn’t feel comfortable speaking English. However, the answers to the interview questions posed per e-mail have been of great use and therefore I wouldn’t consider this as a limitation to the data collection. One of the respondents (R12) is not referred to in this study. The reason is that this interview provided mainly general background information, rather than specific information on the topic of this thesis. Thus, although not referenced, this conversation was valuable in understanding the overall context.

3.2.3 Small talk

Even though small talk isn’t really part of the qualitative methodology, during this research it has been of great importance and therefore it’s important to mention this. In contrast to other methodological techniques, small talk doesn’t fit in the controlled, planned and structured methodology (Driessen and Jansen 2013). Therefore, topics such as validity and replication could be questioned (ibid.). During my two months internship in Chiang Mai, I’ve been going to the KESAN office for four days a week. I sat in an office room with three (international) colleagues who were all English speaking. Often, other colleagues would come in and discuss work topics with the three KESAN employees. In addition, there was a communal lunch every day where the situation and developments in Myanmar (and Kawthoolei specifically) were often discussed. During these discussions, I did not always participate, but was also often just a ‘fly on the wall’. When I did participate in conversations, I was often given space to ask things that were not entirely clear to me. As a matter of course, these lunch conversations were not recorded, but were of great value to my understanding of the complex situation in Myanmar.

3.2.4 Participant observant

For this research, the role of a participant observant has been applied (Spradley 1980). A participant observing role is suitable for qualitative, interpretative ethnographic research since

it tries to understand other people from their perspective. Rather than studying people, ethnographic fieldwork is intended to learn from people (Spradley 1980, 3). To stick with Raymond Gold's (1958) typology, during the fieldwork most of the times the roles of *observer-as-participant* and *complete observer* were applied. This means that most of the times I didn't participate but only observed meetings or conversations. Occasionally, I participated in a meeting with KESAN staff member and actively engaged. Thanks to my degree in cultural anthropology, where participant observation is a key methodology, I naturally adapted to this role.

3.3 Data analysis

For the analysis of the data suitable methods have been chosen. All the interviews have been recorded, transcribed, and coded, and the documents have been systematically analysed.

3.3.1 Interview analysis

Of the twelve interviews, seven have been audio-recorded and transcribed into written text using verbatim transcription. After the verbatim transcriptions, the interviews were coded using 'ATLAS.ti' (version 24.2.1). Coding is useful to "get grips with our data; to understand it, to spend time with it, and ultimately to render it into something we can report" (Elliot 2018, 2851). Coding is a fundamental aspect of the analytical process in qualitative research to break data apart and put it back together in meaningful and new insightful ways (Elliot 2018).

For this research an inductive analysis has been used (Bingham 2023). With inductive analysis, codes, categories, patterns, and themes emerge as the researcher reads through the data (Bingham 2023, 2). Within this inductive analysis, 'open coding' is applied. Open or initial coding refers to "a process whereby researchers identify and name essential concepts and patterns in the data" (Bingham 2023, 2). After the identifying of the codes, codes have been condensed into categories, categories into themes, and themes into the findings, also known as the "constant comparative method" (ibid.). Finally, these themes were used to determine the main findings of this study, and the sub questions were adjusted accordingly.

3.3.2 Document analysis

Because of the complexity and ongoing conflict in Myanmar, fieldwork and conducting interviews had its limitations during this research. However, document analysis can be a great

methodological tool to overcome these challenges and assure a triangulation (Bowen 2009; Morgan 2019).

3.4 Limitations

Conducting research in a conflict setting has its limitations. Firstly, both the research and the internship had to be conducted from Thailand and the Netherlands rather than Myanmar itself. Given the ongoing conflict, traveling to Myanmar would have posed considerable risks, not only for me as a researcher but even more so for the respondents. Therefore, the decision was made to conduct the research from Thailand. Doing research from another country than the researched country poses limitations, which will be discussed in this section.

Language barrier

As discussed, all interviews were conducted in English. Apart from two respondents, English was not the native language for anyone, including myself. Although interviews were generally fluent and all respondents were well understood, nuances may have been lost here. The interpretative nature of this study also contributes to this. By asking several respondents similar questions, an attempt was made to reduce this limitation as much as possible.

Limited data

As of 2024, Myanmar together with China, is designated as the world's lowest internet freedom since the coup in 2021 (Freedom House 2024, 1). Therefore, data from Myanmar is limited and this thesis relies for a big part on information written by outsiders of Myanmar. For research or news articles written by Myanmar authors, the validity of these pieces was critically examined, and whether they were written independently. This was taken into account as much as possible during the study.

Furthermore, because this research was conducted from Thailand and the Netherlands rather than Myanmar, getting in touch with people from Myanmar was more difficult. Even having contact with Myanmar residents could have potentially dangerous consequences for them. As a result, this research is mostly based on interviews with Myanmar people living in Thailand and academics with vast knowledge on the Myanmar conflict and the Karen struggle. To limit the interviews to this group is essential to safeguard the safety of all involved and to assure ethical research.

Simplification

Lastly, there must be acknowledged that the actors and institutions under study and the conflict in general has somewhat been simplified. By using terms like ‘the KNU’, ‘the Karen people’, ‘Indigenous Peoples’, ‘the military’ and so on, the assumption is made that these are homogeneous groups. However, in reality, there are also major differences and differing perceptions or beliefs within these groups. Although an attempt has been made to pay adequate attention to this, at times there has also been deliberate simplification to increase the comprehensibility of the thesis. In addition, as a researcher, I often struggled to incorporate more than 75 years of war into a relatively small study. The more literature I read on this decades-long conflict, the more questions I got instead of answers. On the one hand, I tried not to oversimplify or generalise the conflict, but on the other hand, I was forced to keep the scope of the research small and focused and therefore could not discuss all historical events in detail. In addition, this thesis focused in isolation on the Karen group and the KNU in Myanmar. In reality, however, both are far from isolated and other actors and institutions also play a role. In conclusion, a conscious decision was made to simplify certain aspects of the war in Myanmar and the Karen struggle to keep the research more comprehensible. Besides this deliberate choice, the complexity of the conflict also makes it impossible to understand everything in a one year-long study and discuss everything in this thesis. This does mean that this research has its limitations when it comes to the inclusiveness of all events and actors.

3.5 Positionality and ethical considerations

It is also important to be aware of the positionality of the researcher and participants, and that they can shape the research process (Bourke 2014). The identity of the researcher plays a role in shaping both the interpretation of participants' experiences and the researcher's own perspective. Likewise, participants actively interpret and assign meaning to their experiences, which impacts the research findings (Bourke 2014). As a result, it is vital for researchers to maintain a reflective approach, staying in a "constant state of self-analysis" (Bourke, 2014, p. 2). Because of the ongoing conflict and the intensity of the fighting I often found myself overthinking my place at KESAN. I wanted to conduct interviews with as many people as possible but at the same time I didn't want to push people too much and come across as rude. Besides that, my thesis seemed somewhat irrelevant compared to all the hard work that people at KESAN and the other organisations are doing. I didn't want to do any harm to the people with my research or the outcomes, and therefore often consulted with my internship supervisors at TNI or with my colleagues from KESAN.

Because of the cross-cultural nature of this research, it's important to keep in mind one's own positionality (Phillips and Johns 2012, 162). In qualitative research, personal openness and integrity are central (Neuman 2008, 170). One's assumptions, viewpoints and values can influence their research and therefore acknowledging them and being open about them is best. Neutrality and objectivity are not desirably things to achieve in qualitative research. "Confidentiality, anonymity [and] data security" (Misoch 2019, 19) were of high importance within this research. This means that I have informed all of my participants thoroughly of the intentions of this research, how the data would be used and gave them the possibility to withdraw any time (ibid.; Lipson 1994).

3.6.1 Indigenous research

Lastly, I have to recognise and reflect on my own privileged position of a white researcher doing research on an Indigenous group from Myanmar. Various scholars have stressed the importance of doing research *with* Indigenous peoples, instead of doing research *on* them (Paul 2018; Kovach 2021; Battiste 2007). For a long period of time during the 21st century, research was done as an interest on the "other", inspired by positivism (Kovach 2021) Often ethnographic research was done by Western researchers through their own cultural lens leading to deficit theorising and colonial extraction (ibid. 2021, 27-28). Those who were studied were left disenfranchised from the knowledge that was taken from them (ibid., 27). Studying Indigenous knowledge as a non-Indigenous researcher therefore asks for reflectiveness and awareness of one's own position in a colonialised institutional world.

According to Indigenous scholar Marie Battiste (2007) the ethical responsibility to ensure that Indigenous knowledges and people are not exploited is one of the most critical aspects of Indigenous research (Kovach 2021, 35-36). During the internship in Thailand, I worked together with Indigenous Karen people from Myanmar. I often consulted whether the direction of my research was going in the right direction, trying not only to take things but also to make sure that my research gave them something. By using literature written by Indigenous scholars, considering Indigenous epistemology and deciding the direction of this research in consultation with the research group (the Karen people), an attempt was made to apply Indigenous methodology as best as possible and thereby respect Indigenous knowledge as much as possible. However, partly because of the ongoing conflict and low internet freedom in Myanmar, Western academics and literature have also been used extensively.

4. Background of Myanmar and the Karen history

In this chapter, an overview of the history of Myanmar, the Karen people and the KNU is given. It is important to understand the history and context in which the current Karen struggle is taking place. The complexity and origin of this struggle cannot be understood without paying attention to the history of this country and the more than 75 years of protracted war that is taking place here. However, a disclaimer must be given here, as 75 years of conflict is almost impossible to summarise in a few pages. It was therefore chosen for this overview to describe only the events that are relevant to this study. In doing so, it is acknowledged that it is far from a complete account of the history of Myanmar or the KNU.

4.1 Myanmar under British rule

In 1044, Bamar people established the Bagan Kingdom. In an area what is contemporary Myanmar, the Bamar people lived under various dynasties (Brenner and Schulman 2019). However, these Bamar dynasties had not been able to stretch their power to the frontier areas, where many ethnic groups lived in the mountainous landscapes. These groups were far located from the national power and governed themselves with local authorities and fluid systems of governance (ibid., 19).

Under British rule, which started in 1826 (Bertrand et al. 2022, 41), the different ethnic groups were played off against each other and the well-known British divide-and-rule strategy was employed. This involved labelling the Bamar-dominated centre of Myanmar as ‘Burma Proper’ and the border areas inhabited by ethnic groups as ‘Burma Frontier’ (Smith 1999, 40). During British rule, the Bamar majority and the various ethnic minorities were deliberately pitted against each other which reinforced a sense of nationalism among each other (Brenner and Schulman 2019, 19). The British specifically recruited ethnic minorities to fight in their army and military police, which led to an even bigger divide between the Bamar and other ethnic groups (Bertrand et al. 2022, 42). This worsened during World War II, when the Bamar group fought alongside the Japanese against the British, while many ethnic minorities joined forces with the British colonial power (Brenner and Schulman 2019; Bertrand et al. 2022). This struggle between the Bamar and various ethnic minority groups contributed to the current absence of a national identity that includes ethnic minorities (ibid.).

4.2 Independence

Following the Second World War, the British went into negotiations with the Bamar and other ethnic groups about the independence of Myanmar and the possibilities for autonomous states for the Karen, Chin, Kachin, Shan, Mon and Rakhine (Bertrand et al. 2022, 44). Subsequently, in 1947 the Panglong Conference took place in, marking what seemed to be a “federating moment” for Myanmar (South 2021, 442). This conference and principles aimed to establish a federal agreement, including provisions for autonomy for the ‘Frontier Areas’ and power-sharing (Brenner and Schulman 2019, 20; South 2021, 443-444). The Panglong Agreement laid the basis for the first Constitution of Myanmar in 1947 (Bertrand et al. 2022, 44). With the Panglong Agreement, Bamar leaders demonstrated to the British that they were capable of being an independent, unionised state in which both the rights of the Bamar majority and ethnic groups were recognised (South 2021, 444). However, the reality was far from inclusive. For instance, only some representatives of the Chin, Kachin and Shan leaders were present during discussions of the agreement, and leaders of the Mon and Karen were absent or arrived late (ibid., 443). This is thus another example of the centralized policy of the Bamar majority over the ethnic groups, without them having a significant say in it. Independence leader and nationalist Aung San made strong promises to ethnic groups about full autonomy and even secession from Myanmar but after he and most of his cabinet got assassinated in July 1947 these promises died with them (ibid.). Eventually, the 1947 Constitution didn’t incorporate any federal provisions (Brenner and Schulman 2019, 20) and was one of centralisation in practice (South 2021, 442).

