



# Burma Centre for Ethnic Studies

## PEACE AND RECONCILIATION



## THE KAREN NATIONAL UNION NEGOTIATIONS 1949 -2012

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## The Karen National Union Negotiations 1949 - 2012

Paul Keenan

## Forward

Throughout the rise of the Burman and Mon kingdoms, Karen people have consistently been oppressed and as result they have found themselves divided. Used as porters by both sides, such divisions soon became recognised. Internal conflict between these two kingdoms defined the Pwo, or Plone, as Mon Karen and the Sgaw, or Pakanyaw, as Burman Karen. It wasn't until the British colonised the country in the 1800's that education, freedom, and development resulted in the recognition of a single Karen identity.

The Karen wanted independence from the Burmese state in 1948 due to mistrust ingrained through the centuries. This lack of trust was further exacerbated at the time of the Japanese occupation in which the Japanese allied Burma Independence Army (BIA) committed wide scale atrocities against local Karen communities. Based on fears of Burman dominance of the Government and subsequent discrimination, the Karen resistance movement was started on 31 January 1949.

While such concerns have continued to prevail and overt discrimination has continued through successive Governments, the Karen National Union has embarked on a number of peace negotiations with the Burmese Government, however, due to mistrust on both sides, many of these negotiations have failed.

While the current negotiations continue, these talks have inherited the same mistrust, despite this, we need to overcome these problems and they need to be solved based on political dialogue not economics and development. All the lessons learnt from the past negotiations must be used to build trust - not just through words and promises - but through action from both sides before such trust can be built.

It must also be recognized that the Karen are only one of 8 major ethnic groups, including the Burman majority, in Burma. Consequently, the ethnic issues facing the country must be solved not just by the Karen and Burman but by all ethnic groups. For peace to prevail, we must

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respect all diverse elements in the country. Only then will true equality for Burma's peoples be realised.

This working paper, written by Paul Keenan, Research Co-ordinator of the Burma Centre for Ethnic Studies and co-founder, with myself, of the Karen History and Culture Preservation Society, helps to provide new insight regarding the many KNU peace talks that have been held since 1949. It highlights the many perspectives and changes that have shaped Burmese ethnic politics throughout our sixty years of struggle, and shines new light on the many developments that have occurred.

I hope that this paper will provide all those interested in seeking sustainable peace in the country with the opportunity to review those situations of the past and amend them to create a better future for our people and our country.

Saw Htoo Htoo Lay  
June 2012

## Summary

Since the beginning of hostilities, officially declared on the 31<sup>st</sup> January 1949, the Karen National Union has consistently attempted to find an accommodation with the successive governments of Burma.

While initial discussions centred on the recognition of a free Karen state of 'Kawthoolei' and the need to retain arms. Later talks, primarily those that began in 2004, sought merely to protect the Karen populace from further abuses at the hands of the Burmese army, the tatmadaw, and preserve some form of role for the organisation.

One of the main reasons for the lack of progress in talks had been the legality of the Burmese government, especially after the 1990 elections. The then government, the State Peace and Development Council (formerly SLORC), engineered a technical loop hole allowing it to ignore the results of the 1990 election. In claiming that the election was held to elect a committee to draft the constitution<sup>1</sup>, and not a government, the SPDC was able to retain power and preserve the military's role in governing the country. Thus, the 1995/96 talks with the SLORC were hindered by the government's claim that it could not enter into an official agreement due to the fact that it was a military government and could not act on political matters until after the National Convention. Such a tactic left the Karen National Union with little or no future hopes for realising its ethnic aspirations.

The SPDC consistently claimed it was only able to find military solutions to the ongoing civil war. It could not, therefore, provide guarantees for the political future of any of the ethnic groups. The fact that the National Convention, which ended in February 2008, was tightly controlled by the regime, as was the forced acceptance of the constitution<sup>2</sup> the same year, provided little faith in the military's claims of its inability in regards to influencing the political process.

It was the regime's military mindset, compounded by the paranoia

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of a number of the government's leaders, which had prevented any substantial results coming from the 2004/5 round of peace talks. While the Karen National Union had focussed on the plight of the people as being the main reason for ceasing hostilities, the Government insisted on settling territorial claims, similar to those already provided to then cease-fire groups, as the most important issue to be addressed.<sup>3</sup>

The most often used example by the SPDC of a ceasefire group being able to live peacefully with the regime was that of the KIO who came to an agreement with the junta in February 1994.<sup>4</sup> The KIO had been given nominal territorial control of over 15,000 square miles and a number of trading concessions. The regime constantly used the group as a positive example of what happened if ethnic forces joined hands with it. Interestingly, of all the ceasefire and non-ceasefire groups that reached agreements with the regime, the Kachin Independent Organisation was the only one to have their status recognized in an official document.<sup>5</sup>

This formal recognition given to the KIO however was not extended to the KNU during any of its talks. This caused numerous problems with the KNU insisting that the only way of ensuring a solid basis for peace was the official signing of an agreement between the two sides. The initial meeting between then Burmese Premier Khin Nyunt and General Bo Mya placed the signing of an official ceasefire document as second out of the four main issues for discussion. Despite such calls any attempt by the KNU to formalise its position with the Government was rejected.

The KNU's strategy in attempting to formulate an agreement with the regime was often shaped by KNU founder Saw Ba U Gyi's four principles which stated:

1. For us surrender is out of the question
2. The recognition of Karen State must be complete
3. We shall retain our arms
4. We Shall decide our own political destiny

While a reluctance to compromise the above principals may have

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shaped early negotiations, the later talks took a more realistic approach to fulfilling the needs of the Karen people. While the KNU still believed in the spirit of these principles it already recognized the fact that any Karen State could only exist as part of a federation. Later talks, primarily those after March 2005, allowed the KNU to retain its arms and provide some limited authority over Karen controlled areas. In addition the 2005 offer also included resettling internally displaced Karens to areas under the KNU's control and thus providing a more secure environment for vulnerable Karen populations – one of the main objectives of the 2004/5 talks.

The areas where Karen people live have also played an important part in deciding the course of negotiations with all the Karen groups. A number of Karen groups have made agreements with the junta and have been given territorial control over parts of Karen State neighbouring the eastern border with Thailand but, as KNU Vice Chairman David Thackerbaw notes, this does not fully recognize the needs of the Karen people as a whole:

Since only an eighth of the Karen live in the Karen State created by U Nu, the first premier of independent Burma, the KNU has to think also for the freedom of the Karen in the Irrawaddy Delta, Taninthayi, Rangoon and Pegu Divisions. The present military regime...wants to ignore the presence of large populations of Karen in the said divisions.<sup>6</sup>

Another reason for distrust between the two sides was the KNU's relationship with pro-democracy forces, primarily the NCGUB. This relationship, with the NCGUB insisting that the only way forward was to replace the regime, was to seriously impede the early negotiations in 1995/1996.

In 1994, a KNU working group was set up with the express purpose of engaging the junta in prospective 'talks' that would address many of the political issues affecting the country. It was hoped that these discussions, which addressed equal rights, self-determination and a move towards eventual federalism, would lead to the international community revising its stance towards the

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regime. The international community had been wholly supportive of the NCGUB and its calls for regime change and the group believed that this stance had been impeding progress on many other issues.

The activities of the group, led by members of the KNU's Foreign Affairs department, were to fail as Foreign Affairs-in-Charge David Taw notes:

This move collapsed late in the year when NCGUB leaders in New York pleaded with the KNU leadership not to make such a move, which they saw as undermining their own efforts at the UN to win decisive international action against the SLORC.<sup>7</sup>

In the 2004/5 negotiations the SPDC has stated that it treats the KNU differently from other ethnic opposition forces (see March 2005 talks) because of its relationship with Burman anti-government groups. While personal contact had been made between Dr Sein Win and General Bo Mya prior to the 2004 talks it is unlikely that the KNU stance towards the negotiation was influenced by it.

This final offer, prior to the breakdown of the talks in 2005, which consisted of the KNU being given a trial period of two years and an offer of renegotiation afterwards was seriously considered by the leadership. However, the KNU leadership has often found itself divided by those who are more acceptable to the Junta's overtures and a number of hardliners whose trust in the junta has been eroded by previous failed peace attempts.

Despite such distrust the 2005 offer was the closest the two sides had ever come, prior to the 2011 negotiations, to settling the conflict. As David Taw notes at the conclusion of his 2005 analysis of the negotiations 'Choosing to engage' that the main factors that have decided strategy were:

Individual leaders' changing analyses of the situation play a decisive role: it should be noted that the viewpoints and membership of pro- or anti-ceasefire factions are not static.

Concern about the effects of the conflict on the civilian population

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has shaped attitudes to engagement. Also, different KNU factions' abilities to present the case for or against engagement to grassroots supporters have been important determinants of strategy.

Interpretations of the KNU's worsening military situation have differed: variously suggesting a ceasefire (in order to neutralize the government's military advantage) or continued fighting (because the unfavourable negotiating position undermines the value of negotiating).

International influences have been an important factor, with Thailand's increasing discomfort with the conflict and concurrent willingness to hinder the KNU's military strategy being an important push towards a ceasefire approach.

Perceptions of the trustworthiness of counterparts and intermediaries and the credibility of past engagements were other important factors.

Membership of broader opposition groupings and alliances has played a role in the KNU's decision-making, reinforcing certain factions' power (especially because of overlapping leadership arrangements), and usually inveigling against engagement with the ruling regime. The existence of a high-profile pro-democracy movement that has overshadowed the Karen cause internationally has also played a role in KNU thinking.'

The years that have passed since the suspension of talks in 2004/5 have seen a number of other factors emerge in shaping any future strategy. Frustrated by the failure to achieve any viable solution, and influenced by a number of pro-government supporters, the 7<sup>th</sup> Brigade under the command of Brigadier-General Htain Maung, sent its own unofficial negotiating team to Rangoon in September 2006. The group, comprised of Col Jonny, Lt. Col Paw Doh, Maj Yin Nu and Maj Shwe Ro, had been given the task of trying to halt an ongoing offensive in the northern districts of Karen state which had been targeting the civilian population.<sup>8</sup>

On its return the group stated they had been informed by Maj-Gen

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Ye Myint, of Military Affairs Security that the former 'Gentleman's agreement' was no longer in effect and that any future talks would have to begin a new with the present (7<sup>th</sup> Brigade) negotiating team. Once more the SPDC clarified its position that it was only prepared to deal with the situation as a military matter. The former negotiating team, which had been comprised of both civilian and military leaders, was no longer acceptable.

