



REALISING CHANGE IN KAREN POLITICS

THE KAREN NATIONAL UNION'S APRIL NEGOTIATIONS AND THE CONTINUING PEACE PROCESS

On 11 April 2012, the Karen National Union (KNU), after over sixty years of ethnic conflict, opened a liaison office in Kyaukkyi, Toungoo District as part of its peace-making agreement with the Burmese Government. This historic event, the first of its kind for the KNU, was formally opened by the Burmese Government's Minister of Railways, U Aung Min; Pegu region Security and Border Affairs Minister, Colonel Thet Tun, and KNU General Secretary, Naw Zipporah Sein.¹

The move was a significant improvement in peace building between the two sides following initial peace talks which began in January. Not only is the opening of a liaison office a major step forward, but KNU Peace Representatives were also able to meet with President Thein Sein and NLD leader Daw Aung San Suu Kyi. On the 12th April, the KNU peace negotiating team was also able to open an office in Tavoy (Dawei), the KNU 4th Brigade area.² In addition, two Grand Tiger vehicles were provided by the Government for the office's use.³

Karen Peace talks, especially at the beginning, had been fraught with confusion and divisiveness between certain factions within the KNU. Exploratory meetings that originally began in October and November 2011 were beginning to lay the groundwork for future talks, yet there was still much scepticism from some Karen leaders.

While it looked as if a schism was beginning to appear within the KNU leadership itself over the speed of the talks and the fact that Burma Army units had not retreated, a number of high-level KNU leadership meetings were convened and it was finally agreed that talks should continue.

The Karen National Union Peace Delegation, led by KNU General Secretary Naw Zipporah Sein, left on 4 April 2012 for the Karen State capital Pa-an. Its intended goals were to discuss:

1. Details of the cease fire arrangement between the KNU and the Burmese Government
2. Progressive realization of a nationwide ceasefire
3. Guaranteed safety for civilian populations

4. Trust-building at all levels
5. Protection of Human Rights

The KNU also noted that:

The purpose of these meetings is to engage all levels of society in the process of achieving peace in a nation that has been in armed conflict for several decades. The KNU believes that lasting peace should be achieved through the combined effort of all people who are directly and indirectly affected by the coming political change.⁴

The first meeting held at the Zwegabin Hotel in Pa-an on 4 April was led by Naw Zipporah Sein, Saw Htoo Htoo Lay, Secretary of the Military Affairs Committee, and General Mutu Say Poe, General Officer Commanding. The Government representatives were Railways Minister U Aung Min, Immigration and Population Minister U Khin Yi, and General Tin Maung Win of South-eastern Command. The following topics were discussed:

1. Both shall cease fire.
2. Both shall not travel outside of designated areas with arms.
3. Shall station only at agreed upon areas.
4. Liaison offices shall be established at mutually agreed locations. No arms shall be allowed.

After the discussion the following resolutions were agreed upon by both sides:

Resolution (1) Code of Conduct for Ceasefire

- (a) Code of Conduct for ceasefire shall be developed and released at the Union-level meeting.
- (b) Both sides shall propose drafts Code of Conduct in early May to be negotiated at a face-to-face meeting, and draw the final mutually-agreed Code of Conduct. The final version shall be confirmed at the next round of meetings for implementation.

Resolution (2) Monitoring

- (a) The issue of peace monitoring shall be discussed at the Union-level negotiation.

Resolution (3) Liaison Office

- (a) More liaison officers at new locations proposed by the KNU shall be submitted to the President, and further implementation shall be carried out.

Resolution (4) Designating Areas for Restricted Travel and for Station

- (a) Designated areas for restricted travel and station shall be discussed in details at regional levels of respective parties to be reported to the union level for confirmation.⁵

After the meeting in Pa-an, the KNU delegation travelled to Rangoon for further discussions with the Union level peace negotiation team. The meeting was attended by 7 ministers led by U Aung Min on the side of the Government and a 14-member delegation led by General Secretary Naw Zipporah Sein representing the KNU. Six main points were discussed:

1. Realization of a nation-wide ceasefire, particularly in ethnic areas with ongoing fighting.
2. Guarantee of civilian livelihood free from intimidation.
3. Creation of conditions to attain trust among people.
4. Cessation of forced labor and forced collection of money or donations from the people in any form.
5. Release of prisoners, restoration of normalcy of civilian livelihood, and resolution of problems related to land rights of the people.
6. Establishment of mechanism to monitor peace process