After independence in 1948 a new independent government emerged under Prime Minister U Nu (Trager 1963). The years after independence are characterised by many rebellions from different ethnic groups who tried to gain the failed autonomy by armed resistance (Bertrand et al. 2022, 45). This continued until General Ne Win seized a coup in 1962 (Kramer 2021, 476) and took power in the name of a military Revolutionary Council (RC) (Trager 1963, 309). In April 1962, the RC outlined their principles in ‘The Burmese Way to Socialism’ (Lian 2023, 1; Charney 2015, 108). By adhering to a socialist economy, Burma would be peaceful and prosperous based on a system of popular participation and ownership (Charney 2015, 108). According to the RC a system of parliamentary democracy was proven to have failed in Burma and therefore the RC favored the establishment of a single-party state. This resulted in the establishment of the Burmese Way to Socialism Party (BSWP, later known as the BSPP) (Charney 2015, 109). The BSPP exerted control over all aspects of the state and society and made major transformations within the country. At the beginning of the 1970s the

BSPP opened up for membership, promising a true “People’s Party” (Charney 2015, 134) with the promise of replacing the 1947 Constitution by a new, more democratic constitution. All of this made the regime look like a one-party socialist state rather than a military junta. However, the economy in Burma suffered tremendously from being under military rule (Charney 2015) and contrary to the promise that greed and personal economic gain would be eliminated, the military and their families were prospering economically (Charney 2015). In addition, Myanmar experienced some very fierce battles between 1968 and 1975 (Smith 2007, 45). In 1974 a new Constitution legally established that Burma would adopt a one-party system and in the following years ethnic groups were further oppressed and discriminated against, while General Ne Win institutionalised his own created Burmese culture on the people of Burma (Bertrand et al. 2022, 48). The Constitution of 1974 divided Burma into seven ‘divisions’ and seven ethnic ‘states’ for the ethnic minorities: Chin, Kachin, Karen, Karenni, Mon, Rakhine and Shan (Smith 2007, 45).

4.3 Protests and ceasefires

On September 8, 1988 (8-8-‘88) a nationwide movement of students, monks and others started protesting against the military dictatorship (Kramer 2021, 477). Soon, this ‘8888’ uprising was brutally crushed by the military with thousands of peoples killed and fled to ethnic armed controlled areas (Kramer 2021, 477; Selth 2008). The military formed the State Law and Order Restoration Council (SLORC) and dissolved the BSPP. In 1988 and 1989 the SLORC started changing names of Burmese ethnic groups, cities and rivers but also official terms and titles within the country (Charney 2015, 171). During this period, ‘Burma’ was changed to ‘Myanmar’, and ‘Karen State’ to ‘Kayin State’.

From 1989 and onwards, the SLORC attempted to soothe ethnic groups and started negotiations for ceasefires with some of the ethnic armed organisations (Bertrand et al. 2022, 51; Charney 2015). Kramer (2021) explains how at first these ceasefires had positive impacts on the ethnic borderlands of Myanmar. The number of conflict-related deaths and killings reduced, the most severe human rights violations against the civilian population were diminished, some IDPs and refugees were able to resettle and travel and communications were eased (p. 480). In addition, the space for civil society and the development of CSOs got increased and there was more space for war-torn areas development and reconstruction (ibid., 480). However, the ceasefires also resulted in several significant negative consequences. There was no process in place for political transformation and the growing number of army battalions in the ethnic territories fuelled concerns about the true motives of the military. This increase of

armed forces also led to a rise in human rights violations by the military. Furthermore, most of the agreements were informal and lacked formal mechanisms for monitoring violations (ibid., 481). Still, most of the ethnic groups agreed – often provoked by violent attacks - to a ceasefire by 1995. The SLORC organised a general election in 1990 but declared this invalid after a landslide win by the National League for Democracy (NLD) under Tin U and Aung San Suu Kyi (Charney 2015, 165-167; Bertrand et al. 2022, 49). However, the SLORC refused to hand over power and announced it would reform the 1947 and 1974 Constitutions (Charney 2015). In 1997 the SLORC was dissolved and replaced by the State Peace and Development Council (SPDC) (ibid., 178).

During the '00s, unrest intensified in Myanmar due to - among others - high costs of living (Selth 2008, 282). Eventually, this led to a massive protest called the 'Saffron Revolution'. Thousands of monks started staging peaceful demonstrations across the country (ibid., 282) and not long after all kinds of people joined. Once again, the military violently cracked down these protests, injuring and detaining many people of whom mostly monks (ibid., 283-284). In 2010 the first national elections in over 20 years were held and a new military-backed government was inaugurated in March 2011 (Kramer 2015, 355). Head of this government was President Thein Sein, a former general and former prime minister of the State Peace and Development Council (SPDC), the military government (ibid., 355). This reform process brought hope in Myanmar and abroad that finally a political solution could be found (ibid., 476). However, the democratic aspirations that emerged in 2011 did not unfold as optimistically as hoped. The period 2010-2021 will be discussed in more detail in chapter 6.

4.4 The Karen people

The Karen is the third-largest group in Myanmar, following the Bamar and Shan (Jolliffe 2016, 2). The Karen people mostly live in Southern Myanmar, although many Karen people also live in Thailand or are internally displaced within Myanmar (ibid.). The majority of the Karen are Buddhist, but there's also a significant animist and Christian group of Karen (Jolliffe 2016, 2; Brouwer and van Wijk 2014, 837; HRW 2016, 15). However, it is important to note that the 'Karen' is not a homogenous group, but rather a construct of related ethnicities to form a shared identity (Cheesman 2002). Within the Karen group, there are about 20 different subgroups with their own language, who are connected through shared customs, traditions and a history of shared communities (Jolliffe 2016, 2; Brouwer and van Wijk 2014, 837; Cheesman 2002). The *Sgaw* and *Pwo* are the main subgroups of the Karen people, each having their own language (HRW 2016, 15).

4.5 The KNU in Myanmar

The Karen nationalist movement can be traced back to the 1880s but the official establishment of the KNU took place on February 5, 1947 (Jolliffe 2016, 4). The KNU has four objectives written on their website:

1. to gain rights of equality and self-determination for the Karen people;
2. to establish a Karen State with a just and fair territory and self-determination;
3. to establish a Federal Union based on democracy and self-determination;
4. to gain basic rights, democracy and equality for the Karen people and all ethnic nationalities of Burma.

(Karen National Union, n.d.).

In addition, the KNU has formulated four principles that form the heart of the Karen revolution:

1. there shall be no surrender;
2. the recognition of the Karen State must be completed;
3. we shall retain our arms;
4. we shall decide our own political destiny

(Karen National Union, n.d.).

On June 14, 1949, the KNU proclaimed the Karen Free State of Kawthoolei (Brouwer and van Wijk 2014, 837). In the beginning, the objective of the Karen revolution led by the KNU was “the impendence of Karen State” (Karen National Union 2013, 3). However, in 1956 this changed to a policy for “the establishment of a Federal Union” (ibid.). Between the late 1940s and early 1990s the KNU was one of the most significant political revolutionary groups in Myanmar (South 2011, 14). They served as a *de facto* government in many areas along the Thai border (Brouwer and van Wijk 2014, 837). However, due to violent operations and a divide-and-rule strategy by the Myanmar government, from the 1980s the KNU got weakened and lost ground (Brouwer and van Wijk 2014, 837). In contemporary Myanmar, there are different areas, consisting of ‘white’, ‘brown’ and ‘black’ areas. The white areas are fully in control by the junta or another ruling power in Myanmar. Brown areas are zones of mixed control, where both the junta and the KNU claim territorial control over parts of the land. Meanwhile, black areas are under the full control of the KNU. According to the KNU these black areas are ‘pure’, because they’re governed exclusively by the KNU. However, the Myanmar government and junta perceive these zones as conflict zones (R10 and R11, March 21, 2024). Geographically, most

black areas are located in upland regions, while white areas are mostly urban centres. Most of the lowland regions are brown areas. The territory of the KNU administration is limited to brown and black areas (R6, April 19, 2024).

4.5.1 The KNLA

The KNU has different departments all responsible for different subjects regarding agriculture, defence, foreign affairs, forestry, education and culture and more (Karen National Union, n.d.). The KNLA is the main Karen armed actor present in all districts of Kawthoolei and operates under the Karen Defence Department. The mission of the KNLA is “solely as a self-defence force for the Karen people and the organisation, since without such a defence force the Karen would likely be eradicated. The KNLA has no aspirations other than to safeguard and guarantee the safety of the Karen people” (KNU n.d.). Over the years, some groups have also split off from the KNLA due to different political and ideological views. These groups operate under different names and are mainly located in central Kawthoolei, i.e., brigade 5 and 6 (Klo Kwe Moo Kham 2021) (see map 4). The relationships of these various armed groups to the state and the KNU are complex and vary from time to time (Jolliffe 2016). In addition, new groups emerged after the 2021 coup under the umbrella term ‘People's Defence Forces’ (PDF). The PDF are formed by the National Unity Government and have as objectives:

- 1) To end the 70-year long internal conflict by extinguishing the terrorist acts and aggressive attacks of the State Administration Council (SAC)
- 2) To perform effective reforms in the security sector
- 3) To participate as an essential forerunner for establishing the Federal Union Forces

(National Union Government of Myanmar, n.d.)

Since 2021, the KNLA and PDF have joined forces to fight together against the junta (see e.g. Swe Taw 2024).

4.6 Kawthoolei/Karen State/Kayin State

Although already inhabited for centuries, Karen State was officially formed in 1952 by the military government of Myanmar (Jolliffe 2016, 5). In 1989 the government renamed ‘Karen State’ to the exonym in Burmese language ‘Kayin State’ (South 2011, 6). Simultaneously, ‘Burma’ was renamed to ‘Myanmar’. In contrast to Karen or Kayin state, Karen people call their homeland Kawthoolei, a Karen word which encompasses several meanings such as

‘green land’, ‘flower land’ (R10, March 21, 2024), ‘pure land’ or the ‘old land’ (Gravers 2007, 245 cited in South 2011, 49). When the term first was invented, it did not refer to a specific geographical area, but to a ‘symbolic space’ (ibid.) and present day there is still discussion about the exact boundaries of Kawthoolei (R11, April 10, 2024).

Not only is Kawthoolei another designation for the territory of the Karen people in Myanmar but it also encompasses a different area than the government recognised Kayin State. Kawthoolei covers a larger area than just Kayin State and has different boundaries (see map 2 and 3). In addition, where the KNU employs administrative designations ‘districts’, ‘townships’, and ‘villages’, the Myanmar government only acknowledges ‘townships’ and ‘villages’ (R10 and R11, March 21, 2024). According to the official Myanmar government, there are seven townships in Kayin State: Hlaingbwe, Hpa’An, Myawaddy, Papun, Kyain Seikgyi, Thandaung and Kawkareik (see map 2). In Kawthoolei, there are seven districts: Doo Tha Htu, Taw Oo, Kler Lwee Htu, Mergui Tavoy, Mutraw, Dooplaya and Paan (KNU, n.d.; see map 3). Each district is equivalent to a brigade of the KNLA (see map 4).

5. The meaning of land

In the following chapters the findings of the research are described. The aim of this is to obtain an answer to the research question: *what were the key motivations behind the 2015 revision of the KNU Land Policy, and why was this reform possible during the period from 2010 to 2021?* To achieve this, the data is presented into three different sections. First, the meaning of land for the Karen people is described and connected to the KNU Land Policy. Second, the political landscape in Myanmar in the period 2010-2021 is outlined to place the revision of the land policy in a broader context of small political opening on national level. Last, the motivations for the revision of the land policy are analysed and the challenges with implementing the land policy are discussed.

5.1 Land for the Karen people

For the Indigenous Karen in Myanmar, land is seen as more than territory. It's part of their identity and existence as people. The importance of land is emphasized by several respondents, stating that “land is life” (R2, July 5, 2024) and “land represents everything” (R6, April 19, 2024). This is not only evident for Karen people, but for nearly the whole population of Myanmar, as becomes clear from research done by the Land in Our Hands organisation in 2023. On the question ‘Is land important?’ 99,6% of the respondents said ‘yes’. Keywords on why land is so important included that land is essential for survival (58%) and for livelihoods, agriculture, livestock, and lodging (44%). This shows how deeply land is embedded in the lives of Myanmar people. In addition, land is an important issue in Myanmar because it is linked to ethnic conflict in the country (Franco et al. 2015). Without questions around access and control of land included in the peace process, the realisation of peace is far away (Franco et al. 2015, 32). Land is therefore not only of cultural importance, but it is also a critical component of the peace process in Myanmar.

