A land regime for the future Kawthoolei

Contentious land politics in Kawthoolei, Burma

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Abstract

Theoretically questioning what land is and why it gets contentious, this thesis explores land politics in Burma as a contentious political space. Utilizing a multi-scalar approach the main objective is to investigate the construction and assemblage of land in its complex and dynamic relations to conflict in Burma, and specifically Kawthoolei. The research uses a social constructivist approach to uncover how land is (re)constructed and contested through multiple processual, temporal and relational productions of space. This thesis is a qualitative case study building on visual, textual and oral data collected from November 2020 to February 2021 to explore *how and why land politics is a contentious political domain in Burma*. Particularly focusing on Mutraw District and the Salween Peace Park conservation initiative in Kawthoolei, Burma. Seeing land and contention as inherently political processes the research explores how multiple actors seek to obtain spatial control over specific areas of land through different ontological and structural processes, framed as specific land regimes. The thesis argues that in the given case this process is driven by diverse actors' aspirations to materialize the imagined future of a homeland. Exploring how multiple land regimes socially construct land within specific, discursive projects, in sum producing a contentious political landscape, the thesis connects multiple contestations to each other, and weaves them into historical dynamics of political economy, conflict, and colonialization in Kawthoolei, the Karen homeland.

Acknowledgements

Wow, what a journey this has been!

I never imagined I could experience such an emotional, challenging and rewarding rollercoaster-ride from the dining table in my apartment in Oslo.

I am extremely grateful to the activists and scholars who have let me into their space and shared of their knowledge and experiences, both now and in the past. Thank you! I am also thankful to the ones I never met, but have seen in interviews, videos, documents and other work - thank you for being a window into the Karen communities and Kawthoolei. I hope to meet you in the future, under different circumstances.

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Thanks to friends and family who has suffered through hours of talk about Burma, Karen and land politics, it will probably not end here or any time in the near future.

Ida Fagervold, Oslo, Mai 2021

Abbreviations and acronyms

AFPFL: Anti-Fascist People Freedom League

BSPP: Burma Socialist Programme Party

CF: Community Forest

CPB: Communist Part of Burma

DKBA: Democratic Karen Buddhist Army

EAO: Ethnic Armed Organization

GA: General Assembly

GC: Governance Committee

GoM: Government of Myanmar

KAD: Karen Agricultural Department

Kaw: traditional land governance system

Kawthoolei: The Karen homeland as defined by the Karen movement and the KNU

KESAN: Karen Environmental and Social Action Network is a Karen CSO

KFD: Karen Forest Department

KHRG: Karen Human Rights Group is a Karen community based organization

KNA/KNU: Karen National Alliance later changed to Karen National Union

KNLA: Karen National Liberation Army

Ku: traditional upland rotational farming practice

LUC: Land Use Certificate

Tatmadaw: Burma Army

UN: United Nations

UNFC: United Nationalities Federal Council

SPP: The Salween Peace Park

NCA: Nationwide Ceasefire Agreement

NDF: National Democratic Front

NLD: National League for Democracy is the political party of Aung San Sue Kyi, which won its first election in 2015, and the second in 2020.

SLORC: State Law and Order Restoration Council

USDP: Union Solidarity and Development Party

VFV/VFV-law: Vacant Follow and Virgin land/Vacant Virgin, and Fallow land law

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CHAPTER 1 Introduction

"Myanmar is on the brink of civil war" (Ray, 2021:n.p.) or "(…) veering dangerously toward all-out civil war" (Fishbein & Kyaw Hsan Hlaing, 2021:n.p.) the newspapers stated weeks after the military coup on February 1 2021. I do not undermine these reflections. However, I believe it is important to say that many people across the Burmese borderlands never left the physical and material, psychological and embodied state of war.

Since 2012, four Karen[1] community leaders have lost their lives in military violence, all inside a conservation park (Ezell, 2019). Saw O Moo, "a natural flag bearer of the [Salween] peace park (…)" was killed by the Burma Army (Tatmadaw) forces in Hpapun District, April 2018. (Dunant, 2019:n-p.) "[He] is survived by his wife, Naw Paw Tha, and 7 young children, who were forced to flee the Burma Army's [earlier] attacks."

His body was never returned.

> "*I am disheartened that I cannot see my husband's body because the P'Yaw [Tatmadaw] are hiding it. I want to hold his funeral according to our Karen traditions and as our animist beliefs teach us."* (Saw Oh Moo's widow, in Karen Human Rights Group, 2018, May 8:n.p).

March 2020, Tatmadaw **"**killed a KNU forest ranger [and] a Karen community leader" (KHRG, 2020, April). These are just some incidents, where the Tatmadaw has killed civilians. Conflict is also inscribed in the soil of these lands. "March 1st 2021, two local villagers died (…) in a landmine explosion."(KHRG, 2021, March:n.p.). War has continuously overshadowed the lives and deaths, bodies and souls, lands and forests of these communities - preventing them to lead a life in peace, security, and without fear. Now, the conflict is escalating, spreading and manifesting itself in the cities, in the lowlands, and worsening in the borderlands, it never stopped, it just lingered, was vaguer and left at the margins. These stories were, with few exceptions, as the horrific Rohingya genocide, excluded from the international storyline of a new democratic, post-conflict, Burma[2], but serves as the background for this thesis.