The situation became more complicated by the death, in December 2006, of KNU leader General Bo Mya. On the second of January 2007, 7<sup>th</sup> Brigade Commander Htain Maung, who had been trying to separate himself from the KNU leadership since June 2006, led an unofficial negotiating team to Rangoon to meet with a SPDC negotiating team comprised of Gen. Thein Sein, Lt-Gen. Ye Myint and Col. Myat Htun Oo. The talks, which occurred at the same time as the offensive was gaining momentum, were widely condemned by the KNU leadership.

On the groups return it claimed that they had got the regime's verbal assurance that

They will withdraw [troops] from areas considered unimportant...  
But in important areas, the [SPDC] will continue to control.<sup>9</sup>

The areas that were included in the offer included Htee Mu Kee village in Papun district and some of the more lucrative areas in 6<sup>th</sup> Brigade including Waley Kee. Despite the fact that the agreement offered little in relation to ceasing the ongoing conflict in the three northern brigade areas the group joined the legal fold in late February 2007. The deal finally accepted by what was to become known as the KNU/KNLA Peace Council included nominal control over a small part of seventh brigade based around the village of Taw Koe Koh in Pa-an district and a number of business concession including logging and tourism.

Although this group was able to secure some support in relation to developmental work and provided with a logging concession, it, like other ceasefire groups, had seen itself subsumed by the regime. Although Karen ceasefire groups have claimed to be upholding the aspirations of

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the Karen people the definition of what such aspirations are is malleable and based on the whims of individual leaders.

As noted earlier, the objectives of the Karen National Union were predominantly to secure equal rights for all Karen people, regardless of geographical location. Groups that have made verbal agreements with the junta have done so based on the premise that peace in the areas they control would lead to further freedoms. While human rights abuses have been reduced in some areas they have not been eradicated and groups are still used as proxy militias by the Burmese armed forces. For example, during the Saffron revolution in 2007, the DKBA were involved in securing road access and monasteries in Karen State in an attempt to block fleeing Buddhist clergy from entering Thailand.<sup>10</sup>

The status afforded these groups, especially the New Mon State Party which saw its concessions greatly eroded, offered little faith for those wishing to make a deal with the regime. As noted during the 4<sup>th</sup> meeting, even with the establishment of KNU autonomous areas, the SPDC would continue to subjugate those areas, and the people, surrounding them. Such actions would inevitably cause conflict between the two sides. Such activities on the part of the SPDC were exemplified by the ongoing suppression of Karen villagers in northern Karen State. The Karen ceasefire groups, instead of deploring the large scale resettlement, displacement and inherent abuses that characterized the offensive, supported the SPDC's position.<sup>11</sup>

The regime, or at least the army, seemed possessed of an almost perverted view of how they were perceived by villagers in the areas in which it operated. When told about villagers' fears in relation to the Burma army Major General Thura Myint Aung replied that the Burma army did not get involved with villagers and any fears they had were unfounded (see 4<sup>th</sup> meeting). At an earlier meeting (see 2<sup>nd</sup> meeting) when told about how villagers feel in relation to Burmese troops and the close proximity of military outposts close to their villages, the SPDC negotiators said that it was necessary to relocate villages close to military camps to 'strengthen confidence in the local populace'. At the

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same meeting Brigadier General Than Htun stated that villager abuses occurred because Burmese troops could not differentiate between villagers and KNU cadres.

The regime's failure to identify the needs of the people above the security of the state continued to shape how previous peace agreements were made. Its reliance on settling territorial integrity at the cost of the people who inhabited such areas appeared paramount in the minds of the military regime.

After the 2010 election, and the inauguration of President Thein Sein, the Burmese Government, although still military in essence, has attempted to bring peace to the country by openly engaging ethnic armed groups. By creating a Government Peace Negotiating Team led by the Minister of Railways, U Aung Min, the Government has inked a number of initial peace agreements.

The Thein Sein government's methodology differs greatly from that of previous military governments. All calls for armed group to give up their weapons prior to negotiations have been dropped, meetings have been held outside of the country in both Thailand and China, and a number of foreign observers have been allowed to view the process.

While much scepticism still remains, especially from those who see the peace process as undermining their own positions in their organisations, there remains much optimism. It is acknowledged that there are still major obstacles to be overcome, especially the 2008 constitution, which ensures a leading role of the military in Parliament, and an on-going conflict in Kachin State.

Despite such issues remaining, the current environment has provided a rare opportunity for non-state armed groups to move towards achieving a substantive political dialogue and the possibility of peace and development in their respective areas. It is paramount, therefore, that all relevant parties seize such opportunities while they exist - for the benefit of themselves, their people, and the country as a whole.

## U Nu and The Government of the Union of Burma

By the 2<sup>nd</sup> February the pre-dominantly Karen area of Insein 6 miles north of Rangoon was firmly under Karen control. Karen forces throughout the country had mutinied and had begun to move towards the capital occupying a number of towns in the process.

The U Nu government reacted quickly and within a few months a request for negotiations had been sent supported by Bishop West, of the Anglican Church, and Miss Ba Maung Chein, the daughter of San C Po. To further strengthen the request the ambassadors of Britain, India and Pakistan agreed to guarantee the negotiating teams security. On the 6<sup>th</sup> April Saw Ba U Gyi agreed to meet with U Nu and his party left to meet with the Burmese government at Kawehgyan a Burmese military outpost delineating the frontline. On his arrival he was escorted to the war office and a proposal to end the stand off was made containing the following points:

- (1) Amnesty to KNDO insurgents.
- (2) *Treatment of the Karen Army personnel.* - There will be no discrimination to the disadvantage of the Karen Army and other army personnel belonging to the minority groups. As these people are in law still members of the Union Army, they will place themselves at the disposal of the Government of the Union. The Army Re-organization Committee composed of the Hon'ble Sir BA U, Chief Justice of the Union as Chairman, the Hon'ble Lt.-General Ne Win and Lt.-General Smith Dun, M. C, will not only consider the re-organization of the armed forces but will also go into the question of grievances of the Army personnel, if there be any.
- (3) *Karen Civilian Officers.* - They will be treated in the same way as the Burmese civilian officers in similar circumstances.
- (4) *Arming.* - The Karen leaders agree to the principle that nobody

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unless authorized by authorities in this behalf shall carry or possess arms. Karen civilians will be given permission to hold such quantity of firearms as may be necessary for the security and protection “of the villages where they live.”<sup>12</sup>

Saw Ba U Gyi, under pressure not only from the Burmese but also the other ambassadors, agreed to give in to the demands of U Nu however, he insisted that a commission for Karen State affairs be formed. It was agreed that a surrender ceremony was to be held on the 8<sup>th</sup> of April at Tha Mae Oo.

On his return to Insein he quickly informed the Karen leaders of the agreement and soon a response from the Karen Taungoo headquarters, where Hunter Tha Hmwe and Major Aung Sein were based, resulted in a counter-proposal being made. It was decided that the signed agreement had not taken into account the Karen’s political aspirations and had focussed primarily on ending the conflict. The new proposal included:

- (1) the cessation of hostilities throughout Burma and the declaration of a truce for further negotiations;
- (2) the provision by the Government of facilities for a meeting of the military and political leaders of the insurgents and that frontier leaders should take part in the negotiations;
- (3) the holding by the insurgents during the period of the truce of the areas they have occupied.<sup>13</sup>

Knowing that the AFPFL would never agree to these requests the biggest problem for the Karen leadership was that the agreement had already been signed. To overcome this obstacle it was agreed that Saw Ba U Gyi had signed the agreement on behalf of the Karen National Union while in reality the military action that had taken place was the responsibility of the KNDO which had been the organisation declared illegal. It was decided therefore that Mahn Ba Zan should be the one charged with negotiating any agreements.<sup>14</sup>

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On the 5<sup>th</sup> May Mahn Ba Zan went to meet with Sir Ba U to put forward the new Karen proposals. After Sir Ba U had contacted U Nu it was decided that Mahn Ba Zan should then meet with the AFPFL’s Chief of Foreign Affairs U Aye Maung. Here he outlined the problems regarding the fact that the agreement had failed to take into account Karen aspirations. An hostile U Aye Maung had replied that failure to comply with the signed agreement would result again in war, nonetheless it was decided that Mahn Ba Zan should meet with senior leaders of the AFPFL.

At the meeting with U Nu it was put forward that the agreement was not designed to settle the Karen political dispute, only the military stalemate. Therefore, the Karens would not be able to comply as they could not assent to being disarmed until the greater problems affecting them were addressed. U Nu refused to accept any changes and the negotiations ended in return to armed conflict. Karen forces withdrew from Insein on the 22<sup>nd</sup> of May 1949 after a 112 day occupation.

to takes the Burmese proposal back to the Karen leadership where it was agreed that the terms offered did not meet Karen aspirations.<sup>15</sup>

## **Ne Win and The Government of the Union of Burma**

The next serious attempts at negotiation were to take place largely due to the formation, on the 16<sup>th</sup> May 1959, of the National Democratic United Front (NDUF), which united the Kawthoolei Nationalities United Party (KNUP), the New Mon State Party (NMSP) and the Communist Party of Burma. Concerned by this strengthening of the opposition Ne Win, who had taken power on U Nu's behest in 1958, attempted to contact the Karen Revolutionary Council (KRC) prior to stepping down from power in 1960.

Brigadier Aung Gyi was delegated the task of heading talks with the Karen led by KNUP delta leaders Bo Kyin Pe and Sgaw Ler Taw, and KAF commander General Kaw Htoo. The talks which were held in secret over four days in Rangoon were primarily concerned with the KNUP ceasing hostilities and working with the Government to develop the country but once again did not address the issue of self-determination.

For the Burmese side the talks were to centre on the Karen joining the Burmese government and for all Karen forces to be reintegrated into the Burmese Army following similar lines to those of the Karen rifles. In relation to the Karens keeping their arms the Burmese side said that the Karens would be allowed to keep their arms however a ceremony would be held in which Karen forces would be seen to give up a few of their weapons – they reiterated that this would not be a surrender.

The biggest stumbling block at the talks was the Burmese side's failure to recognize the Karen's call for a right to self-determination. The Burmese negotiators stated that a recognized Karen State already existed and as far as they were concerned they were unable to help them. The Karens only choice would be to join with the government and then use the legislative process to press for further rights.

After the fourth meeting with Aung Gyi the Karen negotiating team agreed

## Ne Win and The Revolutionary Council

On the 2<sup>nd</sup> May 1962 Ne Win came to power in a coup. On the 10<sup>th</sup> June 1963 he issued a statement calling for talks with all armed groups in the country.

These third negotiations were set against a backdrop of differing ideological opinions between the Karen in the delta, led by Mahn Ba Zan, and those in the east under KRC President Saw Hunter Tha Mwe. The Revolutionary Council was able to use the conflict to its own advantage and embarked on holding separate talks with Hunter Tha Mwe<sup>16</sup> and Mahn Ba Zan representing Karen interests through KNUF.