Similarly to the literature (Franco et al. 2015; Sud 2023; Ojeda 2022), insights from the interviews reveal that land is not a one-dimensional concept. Instead, it embodies a multidimensional character, encompassing “all the possible ways in which land holds meaning for people and in which people find meaning in land” (Franco et al. 2015, 5). From the conducted interviews and the reviewed literature, various meanings of land for the Karen people emerge including land as security, land as cultural identity and land as politics. These different meanings will now be discussed and analysed. Afterwards, a connection with the KNU Land Policy will be made.

5.1.1 Land as security

For the Karen people, land can offer physical and economic security. First, land can provide protection from the many violent attacks by the Myanmar military and other ethnic groups in times of conflict. With over 70 years of war in the country, many people have had to endure countless periods of violence. Kawthoolei is a forested area, with mountainous areas in the border uplands that play a crucial role in providing security for the Karen people, particularly during times of conflict. As one respondent explained:

And so, this is this is another aspect of the forest and the mountains that I've really come to appreciate I think a bit more seeing this is that this is, this is people's security. (...) Like for the KNLA, the jungle cover is pretty much essential right. It's a lot harder to carry on a guerrilla war without forest cover. Uhm, so I think people do, do recognize that. I think that is, I would say that is the value of the forest, is the security aspect.

(R1, May 10, 2024)

This aligns with Kevin Malseed's article 'Networks of Non-Compliance Grassroots' (2009) in which he discusses how the forest can serve as a safe refuge to resist the army, forced labour, or forced displacement. Whereas the Karen people know these areas by heart, the army does not know this remote terrain well. This gives the Karen people an advantage over the army and offering them a place of relative safety.

Besides physical security, land also provides the Karen people with the resources needed for self-sufficiency. The majority of Karen people is agrarian (R2, July 5, 2024) and have great knowledge of vegetables and natural medicines in the forest that they can rely on to survive in the forest (R1, May 10, 2024). By cultivating lands, they are - to a certain extent - able to be self-sufficient. There are different methods of farming for the different areas in Kawthoolei. In the upland areas most people practice agroforestry and use their lands for producing long-term products. People in lowland areas produce more short-term crops such as rice and vegetables and use rotational farming for this. Therefore, they produce different products that they can exchange with each other (R6, April 19, 2024). However, the army is also aware of the importance of land cultivation for the Karen people and uses this to drive them out of the upland landscapes (Malseed 2009, 377). For instance, the military tracks down and burns hidden food caches, lays landmines in fields and shoots villagers who are harvesting. Upland villagers have developed forms of resistance, such as harvesting crops at night, organising secret one-day markets to sell the harvested products and planting long-term products that remain in the ground

for years (Malseed 2009, 377). In these ways, land offers the Karen people physical and economic security.

5.1.2 Land as cultural identity

Although the definition of ‘Indigeneity’ is contested (Dei, Karanja and Erger 2022; Alfred and Corntassel 2005), the Karen people do fit in the descriptions given by the UN and ILO. More importantly, they perceive themselves as Indigenous Peoples and are therefore considered as such in this research. The Karen have a relational ontology with land (Paul, Roth and Moo 2021) rooted in interconnectedness and based on a harmonious reciprocal relationship. Land for the Karen people is part of their identity and their existence as human beings. It represents their identity, culture, language, their whole way of life (R3, July 3, 2024). For centuries, Indigenous Karen have practiced customary land regimes that manage communal used and owned lands. In Kawthoolei, the customary systems are known as *Kaw*⁹ (Lubanski 2019).

Kaw is a Karen word meaning ‘country’ (KESAN Channel 2019). It encompasses both territories where customary practices are conducted as well as the community-based governance systems used by the Karen to manage the relationship with their lands (Lubanski 2019). *Kaw* practices originate in traditional Karen animist communities. Ceremonies and practices are place-bound and mostly practiced in the upland areas of Kawthoolei. *Kaw* as territory can consist of a single village or multiple villages (ibid.) and is locally governed by specific leaders within the *Kaw* (KESAN Channel 2019). *Kaw* encompasses water, household lands, communal lands and protected forests (Paul 2018), but most land in a typical *Kaw* is communally managed forest (KESAN Channel 2019). Each type of land is regulated by a different set of rules and taboos (KESAN Channel 2022) and for each *Kaw* village there are also different rules, making each *Kaw* diverse.

Kaw systems differ from statutory land systems because it incorporates environmental stewardship and recognises the rights of nature (Escobar 2008; Sánchez Canseco 2017). Spiritual ceremonies and cultural aspects govern every aspect of life in a Karen *Kaw* (KESAN Channel 2019). It is intrinsically rooted in the social, cultural, ecological and spiritual values

⁹ The interviews reveal that only a few districts in Kawthoolei, including Mutraw and Taw Oo, refer to *Kaw* as the customary land system (R4, April 10, 2024; R5, May 9, 2024). Although Indigenous Karen in other districts use virtually the same customary systems, they are named differently here, such as *Poa* in Doo Tha Htu district (R5, May 9, 2024). Since the KNU Land Policy and all of the respondents only mentioned *Kaw* to refer to the customary land systems, in this thesis *Kaw* is used as the overlapping name for customary land systems in Kawthoolei.

of Karen communities (KESAN n.d., 8) and “is kind of like a cultural identity” (R5, May 9, 2024). *Kaw* systems are grassroots, democratic forms of governance systems that fit the local needs and situations. Rather than merely being animist faith practices, it’s a “set of institutions and regulations that bind the people within a *Kaw* community together, mediating their relationships and interactions with the land and resources in the *Kaw* territory while promoting social order, support, and justice” (BEWG 2017, 39).

5.1.3 Land as politics

Kaw customary systems function both as territories where spiritual and cultural traditions are practiced as well as political systems governing communities at a local and communal level. This encompasses a political system that moves beyond statutory top-down state processes in which customary lands are central. The political significance of land for the Karen people and KNU becomes clear by the representation of the KFD and KAD. These two departments of the KNU are the only ones with specific representatives at all governance levels, including the village level (Fagervold 2021, 58). In addition, land has functioned as a platform to connect KNU officials, CSOs and communities with each other (ibid.). Land, however, is not only important for the Karen people and their political struggle, but for the entire country, as explained by one of the respondents:

Land is very political, for the country as for our Karen struggle as well.

(R3, July 3, 2024)

A significant aspect of the ongoing civil wars in Myanmar revolves around land-related conflicts (BEWG 2017, 26) and the denial of self-determination for ethnic groups like the Karen (Paul 2018). In addition, discussions during the peace process between EROs and the government and military revolved largely around territorial boundaries of ethnic states and authority within them (Suhardiman, Bright and Palmano 2021, 411).

In Kawthoolei, there are national and subnational legal frameworks and policies that govern access to land. Both the Myanmar government and the KNU have developed laws and policies around access to land, which often conflict with each other. However, control over land extends beyond legality and also is determined by who exercises physical control. The KNU functions as the *de facto* government in most borderlands of Kawthoolei, meaning they have full authority. In these so-called ‘black’ areas, KNU laws and policies are the sole governing framework, making national laws ineffective (BEWG 2017, 36). In contrast, in mixed-control areas, a form of legal pluralism emerges, with competing authorities challenging one another.

Therefore, claims to land rights can contribute to shaping and reshaping political authorities (Suhardiman, Bright and Palmano 2021, 431).

5.2 The KNU Land Policy

The first KNU Land Policy was developed in 1974 at the initiative of KNU leaders. However, this policy was heavily influenced by British colonial land laws, which changed when KESAN became involved in the early 2000s (R3, July 3, 2024). This resulted in a redrafting of the land policy in 2005, drawn up in cooperation between the KNU and KESAN. Despite these earlier versions, both the 1974 and 2005 policies are not publicly available. One of the respondents stated that “in our work to revise the policy, it felt like we were “working from scratch” (R8, September 23, 2024). Therefore, this thesis focuses solely on the 2015 land policy.

Regular updates are essential to keeping a land policy relevant and responsive to the needs of local communities (R3, R6, R9, R10). Therefore, the 2015 revision was conducted by the KNU to “be more relevant and useful for Karen civilians and the current political context” (KNU 2015, 2). To accomplish this, consultation meetings and workshops were organised with various Karen CSOs and local communities. The preamble of the revised policy explicitly acknowledges that land policies are never neutral; they either reinforce or challenge the status quo (*ibid.*). This is reflected in the evolution of the policy’s slogan: in 1974, the policy was based on the slogan “land must be in our hand”, shifting in 2005 to “land to the native people” and eventually to “people are owner of the land” in the current policy (*ibid.*, 1-2). This transformation illustrates a broader shift in governance, from land being controlled by the KNU to a recognition for local communities to be the rightful owners of land.

The current KNU land policy “supports good governance through a socially legitimate tenure system that prioritizes the occupation and use rights of marginalized and vulnerable peoples and village communities, and emphasizes the social and ecological functions of land, forests, fisheries, water and related natural resources” (*ibid.*, 4). Unlike Myanmar’s national land laws, which systematically ignore and deny customary land tenure systems, the KNU Land Policy places them at its core, ensuring that they are recognised and protected.

5.2.1 Meanings of land within the KNU Land Policy

The KNU Land Policy reflects the Karen people’s meanings of land. In Article 1.1 of the KNU Land Policy the basic principles forming the policy are discussed. Herein, it is stated that “the ethnic nationalities are the ultimate owners of all lands, forests, water, water enterprises and

natural resources” and “the right of Indigenous people and the village communities, who own land customarily, shall be recognized” (Art. 1.1, Sec.1 and Sec. 2). People have the right to sell, mortgage, exchange, lease, or inherit land, subject to regulations (Art. 1.1, Sec. 4). These regulations are social in character and ensure Karen lands stay protected and in the hands of the community. One respondent explained the process of selling individual land, where the land for sale must first be offered to a relative. In case no family member is interested, the land can be sold to a villager and only if no buyer is found in the family or village, the land can be sold at the township level (R6, April 2, 2024). This approach aims to ensure that land remains within the Karen communities, reinforcing local ownership. When land is needed for public purposes the “land acquisition shall be conducted in consultation with local residents on the basis of recognizing the ownership right of individuals, with limitation, the collective right of Indigenous people who own and use land, and customary ownership of land respectively (Art. 1.1, Sec 6). The objectives of the policy, outlined in Article 1.2, reinforce this emphasis on community rights and governance. A spokesperson from the Karen Agriculture Department summarises the policy’s core objective:

The primary objective of the KNU Land Policy is the strengthening of Karen communities' rights to their ancestral territories and the establishment of a transparent and equitable institution and framework of land governance in Kawthoolei.

(R2, July 5, 2024)

Further reinforcing these principles, Article 3.1 states that “the land, forests, fisheries, water and related natural resources of Kawthoolei belong to the people and are managed by the KNU authorities”. This statement reflects the collective ownership of the Karen people over their land, ensuring the governance remains in the hands of local communities rather than external forces. In Article 3.3 the focus is explicitly on the *Kaw* lands and the social, cultural, spiritual, economic, environmental and political value land and other related natural resources encompass for peoples within *Kaw* systems. Herein, it is stressed that the KNU must recognise, respect and take into account the non-monetised values for peoples and village communities within *Kaw* tenure systems (Art. 3.3, Sec.1). Section 5 of Article 3.3 provides a legal framework for recognising and formalising the – often undocumented but socially accepted (Springate-Baginski 2019) – *Kaw* lands. The Kawthoolei Central Land Committee (KCLC) is mandated to address all issues related to the KNU Land Policy, including the registration of *Kaw* and communal lands (Lubanski 2019). The members of the KCLC consist out of KNU officials and

Karen civil society actors. In addition to the registration and issuing of land titles they also process land disputes and manage the overall land administration (ibid.).

The basic principles, key objectives and the formal recognition of *Kaw* lands illustrate how the KNU implements its slogan “people are the owner of the land”. The policy adopts a bottom-up approach, ensuring decision-making processes are in consultation with local communities and that power remains decentralised. By granting local village committees and customary authorities decision-making power, the policy respects, recognises, and protects Karen customary land systems while upholding decentralised governance structures that prioritise community control over land and natural resources.

5.3 Conclusion

This chapter described the different meanings land encompasses for the Karen community. Land provides security against violent attacks but also brings security to live self-sufficiently and cultivate crops. In addition, both the culture and identity of the Karen people are completely interwoven with land, with *Kaw* customary systems being of great importance and passed down from generation to generation. These *Kaw* systems are not only of cultural importance, but also include a democratic, grassroots political system. This aligns with the broader political goals of the KNU to achieve self-determination in a federal Myanmar. Within the KNU Land Policy, these rights are formalised, ensuring ethnic Karen people to be the owner of all lands and other natural resources. However, these rights are not absolute but conditional and subject to certain regulations, that are social in character and ensure local ownership.