After the talks, the following resolutions were agreed on and signed into the record:

1. Both sides agreed to adopt the principle of progressive realization of nation-wide ceasefire. On-going armed conflicts in ethnic areas must stop immediately.
2. Both sides agreed to implement a mutually-binding ceasefire Code of Conduct in order to guarantee livelihood and security of the people.
3. Both sides agreed to implement resettlement programs to restore normal livelihoods for Internally Displaced People (IDPs), which must include pressing needs such as life security, food security, and livelihood security. It is agreed that such IDP resettlement programs must be implemented in an inclusive, transparent and accountable fashion.
4. Both sides agreed to work on long-term needs for the civilian population, such as demining and systematic relocation, repatriation, and resettlement of refugees. This includes rule of law and sustainable economic development.
5. The Government and the KNU must collaborate and coordinate as much as possible for peace building and restoration of trust among civilians. District- and township-level peace building teams must be established to help foster the peace process. In particular, women must be included in the peace process.
6. The Government will protect labor rights in accordance with labor laws that are currently in place. The Government will revise laws to conform with ILO recommendations. Both sides agreed to cooperate in enforcing these laws.
7. Both sides agreed to allow active participation of NGOs, particularly community-based NGOs.
8. The KNU agreed to collect names of prisoners who have been arbitrarily arrested and imprisoned for suspicion of subversion and communicating with unlawful organizations and to send that list of names to U Aung Min.
9. The KNU agreed to report problems related to land issues to the State Prime Minister before appropriate laws related to land rights are made.
10. Both sides agreed to acknowledge land ownership agreements existing within the KNU and other ethnic organizations and to find solutions in consultation for customary land ownership and other land rights issues for IDPs.
11. Both sides agreed to find the best and most fair solution for the land ownership of the people.
12. Both sides agreed to begin identification of mutually-acceptable peace monitors to support a durable peace process in Burma. Peace monitoring will be developed in three levels: (1) Local Monitoring, for initial stages of the peace process, (2) International Monitoring, to be developed once there is significant improvement in the on-ground situation, and (3) Open Monitoring, to be developed when ethnic areas attain stability in the on-ground situation.

13. Both sides agreed to propose names of suitable people to serve in a local-monitoring capacity by end of May 2012 and to confirm the list during the next round of negotiations.⁶

After the Rangoon meeting the KNU delegation flew to Naypyitaw for a 7am meeting with Burmese President Thein Sein. During the meeting Thein Sein reportedly explained the Government's efforts in relation to the peace process, development, and democratization. The Karen National Union, for their part, said that they were committed to a nation-wide ceasefire and for progressive realization of peace and reform. In addition, President Thein Sein also told the KNU delegation that the Government was making its best efforts to remove the KNU from its list of outlawed organizations.⁷

After the Thein Sein meeting the KNU delegation travelled to Pegu (Bago) and another meeting with the Government delegation was held on 10 April 2012. Here four main areas of discussion were continued, echoing the four main points initially debated in Pa-an, chiefly:

1. To establish mutual ceasefire on both sides.
2. No armed personnel to be allowed except in specified zones.
3. Troops to station at specified zone that have been agreed upon by both sides.
4. Liaison Offices (no armed personnel) to be opened at appropriate and mutually agreed places.

After the talks, the KNU and Government sides signed the following resolutions into the record:

(1) Regarding ceasefire:

- (i) The Union Government is to set up district-level and township-level peace process implementation committee and the committee will work with its corresponding level of KNU.
- (ii) To create trust building among soldiers from both sides, it is agreed to establish tripartite relationship among public and soldiers from both sides through broad public awareness.
- (iii) Each level of local commanders will have meeting in the third week of May for further discussion.
- (iv) The two sides ensured to implement ceasefire-monitoring process with great transparency.

(2) Regarding troops stationing at specified zones:

- (i) Regarding this matter, detail discussion is to be made within corresponding local organizations and the details to be reported for approval.