The Karen National Union (KNUF) was at this time a member of the National Democratic United Front and it was decided by the organization's leaders that all negotiations should be conducted as a representative front. The team members selected were Mahn Ba Zan, Sgaw Ler Taw and Bo Kyin Pe (KNUF), Saw Maw Rae and Bo Zan Lay (KNPP), Naing Shwe Kyin, Naing Htain and Naing Ben Htoo (NMSP).

After arriving in Rangoon it was decided that the negotiations should be undertaken with fellow NDUF members the CPB and Chin National Vanguard Party. The Revolutionary Council had several official meetings with the NDUF representatives between October 8<sup>th</sup> and November 13<sup>th</sup>. The negotiations, led by Mahn Ba Zan as party spokesman, and Thakin Than Tun his deputy finally ended in a stalemate at the last meeting on the 13<sup>th</sup> November when it was agreed that they could not accede to government demands which requested that

1. All the revolutionaries had to stay in areas allowed by the military government.
2. The revolutionaries would not be allowed to consolidate their organisation.
3. The revolutionaries would not be allowed to govern or tax the population in these areas.
4. That should the revolutionaries want to leave their areas they must first have permission from the Government.
5. That the revolutionaries would have to follow the Government rules in the areas they have been given.

On the 14<sup>th</sup> November the NDUF's representatives returned to their respective headquarters. Despite promises to allow free passage for up to three days after the end of negotiations the Burmese military quickly sought unsuccessfully to capture them.<sup>17</sup>

The civil war was to rage for another twenty years before once again an overture for peace would be made to the ethnic opposition. The State Law and Order Restoration Council had seized power from the democratically elected NLD in 1990 and had embarked on a number of methods, including ceasefire arrangements, to weaken a strengthened ethnic and Burmese opposition group – the Democratic Alliance of Burma.

Hoping that the new regime would be more open to negotiations with the opposition General Bo Mya, Karen National Union President, sent a letter, on the 7<sup>th</sup> July 1994, to SLORC leader General Than Shwe requesting that relations should be formed in the hope of securing dialogue at a neutral location outside of Burma. There were also attempts made, throughout the same year, via the military attaché, Colonel Thein Hswe, at the Burmese embassy in Bangkok and also through a Rangoon based Anglican Bishop, Andrew Mya Han, to arrange peace negotiations between the Karen National Union and SLORC.

For the Karen National Union the basis of these discussions would have to centre on the following four requests:-

1. That the negotiations should not be made separately with each group or party alone; instead, to definitively represent all the opposition parties as a whole in the discussions for solutions, they should be made between the Democratic Alliance of Burma (DAB) and SLORC.
2. That the place for the negotiations should be a foreign country acceptable to both sides.
3. That this meeting for peace negotiations be conducted under the supervision of the United Nations.
4. That this meeting for peace negotiations should be accessible to people of the news media, and news conferences can be openly held with them.<sup>18</sup>

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These requests were rejected and the Karen National Union decided in the face of the regime's intransigence that it would be necessary to embark on direct bi-lateral talks. The decision to engage in future negotiations and the fundamental points or policies that would need to be adopted was confirmed at the 11th Congress of the Karen National Union held in July 1995.

## SLORC - The First negotiation -18 December 1995

A preliminary delegation was sent to Moulmein on December 18, 1995 the 7 man delegation led by Padoh Kli Say met with the SLORC's representatives and discussed the following:

1. For this Karen National Union and SLORC negotiation, the rank and number of responsible representatives should be discussed and agreed upon. (Members of the delegation of each side should comprise First Line Leaders and the Karen National Union should be represented by 7 members, plus 4 office staff members to record minutes, a total of 11 members to attend the negotiations).
2. To settle on the time and place for the delegations to meet (To discuss for agreement that the negotiations should take place no later than the first week of January, 1996, and that a suitable place in Rangoon be chosen, and only if that is not possible, then Pa-an be considered as the venue.)
3. To discuss for the arrangement of broadcasting over the radio and announcement in newspapers about commencing negotiations by the two delegations one day ahead of time (on the eve of the meeting).
4. To discuss and settle on allowing the attendance by the peace intermediaries during the negotiating sessions.
5. To settle on the freedom of recording of all of the negotiating sessions from beginning to end by video camera, movie, still camera and audio tape.
6. To discuss and settle on the Karen National Union holding a press conference at the end of the negotiations at a suitable

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place in the city where the negotiations are held. (This can be omitted if SLORC objects to it. However, each side, on its own, should always hold the right to dispense information to the news media.)

7. To discuss and settle on the access to telephone/telegraph/radio communication between the Karen National Union delegation and the Karen National Union Central Headquarters.
8. To discuss and agree on the security arrangements for the Karen National Union delegation by SLORC.
9. To discuss and settle on the absence of internal or external threat or threatening gestures and actions during the negotiating sessions.
10. To discuss and agree on the right of the Karen National Union representatives to meet freely with relevant people and to be able to attend religious / worship services of each own faith at will without any restriction during the negotiation period.

The right to meet with relevant people means:

- (1) Leaders of Karen people organizations
- (2) Educated elites and Persons trusted and revered by the Karens.
- (3) Buddhist Monks / Abbots and Christian Clergy Leaders.
- (4) Relatives and close friends
- (5) Members of Ethnic Political Parties and Political Leaders supported by the people or mass.

11. At the end of the negotiations, to make known to the country through radio and TV broadcasting, and also through newspapers and periodicals all the minutes taken during the entire sessions. <sup>19</sup>

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The SLORC's representative rejected items 2, 3, 6 and 10 especially the latter in which the Karen National Union had requested the right to meet with other relevant parties. In addition to refusing to honour those points when the negotiating party met with the SLORC's representatives they also failed to honour point number 1.

## **SLORC - The Second Negotiation – 15 – 16 February 1996**

The Second Negotiation took place from February 15<sup>th</sup> – 16<sup>th</sup> 1996 at the Southeast Command Headquarters in Moulmein. The Karen National Union's Delegation led by Pu Ta Her, assisted by Mahn Sha La Pan, met with the SLORC delegation led by Colonel Kyaw Thein. Before negotiations were to begin the Karen National Union side put forward the following:

### **Memo on the Karen National Union Viewpoint concerning Cease-fire during the Negotiation Sessions**

it is necessary to observe a cease-fire during negotiations between SLORC and Karen National Union. The necessity derives from:

- a) the desirability of cultivating trust by each side during negotiation;
- b) the need to avoid military matters during the negotiation;
- c) the essentiality of conducting the talks under secure conditions;
- d) Both sides to obtain the trust, reliance and confidence of relevant parties, organizations, ethnic peoples, and the entire mass (people) of Burma.
- e) in continuation, along with the cease-fire, the following items are deemed necessary and proposed for mediation by the Karen National Union ; they are:

The need for SLORC to let the entire country know about the cease-fire.

1. The need for SLORC to let the entire country know about the cease-fire.

This need to declare the cease-fire to the whole country rests on the following reasons:

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(a) Without the declaration of cease-fire to the entire country, (troops of) Karen National Union allies in the basic Karen National Union territories and the contiguous areas, and within as well as outside the Karen National Union regions, would continue fighting with SLORC, and, inevitably, the Karen National Union troops in the basic Karen National Union territories would be, in some way, involved in the conflict. It is therefore highly desirable that SLORC officially announce the cease-fire to the whole country to avoid these complications.

(b) Everyone is aware that the fighting and battles between SLORC and Karen National Union have been the fiercest. In view of this, to alleviate the obduracy and antagonistic sentiment between both sides, and, concurrently, mitigating the hardened animosity and hostile emotions between all other armed resistant powers in the country and SLORC, it is desirable to cultivate a good seedling in starting this negotiation by the two sides.

(c) The countrywide declaration of cease-fire can provide encouragement to the people of the whole country. They will have faith on this negotiation, and support and cooperation can be forthcoming from them. And these are extremely desirable to be attained.

(There has been a precedence when in 1963, during negotiations with the then ruling Revolutionary Council, the Revolutionary Council government made an official declaration of a country-wide cease-fire.)

2. It is desirable that reinforcement for the offensive forces and movement of heavy weapons to frontline areas be suspended.

If reinforcement for the offensive SLORC forces in the Karen National Union territorial grounds were not suspended during the negotiation sessions of the two sides, there will be no doubt

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that the Karen National Union as well as the Karen people cannot put any faith in this negotiation. Thus, it is imperative that this extremely important point should be seriously taken into account.

3. It is necessary that construction and maintenance activities of roads used in the military offensive operations should be suspended.

The front line roads used by SLORC offensive operations are threatening gestures to the Karen National Union and the Karen people living in the Karen National Union territories. Therefore, if construction, improvements and maintenance work on these roads are not suspended during the talks, there would be troop movements and confusion will undoubtedly arise between army units on both sides as well as among the people in these areas. Thus, to prevent these problems road construction and maintenance activities must be suspended.

4. Recruiting new army personnel, engaging porters for the troops, enlisting locals for watchmen or security duties, and raising corvee should be suspended.

During the cease-fire period, rounding up new recruits for the army, drafting porters, getting watchmen from the locals, and calling for volunteer workers or corvee are activities directly related to the public which can cause complications, bad feeling and confrontations, and thus should be suspended. Only then the negotiation can earnestly proceed without these concerns and anxieties.

5. It is necessary to suspend all the levying of money on the people in lieu of porters, watchmen or people for security duties, corvee or 'volunteer' workers, and demanding provisions from the people.

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SLORC's various demands on the people, things that are seriously detrimental to the people, must be absolutely stopped. Should instances like these arise, the most appropriate actions should be taken. If not, the negotiation between Karen National Union and SLORC and the cease-fire would not be beneficial to the people, and the negotiation, undoubtedly, in some way would be harmed or impeded. Therefore these things should cease, and in case they still happen, actions should be immediately taken against them.

6. To refrain from forcibly relocating people; and those that have been re-established elsewhere by coercion, those who have to run away and hide to avoid forced relocation, should be allowed, arrangement and security given them, to return to live in their own villages.

Not to forcibly resettle people elsewhere, and allowing for the return, with guarantee of full security, those who have been relocated by force as well as those who managed to escape and hid to avoid relocation, would be highly required and demand immediate action. If this is not done, it would not be easy for the cease-fire and negotiations to be successfully conducted. Additionally, permission should be given for necessary help that can be rendered to the suffering people by various NGO's.

7. Information and messages should be promptly available to both sides concerning necessary personnel and troop movements.

During the cease-fire and negotiation period, prior notification and messages on necessary troop movements on both sides should be sent to each other. In only this way would accidental encounter and firing on each other be avoided. Since this can create messy and complicated situations, each side's troop positions should be precisely demarcated.