6. Myanmar's political landscape in 2010-2021

This section discusses the political context of Myanmar and the KNU during the period 2010-2021 and some key developments occurring during this time. The chapter begins in 2010, when a transition at the central Union level took place towards a quasi-civilian government. Developments in the following years, such as the pseudo-democratic elections and the signing of the Nationwide Ceasefire Agreement in 2015, also seemed to be hopeful changes towards a more democratic and open Myanmar. However, this chapter will demonstrate that these developments did not automatically lead to positive outcomes for the Karen people. By describing and analysing developments at both the national and subnational levels, the chapter examines how national-level developments affect subnational-level dynamics.

6.1 Myanmar's political transformation and the peace process

In 2010 the first general elections in Myanmar since 1990 were held resulting in a landslide victory for the military-backed Union Solidarity and Development Party (USDP), led by ex-general U Thein Sein and in 2011 a quasi-civilian government was formed (Bertrand et al. 2022, 62). President Thein Sein began what appeared to be a process of democratisation, raising hopes for an end to decades of violence and war in the country. However, Brenner and Schulman (2019) explain that the political transition was less about genuine democratisation and more about a top-down strategy by the military to safeguard its own interests. This created a fragile context in which ethnic groups like the Karen faced ongoing challenges despite the hopeful promise of reforms.

The period of political transformation began with the USDP initiating peace talks with all major EROs in Myanmar in August 2011 (International Crisis Group 2015, 3). By February 2012, bilateral peace agreements had been reached with the majority of these groups (Kramer 2015, 361). This included the KNU, who signed a ceasefire agreement with the government in January 2012, ending a more than 70-year-old conflict (International Crisis Group 2015, 3). From the state's perspective, this was largely a strategic move, as the KNU was one of the largest and most significant EROs. However, for the KNU the deal was far more contentious and even led to internal friction (Jolliffe 2016, 12; Naing 2015; 2017).

6.2 KNU leadership and Zipporah Sein

Within the KNU, opinions on the ceasefire were divided. While some leaders strongly supported it, others viewed the ceasefire as a form of surrender motivated by personal gain

(Jolliffe 2016, 12). According to them, instead of prioritising economic reforms, the KNU should continue to support the pro-democracy movement and pursue regime change at the national level (ibid.). KNU leaders who had a cautious stance towards the signing of a nationwide ceasefire were seen as “hardliners” in the media and by other KNU leaders (R8, September 23, 2024; ICG 2015, 8).

One of these so-called hardliners was the late P’doh¹⁰ Naw¹¹ Zipporah Sein. Naw Zipporah served as the KNU General Secretary from 2008-2011 and got elected as the vice-chairperson in 2012 (R10, November 14, 2024; Thawngmung and Cho 2013, 274). Under her leadership, a KNU delegation started negotiations with the Thein Sein government about a ceasefire agreement. Zipporah Sein stood out as a progressive leader who prioritised issues such as land rights, IDPs, and refugees. In contrast to other KNU leaders, she believed economic development should only follow clear political progress (Jolliffe 2016; R10, November 14, 2024), prioritising legitimisation over accumulation (O’Connor 1973). Her cautious approach is reflected in the following quote:

While I personally welcome the government’s initiative on the ceasefire agreement, I am deeply concerned that their action is economically driven. I believe that the government’s motivation to end civil war in the country is based on their desire to entice foreign investment and to promote economic development in areas occupied by ethnic populations. I feel they do not understand the roots of ethnic armed struggles nor care about aspirations of minority ethnic groups. They seem to neglect the very fact that we are struggling for equal rights and opportunity.

(Zipporah Sein, cited In Thawngmung and Cho 2013, 271)

Several respondents emphasised the critical role Zipporah Sein played in the peace process and the beginning of officially documenting Karen lands (R10, November 14, 2024; R8, September 23, 2024). Instead of rushing the peace process, durable peace and the protection of civilians were central concerns for Zipporah Sein. According to her, the KNU should get involved in the peace negotiations step by step with issues such as land, IDPs, and refugee issues as the main topics. This contrasted with other KNU leaders, who wanted to engage in the peace process by addressing the uncontroversial topics first and only later discuss topics such as land grabbing, militarisation, and development projects. In addition, these KNU leaders would engage in economic development activities with both the Thein Sein government and the Aung San Suu Kyi government, “accepting the notion of *development for peace*” (R10, November 18, 2024,

¹⁰ ‘P’doh’ is a Karen word used to address government officials such as KNU leaders (Paul 2018). It’s also a term for a respected elder (personal communication, September 24, 2024; Htoo 2024, 80)

¹¹ ‘Naw’ also is a Karen word meaning ‘Mrs.’ and is used to address a women (Paul 2018)

emphasis added). One respondent noted that Zipporah was also instrumental in initiating the demarcation of Karen land and launching KNU land titles (R10, November 14, 2024). She encouraged relevant KNU departments to start mapping and documenting Karen lands, resulting in the start of KESAN's demarcation process from 2008 onwards. During her tenure as vice chairman of the KNU, Zipporah and her team managed to pass the KNU Land Policy in 2015 (R10, November 18, 2024). During the KNU's 2017 elections, Zipporah Sein lost her position as vice-chairperson and did not get elected as Central Standing Committee (Karen News 2017; Naing 2017).

While the Thein Sein government signed ceasefire agreements with the KNU and other EROs, violence by the Myanmar military exacerbated in other ethnic areas, such as Kachin State (TNI 2013). In 2011, the Myanmar military broke a 17-year ceasefire between the Kachin Independence Organisation (KIO) and Myanmar government with offensive operations against the KIO. This 17-year during ceasefire however did not mean that the Kachin people saw much improvement. Many KIO and Kachin leaders were involved in corruption and business deals (2013, 4) and therefore political dialogue and steps towards federalism were halted even during the ceasefire period. As a result, many Kachin people felt marginalised and disenfranchised. The situation also demonstrated to other EROs that ceasefire agreements did not necessarily lead to meaningful political change.

The transition to a new government in Myanmar in 2011 marked the beginning of a new political era, but many ethnic groups continued to feel excluded in both national life and the politics developed on national level. In addition, the Myanmar military still was very present throughout the country with many areas have militarised (ibid., 14). The sudden outbreak of violence and violation of the ceasefire between the KIO and Myanmar government therefore exemplified that ceasefires were not enough to reach political dialogues and make steps in the struggle towards self-determination. Similar patterns emerged in other parts of Myanmar, as many citizens in Myanmar's borderlands and rural areas claimed seeing little to no improvement, or even a worsening of the situation – under the Thein Sein administration compared to the SPDC era (ibid.). Therefore, despite the government's public commitments, the Myanmar military continued its operations on its own strategic terms (ibid., 7), forcing ethnic groups such as the KNU to take matter into its own hands.

6.3 Ceasefires and land grabs

The progressive approach of Zipporah and her team has had great significance in the revision of the KNU Land Policy. However, other factors also played a role. After the bilateral ceasefire,

large-scale land grabs by the Myanmar military and government continued with many serious and urgent land conflicts arising (R1, May 10, 2024; R7, May 29, 2024; R8, September 23, 2024; R10, 18 November 2024). The peace process and political opening at national level thus failed to prevent land confiscations and military presence, with many villagers losing their land during the ceasefire period (Karen News 2018). This Karen Human Rights Group spokesperson described this situation:

So many villagers' land was confiscated during that time, during the ceasefire period. So, our organization received lots of reports related to land confiscation by the Burma Army.

(R7, May 29, 2024)

In addition to the increase in the number of land confiscations, the ceasefire also allowed the government to expand its administrative reach into Karen areas. One respondent described this situation:

The extension of administration by the central government during the ceasefire time was actually even more dangerous in certain ways than armed invasion. (...) But when, during the ceasefire time, when, you know, our hands are kind of tied, we can't fight them, uhm, like, it's kind of coming from all different directions. And, like, we don't know how to deal with this.

(R1, May 10, 2024)

Both statements highlight the contradictory nature of the ceasefire period. While violence decreased, the ceasefire enabled the government to extend its administrative reach and establish military camps within Karen territories. Consequently, the bilateral ceasefire agreement exposed Karen district-level authorities to big threats, including intensified land grabs and the expansion of military camps in Karen territories. In response, authorities within the KNU scaled up efforts to document and protect Karen people's land. Where many of the KNU leaders first were sceptical of progressive reforms, they now understood the importance of documenting and protecting Karen people's land and addressing these issues in the peace process, thereby understanding that "land is politics" (R10, November 18, 2024). This led to consultations with local communities, Karen CSOs and the KNU to develop their Land Policy, which was formally passed in 2015.

In 2015, the Nationwide Ceasefire Agreement (NCA) was signed between the Union Solidarity and Development Party (USDP) and various EROs (Jolliffe 2016, Bertrand et al. 2022). Nevertheless, this 'nationwide' ceasefire was far from inclusive and excluded groups who didn't have a bilateral agreement with the government (Kramer 2021, 487). Eventually, only eight EROs signed the NCA, with the KNU and Restoration Council of Shan State being

the only ones of political and military significance (ibid.). The KNU's decision to sign these ceasefires met with strong disapproval from large sections of Karen civil society, who saw the agreements as another tool for the Myanmar military to exercise control and deny the Karen people's aspirations for self-determination and protection of their lands (Karen CSOs 2015; Brenner 2017). The Karen Peace Support Network accuses the Burmese military of "taking advantage of the ceasefire to accomplish what it was unable to do during earlier periods of widespread armed conflict: expand and upgrade its military infrastructure and capability to seize and control Indigenous Karen people's lands" (KPSN 2018b, 3 cited in Paul 2018,12).

Shortly after the signing of the NCA, nationwide elections were held resulting in a landslide victory for the National League for Democracy, led by Aung San Suu Kyi (Bertrand, Pelletier and Thawngmung 2022, 1). Although these elections are framed as 'free and fair' in general discourse (Time 2015; CNN World 2015; Reuters 2015), in reality they were far from being completely fair and free (J. Franco, personal communication, January 27, 2025). In some places in Myanmar there were no elections held (J. Franco, personal communication, January 27, 2025.) or Myanmar citizens were declined a right to vote (Al Jazeera 2015). However, still, there was hope for a new inclusive peace process led by the NLD. Yet, the NLD faced many challenges including the lack of a clear vision or policy for peace and a future democratic and federal Myanmar (Kramer 2021, 487). Moreover, the NLD failed to recognize the underlying grievances of the ERO's that caused the previous failed peace negotiations. Hence, while the ceasefires may have established negative peace (see Galtung 1964), the prospect of positive peace remained distant.

6.4 Oppressive national land laws

Besides progressive leadership within the KNU and an increasing number of land grabs and military camps, several national (land) laws have also marked the 2010-2021 political era in Myanmar. Land governance in Myanmar is regulated by over 70 national laws, none of which recognise or protect customary tenure systems (KHRG 2019). Since discussing 70 laws in this thesis is not feasible, it is limited to the VFV Law (2012) and the 2018 amendment, the Farmland Law (2012), and the National Land Use Policy (2015).

In March 2012, under the Thein Sein government, two new land laws were passed. The Farmland Law and the Vacant, Fallow, and Virgin Land Law both concern the way land in Myanmar is governed and which land can be bought or sold. Both laws do not recognise customary and communal land rights and disadvantage ethnic minorities (Kramer 2015). They are seen as exclusively benefitting the private sector and foreign investors, at the expense of

smallholder farmers (TNI 2018). Under the Farmland Law, people recognised by the government as farmers or engaged in agriculture activities and who fit certain conditions (see Farmland Law 2012, Chapter 2) can apply for a Land Use Certificate (LUC, also known as ‘Form 7’) (BEWG 2017, 28). The LUC gives them the right to cultivate on, mortgage, lease, sell, exchange, and gift specific areas of land (TNI 2018; BEWG 2017). Although an LUC gives a degree of control over a piece of land to a certain extent, there are strict conditions attached to it, prescribed by Myanmar's central government. When these conditions are violated, or in cases where the central government seeks to confiscate land for purposes of national development, LUCs can be revoked (BEWG 2017, 28). An LUC is thus not a freehold title. Furthermore, research conducted by the Land in Our Hands network (2015) revealed that not everyone applying for a document was able to receive such a document, without clear reasons for this decline (p. 20-21). This did not only concern villagers in ethnic borderlands but also people in central Myanmar (J. Franco, personal communication, January 27, 2025). In addition, the process of applying for LUCs involves large scale corruption and bribery (J. Franco, personal communication, January 27, 2025; LIOH 2015).