(3) Regarding setting up liaison office in the mutually agreed places:

- (i) For state/region-level communication, Colonel Thet Tun from Bago Region of Union Government and Colonel Roger Khin from KNU were assigned.
- (ii) For union-level communication, KNU's Foreign Affair Secretary Saw Aung Shwe from Karen National Union and one deputy director from the Office of Ministry U Khin Yi from Union Government were assigned.⁸

Shortly after the meeting in Pegu on the 11th April, Peace Negotiator and 4th Brigade District Chairman Padoh Kwe Htoo Win opened the KNU's liaison office in Tavoy. Although two offices have been declared open, there still remain some operating details to be worked out before each is fully functioning.

While the primary role of the offices is to monitor military movements, it is hoped that they will function on a much wider scale. At the moment there are staffing issues that still need to be addressed and discussions within the KNU continue on how best to implement humanitarian assistance via the liaison offices. Though it had initially been envisaged that the main KNU office would be based at Myawaddy, this idea has been dropped in favour of opening the main office in Rangoon. There may be some contention in relation to the opening of a KNU office at Three Pagoda's Pass as the area is contested not only by a number of Karen groups but also by the Mon.

Despite the positive changes in relation to the opening of KNU offices and the possibility that the KNU will become a legal organisation, there still remains a great deal of scepticism from urban Karen communities, especially in Rangoon and the Delta.⁹ While most Karen communities in those areas that have seen conflict over the past fifty years are more welcoming of the peace process, those outside conflict areas maintain little faith in the new Government and are consequently much more cautious. This view is also common among exiled Karen who continue to express their views via international campaign groups despite having very little contact with the communities who are most likely to be affected by the process.

A further concern for the Karen National Union peace process is the continued existence of the Karen Peace Council (KPC) and the Klo Htoo Baw Battalion. While the Peace Council has largely been marginalized, at least one leading member, Lt. Col. Timothy Laklem, continues to secure a role for himself in Karen Politics. Timothy, along with then 7th Brigade Commander Htain Maung, split from the KNU in 2007 and there remains some bitterness in the mother organisation. While it is likely that Htain Maung may be looked upon more favourably by the KNU, such a courtesy is unlikely to be extended to Timothy.

Similarly, the Klo Htoo Baw Battalion, formerly the DKBA's 5th Brigade, may also be an obstacle to peace in Karen State. The DKBA recently formed a political wing under the auspices of Mahn Robert Ba Zan, the son of former KNU president Mahn Ba Zan. Mahn Robert Ba Zan, a devout Christian who resettled in Minnesota where he became a Karen community leader, has joined the DKBA and is attempting to recreate the group as a Karen political force known as the Klo Htoo Baw Karen Organisation (KKO). According to its founding statement:

1. The KKO recognizes the KNU as the mother organization, and will support the KNU.
2. The KKO promises to gain Karen independence and to follow Saw Ba U Gyi's four principles.
3. To protect Karen dignity, values and identity
4. To implement equality and self-determination, national unity and development, to build a federal union and a long lasting peace process.
5. The KKO does not allow trafficking (selling and transportation) of drug and narcotics. And will cooperate with other agencies to prevent drugs.¹⁰

The organisation is ostensibly led by the DKBA's founder, U Thuzana and the No Poh Sayadaw (aka U Wizzana, Sayadaw Bone Bone or Rambo Monk). Surprisingly,] prior to the formation of the DKBA in 1994, both had taken opposing positions in relation to the DKBA's emergence.¹¹ While there are at least 12 patrons -- mostly Buddhist monks and two Christian pastors¹² - the organisation's affairs are primarily administered by a 19 person Executive Committee, the Chairman of which is Mahn Robert Ba Zan.

While the formation of the KKO at the beginning of April 2012 may have been a legitimising move on behalf of the Klo Htoo Baw Battalion to secure its place in the Karen political arena, the group suffered a major setback in late April. Thailand's Office of the Narcotics Control Board (ONCB) included the Klo Htoo Baw battalion's leader Nakamwe (Saw Lah Pwe) on a list of wanted drug traffickers.¹³ The ONCB issued a 1,000,000 Baht (US\$ 32,000) reward for Lah Pwe, although he denies his involvement in the drugs trade and told the Irrawaddy:

I never do [drug trafficking]. I have no desire to be rich in that way. They [Thai authorities] hurt not only my image, but also the image of my people and my state. They look down on us . . . They can come here. I will not attack or harm them. I will be responsible for everything. If I am guilty, I will face legal action. I will even go to the International Criminal Court if necessary,¹⁴

While a number of allegations have been made in the past in relation to DKBA 5th Brigade's drug trafficking activities, these have mainly involved low-level commanders.¹⁵ This is the first time that Lah Pwe has been directly implicated in the trade and will seriously affect the activities of the armed group and the KKO. In addition, it is unlikely that any other Karen organisation, especially the KNU, will want to associate with a group implicated in the drugs trade.