8. During the cease-fire period, Karen National Union must be able

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to freely communicate with their own ethnic people.

Sine the negotiation between SLORC and Karen National Union is the political destiny for all the Karen people, during the cease-fire and negotiation period, the Karen National Union should be able to personally meet and discuss with, and obtain the suggestion and counsel of the Karen people, revered Karen Buddhist and Christian clergy members, educated elite and respected Karen leaders. Therefore, it is desirable that these contacts and communication should be guaranteed with freedom and security. Only then the negotiations can be carried out honourably.

9. To mediate and solve problems that may arise during the cease-fire period, negotiating committees represented by delegates of both sides should be formed.

Since there could be problems between the two sides, many questionable and difficult situations concerning the people and mass, necessitating promptly mediated solutions, it is desirable to organize negotiating committees within both the upper echelon leaders and lower members of the delegations.

10. The cease-fire should be observed by an observer delegation from the United Nations Headquarters, acceptable to both sides.

Monitoring should be available to ascertain whether or not the cease-fire terms are strictly observed. For this, impartial and fair observer groups, acceptable to both sides, should be maintained. Inasmuch as the most suitable people for this are available from the UN, both sides should request for help from the United Nations.

11. During the cease-fire period, the Karen National Union Central Committee member P'Doh Mahn Yin Sein and Karen National

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Union members and Karen people arrested by SLORC should be released.

In order to implement the cease-fire with positive results, it is desirable to free the arrested and detained Karen National Union members and other Karens. In releasing the Karen National Union members who were arrested in 1995, including P'Doh Mahn Yin Sein, the Karens should be unconditionally freed. If this were not carried out, the Karen National Union soldiers and the Karen people cannot look forward to any hope on this cease-fire and negotiation. Thus, this situation must be implemented with practical results.

12. Within 30 days of mutual declaration of the cease-fire agreement obtained during the negotiation by both sides, negotiation should be started on fundamental problems related to internal peace for the country.

The cease-fire being particularly for discussion and mediation of basic problems of the country, both sides should begin serious negotiation, aspiring for a firm and lasting peace in the country. Only then progress (the ascension) toward genuine unity of people in the country and an authentic federation system can be achieved.<sup>20</sup>

After the discussion the SLORC delegation rejected 1, 3, 8, 10 and 12. They said they were prepared to accept the other 7 items only after the Karen National Union had agreed to 'return to the legal fold'<sup>21</sup> and thereby surrendering their weapons to the authorities. While the Karen National Union was not prepared to lay down their arms it was decided that this negotiation would be used as a basis for future discussions and a new round of negotiations was agreed.

## SLORC - The Third Negotiation – 19 June – 2 July 1996

The Third Negotiation was held from June 29 to July 2, 1996 at the Southeast Command Headquarters in Moulmein. The Karen National Union's 11-man delegation was led by General Tamlar Baw and met with the SLORC delegation under the leadership of Colonel Kyaw Win.

The Karen National Union side first began re-submitting the 5 proposals rejected at the 2<sup>nd</sup> meeting and it was here that a recurring issue would be introduced. Item 12 from the 2<sup>nd</sup> Negotiation stated that:

Within 30 days of mutual declaration of the cease-fire agreement obtained during the negotiation by both sides, negotiation should be started on fundamental problems related to internal peace for the country.

The SLORC side stated that:

*SLORC is only a military government and cannot negotiate on things concerning politics.*<sup>22</sup>

In relation to when and how the SLORC hoped to solve the problems and instability facing the country the SLORC responded that:

*Political problems will have to be solved by the future government ...(and that the then current) ... National Convention is not meant for solving political problems, but only to set the foundation for a basic political structure.*

This would come to be a common response throughout all future negotiations including the most recent. In addition to adopting this common stance the SLORC reiterated the fact that the 5 items previously rejected remained unacceptable.

The SLORC side again requested that the Karen National Union lay down

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its arms and join the 'legal fold' as had 15 other groups. If necessary the, negotiators stated, the language could be changed in relation to the Karen National Union however the principle of 'rejecting the military course of action' and relinquishing arms must remain.

The Karen National Union side stated that they were unable to accept such a condition and that using different terminology would not change the fact that it would still be tantamount to surrender.

The SLORC stated that they had not believed the Karen National Union would have accepted their proposal, but were not prepared to give in at this time. The meeting ended with the SLORC delegation confirming they would continue with negotiations after reporting the current outcome to their leaders.

## **SLORC - The Fourth Negotiation – 21-23 November 1996**

The Fourth Negotiation was held from November 21 to November 23, 1996, at the Southeast Command Headquarters in Moulmein. The Karen National Union delegation was again led by Tamlar Baw and Padoh Mahn Sha Laphan while the SLORC was headed by Colonel Kyaw Win and Colonel Kyaw Thein.

After the failure of the previous negotiations it was decided by the Karen National Union leadership that they should reconsider the original 12 proposals in an attempt to better achieve concrete progress. The Karen National Union therefore made the following proposal

1. The problems between the State Law and Order Restoration Council (SLORC) and the Karen National Union (Karen National Union ) should not be solved by military means or armed struggle, and a cease-fire should be maintained;
2. Once the cease-fire goes into effect, the SLORC and Karen National Union should continue negotiating on matters concerning the Union (of the country), unity among the peoples, and the achievement of a firm and durable peace in the country;
3. In order to maintain the cease-fire, mediation and demarcation is to be made on the positions of the troops of the two sides, and regulations and rulings to be followed by troops of both sides are to be clarified.

After receiving the new proposal the SLORC delegation forwarded it to their superiors who replied with a counterproposal consisting of 6 main points, the first of which was

1. To relinquish the armed resistance course of action and enter the 'legal fold', and make legal declaration (on the following 5

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items).

2. Observation of cease-fire.
3. Mediation on the demarcation of troop positions.
4. Cooperation on projects for regional development.
5. To attend the National Convention, relating to politics.
6. When the Constitution has been drawn up (at the National Convention), to finally reject all arms and weapons, and form a lawful/legal political party.

On receiving the SLORC proposal the Karen National Union side requested time to consider its position and stated that it would reply by the end of December after which the negotiations were drawn to a close.

On December 30th, 1996, the Karen National Union Central Executive Committee held a meeting and the following Karen National Union reply, dated December 31st, 1996, was sent to SLORC.

'Senior General Than Shwe  
President  
State Law and Order Restoration Council (SLORC)

Dear General:

The following reply is given for the counterproposals by SLORC at the Fourth Negotiation between the SLORC and Karen National Union .

At the Fourth Negotiation held at Moulmein from November 21 to November 23, 1996, the SLORC presented the following 6 points of counterproposal and wanted a reply on what the Karen National Union thought about these 6 points. The 6 items of SLORC's viewpoints are:

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1. To relinquish the armed resistance course of action and enter the 'legal fold', and make legal declaration;
2. Observation of cease-fire;
3. Mediation on the demarcation of troop positions;
4. Cooperation on projects for regional development;
5. To attend the National Convention, relating to politics;
6. When the Constitution has been drawn up (at the National Convention), to finally reject all arms and weapons, and form a lawful/legal political party.

Of these 6 points, point #1 is, in essence, the concession of inferiority, with the same meaning of coming under SLORC's rule, and thus the Karen National Union cannot accept this point. The Karen National Union is unable to recognize this point as a precondition for cease-fire negotiations of both sides.

Concerning point #5, for reasons that: - one of the 6 political directives set up at SLORC's National Convention stating that in future national politics, the Army will assume the leading role with SLORC itself promising the people to implement this, being opposite and against democracy's fundamental principles of all the parties; the drawing up of the Constitution to be fundamentally based on principle #104 at that National Convention in no way whatsoever be acceptable by all the ethnic peoples in the country; the winners of the 1990 national election, the main party of the National League for Democracy (NLD) being opposed and boycotted this National Convention; the currently remaining convention representatives and the mass of people in the entire country no longer having faith and interest in this Convention, it is impossible for the Karen

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National Union, on its part, to attend this Convention. To abide by the results of this Convention will be more difficult to do so. On Item #6 where arms and weapons are to be rejected once the Constitution has come into being, even before knowing whether or not the forthcoming Constitution would be accepted by all the ethnic peoples and all the citizens of the country, whether or not it would be acceptable to the Karen National Union organization and the Karen people, - to promise ahead of time that arms and weapons must be rejected when the Constitution has been obtained, is unreasonably lacking in credibility, thus the Karen National Union cannot accept this.

2. On the proposal of 12 items by the Karen National Union during the Second Negotiation, the SLORC delegation had indicated that, "the main necessary point was for the two sides to first stop fighting. Therefore, at the Fourth Negotiation, the Karen National Union on its part looked for more practical ways, thus -

(1) The problems between the State Law and Order Restoration Council (SLORC) and the Karen National Union (Karen National Union) should not be solved by military means and to maintain cease-fire;

(2) Once the cease-fire goes into effect, the SLORC and Karen National Union should continue negotiating on matters concerning the Union, unity among the people of the country, and the achievement of firm and durable peace in the country;

(3) In order to maintain the cease-fire, mediation and demarcation to be made on the positions of troops of the two sides, and the regulations and rules to be followed by both sides;

Comprising three points that had been solemnly proposed.

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If agreement could first be based on these three items and negotiations continued on, the Karen National Union believed that not only the wishes of the Karens but those of all the rest of ethnic peoples and of the citizens in the country would be represented. Therefore, the Karen National Union requests that the above 3 points be reconsidered again, and should they be rejected, explanations be given for the reasons of their rejection.

3. Peace in the country, unity among the peoples, and the development of the country depend upon the cessation of the civil war. In carrying out the great responsibility of ending the civil war, the part where problems can be peacefully mediated and solved after cease-fire has been obtained between the SLORC and Karen National Union is very important indeed. Therefore it is the responsibility of the two sides to carry out the present negotiation with reason and certitude. This responsibility has to be taken.

After having gone through the longest and most fierce war, the two sides have managed to overcome a plethora of difficulties to meet and discuss quite frankly in these last four occasions. Be that as it may, the Karen National Union is deeply convinced that it is not appropriate to return to the former stage of savage fighting but rather to continue the negotiations. Along with this viewpoint, it is necessary that both sides should try to hold a Fifth Negotiation, and the Karen National Union on its part will make an effort to that end.

In closing, may the General and SLORC leaders enjoy good health in the New Year, and may efforts be made toward peace in the country, would be our sincere regards and prayers.