The Virgin, Fallow and Vacant (VFV) Management Law was developed to identify so-called ‘wasteland’ and make it available to domestic and foreign investors. All land not titled under the Farmland Law is considered ‘vacant’ under this law (BEWG 2017, 28-29). Land ownership rights of ethnic groups in Myanmar are thus undermined and the rightful owners of areas of land can only receive user rights as a result. Several authors describe how the passing of these laws similarly resulted in large-scale land grabs, with land owned by ethnic groups being taken by (foreign) investors (TNI 2018; BEWG 2017; Si Thu 2020; Htoo and Scott 2018).

In 2014 the first National Land Use Policy (NLUP) draft was unveiled for public comment and in 2016, the NLUP was adopted by the Thein Sein government (KHRG 2019). At first glance, the NLUP appears to be an inclusive and progressive policy. Its basic principles include protecting vulnerable groups and decentralising land decision-making (paragraph 8). It explicitly recognises the customary land use tenure systems of ethnic nationalities (paragraph 64) and ensures equal rights for men and women (paragraph 75). Furthermore, the policy states that a National Land Use Council (NLUC) will be established to implement the National Land Use Policy (paragraph 9) and develop a National Land Law (NLL) (KHRG 2019, 7). However, the policy itself is rooted entirely in the Constitution of the Republic of the Union of Myanmar, which declares that “the Union is the ultimate owner of all lands and all natural resources above and below the ground, above and below the water, and in the atmosphere in the Union” (2008, Art. 37(a)), contradicting the land rights of ethnic groups. In addition, no civil society groups

or local communities were involved in the process (Karen Human Rights Group 2019, 7). Ethnic groups organised public seminars and workshops in the build-up to the passing of the NLUP to discuss the content were shut down and declared illegal across the country (R4, April 10, 2024). In contrast to the KNU Land Policy, the NLUP doesn't contain clear mechanisms to solve land disputes, nor does it clearly and explicitly state how it will recognise and protect and promote customary land use practices (unpublished paper, 2015). The NLUP neither gives decision-making powers to local communities, where this is central in the KNU Land Policy.

In addition, over the years, little progress has been made in achieving these goals. The first coordination meeting of the NLUC took place in 2018, two years after the adoption of the NLUP. Although, according to the Myanmar government, a preliminary version of the NLL had already been drafted, it was never published. Thus, although the NLUP initially seemed promising and progressive, the policy lacks local and ethnic involvement, failing to be relevant for the concerns of ethnic groups. Nonetheless, the NLD pushed this law through, partly due to heavy pressure from international donors and actors (R10 and R11, March 21, 2024; R4, April 10, 2024) to pretend to be concerned for ethnic groups.

In 2018, the Myanmar Government amended the 2012 VFV Law, imposing criminal penalties on people for using land that the government classified as vacant and fallow or virgin land. Under this amendment, people who fail to register their land under the Farmland Law and still continue to use it face fines up to 500.000 kyats (around €230) and/or two years of imprisonment (TNI 2018). Nearly 82% of this located land is in ethnic areas (BEWG 2017) making ethnic groups disproportionately affected. Furthermore, the 2018 amendment directly contradicts the objectives of the NLUP, which again shows the true intentions of the government of Myanmar. Rather than recognising ethnic customary rights, the amendment criminalises those using land that rightfully belongs to them. In addition, because of the lack of ownership rights in the Constitution of Myanmar, ethnic people would have to give up their ancestral owner rights to their lands to receive a 30-year permit from the central government to use the land (LIOH 2023).

The passing of this amendment must be understood within the context of the NCA, when the use of violence was no longer an option. A consequence of the NCA for ethnic communities was that previously inaccessible – due to violent conflict – ethnic lands became available and accessible for land grabs by the government or the military in the absence of ongoing violence. This resulted in the government resorting to legal mechanisms like the VFV Law and its amendment to seize land from ethnic groups. This becomes clear from the following statement:

So that's why you ended up with these bizarre things like the VFV law amendment, which was primarily, primarily targeted ethnic communities. It was a way to weaken the power of ethnic bodies. (...) To me personally uh it always felt like it was campaign bluster it was the national league for democracy wanting to stay in power and so they were like well we've got to show businessmen that we're serious about this and we've got to get the grassroots people to listen to us and respect us so we're going to put out something completely ludicrous that's unachievable that will scare people.

(R4, April 10, 2024)

6.5 Salween Peace Park as a tool for peacebuilding and self-determination

In 2018, the Myanmar military began the largest and most coordinated deployment of troops into Mutraw district since 2008 (Karen Peace Support Network 2018), violating the terms of the NCA. Without prior agreement, neither sides can send more troops into the other party's territory (see Chapter 3, Art. 8 and 9) and because the Myanmar military did this anyway, they violated the NCA, resulting in clashes between the KNLA and Myanmar troops and many Karen villagers having to flee their homes once again. With that, hopes for genuine peace thanks to the NCA went further away.

To contest this violation of the peace agreements and to claim a peaceful territory for Karen villagers to live, the Salween Peace Park (SPP) was established. The SPP officially launched in December 2018. The Salween Peace Park is an Indigenous conversation project dedicated to peacebuilding, self-determination, biodiversity conservation and cultural survival located in Mutraw district (Paul 2018, 137). It represents a grassroots vision for peace, whilst implementing democratic governance and the protection of biodiversity. The initiative started in 2012 during the beginning of the peace process as a response to the many land expropriations for development projects happening since the 2011 reforms and the government's classification of ethnic lands as 'vacant'. By demarcating community forests, wildlife sanctuaries, reserved forests, *Kaw* territories and villages within the SPP (see map 5), it is contradicted that these areas are vacant, fallow or virgin.

Instead of top-down decision-making processes, the Salween Peace Park represents a grassroots movement aiming for self-determination and self-recognition in a peaceful future. The documentation of Karen lands and the establishment of the Salween Peace Park directly challenge the government's claims that these areas are 'vacant and fallow'. Instead, it endorses that these lands belong to the Karen people, and taking this away from the rightful owners violates the rights of ethnic communities (R1, May 10, 2024). The SPP thus articulates a local vision for peace, without considering the governments demands and wishes. In addition, the SPP protects the hundreds of *Kaw* territories, wildlife sanctuaries, community forests and

reserved forests. With that, the Salween Peace Park is not only a conservation initiative, but also a “vehicle to engage politics of recognition” (Paul 2018, 110). It combines the protection of natural resources and the revitalisation of traditional Indigenous conservation practices with a peaceful, grassroots way to resist the military’s attempts to grab Karen lands.

The SPP has its own charter, consisting of 118 articles with provisions for different topics in which environmental and Indigenous protection are being discussed. The General Assembly is the decision-making body in the Salween Peace Park and consists of a combination of KNU representatives, Karen CSOs and village members (IPCA Knowledge Basket, n.d.). This shows the inclusive and democratic nature of the SPP.

6.6 Conclusion

In this chapter, the political context of Myanmar from 2010 to 2021 has been outlined, and key events at both national and subnational levels – in Kawthoolei – have been described. The aim of this chapter was to examine the impact of national developments on the subnational level, which in this case was the Karen case.

In 2011, a period began filled with hope for increased democratic openness in Myanmar with the transformation to a pseudo-civilian government, following with pseudo-democratic elections in 2015 and the signing of the Nationwide Ceasefire Agreement. These developments appeared to open Myanmar’s political landscape on a national level and improve inclusion and recognition of ethnic groups’ rights. The publication of the National Land Use Policy in 2016 even seemed to start officially recognising customary land systems. However, this period was also marked by widespread land grabbing and repressive national land laws, such as the Farmland Law (2012) and the VFV Law (2012, amended in 2018). These laws directly contradict the NLUP prioritising economic interests and foreign investment over the rights of ethnic groups.

The failure of these national laws highlighted the need for the KNU and Karen people to focus on self-governance and self-recognition, rather than waiting on a government that consistently fails to recognise their rights. The relative peaceful and stable ceasefire period allowed more space within the KNU to focus on its own governance practices and initiatives. Progressive KNU leaders like Zipporah Sein ensured that issues such as land and IDPs remained central to the KNU’s agenda, leading to the start of mapping, documenting and demarcating Karen lands and the passing of the revised KNU Land Policy in 2015. In addition, the opening of the Salween Peace Park can be seen as a powerful tool to assert the Karen’s right to self-determination and resist land grabbing.

7. Key motivations and challenges for the KNU Land Policy

This chapter examines the key motivations behind the revision of the KNU Land Policy. One of the main motivations for this revision concerns protection against decades of land grabbing and state policies that suppress and neglect Karen land rights and customary land systems. However, besides the motivation to protect these lands and systems, the policy also serves broader social, cultural, and political goals. The chapter begins by examining how the policy relates to the protection of Karen lands and their customary land systems. It will then expand to broader cultural and social motivations such as peacebuilding, strengthening the Karen identity and community and revitalising *Kaw* systems. Afterwards, the chapter will discuss the political motivations underlying the revision of the policy, including how it's related to the struggle for federalism and self-determination, recognition, strengthening the legitimacy of the KNU and how it can serve as a tool to democratise the KNU. Finally, the chapter will discuss some of the challenges associated with the implementation and development of the land policy. These include internal divisions and corruption within the KNU and practical difficulties in awareness-raising amongst Karen communities. By examining these motivations and challenges, this chapter situates the revision of the KNU Land Policy within broader debates on land governance in conflict-affected settings, showing how localized land policies can be both a means of strengthening tenure security and a site of political contestation, shaped by power struggles, institutional competition, and historical injustices. In addition, it contributes to academic debates concerning rebel organisations' quest for legitimacy.

7.1 Protection of Karen lands and their customary land systems

The KNU Land Policy is developed with an envision of the prioritisation, protection, recognition, and the promotion of socially legitimate tenure rights of the Karen people (KNU 2015, 2). An important motivation for the development of the KNU Land Policy is to protect ethnic Karen lands and their customary land systems. Widespread land grabbing, decades of violent conflict, development projects that are favouring (outside) businesses and a national regulatory framework that fails to recognise the land rights of the Karen resulted in huge dispossession in ethnic areas such as Kawthoolei. Even the peace process starting in 2011 did not improve this and even worsened land confiscation by the Myanmar military and government (KHRG 2018). In addition, laws such as the VFV Law and Farmland Law and their amendments classify ethnic lands as vacant wastelands, criminalising people who don't register their lands under the central government (BEWG 2017).

Since 2012, the KAD, KFD, local Karen communities and Karen EGOs such as KESAN have conducted land and forest demarcation and registration, along with issuing land titles. There are individual land titles for Karen lands as well as communal titles for different types of forests such as family plots, reserved forests, *Kaw* customary lands, wildlife sanctuaries, herbal medicine forests and community forests (R6, April 2, 2024). Although KNU land titles are unrecognised by the central government and don't have a high legal status (Suhardiman, Bright and Palmano 2021, 426), they provide Karen communities a sense of protection. This is confirmed by the following statement from one of the respondents:

So by having this land title you know, people also have a sense of feeling that they're being protected by a political institution, which is KNU.

R3, July 3, 2024

When receiving a KNU land title, people feel more secured because they have an official document from the KNU, a political organisation (R5, May 9, 2024). Especially for people in KNU controlled areas, this evidence is strong and recognises someone's full rights (R3, July 3, 2024). In addition, the registration of Karen lands and the issuing of land titles can be seen as a counteract to laws like the VFV. Registering these areas of land proves that it is not vacant land, but land managed by Karen communities.

7.2 Broader social and cultural motivations

As explained, land is deeply tied to the Karen cultural identity, governance and their whole of life. Not only is the KNU Land Policy essential in protecting physical Karen lands, the protection of these cultural values is also of great importance. This section explores how the land policy supports broader social and cultural goals such as the revitalising of *Kaw* systems and the strengthening of Karen identity and community.

7.2.1 Revitalising *Kaw* systems

As explained in chapter five, *Kaw* systems are grassroot, democratic forms of governance and territories in which cultural and spiritual traditions are practiced. In addition, *Kaw* is the basis for achieving various environmental, cultural, economic, and political goals and is fundamental in the struggle for self-determination for the Karen (R5, May 9, 2024). The importance of *Kaw* therefore cannot be overestimated. However, due to displacement and conversion, some people are losing the *Kaw* customary systems (R3, July 3, 2024). In lowland areas that are controlled by the military dictatorship or mixed controlled areas the customary land systems are also

slowly disappearing (R6, April 19, 2024). Another reason for the declining of *Kaw* practices is the hereditary nature of these systems, wherein the son of the chief is the successor chief. When a chief didn't have a son, the practice declined. As a result, KESAN, local communities and the KNU have started the *Kaw* revitalisation process in 2008 (KESAN Channel 2022). *Kaw* areas are demarcated, and traditional rules are documented in order to restore *Kaw* practice. In addition, KESAN and other Karen CSOs such as the Karen Women Organisation and the Karen Student Network Group are working together on education programs to teach young adults on local schools about traditional Karen culture and practices, including *Kaw*¹² (R5, May 9, 2024). This is done in consultation with the KFD and the KNU department of Education and Culture with the aim of revitalising and raising awareness about the importance of *Kaw*. Within these workshops and trainings there is an emphasis on the role of local communities and the bottom-up, decentralised type of governance the *Kaw* encompasses. With this, an attempt is made to strengthen and empower the community, by broadening knowledge about the importance of *Kaw* and explaining their role in it.