It is doubtful, now that it has been associated with drug trafficking, that the group can continue as it is. Although Robert Ba Zan and the KKO may attempt to improve the group's image, it is questionable whether they will be able to significantly change people's perception of it as a drug trafficking or criminal enterprise. Although it originally received a great deal of praise for its stance in refusing to become part of the Border Guard Force, these allegations are unlikely to simply disappear.

The fact that the KPC and the Klo Htoo Baw Battalion continue to be active in Karen State, assuming the role of local militias, rather than representing the local population in a political context, needs to be further examined. Their existence, which appears primarily motivated by commercial concerns, could destabilise peace in Karen State, and both groups need to re-think their role in any future Karen State if the people are to benefit.

There is now a requirement for all interested parties to rethink their position in relation to the current political environment. One Karen peace negotiator, who was present at both the 2004/5 and the 2012 negotiations, noted that there was a significant change in the Government's attitude. He noted that its mind-set was completely different and that the Government was now placing emphasis on equality, in contrast to the situation in 2004/5 when the Military merely dictated what they needed for stability. The fact that key issues were not only agreed to but notarised and signed by both parties was in itself a major breakthrough.¹⁶

The Karen National Union negotiators recognise the fact that they still have some way to go before achieving all of their requirements. The April meetings only addressed six out of the thirteen points put forward and it is hoped that further meetings in May will cover those issues remaining. Both sides are currently preparing codes of conduct and monitoring systems to be discussed at the next meeting, aimed at preventing any future misunderstanding in relation to military affairs. That said, however, no one is expecting immediate change and patience is needed on all sides.

Notes

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- ¹ 'Kayin National Union-KNU opens Liaison Office in Kyaukkyi of Toungoo District', *The New Light of Myanmar*, 11 April 2012
- ² 'Kayin National Union (KNU) opens Liaison Office for Myeik/Dawei District, Brigade-4', *The New Light of Myanmar*, 12 April 2012
- ³ 'Perpetuation of peace discussed with KNU' *The New Light of Myanmar*, 13 April 2012
- ⁴ 'KNU Leaves to Continue Talks on Ceasefires with the Burmese Government', Karen National Union Statement, 4 April 2012
- ⁵ 'Second Round State/Region-Level Peace Negotiation between KNU and the Government of Myanmar Meeting Minutes April 4, 2012 Pa-an', unofficial translation
- ⁶ 'Meeting Notes of the first Union-Level Peace Talks between the KNU and the Government of Myanmar Yangon April 6, 2012', unofficial translation
- ⁷ 'Karen National Union (KNU) and Myanmar President U Thein Sein Meeting' Karen National Union Statement, 7 April 2012
- ⁸ 'State/Region-Level Peace Negotiation between KNU and the Government of Myanmar Meeting Minutes April 10, 2012 Bago', unofficial translation
- ⁹ Personal conversation with KNU Peace Negotiator and Central Committee member, Mae Sot, 20 April 2012
- ¹⁰ 'The Statement of the first Klo Htoo Baw Karen Organization's Conference', 01/2012, 2 April 2012, unofficial translation.
- ¹¹ The Noh Poh Sayadaw became head of the Bo Mya appointed Buddhist council to oppose the influence of U Thuzana and provide a veneer of Buddhist equality.
- ¹² Including KNLA 101 Battalion Commander Col. Paw Doh, who has been largely responsible for DKBA/KNU communication
- ¹³ <http://rewards.oncb.go.th/> accessed 25 April 2012
- ¹⁴ 'DKBA Leader on Thailand's Most-Wanted List', Saw Yan Naing, *The Irrawaddy*, 25 April 2012
- ¹⁵ See for example 'Thai Police seize 90 thousand amphetamine pills from DKBA', Loa Htaw, *IMNA*, 7 May 2010
- ¹⁶ Personal conversation with KNU Peace Negotiator and Central Committee member, Mae Sot, 20 April 2012