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General Saw Bo Mya  
President  
The Karen National Union  
December 31, 1996<sup>23</sup>

On the 31<sup>st</sup> January 1997 a group of peace intermediaries comprised of a number of respected Karen elders and former Karen soldiers arrived at Htee Ker Pler. The group, led by U Khun Myat and Professor Saw Tun Aung Chein brought forward a reply from the military regime the main points of which according to the latter were

1. If the Karen National Union does not relinquish the armed resistance course of action and return to the 'legal fold', the Army's Intelligence, the DDSI (the Directorate of Defense Services Intelligence), will no longer be able to negotiate with the Karen National Union ;
2. Although the two sides cannot resume the negotiation, communications between the two sides will be continuously maintained as before;
3. If the DDSI cannot resume negotiation with the Karen National Union , it does not know how the DS-A (Defence Services - Army), will react.

After being advised that the Karen National Union could only negotiate following the three points put forward during the fourth negotiation the peace intermediaries left. Not long after the Burmese military launched a large scale offensive in Karen State.

## The 2004/2005 Negotiations

Throughout the years following the 1996 negotiations the Karen National Union and the State Peace and Development Council (SPDC), as the SLORC had now renamed itself, had continued to maintain infrequent contact.

At the end of 2001 Colonel San Pwint of the DDSI had contacted the main Karen National Union Peace Liaison Officer, Colonel Soe Soe, and a meeting was arranged in Mae Sai. Here the SPDC had asked what was needed on behalf on the Karen National Union to reconsider their position however despite such frequent contact little progress was made. A large part of the communications between the two sides centred on the possibility of re-opening negotiations only if the Karen National Union would 'return to the legal fold', 'abandon armed struggle', and refute the Mae Hta Raw Hta agreement.<sup>24</sup> Such concessions could not be made however and both sides agreed to maintain contact.

It wasn't until the first week in December 2003 that more substantive overtures were made. Colonel San Pwint met with General Bo Mya in Bangkok while he was in hospital. San Pwint told him that the KNU would not have to 'return to the legal fold', or 'abandon armed struggle'. Shortly after a five man delegation led by Colonel Soe Soe, Col. Johnny and military officials went to Rangoon to meet with Khin Nyunt. Both sides discussed the possibility of ceasing hostilities with the SPDC asking the KNU to refrain from causing trouble around the Myawaddy-Kawkareik highway and to prevent attacks on the Yadana gas pipeline. It was during this meeting that an impromptu phone call from General Bo Mya to Colonel Soe Soe resulted in the KNU leader also talking with Kyaw Win.<sup>25</sup> Shortly after this trip an agreement was made to hold future talks at a higher level.



Col. Soe Soe (2nd left) Padoh Mahn Sha (centre) Pu Ta Ei (2nd from right), in 1995/6



KNU Negotiators and Khin Nyunt, Rangoon 2004



Khin Nyunt host Saw Bo Mya's Birthday Party, Rangoon 2004



KNU Negotiators, Pegu 2012

## SPDC - 1<sup>st</sup> Meeting 17- 20 January 2004

After the preliminary meeting held in December 2003, General Bo Mya and an eleven-man negotiating team led by Colonel Htoo Htoo Lay, Karen National Union Joint- Secretary No 1, flew to Rangoon. The meeting which had been given encouragement by the Thai authorities was to begin on the 17<sup>th</sup> January.<sup>26</sup>

On the first day General Bo Mya met with Prime Minister General Khin Nyunt and four points were raised by the Karen National Union leader for discussion over the following days.

- ❖ The cessation of all current hostilities
- ❖ The formulation of a written ceasefire agreement
- ❖ The creation of a framework to solve the current situation regarding Internally Displaced Persons
- ❖ The strengthening of ties towards reconciliation

All Karen National Union /KNLA units had been ordered to stand down on the 13<sup>th</sup> January 2004, as an act of good faith, prior to the arrival of General Bo Mya's delegation in Rangoon. SPDC units received similar orders on the 17<sup>th</sup> January 2007 the day negotiations began.

After the initial meeting it was decided that all future negotiations and the details of agreements would be conducted by the rest of the negotiating team. It was decided that further discussions would be held the next day.

On the 18<sup>th</sup> January the following issues were discussed by the two sides, Colonel Htoo Htoo Lay and Saw David Taw heading the Karen National Union delegation and Maj. Gen. Kyaw Thein and Col. San Pwint for SPDC the side.

1. The Karen National Union in principal agreed to maintain a verbal ceasefire and to discuss further issues regarding troop deployments and positions in relation to both sides in Karen areas.

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2. That internally displaced people would be allowed to return to their villages without hindrance and be allowed to continue their occupations.
3. That after the ceasefire was implemented the government would provide development opportunities in Karen areas through a variety of concessions and subsidies on the condition that the Karen National Union must refrain from collecting taxes from the local population and must not continue with recruitment in such areas.

The Karen National Union negotiating team stated that it agreed in principle with the SPDC in relation to refraining from tax collection and requested that a memorandum of understanding clearly setting out rules for the ceasefire be signed by both side.

Throughout the day the SPDC's discussions centred largely on the military government's relations with the Kachin Independence Organisation which had agreed to a ceasefire in 1994 and in return was promised nominal administrative control and a variety of trade concessions. The Karen National Union negotiating team asked the SPDC whether such an opportunity was being offered to the Karen National Union or was the SPDC merely sharing their experiences with the Karen delegation.

The SPDC stated that they were merely sharing their experiences of working with the KIO as an example for future discussions. Colonel Htoo Htoo Lay, the Karen National Union's chief negotiator, emphasised the need for the SPDC to implement a more detailed process for further discussions and to agree such matters be recorded and signed by both parties. Major-General Kyaw Thein responded that although he agreed with some form of written statement - there could be no formal memorandum of understanding between the two sides, however, he would consider some form of official agreement and he requested the Karen National Union side put forward a draft.

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The Karen National Union put forward a draft proposal containing two main points, first that;

- The SPDC withdraw its troops from Karen areas
- That law 17/1 in relation to unlawful association should be suspended in Karen areas thus allowing internally displaced people to return to their villages and continue with their livelihoods.<sup>27</sup>

The meeting was adjourned and it was agreed that discussions would continue the day after.

The third day included a limited discussion on the wording of any future agreement but largely consisted of the SPDC stating their position regarding the National Convention.

On the 4<sup>th</sup> Day of negotiations the State Peace and Development Council representatives stated that the SPDC leadership had rejected the need for any written agreements but was prepared to maintain a verbal agreement as laid out under the terms agreed to on the first day of negotiations.

The Karen National Union representatives once more requested that for mutual benefit and the building of confidence it would be necessary for the two sides to make a written agreement, the SPDC side stated that they understood the need for such an agreement and it may be possible in the future, however until that time the verbal agreement would be maintained.

Both sides concluded the meeting and it was agreed that future arrangements would be made to conduct similar negotiations.

## SPDC – 2nd Meeting – 23 - 25 February 2004

The 2<sup>nd</sup> Meeting, held at the Southeast Command's Headquarters in Moulmein, began on the 23<sup>rd</sup> February. Colonel Htoo Htoo Lay led a seven-man negotiating team which met with SPDC negotiators led by Brigadier General Kyaw Thein.<sup>28</sup>

The negotiations initially began by addressing the issue of how the process should be recorded. The January meeting between Khin Nyunt and General Bo Mya had been videotaped and VCD copies had been leaked and openly sold in a number of refugee camps on the Thai-Burma border. Copies of the VCD had then been smuggled into Burma and offered for sale thus infuriating the Burmese regime. After some deliberation it was finally agreed that the negotiations would consist of two sections – an open section, in which video was allowed, and a closed section in which only audio recording was permitted.

After agreeing on the recording process a number of major discussion points were put forward. Brigadier General Kyaw Thein had outlined two main points for discussion:

- (1) The relocation of internally displaced Karen people;
- (2) KNLA Troop deployment.

He made it clear that issues arising from the points discussed could not be dealt with by the SPDC team and that they would be faxed to Rangoon. Once the Karen National Union proposals had been received by the leaders in Rangoon a response would be made at a later date.

Colonel Htoo Htoo Lay pointed out that the Karen National Union side wanted to continue the agenda has laid down in discussions between General Bo Mya and Khin Nyunt. This agenda was comprised of three points:

- (1) Military affairs and the ceasefire;

- (2) Internally Displaced People;
- (3) Confidence Building and reconciliation.

After agreement was reached on the agenda Colonel Htoo Htoo Lay outlined a breakdown of the three main areas beginning with the following:

1. Military Affairs
  - i) Both sides to stop troop movement and activities
  - ii) SPDC troops should withdraw from areas held after recent attacks
  - iii) Movement of supplies to stood down troops
  - iv) Civilians in military areas
  - v) Troop redeployment

Brigadier General Kyaw Thein asked for clarification in relation to the issues mention. Regarding point one he noted that it was necessary for troops to continue to patrol some areas and asked the Karen National Union its definition of aggression in relation to troop movement. He also requested the Karen National Union to define how lines of communication could be maintained in relation to point 2 stating that it could also be necessary for SPDC troops to use infrastructure in those areas. In relation to three he asked what the Karen National Union's ideas were for the people and stated that the SPDC had the people's interests at heart and took care of them as if they were their (the SPDC's) children. In relation to troop redeployment he noted this would be difficult as it was necessary for troops to be maintained along the border and what areas would be acceptable to the Karen National Union for both KNLA and tatmadaw redeployment.

Colonel Htoo Htoo Lay replied, especially in relation to recent attacks, that it was already agreed that all troop activities should have ended, however there were still some incidents occurring. In the interests of building up goodwill and confidence during the negotiation process the Karen National Union was willing to continue the process despite such occurrences. In relation to communication he stated that it was the

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intention of the Karen National Union to contribute to building ethnic solidarity and because many ethnic groups were far apart it had been difficult to maintain contact. Colonel Htoo Htoo Lay asked what system the SPDC would recommend. He ended by stressing the importance of monitoring the ceasefire and ensuring its survival.

Brigadier General Kyaw Thein responded that there would be clearly defined areas that both sides would agree to as was the case with the ceasefire groups. In relation to monitoring the situation he noted that the SPDC had recorded human rights abuses perpetrated by Karen forces and admitted that the SPDC had also committed the same abuses. It was necessary for Karen and SPDC areas to be clearly defined so that monitoring of abuses and perpetrators could be more easily identified.

Using the KIO as an example, Brigadier General Kyaw Thein described how ceasefire groups operated in their assigned areas. That the location of the KIO H.Q. and their military H.Q. had been clearly defined and SPDC troops patrolled four miles away for security and were not allowed into KIO areas. He also stated that the KIO itself is not allowed to enter SPDC areas with their weapons and must leave them at a recognized location. Similarly the KIO cannot recruit, assemble or organise people outside KIO areas – these are the two main points.