The revitalisation and awareness raising of the *Kaw* are important tools for local communities to ultimately achieve self-determination (R5, May 9, 2024). However, to be able to protect the ancestral lands from land grabbers, it is also important to receive official recognition from the KNU. The central government of Myanmar fails to recognise *Kaw* systems and therefore undermines the local knowledge and political systems of Indigenous Karen (Springate-Baginski 2019). In contrast, the KNU Land Policy explicitly recognises *Kaw* systems (see Article 3.3 in KNU 2015) and formally hands out *Kaw* certificates. In 2022, the first five *Kaw* certificates were officially awarded to various communities in Kawthoolei (KESAN Channel 2022). The formal recognition in the land policy and the issuing of *Kaw* certificates play major roles in the revitalisation process.

7.2.2 Strengthening the Karen identity and community

The Karen identity is a made-up construct existing of different subgroups (e.g., *Sgaw*, *Pwo* and *Pao*) with different languages and religions (Cheesman 2002; Kuroiwa and Verkuyten 2008). Since 1948 the KNU has tried to promote a unified image and a pan-Karen identity to form a strong stance in their demands for political influence and equality (Kuroiwa and Verkuyten 2008, 394-395). Kuroiwa and Verkuyten (2008) explain how the idea of an ethnically

¹² Currently the workshops and trainings are only conducted in Mutraw District. However, in the future KESAN aims to expand their education program to other districts in Kawthoolei as well (R5, May 9, 2024).

homogenous Myanmar as presented by the Myanmar government and implemented by Burmanization policy can be challenged by creating a unified Karen identity. To achieve this, emphasis is placed on unity and cohesion within the Karen community. Herein, the “family” metaphor is used to emphasize the shared migration history and blood ties of Karen people. Differences in religion and language are ignored as much as possible, and national symbols such as clothing, uniform characteristics and the Karen political systems are emphasized. Doing so is important to avoid internal disputes as well as to justify the claim to self-determination.

These narratives are also reflected in the discourse around land. As land encompasses various important meanings for Karen people, focusing on land can therefore contribute to the feeling of a shared identity and strengthen communities. In the KNU Land Policy the Indigeneity of Karen people and their rights to inhabit their ancestral lands is emphasised. The struggle for self-determination in a federal and democratic Myanmar is portrayed as a communal struggle, affecting the entire Karen people. Furthermore, the issuing of land titles by KNU gives communities a strong sense of connection and belonging (R3, July 3, 2024). It’s a form of recognition, as is explained by another respondent:

Um, I feel like for now, the strongest thing that people might be able to get from their KNU land title is a sense of identity. Is this feeling that actually, yes, I'm Karen, I'm living in Karen lands, in my ancestral homelands, and I'm being given the right to live here by my people

(R4, April 10, 2024)

Similarly to the focus on the strengthening of communities in the education programs conducted by Karen CSOs, the KNU Land Policy and the KNU land titles can also provide a sense of belonging. This encompasses belonging to the Karen community but also belonging to the ancestral lands, which in turn reinforces the Karen identity. To maintain cohesion within the community and preserve the idea of a shared identity, it is important to avoid internal frictions and focus on shared ideals. This becomes evident from the following quote from one of the respondents about losing *Kaw* systems in some places due to religious conversion (Paul 2020):

We, we don't want to blame a religion, destroy the, the customary land system. But we want to, if you are, you, you become a Christian, (...) We want to do, kind of, same things like a, to maintain the knowledge and the culture. (...) You think about the land is important for you, forest is important for you, biodiversity is important for you. (...) We don't need to focus on the religion.

(R6, April 19, 2024)

Instead of emphasising the different religions and blaming the conversion, the emphasis is placed on the similarities of all Karen, and the importance they all attach to nature and culture. Consistent with the findings of Kuroiwa and Verkuyten (2008), mutual religious differences are de-emphasised by emphasising shared commonalities. Within the KNU Land Policy this is also visible. There is a lot of emphasis on the communal struggle for self-determination and recognition for ethnic lands, and differences between Karen people are avoided.

7.3 Broader political motivations

Land governance is inherently political, and so is the KNU Land Policy. This section explores the underlying political motivations for the revision of the KNU Land Policy and how it contributes to broader goals such as peacebuilding, pursuing federalism and self-determination, obtaining recognition, strengthening the KNU's governance and democratise the KNU. It examines how the policy challenges the central government's claims over Karen territories and strengthens the KNU's governance structures. In addition, it discusses the reciprocal relationship between land governance and legitimacy in which the land policy serves the Karen communities and simultaneously reinforces the authority and legitimacy of the KNU itself. In addition, it is discussed how the land policy functions as a way to control the KNU.

7.3.1 Peacebuilding

Bringing an end to the war is a core goal and aspiration of the KNU (R2, July 5, 2024). After decades of civil war, an estimated 230.500 people are displaced within Karen State¹³ (UNHCR 2025) and since 2021, at least 5.350 civilians have been killed by the military (UN 2024). While one of the aspects of achieving this is the ending of armed conflict ('negative peace', see Galtung 1964), simply laying down arms is not sufficient to achieve 'positive peace'. Post-war settings bring along new challenges and problems to solve, such as the return of IDPs and refugees and the reconstruction of destroyed lands (R2, July 5, 2024). To ensure lasting peace in Myanmar it is therefore important to assure old grievances and conflicts will not fuel another civil war. To best address these issues, it is important to have an accountable and accessible land institution and framework that can effectively manage land disputes and ensure equitable land distribution (R2, July 5, 2024).

¹³ The UNHCR uses the territory demarcated by the central government rather than Kawthoolei which is why Karen State is referred to here.

According to a spokesperson of the KAD, land titling programs play an essential role in this (R2, July 5, 2024). However, literature also warns for unintended negative consequences of land titling and localised land tenure registration programs as it sometimes fails to protect the most vulnerable, resolve land disputes or contribute to lasting peace (Van Leeuwen et al. 2023). To mitigate these risks, political dimensions underlying land conflicts and land tenure insecurity must be addressed (Tchatchoua-Djomo, van Leeuwen and van der Haar 2020). An effective approach must combine land titling programmes with a strong land policy based on the ‘5Rs’ – recognition, restitution, redistribution, regeneration, and representation (Franco and Borrás Jr. 2021). It is important to implement all five principles to prevent land-based grievances from escalating. Applying only one or two of the Rs in isolation can deepen existing inequalities and generate new conflicts. For example, only recognising land titles without addressing past displacement (restitution) or inequalities in land ownership (redistribution) can reinforce conflicts rather than resolve them (ibid.). Therefore, while land titling programmes and a strong land governance framework are an important part of the peacebuilding process, they shouldn’t be implemented in isolation. Addressing historical grievances and structural inequalities and consider all of the five Rs is crucial to ensure land governance to contribute to long-term stability (ibid.).

7.3.2 Federalism and self-determination

The KNU's main objectives revolve around securing self-determination and equality for the Karen people, establishing a fair Karen State, and building a democratic federal union for all ethnic groups in Myanmar (KNU, n.d.). For the KNU, ‘federalism’ entails decentralised governance and power-sharing with local communities (KESAN Channel 2019). Achieving this requires equality and self-determination in which it is necessary to recognise the Karen people’s traditions, culture, and history (ibid.). The KNU Land Policy is essential to this process in multiple ways. First, it explicitly recognises the land rights of the Karen people and their customary land tenure systems. Second, it adopts a decentralised, bottom-up approach to land governance in which decision-making power lies with local communities. Third, by establishing their own land laws, legal frameworks and dispute-resolution mechanism, the Karen people demonstrate their ability to manage their lands autonomously, thereby strengthening claims for political legitimacy (R3, July 3, 2024).

Instead of the top-down state-imposed frameworks, the Karen people implement a grassroots model of land governance in which communities and customary land rights are central. By successfully managing their lands through their own governance structures, the

Karen people reaffirm their ability to self-governance and thereby contributing to self-determination in a federal Myanmar.

7.3.3 Recognition

The Karen people have endured over 70 years of oppression, violence, and discrimination against them from Myanmar's military and government. Many of their rights have been systematically ignored and unrecognised. Furthermore, the 2012 VFV Law and its amendment not only fails to recognise these rights, but also criminalises those who exercise them. As Lund (2022) highlights, recognition is fundamental to both property rights and citizenship. With the Myanmar government and military failing to provide this recognition for decades, the KNU's role in providing it has become crucial. This is reflected in the following quote:

We talk a lot about citizenship and citizens' rights, but when you have been denied those by your government for so long, being given the right to be a citizen and recognized as one is so powerful.

(R4, April 10, 2024)

Rather than waiting for the government to finally recognise them and their rights, the Karen people have strengthened their own grassroots governance, asserting self-recognition (R1, May 10, 2024). This goes beyond the top-down, state-driven recognition that could be provided by a national government. It's about being recognised as people with the right to exist, govern and live in one's ancestral homelands.

Lund (2022) argues that rights are constructed through institutional recognition. In the absence of direct recognition from the state, alternative institutions such as the KNU step in to offer indirect recognition. Therefore, KNU land titles are an example of the indirect recognition people seek when direct recognition is inaccessible. In KNU controlled areas the KNU issues land titles to provide evidence to ownership. However, since the central government uses its own land documentation and registration, these KNU land titles are not legally binding beyond KNU controlled areas. Similarly, in territories under KNU control, national laws hold no relevance (R4, April 10, 2024), making KNU land titles the legitimate legal documents within these areas. Mixed-controlled areas are a site of competition between the KNU and the ruling power in Myanmar, with both parties seeking to assert governance over land and encouraging people to register their land under their respective systems, creating a struggle for authority.

As Lund (2022) explains, recognition is not just about formal legality, but it also reinforces public authority. By issuing land titles, the KNU reinforces its role as a public

authority, providing Karen people a sense of ownership, and proving that Karen lands are not empty, vacant lands. It strengthens the authority and legitimacy of the KNU, demonstrating the capacity to govern their lands effectively. This creates a reciprocal dynamic between recognition and authority: the KNU recognises people's citizenship- and land rights, and in turn, its governance is legitimised through this recognition.

7.3.4 Strengthening legitimacy

The KNU fits in Kasfir's (2015, 24) definition of a rebel organisation since it's a consciously coordinated group whose members engage in protracted violence with the intention to gain political control over the whole of Kawthoolei. However, the KNU has a bigger role in Kawthoolei than just trying to gain ground in a violent way. The KNU is actively engaged in social, political and economic fields and tries to be a democratic government with bottom-up public policies. This aligns with Arjona, Kasfir and Mampilly's (2015,3) framework of rebel governance.

The literature shows that such non-state actors seek different ways to gain support and legitimacy among local populations (van Leeuwen, van de Kerkhof and van Leynseele 2018, 289). One such way is through land governance (ibid.). According to one of the respondents (R3, July 3, 2024), the KNU Land Policy strengthens the KNU's political legitimacy, as land governance is a means of consolidating authority. Because the KNU assures a strong land policy, the Karen people support them and see them as legitimate leaders. Land titling is a process of reclaiming our land and reproducing a stronger political legitimacy for the Karen people's struggle against oppressive governments and military dictatorships. Similarly to the recognition-legitimacy relationship, the land-governance-legitimacy relationship has a reciprocal nature: by issuing land titles, the KNU is perceived as the legitimate government. Karen communities feel protected and officially recognised, while the KNU, in turn, demonstrates its capacity to protect the people and their land (R3, July 3, 2024; R5, May 9, 2024). This also reflects the broader land-making as state-making process in which control over land is fundamental to establishing political rule (Sud 2023).

The KNU's quest for legitimacy highlights the two functions of the state (and quasi-state actors like the KNU): enhancing political legitimacy and simultaneously supporting capitalist growth – legitimisation and accumulation (O'Connor 1973; Fox 1992). The central government's land laws such as the VFV Law prioritise capital accumulation, often at the expense of ethnic communities. These laws enable large-scale land confiscations for business projects leading to land loss for ethnic communities. In contrast, the KNU Land Policy

prioritises political legitimacy over facilitating capital accumulation, ensuring land to stay in the hands of Karen communities rather than (foreign) investors. Since the KNU as a rebel governance is highly dependent on popular support for their success, it is essential to develop a land policy that favours local Karen communities. If the KNU had enabled capital accumulation over customary rights in the land policy, this could have caused friction with their support base. The internal tension between accumulation and legitimation also explains the position of the “hardliners” like Zipporah Sein, who pushed for ceasefire deals that would prioritise customary land recognition instead of economic profits.