Brigadier General Kyaw Thein asked what areas the Karen National Union would like to have designated Karen territory unlike the other ceasefire groups, who already had HQs in their areas, the Karen National Union operated in many areas. If the Karen National Union was to request a suitable area to be recognised the proposal would be put forward to the commanders in Rangoon.

Colonel Htoo Htoo Lay responded that he agreed that it was necessary to define a suitable area all though he believed that in relation to monitoring that was dependent on the individual group. He also stated that in relation to designating areas it was necessary to take into account civilian and other ethnic groups' feelings on the matter.

In relation to monitoring, Brigadier General Kyaw Thein commented

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that the system of monitoring differed from leader to leader. If the Karen National Union needed help in monitoring then they could help each other. He then stated that their monitoring had shown that since January 1<sup>st</sup> 2004 there had been 103 engagements between the KNLA and the tatmadaw and taxation made 32 times. He stated that because areas were ill defined it was not possible to have clear statistics and that if the tatmadaw troops had acted unfairly then the Karen National Union could report it to them. He continued that in relation to SPDC areas government forces collected money, took buffaloes, collected house tax and planted land mines. The fact that areas are not defined could result in confusion, especially if a villager stands on a landmine - without distinct areas it would not be certain whose responsibility the landmine was.

Colonel Htoo Htoo Lay suggested that perhaps a system of joint monitoring could be established but this idea was turned down by the SPDC negotiators as it was impractical at the time because real peace had not been established. The Government negotiators did not rule out such a system in the future and stated that the term joint really couldn't apply at the moment; if the two sides wanted to exchange information then a separate meeting could be arranged on an ad-hoc basis and liaison people could be appointed. They offered to send such a proposal to their leaders for further consideration.

The next topic raised was the issue of offensive manoeuvres. The SPDC stated that the last time the Tatmadaw had launched an offensive without prior warning was after the signing of the Mae Ta Raw Hta agreement. Brigadier General Kyaw Thein stressed that the reason for launching the attack was the government's disappointment at the time as they were expecting ongoing negotiations to bring about a situation of peace. He also reiterated the fact that clashes could be avoided if areas were to be clearly defined. The fact that the Karen National Union had small deployments of troops in numerous areas was a major obstacle if these troops could be relocated to one clearly defined area conflict could be avoided. It was one more stressed that the SPDC wanted the Karen National Union to agree a set area and designate a site for the HQ.

In addition the SPDC also raised the point that it was their job to protect the country from all internal and external threats. When they were dealing with other groups the issues were more straightforward however this was not the case with the Karen National Union. In dealing with the Karen National Union there had to be more of a political bias due to the fact that a number of other anti-regime groups relied on the KNU for support. The fact that the KNU has close contacts with anti-regime elements, especially the Burman pro-democracy movement, was a major concern for the government and as long as such a relationship was maintained it would not be possible for the SPDC to withdraw any troops. However, they noted, if the KNU was to select one location and then relocate all their troops to the one area then the SPDC's concerns would be alleviated.

One of the main areas of concern for the KNU was the treatment of IDPs. The SPDC next asked what the KNU would like them do in relation to relocating the displaced people. The SPDC team suggested that the KNU should choose an area that they wanted the displaced to be relocated to and gave the examples of 7<sup>th</sup> Brigade or an abandoned village - whichever was chosen the Government would gather the people together and move them to the stated area.

The Karen National Union negotiators stated that for them human security was the most important issue far more so than military negotiations. Padoh David Taw pointed out that at the moment the displaced were spread throughout Karen areas, if they were to be collected and moved to one place how could their security be guaranteed?

In response the SPDC negotiators stated that they understood that the KNU was prioritizing civilian matters above those of troop deployment. However, the SPDC was more concerned with the military situation and this needed to be addressed first. If an agreement could be made regarding Karen troop deployment and suitable areas identified this would be the first step in deciding on how to handle the displaced people. Colonel San Pwint stressed his belief that should the KNU fail to identify suitable areas during the current meeting then the leadership in

Rangoon would 'close the door' on any future negotiations.

Both sides then discussed the fact that before anything concrete could be agreed to reports had to be sent to their respective leaders. The next meeting would be an informal meeting relating to geographic location. The SPDC suggested that Col. San Pwint, Col. Saw Say Htoo and Col. Yan Aung lead the talks due to their knowledge of the area and the idea was put forward that the KNU think about moving to areas in either 1<sup>st</sup>, 7<sup>th</sup>, 6<sup>th</sup> or 4<sup>th</sup> Brigade.

The informal meeting regarding suitable areas was held on the 24<sup>th</sup> February 2004. . The meeting began with Brigadier General Kyaw Thein expressing the Rangoon leadership's dismay at the progress of the talks and what they perceived to be a breakdown in trust.

Colonel Htoo Htoo Lay began by addressing the issue of Burmese troop withdrawal, while he noted that SPDC negotiators had already mentioned that they could not withdraw troops at the moment, he requested that in the future troops should be withdrawn from 5<sup>th</sup>, 1<sup>st</sup> and 4<sup>th</sup> Brigade and also the area around 103 battalion. In regards to identifying suitable base locations he informed the negotiators that the matter was being considered by the KNU leadership and once the matter had been decided he would arrange a new meaning with the Government. He noted that while previous meetings had taken some time to arrange they would aim to resolve the issue as soon as possible.

Brigadier General Kyaw Thein responded that the two sides were looking for different outcomes from the negotiations. While the government was primarily concerned with identifying a suitable area for the KNU to move to, the KNU was asking for troop withdrawal. Based on this understanding he stressed that under no circumstances would Burmese troops be withdrawn from current areas. As far as government policy was concerned the main objective was to control all areas in Burma and any form of withdrawal would result in a weakening of this control. In reference to the government relationship with the Wa and KIO he noted that their bases were very close to Burmese bases and there had been

no problems.

The main item the Government wanted to be concluded at the current meeting was the identification of a Karen Headquarters – if this could not be decided at the meeting then hostilities would recommence. In addition, the SPDC side also stated that it was important for villagers to be close to tatmadaw troops so that mutual trust could be built up. They noted that at the moment villagers flee when Burmese troops approach therefore it was necessary to strengthen confidence in the local populace by locating them close to Burmese positions. If troops withdraw this trust cannot be built. He stressed the fact that the army had a duty to follow orders and these included rehabilitation and development. While these include positive and negative element for the local population they should not flee and hide. Villagers should meet local units and air their grievances – then a suitable solution can be found – if they run nothing will ever change. In response to David Taw's comments that some villagers fled because they didn't speak the same language as the Burmese troops Brigadier General Kyaw Thein replied that this problem was understood and training was being given to officers to prepare them for such problems.

In relation to problems with villagers Brigadier General Than Htun also stated that these occurred because Burmese troops could not differentiate between villagers and KNU cadres. This, he stated, was the main cause of mistreatment in villages. If an agreement could be made with the KNU there would be no misunderstanding as there would be no enemies. With such an undertaking in place villagers could stay in the villages and work peacefully without hindrance. He also noted that it was not necessary to withdraw troops from these areas as there continued presence would build rapport with the local community and troops cooperate in development with the KNU.

With the meeting due to conclude it was confirmed that for the KNU the biggest issue would be the relocation of the approximately 200,000 IDP's and ensuring their security. Due to the fact that displaced people were constantly moving it would be difficult to provide a register of those villagers/villages needing to be relocated. The SPDC requested

that their maps be used for relocation purposes to avoid confusion since these maps were different from those used the KNU. It was also noted that not all villagers would want to return, and those that wanted to remain where they were needed SPDC guarantees of security. In relation to locating a base area the KNU negotiators said they would put forward 1<sup>st</sup>, 7<sup>th</sup>, 6<sup>th</sup> and 4<sup>th</sup> Brigade for further discussion by the leadership.

It was agreed that once a register of IDPs had been completed further discussions would take place. In the meantime both side would return to their Headquarters and report the outcome of the negotiations to the leaders.

## SPDC - 3<sup>rd</sup> Meeting - 18 October 2004

The October meeting was suspended due to the arrest of the then Prime Minister Khin Nyunt on charges of corruption. The delegation was led by Colonel Htoo Htoo Lay and included David Taw, General Mutu and 101 Battalion Commander Col. Paw Doh.

Although the situation was confused by the political turmoil surrounding the arrest, a brief informal meeting did take place the next morning in which Col. Paw Doh discussed troop movements with the SPDC's G1 and the South East Commander. However, little was accomplished and it was agreed to meet again to continue further discussions.<sup>29</sup>

## SPDC - 4<sup>th</sup> Meeting - 13 March 2005

The 4<sup>th</sup> meeting took place at the South East Command Headquarters in Moulmein and was attended by a 13 member delegation led by Colonel Htoo Htoo Lay who met with the SPDC led by Major General Thura Myint Aung and Brigadier General Myo Hla.

Major General Thura Myint Aung opened the meeting by giving an outline of the Government's development plans for the country and the importance of bringing peace to Karen State as it had fallen behind other areas in the country due to the conflict. He also stated that the discussion were informal and requested that all measures be taken to keep the meeting secret and not to discuss it with any other parties. He also requested the Karen side to refrain from criticising the Burmese Government in the media.<sup>30</sup>

He outlined the Government's proposal that requested the Karen National Union to come to a peaceful accommodation with the SPDC and move into designated Karen areas. The Government was prepared to provide the group with rice, oil, salt and beans and they would be allowed to develop the areas under the control and conduct business within the confines of the law. He stated that the Karen could implement such a programme for a trial period of one-year to see how the situation improves, if, at the end of the period the KNU are satisfied with the arrangement then the program can continue – if they are unhappy they can pursue another course of action.

Colonel Htoo Htoo Lay replied that the proposal would be forwarded to the KNU leadership for consideration. He also requested that to continue the present discussion the KNU would like to put forward some issues and make an agenda.

The SPDC side stressed that the meeting was informal and that there would be no need for an agenda – the only issue for discussion was the proposal already outlined. Col. Khaing Chu commented that as he was commander in Karen State he would like the KNU to return to Karen

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state. He stated that the SPDC would not dictate the areas for the KNU nor would they ask them to give up their arms. It was his responsibility to see development in Karen State and he would like the KNU to accept the proposal on a trial basis so that they may see what the government is trying to do. The government would help build roads, support development and help in the rehabilitation of refugees.

Major General Thura Myint Aung concurred stating that the KNU could try the proposal for one or two years and the government would support them in development work. After the trial period the KNU would then become the same as other groups who had made peace with the SPDC and there would be peace.

Padoh David Taw asked what the Major General meant by saying 'the same as other groups' to which Major General Thura Myint Aung replied that such an issue was too far away to discuss right now and that the KNU should now focus on accepting the trial period.

Colonel Htoo Htoo Lay asked the SPDC side to clarify the nature of the current discussions stating that as they had met three times previously, the last being postponed by the government, were these talks a continuation of those meetings or did the SPDC wish to start from another position. In addition he also asked for clarification regarding areas previously proposed by the government.

Major General Thura Myint Aung stated that the areas remained the same although it would have to be confirmed by the leadership. The three main areas offered were west of the Yunzalin, for example Busakee, 1<sup>st</sup> Brigade around Lay Kay, Taw Pya etc and the northern part of Three Pagodas Pass around Kyin Zu Shay Taw. He stated that these areas would be offered as part of the trial period and the Karen military and their families could move into any of the areas mentioned once they had been approved by the leadership.

Colonel Htoo Htoo Lay responded by saying that the areas would be considered and that he, David Taw and Saw Roger Khin had been appointed to consider the areas offered and to make a recommendation

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to the KNU's Executive Committee. He asked what timeframe the SPDC had in mind.

Major General Thura Myint Aung stated that there was no time limit imposed and that once the KNU decision had been made then it could be communicated to Lt. Colonel Myat Htun Oo.

Colonel Htoo Htoo Lay stated that in the past a number of problems had occurred in previous negotiations and would the proposed three areas be guaranteed or would the Government later renege on their offer. Major General Thura Myint Aung replied that the three areas were offered on a trial basis and further discussion would continue after the initial period had finished.

Colonel Htoo Htoo Lay asked Major General Thura Myint Aung to further explain how the three areas would function if the KNU and KNDO moved into them and how the SPDC would control the areas around them.

Major General Thura Myint Aung stated that throughout the trial period the government would give any support necessary in relation to development and, as with other groups, there would be no limitation on how far outside of the designated areas the group could move.

Colonel Htoo Htoo Lay asked for clarification regarding KNLA Guerrilla units. He was particularly concerned whether these units, which were spread throughout a number of areas, would be required to move to the designated areas.

Major General Thura Myint Aung replied that that would not be necessary. As far as he was concerned the three areas would be provided primarily as bases for coordination, agriculture and trade etc.

Colonel Htoo Htoo Lay then addressed the likelihood of clashes between the two sides. He referred to past occurrences when troops had accidentally encountered each other and a fire-fight had ensued. He asked how such situations could be avoided in the future.

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Major General Thura Myint Aung assured the Karen side that the Burma army would not launch military operations against KNU camps. He reiterated the fact however that it was the tatmadaw's duty to defend the country. KNU areas would be safe; however should KNU members wish to leave these designated areas then notification must be made first. He once more stated that as long as Karen units remained in those areas then clashes would not occur as there was no reason for Burma army units to enter those areas.

Although Colonel Htoo Htoo Lay said he shared the understanding that it was the tatmadaw's duty to protect the country there were some fundamental issues that needed to be addressed. It was the SPDC's duty to defend the country from external threats and although the KNU would be given semi-autonomous areas he questioned the validity of accepting such an agreement. The SPDC would continue to launch military operations in surrounding areas with, as stated previously, the objective of 'dominating those areas' and thus the domination of the people who inhabit them. He stated that even with a mutual non-aggression agreement once Burma army units moved in to those areas the people would flee and it was inevitable that a clash would occur between the two sides. He noted that a number of local people had shared their concerns with him saying that any agreement made would only be with the leaders and not with the people – for them the situation would remain the same.

Major General Thura Myint Aung replied that they, the Burma army, did not get involved with the villages and the villagers fears were unfounded. If any Burma Army personnel commit abuses then action would be taken against them.

Colonel Htoo Htoo Lay stated his belief that the SPDC side had a distorted view of the situations the villagers face. The reality was different. Lower ranking members of the Burma army commit abuses against the civilian population and these had been well documented by the KNU. It was important that both sides speak honestly as the issue was about the welfare of the people. If there was to be peace made it must take it

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to account not only the needs of the KNU and the SPDC but also the people.

Saw David Taw also pointed out that a number of people had asked if it was necessary for the army to be in the same areas as the civilians. While some may feel it reassuring for security the majority do not. How can security be guaranteed for the latter?

Major General Thura Myint Aung changed the subject stating that anyone from the KNU can accept the offer of peace on a trial basis including Colonel Htoo Htoo Lay. He said that the offer could be accepted now and other issues could be decided later.

The issue regarding the three areas was one more raised Major General Thura Myint Aung made it clear that the areas defined would be for all KNU people and not just for military personnel. He noted that the actual locations could not be confirmed and that it was necessary to obtain clearance from the SPDC leadership.

The meeting concluded with the understanding that the SPDC had offered three areas under the South-east command and that channels of communication would be maintained between Colonel Soe Soe on behalf of the KNU and Major Mya Soe based in Myawaddy. Both sides agreed to meet with their superiors prior to the next meeting.

## **SPDC - 5<sup>th</sup> Meeting - 5 May 2005**

A low level meeting occurred in Myawaddy, opposite Mae Sot, on the 5<sup>th</sup> May, to discuss a timetable for further negotiations. David Taw and Colonel Soe Soe met with Myat Tun Oo of the Military Affairs Security. The KNU side stated that they could agree in principle to the three areas offered but further discussions would be needed.

The 7<sup>th</sup> May 2005 bombing of two supermarkets and a conference centre in Rangoon which, according to the official toll, killed 19 people and injured 162<sup>31</sup> led to a breakdown in the process. The SPDC blamed the attacks on 'terrorist groups' based in Thailand and 'trained by a superpower'.

## **Last Official Contact before 2012 Talks - 15 July 2006**

The last official contact between the KNU and the SPDC took place on the 15<sup>th</sup> July 2006 in a telephone conversation between Colonel Soe Soe and Myat Tun Oo of the Military Affairs Security. During the conversation a number of issues were discussed including the KNU's desires to continue peace talks, solving the problems of the IDP's and the need to withdraw offensive troops.<sup>32</sup> However, there would be no further contact until the appointment of a nominally civilian Government, led by President Thein Sein, until 2010.

## USDP Government 2011-2012

The KNU had its first initial meeting with Burmese Government Peace representatives in Mae Sot Thailand, on 8 October 2010. A further meeting then took place in Mai Sai on 19 November 2011. Shortly afterwards they also had consultative meetings with the Pa-an based Karen Peace Committee and the Karen Baptist Convention to gauge their reaction to any future peace talks.<sup>33</sup> Further meetings were held on 29 November 2011 and on 21 December 2011.

According to KNU negotiator David Taw:

The meetings have great potential . . . In comparison with not having meetings, if we negotiate with each other it will reduce suspicions and it will create a friendly atmosphere. We're satisfied. We've become more familiar and frank.<sup>34</sup>

Consequently the KNU issued a position statement which noted that:

- On 12 January 2012, a 19-member delegation, led by General Mutu Say Poe and Padoh David Taw under the supervision of the KNU Committee for Emergence of Peace, will begin talks in Pa-an with representatives of the Burmese government.
- These talks are being initiated as preliminary discussions towards a ceasefire agreement, which would be a first step towards solving the longstanding political conflict between the ethnic nationalities and the Burmese government.
- The KNU believes that in order to achieve genuine peace and an end to the civil war in Burma, the underlying political conflict must be solved by political means, beginning with earnest dialogue.
- The KNU is committed to this process for the wellbeing of the Karen people and the people of all of Burma.<sup>35</sup>

Saw David Taw also noted that:

We don't want to give priority to development work. We want to give priority to rehabilitation. Our people have suffered a lot and their lives have been extremely miserable for more than 62 years, so their lives cannot be directly related with development works. First we want to start work that improves their lives, and then we can do development work that they [the Karen people] can accept.

The main meeting, which was attended by representatives of all KNU brigade areas except Brigades 2 and 5, on 12 January 2012 resulted in the KNU's 11-point proposal being put forward for consideration at the union level and the signing of a ceasefire.<sup>36</sup> The 11 points of the KNU proposal called for the government to:

1. Establish a nationwide ceasefire and immediately cease military operations in ethnic areas.
2. Guarantee the human rights and safety of all civilians.
3. Build trust among the people.
4. Support the basic needs of the people and ensure that development projects have the full participation and support of local villagers.
5. Allow national media outlets to participate in the peace processes, in order to provide accurate information about developments.
6. Immediately stop forced labor, arbitrary taxation and extortion of villagers.
7. Release all political prisoners and provide solutions to settle land rights issue.
8. Set out principles for all parties to ensure a genuine peace process.
9. Ensure the legitimacy of representatives involved in negotiations, provide adequate time for their consultation with respective

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constituencies and establish a clear role for third parties.

10. Initiate a plan for monitoring and ensuring the transparency of the peace process.
11. Establish a flexible process that guarantees progress towards sustainable peace, and in which all parties speak straightforwardly and avoid using words that may be misinterpreted.<sup>37</sup>

While many welcomed the signing of the agreement a number of KNU members sent mixed signals. David Thackerbaw, KNU Vice-president, showed some concern in regards to the early announcement, stating that:

It is disingenuous of the Railway Minister, Aung Ming, to say so. He does not have the mandate to sign anything. He is overstepping his authority and at this stage is talking too much, only Burma's President Thein Sein can ratify a ceasefire agreement and for the KNU it is our Central Committee. . . It's easy to promise everything, I question why he is in such a hurry to get a ceasefire with the Karen. We are now entering the dry season and with a ceasefire in place, I imagine the Burma Army will be in hurry to resupply their 200 army camps in Karen State.<sup>38</sup>

He also stressed that:

I'm cautious, very cautious, there is no certainty, we're still not sure of the real agenda. We hear the President has good intentions towards moving the country to democracy, but the indicators we have say something different, especially the military offensive against Kachin civilians . . . The changes so far have been only cosmetic; they failed to deliver on their promise to release all political prisoners. By keeping political prisoners locked up, they are removing key political opponents who have for years struggled for democracy. There is no rule of law.<sup>39</sup>

The KNU Vice-President's announcement came a day before 651 prisoners were released. These included a number of high-profile political

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detainees and further strengthened the belief of many observers that the government was eager to implement reforms.

Scepticism regarding the Government's offer was also voiced by a number of exiled Karen with close ties to campaign groups. Nant Bwa Bwa Phan of the Burma Campaign UK, the European Karen Network and who also holds the position of KNU European Representative aired similar doubts noting that:

After more than 60 years of conflict, you would expect the hundreds of thousands of Karen people worldwide who were forced to flee their homeland to be very hopeful and excited about the talks, and perhaps even discussing returning. But that isn't the impression I get from the Karen people around the world I have spoken to. Instead, many people are very sceptical.