In addition, the land policy’s participatory nature strengthens the legitimacy of the KNU. The land policy is developed with the input of local communities (R4, April 10, 2024) and Karen EGOs (KESAN Channel 2014). This aligns with the idea that land governance is not something imposed from above, but a bottom-up process in which state and society actors such as customary authorities are in constant negotiation with each other (Sud 2023; van Leeuwen, van de Kerkhof and van Leynseele 2018).

7.3.5 Democratise the KNU movement

Another key motivation for the revision of the KNU Land Policy is to further democratise the KNU movement. While the KNU’s governance system is highly grassroots-oriented with great involvement of local communities, it remains structured as a military government to some extent (R1, May 10, 2024). The KNU is a revolutionary government led by people trained in both governance and warfare (R4, April 10, 2024), resulting in a mix between military leadership and administrative governance. With the Karen communities being the backbone of the political struggle and movement (R5, May 9, 2024), Karen civil society plays an active role in pushing the KNU towards greater democratic accountability. For decades, they have been “trying to get the KNU to be better” (R4, April 10, 2024). This is done by engaging relevant KNU departments in discussions with local communities and Karen civil society, such as the consultation workshop for input for the revised KNU land policy (KESAN Channel 2014). Karen civil society actors try to influence the KNU’s decision-making, advocating for policies and actions that prioritise the needs of local communities (R6, April 19, 2024).

A significant tool for this accountability is the land policy – and other KNU policies – itself. As one respondent stated: “they create new forms of leverage for this that hadn’t existed before” (R4, April 10, 2024). With these formal policies, developed by the KNU itself, Karen civil society can challenge the KNU when its actions contradict its own policies. The KNU Land Policy explicitly states that all land is the property of community and individual

landowners and that the KNU is responsible for protecting, promoting, and ensuring the rights of communities (BEWG 2017, 36). This principle is reinforced throughout the policy, emphasising the responsibility of the KNU to act upon the needs of the Karen communities. This embedment of the KNU's responsibility creates a space in which Karen civil society can hold the KNU accountable to ensure good and democratic governance.

Beyond the land policy, conservative initiatives such as the Salween Peace Park have also contributed to democratising KNU governance structures. One respondent described this impact:

But also, I think Salween Peace Park has been a way to, to democratize the KNU movement in some ways, in Mutraw, and to really, you know, the way that the government system has been built very strongly, grassroots, uhm, empowerment, like, the KNU, even in Mutraw, is still kind of like a military government structure, right? And, you know, there are reasons for that, of course, if they're, they're in a wartime war zone, and so. Uhm, but the Salween Peace Park has been a way to actually disrupt that in a certain sense, and to really open that up, uhm, for contestation, and to, to really bring to foreground the community's voice in those governance processes,

R1, May 10, 2024

In conclusion, the combination of the KNU Land Policy, civil society engagement and grassroots initiatives such as the Salween Peace Park serves as a way for Karen civil society to democratise the KNU. By holding the organisation accountable for their actions and advocating for an inclusive governance, they challenge the military-oriented structures that have historically shaped the movement and promote a more democratic political future KNU.

7.4 Challenges regarding the land policy

With the development and implementation of a policy, there are always challenges involved and the KNU Land Policy is no exception in this. For the revision and implementation of the KNU Land Policy these include competing interests and corruption within the KNU and Karen society and a knowledge gap among Karen society. By addressing these challenges, the limitations of the policy are highlighted which is important to ultimately overcome them.

7.4.1 Contradictory goals and interests

As Fox (1992) and O'Connor (1973) explain, state and society actors are not homogenous groups but heterogenic ones with different and sometimes contradicting interests. Both state and society actors act upon a combination between their own interest and a shared interest, often leading to competition. This dynamic is also evident within the KNU. During the beginning of

peace negotiations with the Thein Sein government in 2011, KNU leaders became divided on how to approach these negotiations. While some KNU leaders prioritised the accumulation of resources, others focused more on the protection of ethnic Karen lands and customary systems. In some cases, KNU officials even sold Karen lands to business investors (R4, April 10, 2024). These tensions were not limited to only high-level KNU members, but also surfaced at the local level. During the ceasefire period, some local Karen authorities entered contracts with business investors, accepting money in exchange for making land available for confiscation (R6, April 19, 2024). This was a deliberate strategy conducted by the central government and the Myanmar military to “brainwash ethnic people” into prioritising business over political concerns (R6). As a result, some authorities were more interested in making money and “forget to protect the resources” (R6). In addition, since policies are living documents, they do not implement themselves. Instead, the implementation of policies depends entirely on the local authorities. Just as KNU leaders at the central level are divided between economic profits and commitment to the Karen struggle, local authorities similarly vary in their motivations (R4, April 10, 2024). This is endorsed by another respondent:

And, so the KNU, the advocacy and implementation of KNU policy there is totally up to how, uh, helpful the local leaders are and how much they're willing to work with protecting unities rather than take kickbacks from interested business owners.

R4, April 10, 2024

7.4.1.1 Competing interests in land registration

The different interests are not only visible with state actors, but also within Karen society. Although many ethnic groups and civil society groups reject the VFV law and its amendment as invalid (Htoo and Scott 2018), some Karen villagers still apply for the Form 7 – the 30-year land-use permits – provided by the central government. These permits neglect customary land tenure rights and the ownership rights of ethnic groups such as the Karen. To understand this dynamic, it is important to distinguish between the white, brown, and black areas. White areas mostly consist of cities, where KNU administration does not apply and the central government (nowadays junta) holds full control (R6, April 19, 2024; R1, May 10, 2024). Brown areas are mixed-control areas, where both the KNU and the junta or Myanmar central government compete for authority. Black areas are KNU-controlled areas, where national laws have no legal status or importance and the KNU has full administration (R7, May 29, 2024; R6, April 19, 2024). In brown areas farmers sometimes choose to obtain land titles from the central government as well as from the KNU (Suhardiman, Bright and Palmano 2021; R4, April 10,

2024). This dual registration has practical and strategical grounds. KNU land titles have a low legal status in mixed-control areas but are more accessible and align with their customary land rights, in contrast to the titles registered under the VFV Law. On the contrary, land titles issued by the central government often hold a higher legal status but are more complex to acquire and often include bribery and bureaucratic processes (Suhardiman, Bright and Palmano 2021, 426). In some cases, farmers use the KNU land title as leverage to provide a more solid and strong entry point to apply for the government's land use certificates (Form 7) (ibid., 427). However, this dual registration creates tension. Since the central government doesn't recognise KNU land titles, obtaining a Form 7 can be seen as undermining the KNU's authority. Simultaneously, KNU land titles can provide alternative security, particularly for those who want to reclaim lands that have been confiscated by the military or central government (ibid.). The dual registration of Karen villagers reflects their agency in negotiating with multiple authorities trying to protect their lands from expropriation. However, it also shows the limitations of Karen policies, as only in black areas do they hold full legitimate legal authority.

7.4.2 Knowledge gap

Another obstacle Karen CSOs and the KNU face is how to effectively transfer the content of the land policy to local communities. Policies are often complex, dense materials that are difficult to understand, and the same goes for the KNU Land Policy. One of the KESAN staff members explained that EGOs such as KESAN attempt to bridge this gap by organising consultation workshops with local communities to explain the land policy to them in accessible terms (R5, May 9, 2024). This is also done through YouTube videos, which are created to explain the KNU Land Policy in an understandable way (KESAN Channel 2022). In addition, a 'Kawthoolei Land Policy Guidebook' was developed in Karen language in 2015 by the KAD to make the content of the policy more accessible and understandable for local communities (KESAN Channel 2014, 6). However, according to staff member of the Karen Human Rights Group (KHRG) these efforts remain insufficient:

However, uh, according to my experience, and my few encounter with local community people, they told, they said that most of them, they have, uh, little to zero knowledge about KNU land policy. They don't know... They don't know about this KNU land policy. So they don't know what kind of rights they actually have.

R7, May 29, 2024

This is endorsed by another respondent:

Uhm -- I think the biggest gap that you find is that, uh, civil society is very aware of what's in the policies, and increasingly communities are as well but as you find in every country, policy is complicated. And the average person isn't gonna know what their rights are fully. They gonna know a little bit maybe but they might not know it all. (...) you can work on land policy and you can make a really good set of laws but if people aren't really aware of what their rights are, the feeling of that on the ground is not necessary there.

R4, April 10, 2024

The gap between the KNU Land Policy's content and an effective way of communication and implementation among local communities limits the awareness of their rights. According to the KHRG staff member, in some villages no one is aware of the land policy or its implications for the Karen's rights. She suggested that staff of the relevant KNU department should go to villages and communities and teach them about the KNU Land Policy so they will be more aware of their rights and where they can register their lands.

7.5 Conclusion

This chapter has explored the key motivations behind the revision of the KNU Land Policy. While the protection of Karen lands and their customary land systems is an important part of this, broader social, cultural, and political motivations are also evident. This underscores that the KNU Land Policy is about more than just land rights; it represents a larger vision of self-recognition and governance.

Although the KNU Land Policy does not hold equal legal status throughout the whole of Kawthoolei – particularly in white areas, where it is not recognised at all – the motivations of the land policy prove that this legality is not the most important aspect. Rather, the land policy functions as a way of recognition the identity and rights of the Karen people, both as individuals and as a collective. For an ethnic group like the Karen, whose rights have been systematically ignored and suppressed by successive governments and the military, recognition from a political organisation like the KNU – which the Karen people perceive as the legitimate power – is of significant importance. Instead of waiting for recognition by a central government, the land policy enables the Karen people to recognise their own rights, both as citizens and their claims on land.

Furthermore, the KNU Land Policy creates a sense of unity within the Karen community – despite internal differences – and reinforces the KNU's capacity for self-governance and its ability to develop its own legal frameworks. In addition, by prioritising protecting and recognising customary land systems and the interests of local Karen communities over economic profits, the KNU strengthens its legitimacy as a political organisation. Therefore,

with great influence from Karen civil society, the KNU is gradually evolving from a rebel group into a democratic organisation that advocates for its people's rights.

Despite the challenges in implementing the policy and effectively communicating its content, the revision of the KNU Land Policy represents a significant step toward the KNU's broader goal of self-determination within a federal Myanmar. It also emphasises the political significance of Indigenous customary land systems such as *Kaw*, which extend beyond cultural and spiritual importance. These systems function as governance structures that play an important role in self-determination efforts and resistance against oppressive state control.

8. Conclusion

This thesis aimed to answer the question: *What were the key motivations behind the 2015 reform of the KNU Land Policy, and why was this reform possible during the period from 2010 to 2021?* To obtain an answer to this question, a four-month research internship was conducted with the Karen Environmental and Social Action Network (Chiang Mai) and the Transnational Institute (Amsterdam), each for two months. The research adapted a qualitative interpretative epistemological approach and focused on a specific case, the Karen, with the aim to understand the meaning of actions while keeping historical and cultural contexts in mind (Demmers 2012). During the internship period, semi-structured interviews were held with Karen civil society actors, representatives from Karen environmental governance organisation, scholars with expertise on Myanmar and the KNU, and one KNU official. In addition, relevant documents, including government policy papers, were analysed. The interviews were coded, and the results were analysed to provide insights on the research question.

8.1 Objectives and theoretical framework

This thesis had several key objectives. First, it aimed to examine how political openings at the national level influenced governance at the subnational level, focusing on land governance in Kawthoolei. Second, it sought to contribute to broader academic debates on the role of land governance in conflict-affected regions, particularly in the context of rebel organisations and their legitimacy. Third, it explored the intersection between customary land systems and statutory systems, analysing how they interact and differ from each other. Finally, the thesis examined the multidimensional role of land governance in shaping political and public authority, conflict and resistance.

The thesis was built upon academic debates on the multidimensional nature of land and its role in governance, conflict, and legitimacy. The theoretical framework conceptualised land as not just a physical resource but also of political, economic, social, and cultural relevance (Franco et al. 2015; Lund 2022; Sud 2023). In addition, in contrast to the capitalist Western notion of land where commodification and private ownership are prioritised (Harvey 2004; Marx 1867/1967), for Indigenous and customary systems land is deeply intertwined with identity, spirituality, and governance (Alfred and Corntassel 2005; Dei 2015; Dei et al. 2022). Colonialism and post-colonial neoliberal policies reshaped land governance, replacing customary systems with statutory systems (Sud 2023; Murray 2022). This resulted in land dispossession and legal exclusion, making land a site of governance and resistance.

The theoretical framework also discussed academic debates concerning land and violent conflicts. Literature showed that while land conflicts most of the times are not the main cause for violence, land tenure insecurity, land grabs and competing land governance mechanisms can contribute to tensions in conflict-affected areas (van Leeuwen and van der Haar 2016; Thatchoua-Djomo et al. 2020). In addition, the theoretical framework showed that although land titling programs and localised land programs are often perceived as good measures to counter land conflicts, in reality they can sometimes have the opposite effect.

Finally, the framework explored land governance as a mechanism for state-making and obtaining legitimacy. Scholars such as Lund (2022), van Leeuwen, van de Kerkhof and van Leynseele (2018) and Sud (2023) argued how land governance can be used to claim recognition and establish authority. This is particularly important for rebel organisations, which have to actively search for ways to gain popular support and recognition (Duyvesteyn 2017; Podder 2014; Mark 2022).

8.2 Findings

The thesis started with a brief overview of the history of Myanmar, the Karen people and the KNU to provide some historical context. It emphasised how, during the colonial period, the British ruler applied the well-known ‘divide-and-rule’ strategy, amplifying ethnic divisions between the Bamar majority and ethnic groups in the mountainous borderlands. This divide was reinforced in World War II, when both groups fought on opposite sides. After Myanmar's independence, early hopes for a federal system that would provide ethnic groups with political autonomy quickly faded, followed by decades of military dictatorships, armed conflict, and land dispossession. The 2010 elections and 2011 transition to a quasi-civilian government seemed hopeful starts for more democratic opening, reinforced by the signing of ceasefire agreements between various ethnic groups – including the KNU – and the Myanmar government. However, this thesis has shown that national-level political changes did not necessarily lead to improvements at the sub-national level. Instead, Myanmar remained heavily militarised and foreign investments and oppressive national land laws accelerated land grabs, worsening tenure insecurity for many ethnic groups.

In Chapter 5, the meaning of land for the Karen people has been examined, revealing that land and the identity of the Karen people are intertwined, with land forming the basis of Karen identity. Instead of seeing land as something abstract, and disconnecting it from people (source), land is the basis of the Karen's daily life. Three key themes have emerged from the data:

1. *Land as security*

Land can provide protection from violent attacks by the Myanmar army, while also providing food security.

2. *Land as cultural identity*

Land - and customary land systems in particular - underpin the Karen's existence as human beings. The traditional *Kaw* systems are demarcated territories in which spiritual and cultural traditions are practised, as well as grassroots, democratic forms of government systems that fit the local needs and situations.

3. *Land as politics*

Land issues play a major role in ethnic groups' grievances (BEWG 2017), and the Myanmar government's systematic denial of ethnic groups' land rights contributes to the country's ongoing conflicts. In addition, land is a place to connect Karen communities, CSOs and KNU officials. Through this collaboration, the KNU Land Policy was created, formally recognising, and protecting the land rights of Karen communities.

In Chapter 6, the political context in the period 2010-2021 was examined, showing how the KNU Land Policy was developed in response to external pressures and under the guidance of progressive leadership within the KNU. The KNU Land Policy was officially published in 2015, in the middle of a period with many changes in Myanmar and the KNU. In 2011, Myanmar began a transition to a pseudo-civilian government initiating new peace negotiations with ethnic resistance organisations. While these negotiations initially appeared promising, there were different perspectives on the motivations behind both the Myanmar government and the KNU's participation. Within the KNU, two camps emerged: one was more open to a ceasefire, while the other remained sceptical and prioritising historical grievances and injustices. This was reinforced by experiences such as those of the Kachin, where ceasefires had been accompanied by corruption and unspoken political agendas.

Meanwhile, land grabs remained a major problem and even worsened with the introduction of national laws such as the Vacant, Fallow, and Virgin Lands Management Law (2012, amended in 2018), the Farmland Law (2012) and the NLUP (2016). While some small political openings emerged at the national level, they failed to address the concerns of local communities, reinforcing the need for self-governance and grassroots initiatives. Despite the appearance of a more democratic landscape, ethnic groups continued to experience land dispossession—now legitimized through legal frameworks rather than direct military force. Customary land systems were still not recognised, and land was now taken away legally. In

response to state oppression and the continued presence of the Myanmar military in ethnic territories, the KNU and Karen civil society actors intensified their struggle for self-determination. A part of this effort was the publishing of the revised KNU Land Policy in 2015, in which Karen lands were formally recognised and protected while proposing a decentralised, bottom-up governance system.

In Chapter 7, the motivations for the revision of the KNU Land Policy were examined, revealing political, cultural and strategic motivations.

First, the KNU land policy provides protection to Karen lands and their customary land systems. The revised policy formally recognises and protects Karen communities and their lands. This offers Karen people a sense of protection from a government that is legitimate to them, the KNU. At the same time highlights the KNU's responsibility to protect their people.

Second, beyond legal protection, the cultural and spiritual significance of land for the Karen people played an important role in the revision of the policy. Decades of conflict, displacement, conversion to Christianity and the loss of lands have disrupted Karen identity and their traditional customary land systems, particularly the *Kaw*. The KNU Land Policy – together with efforts from Karen civil society actors – aims to revitalise these customary practices, strengthen the Karen identity, and create a sense of belonging. The unifying of Karen communities is essential to form a strong resistance against major powers like the military junta and the Myanmar government.

Third, the KNU Land Policy can serve as a mechanism to achieve long-term peace and stability and achieving the KNU's ultimate goal of self-determination in a federal Myanmar. The KNU Land Policy places decision-making power with local populations and represents a decentralised, bottom-up approach to land governance. Specifically, the KNU Land Policy contributes to creating long-term stability and peace in Myanmar by providing a clear land institution framework that defines future issues such as the return of IDPs and equal land distribution, aspects missing in national legal land frameworks. However, implementing all the 5Rs - recognition, restitution, redistribution, regeneration, and representation is important here to prevent historical grievances from igniting new conflicts (Franco and Borrás Jr. 2021).

Fourth, the KNU Land Policy plays an important role in aspects such as recognition and legitimacy. Literature has shown the importance of recognition for both citizenship and property (Lund 2022). Karen people have lived for decades without recognition from the central government in Myanmar, both for their right to exist and their right to use land. The KNU Land Policy counteracts this exclusion by providing formal land titles and institutional recognition.

While the KNU land titles are not legally recognised by the Myanmar state, they symbolise the recognition given by the KNU to Karen communities. Simultaneously, this recognition enhanced the KNU's legitimacy as a governing authority. The KNU is dependent on support from local Karen communities to secure its legitimacy and authority, since the government of Myanmar refuses to recognise this authority. By implementing a structured and decentralised land governance system and prioritising the interests of local communities, the KNU demonstrates its capacity to administer land and provide services, reinforcing its role as a de facto government in areas under KNU control. This is in sharp contrast to the laws of the central government, which prioritise economic interests over the land rights of ethnic groups such as the Karen.

Fifth, the KNU Land Policy can contribute to the democratisation of the KNU itself. The KNU is an organisation with both administrative actors and military actors in it, sometimes resulting in competing interests. While the majority of the KNU officials are committed to advancing the Karen struggle and protection local Karen communities, others prioritise personal economic gains and sometimes engage in corruption or the facilitation of land sales to foreign investors. Due to the decentralised nature of the policy and the strong interference of local populations and Karen civil society, the land policy can enhance internal accountability, ensuring that the KNU is held accountable to its own commitments. This reduces the risk of corruption.

However, with the development and implementation of a land policy there are also challenges involved. Competing interests – between economic gains and the protection of customary land systems – have led to some KNU officials and local authorities facilitated land sales to investors, prioritising economic profits. However, these inconsistencies are also visible within the Karen community. Although the KNU and Karen civil society actively encourage people to only register their lands under the KNU, some farmers have applied for both the KNU and the central government land title. This reflects both their agency as well as the limitations of KNU authority, particularly in brown and white areas. In addition, this dual registration sometimes causes tensions, as it can be seen as a way of undermining KNU authority. Moreover, the effectiveness of the KNU Land Policy is constrained by gaps in policy awareness. Despite efforts to convey the rights of Karen people as documented in the land policy, many villagers remain unaware of their rights and the practical implications of the KNU Land Policy for them. Addressing these internal divisions, legal complexities, and knowledge gaps is crucial for strengthening Karen land governance and ensuring the protection of customary land rights.

In short, the KNU Land Policy serves as a tool to protect and recognise Karen lands, Karen people and Karen identity and culture. It is a grassroots governance structure in which decentralised politics place decision-making power in the hands of local communities. At the same time, it is a tool for strengthening the KNU's own authority and legitimacy, things that are important to gain when conducting rebel governance. By shaping and governing land, it automatically influences state-making (Sud 2023). Literature has shown that to achieve legitimacy by governing the land, emphasis must be placed on the decentralisation and involvement of local authorities in land governance (Van Leeuwen and van der Haar 2016; Van Leeuwen et al. 2023), which the KNU Land Policy is a good example of.

8.2 Practical recommendations

Practical recommendations arising from this thesis relate to the gap in policy awareness and the importance for international community to recognise and protect Indigenous knowledge and customary land systems.

Despite efforts by KESAN and the KNU to transfer the content of the KNU Land Policy, a gap in policy awareness remains. Many local Karen communities are unaware of the content of the policy and their land rights. This sometimes leads to uncertainty about land ownership and fear that inhabited lands fall under communal lands. Therefore, although the efforts are already there, there is a need for more effective transfer strategies. Community-led workshops, accessible and understandable informational materials in local languages and awareness campaigns could contribute to this.

In addition, this thesis showed the importance of Indigenous knowledge and the important role it has in land governance, self-determination, and environmental conservation. Customary land systems are not only essential for spiritual or cultural practices or community cohesion, but they also serve as effective models of sustainable land governance. Therefore, it is essential for the international community to recognise, support, and protect Indigenous knowledge and governance systems against external threats such as land grabbing, legal exclusion, or exploitation, as seen in Myanmar. Legal frameworks on these topics should be expanded to ensure the protection and empowering of Indigenous knowledge and systems.

Finally, coming from a personal note, I believe that Myanmar and especially the Karen people deserve far more international attention. For over 70 years, the Karen people have experienced violence, repression, and displacement and in the whole of Myanmar nearly half of the population lived below the poverty line of less than 76 US cents a day (CNN 2024). Despite this terrible conflict, global media coverage and academic discourse on Myanmar

remain very limited. After engaging in research on this topic for over a year, I am deeply moved and in awe of the resilience and determination of the Karen people in their struggle. Their ongoing resistance against oppression by horrible dictatorships and discriminative governments is truly inspiring and deserves far more attention and acknowledgement.

8.3 Recommendations for future research

Since the early '00s, attention for the land-violent conflict nexus has grown, resulting in a wider academic knowledge. This thesis aimed to contribute to these debates, including academic discussions on land governance in violent conflict affected regions, rebel governance, and the role of land in struggles for self-determination. In addition, it sought to contribute to the intersection of national and subnational governance reforms. However, several questions remain unanswered giving options for future research to contribute to the academic debates on rebel governance, land tenure security and self-determination.

First, this study aimed to answer the question of how political changes at the national level influence governance at the subnational level. However, there are some limitations to the answering of this question. Because of the scope of this research, it focused exclusively on the Karen group, meaning the answer only applies to a small part of the subnational levels of Myanmar. This means there is a research gap to conduct similar research on other ethnic groups in Myanmar. In addition, this research concludes in 2021, since a military junta seized power that year, halting the national reforms of the previous years. Therefore, if the junta is defeated and a new government emerges in Myanmar, this research could be further extended.

Second, this study has contributed to the understanding of the role of local land governance in conflict-affected settings. It has demonstrated how local land governance can serve multiple cultural and political objectives. These findings could be compared to other conflict affected settings, examining the similarities and differences between different contexts.

Additionally, this research did not explore gender dynamics, despite their significance being highlighted by a representative from the Karen Women's Organization (personal communication, November 9, 2024). This presents an opportunity for future research to examine the inclusion and exclusion of Karen women in land governance in Kawthoolei.

Finally, one major challenge that emerged from this study is the issue of dual land registration, where some Karen civilians register their land under both the KNU and the Myanmar government. This dual system can create tensions and undermine the legitimacy and authority of the KNU. Although some research has been conducted on this (Suhardiman, Bright

and Palmano 2021; Mark 2022), this could be further extended, especially since this dual registration also has implications for practical dynamics.

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