There are many reasons for this. First, we know from experience in the past 60 years that governments often talk peace while waging war. There have been five previous occasions when official ceasefire talks took place, and every time the government effectively just demanded surrender.

There have also been many occasions when the government have made unofficial approaches, although often these are more about trying to divide and rule, and split the KNU and the Karen people. So we know from experience we cannot trust them.<sup>40</sup>

Apparently the view of those inside Thailand's refugee camps was somewhat different to those Karen in exile.<sup>41</sup> According to a report in Karen News out of the nine people spoken to representing youth leaders, elders, and CBO workers, eight believed the government's moves were positive.<sup>42</sup>

In contrast to views expressed by Saw David Thackerbaw and members of the Karen Diaspora, Brig. Gen. Johnny, head of the KNU Brigade 7 and a negotiator with the Burmese government, also reacted positively

stating that:

This time they didn't ask us to give up our arms, and they just want to work for equal rights for ethnic groups. This time we trust them.<sup>43</sup>

While many in the Karen National Union saw the new peace initiatives as positive there was still some way to go in actually framing a substantial peace agreement and defining a political process that would address ethnic issues. As Saw Thamein Tun, a KNU Central Committee member clarified:

. . . it's not exactly a formal ceasefire agreement yet but only an tentative one based on principles. We still have to discuss the division of territories and so on. . . The [Burmese army] has to work out whether to keep their troops in Pa-an or Kawkaeik and they must tell us where their units are positioned . . . They must draw out regulations to prevent conflict in the future and direct their soldiers to follow these regulations. Also, we have to work out whom to appoint to sit in the liaison offices and when we are satisfied with the every condition, we will sign the formal agreement.<sup>44</sup>

While many noted that previous agreements failed, often portraying the reasons as the Burmese Military's machinations, there has also been some way to go in building up trust within the Karen National Union itself. A number of Karen leaders have maintained a strong distrust of the Burmese and this has also caused problems in the past.

Regardless, on 11 April 2012, the Karen National Union 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 Rail Transportation, U Aung Min; Pegu region Security and Border Affairs Minister, Colonel Thet Tun, and KNU General Secretary, Naw Zipporah Sein.<sup>45</sup>

The move was a significant improvement in peace building between the two sides since the initial peace talks began in January. Not only is the opening of a liaison office a major step forward, KNU Peace Representatives were also able to meet with President Thein Sein and NLD leader Daw Aung San Suu Kyi. On the 12 April, the KNU peace negotiating team was also able to open an office in Tavoy (Dawei), the KNU 4th Brigade area<sup>46</sup> and in Pa-an. In addition, three Grand Tiger vehicles were provided by the government for each of the offices use.<sup>47</sup>

On 4 April 2012, a Karen National Union Peace Delegation, led by General Secretary Naw Zipporah Sein, left 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.<sup>48</sup>

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

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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.<sup>49</sup>

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. There were six main points that were discussed:

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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 upon 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

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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.<sup>50</sup>

After the Rangoon meeting the KNU delegation flew to Naypyitaw for a

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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 nationwide 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.<sup>51</sup>

After the Thein Sein meeting the KNU delegation travelled to Pegu (Bago) and another meeting 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-

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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 Affairs Secretary Saw Aung Win sShwe from Karen National Union and one deputy director from the Office of Ministry U Khin Yi from Union Government were assigned.<sup>52</sup>

Shortly after the meeting in Pegu on the 11 April, Peace Negotiator and 4<sup>th</sup> Brigade District Chairman Padoh Kwe Htoo Win opened the KNU's liaison office in Tavoy. Although at least three offices were declared opened, there still remained a number of operating details to be worked out before each was 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. There remained staffing issues that needed to be addressed and discussions within the KNU continued on how best to implement humanitarian assistance via the liaison offices. Though it had initially been envisaged the main KNU office would be based at Mywaddy, this idea was dropped in favour of opening the main office in Rangoon.

Significantly, in May 2012, Saw Htoo Htoo Lay, accompanied by the Norwegian Deputy Foreign Minister, the 3<sup>rd</sup> Brigade commander, and U Khin Yi, Minister for Immigration, presented a number of IDPs with

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temporary ID cards at the Kyauk Kyi office. The move was the first step in securing rights for internally displaced Karen and allowed the KNU's Committee for Internally Displaced Karen People (CIDKP) to legitimately work in the country.

While a number of obstacles still remained, including factional concerns on both sides, the 2012 negotiations has provided the greatest opportunity to realise peace in Karen State.

## Notes

- 1 The SLORC issued declaration 1/90 that stated a National Convention would need to be held to draw up guidelines for a new constitution.
- 2 The new constitution further enshrines the role of the military in governance of the country.
- 3 See 'Trading Legitimacy', Working Paper No 1, ENC, 2007, for further details regarding ceasefire groups.
- 4 The KIO ceasefire would breakdown in June 2011 due to pressure to become part of a Government controlled Border Guard Force and concerns over the Myitsone dam.
- 5 'Ethnic Politics in Burma', Ashley South, Routledge 2008
- 6 'Say not the Struggle not availeth', David Thackerbaw, 2007
- 7 'Choosing to engage', Saw David Taw, Conciliation Resources, <http://www.c-r.org/our-work/accord/engaging-groups/karen-national-union.php> last accessed 7th November 2008.
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- 12 'Burma and the Insurrections', GUB, 1949
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- 14 'Karen History', Sgaw Ler Taw, Karen National Union , 1974
- 15 ibid
- 16 Hunter Tha Mwe, with 5<sup>th</sup> Brigade Commander Lin Tin, surrendered to the regime in 1964 and launched a number of military attacks on the KNUP.
- 17 'Karen History', Sgaw Ler Taw, Karen National Union , 1974
- 18 'Clarification Document concerning the fourth negotiations between the Karen National Union and State Law and Order Restoration Council', Karen National League, Translated by Ba Saw Khin
- 19 Ibid.
- 20 Ibid
- 21 The term 'legal fold' is often used by the Burmese regime to refer to groups that have either become ceasefire groups or, in many cases, local militia.
- 22 'Clarification Document'...
- 23 ibid
- 24 The Mae Hta Raw Hta agreement had caused a major cause for concern

among the Burmese regime. Signed at the end of an ethnic unity seminar held between the 7<sup>th</sup> and 14<sup>th</sup> January 1997. The meeting saw 15 ethnic organisations join together and sign a statement consisting of four main points:

1. To dismantle the military dictatorship and establish peace in the country;
  2. To practice the democratic political system;
  3. To achieve the rights of equality and self-determination for each and every nationality;
  4. To establish a federal union.
- 25 Interview with Colonel Soe Soe, 2008
  - 26 All information for this section is taken from the official Karen National Union minutes.
  - 27 'Law 17/1 Unlawful Association Act' is used by the SPDC to provide legal legitimacy in conducting anti-Karen actions against the civilian populace by claiming all villagers have contact with the Karen National Union .
  - 28 All information for this section is taken from the official Karen National Union minutes.
  - 29 Interview with Saw David Taw, September 2008
  - 30 Information for this section is taken from the official KNU record on the talks.
  - 31 'Who could be behind Rangoon bomb attacks', Aung Zaw, The Irrawaddy, 13/5/05
  - 32 Notes taken from the conversation by Colonel Soe Soe
  - 33 'KNU Groups discuss peace process', Saw Khar Su Nyar, KIC, 13 December 2011
  - 34 'KNU satisfied with third ceasefire meeting', Phanida, Mizzima, 21 December 2011
  - 35 'Position Statement on Peace Talks Between the KNU and the Burmese Government', KNU, 11 January 2012
  - 36 The delegation was led by the following, many of whom are also central committee members: General Saw Mutu Saypo Commander-in-Chief Central, Padoh Saw David Taw, chief of judicial department, Brigadier General Johnny, Brigade No 7 Commander, Saw Thamein Tun, Central Committee member, Saw El Wa, Brigade No. 2, (Taungoo District Chairman), Saw Lay Law Taw, Brigade No. 3 (Nyaunglaybin District Chairman), Saw Kwe Htoo Win, Central Brigade No. 4, (Myeik-Dawei Distric Chairman), Saw Shwe Maung, Brigade No. 6 (Doolaya District Chairman), Saw Aung Maw Aye, Brigade No. 7, (Pa-an District Chairman) Saw Roger Khin Chief of health department, Pado Saw Ah Toe Central committee member, Chief of forestry department.
  - 37 'KNU Wants a Transparent Peace Process', KIC, 14 January 2012
  - 38 'KNU leader denies ceasefire agreement is signed', Report by KIC, 12 January 2012
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  - 40 'For Real Peace in Karen State There Must Be a Political Solution', Nant Bwa

Bwa Phan, 12 January 2012

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44 'Carve up of Karen territory looms', Naw Noreen, DVB, 17 January 2012

45 'Kayin National Union-KNU opens Liaison Office in Kyaukkyi of Toungoo District', New Light of Myanmar, 11 April 2012

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47 'Perpetuation of peace discussed with KNU' New Light of Myanmar, 13 April 2012

48 'KNU Leaves to Continue Talks on Ceasefires with the Burmese Government', Karen National Union Statement, 4 April 2012

49 'Second Round State/Region-Level Peace Negotiation between KNU and the Government of Myanmar Meeting Minutes April 4, 2012 Pa-an', Unofficial translation

50 'Meeting Notes of the first Union-Level Peace Talks between the KNU and the Government of Myanmar Yangon April 6, 2012', Unofficial translation

51 'Karen National Union (KNU) and Myanmar President U Thein Sein Meeting' Karen National Union Statement, 7 April 2012

52 'State/Region-Level Peace Negotiation between KNU and the Government of Myanmar Meeting Minutes April 10, 2012 Bago', Unofficial translation



The Burma Centre for Ethnic Studies (BCES) is an independent think tank and study centre founded in 2012 to generate ideas on democracy, human rights and federalism as an effective vehicle for “Peace and Reconciliation” in the Union of Burma.

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- To engage in research and publication on democratic principles, human rights and federalism to disseminate knowledge.
- To organize policy studies, forums and conferences to advance public policy for peace and development.
- To conduct activities for the development of the rule of law, human rights, democracy and effective and accountable governance.
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Since the beginning of hostilities, officially declared on the 31<sup>st</sup> January 1949, the Karen National Union has consistently attempted to find an accommodation with the successive governments of Burma.

While initial discussions centred on the recognition of a free Karen state of 'Kawthoolei' and the need to retain arms. Later talks, primarily those that began in 2004, and were restarted in 2011, sought merely to protect the Karen populace from further abuses at the hands of the Burmese army, the tatmadaw, and preserve some form of role for the organisation.

This paper examines the various peace processes that have taken place since the outbreak of conflict and provides insight regarding the many KNU peace talks that have been held since 1949.