[1] The Karen is an ethnic minority, comprising of multiple ethnic sub-groups under the exonym Karen. Karen account for seven percent of the population in Burma. Karen state is the Government of Myanmar demarcated state for the Karen people.
[2] In 1989, the Tatmadaw changed the name of Burma to Myanmar. The opposition, particularly in the ethnic borderlands use Burma, including the participating in this thesis. I use Burma when referring to the country and Government of Myanmar when

Simultaneously, agricultural and forested landscapes in Burma are transforming at an unprecedented rate (Barbesgaard, 2019b; Zaehringer et al., 2020). The economic liberalization (1988-2020) and political opening (2011-2020) left Burma in a grey-zone between democracy and authoritarianism (Stokke & Soe Myint Aung, 2020), fueled by a resource-intensive development strategy focused at the ethnic areas. These areas were previously under the control of Ethnic Armed Organizations (EAOs) and unavailable to the Government of Myanmar (GoM) and international capital (Woods, 2011:749). In the last few decades, they have been wrenched open and are now hot seats for large-scale development and conservation initiatives (Zaehringer et al., 2020:46). The new Burmese land regime and development strategy partly explain a stagnating peace process, as it has led to the prolonging, and resurging of multiple sub-national conflicts, and breaching of ceasefires (Burke et al., 2017). As one activist in an ethnic area stated (conversation, 15.01.2021), the first problem we knew would come when, *not* if, the Burmese state would democratize was land.

The empirical and theoretical foundations

Reentering the field of contentious land politics in Southeastern Burma, I had two significant realizations for this thesis, one *empirical* and one *theoretical*.

There is no vacant land, a primer by the Transnational Institute (Springate-Baginski, 2019), is a bold political statement confronting the Burmese state, and a fascinating philosophical thought. This has inspired this thesis *empirically*, intriguing me to understand what land is in Burma and Kawthoolei, and why some actors define specific land as vacant. *Theoretically*, this paper draws inspiration from Barbesgaard's (2019a) illuminating research on landscapes of dispossession in Northern Tanintharyi, Burma. First, his emphasis on how focusing on a singular resource is academically and politically reductionist, inspired me to utilize *land* as the main theoretical, conceptual and empirical research tool. Second, his portrayal of land changes as cumulative results of consecutive political and economic regimes has provided this thesis with the a processual perspective on land and contestation, seen in light of political shifts.

The *concept of land*, as an analytic viewpoint, opens up for exploring the multi-scalar and relational construction of *space* in Kawthoolei, a space that is continuously contested and reproduced in

referring to the governing institution. I also use Karen, Karenni and Arakan states, which the Tatmadaw changed to Kayin, Kayah and Rakhine states.

processes, structures, institutions and actors that actively, or passively, interact with land (Li, 2014; Howitt; 2001). Investigating how different actors frame, know and control land, both contemporary and historically, I see land as temporal (Lund, 2013) and relational (Massey, 1994; 2005) constructions of space and as the materialization of discourses, knowledge and power (Murdoch, 2006) put together in complex systems. These complex systems can be understood as *land regimes*.

I treat land regimes as the *ontological framing* (Murdoch, 2006; Howitt, 2001) and the specific *structures and mechanism* (Boone, 2013; Li, 2014) working in tandem to exercise physical and discursive control over land, and are essential to explore why land becomes a *contentious political domain.* Delving into land regimes social and temporal assemblage of land, uncovers how land contention plays out in multiple political levels (Van Leeuwen & Van Der Haar, 2016), ultimately entangled in broader political grievances (Bridge, 2009). Different constructions of space has resulted in different actors' efforts to assemble land through strategies, needs, and understandings of spatial organizing, dependent on their interpretation of historical, ideological and ontological understanding of land (Lund, 2013; Howitt, 2001).

These theoretical considerations has led me to see land as a multi-scalar, relational construct, where contentions occurs in the social relations aiming to construct it, rather than being a conflict over the land itself. Land is thus a materialization of conflict; a space where contentions between actors plays out and becomes tangible. Seeing land in Burma as a *contentious political space*; I connect multiple contestations to each other, and weaves them into historical dynamics of conflict, reflect on the interconnectedness between processes, mechanisms and actors who produce conflictual social relations of land (Tarrow, 2015). I explore these dynamics through an extensive qualitative case study of *contentious land politics in Kawthoolei*, focusing on Mutraw District and the Salween Peace Park conservation initiative.

Presenting Kawthoolei and the Salween Peace Park

Kawthoolei is a territory in Southeastern Burma demarcated and claimed as the Karen homeland by the Karen National Union (KNU) and Karen National Liberation Army (KNLA) and the Karen movement. KNU refer to the political actors seeking to control a Karen homeland, and the Karen movement refers to the broader structure of the political active Karen community, including CSOs and activists. Kawthoolei, as perceived today, was officially declared in 1974, but to establish a Karen homeland has been an objective for the KNU since before independence in 1948. This aim

grew out of the Karen independence movement's dissatisfaction with the outcomes of the Burmese independence negotiations. Since 1974, the KNU's objectives has turned away from full separation from Burma, and focus on a federal Burma where ethnic states can experience freedom, self-governance and autonomy. Central to these claims is the issue of land, as territory and opportunities for economic revenue, but also increasingly tied to traditional practices, environmental protection and cultural preservation.

The latter three points are evident in the realm of the Salween Peace Park (SPP), a large-scale social, cultural and environmental protection initiative. Located in Mutraw District Kawthoolei, or the North of the Burma demarcated Karen state, the Park stretches out 5,485 square kilometers, encompassing 26 village tracts and 76,000 people, covering 80 percent of the land and inhabited by 70 percent of the people residing in Mutraw District. The Park, as a collaborative effort between local communities, Civil Society Organizations (CSOs) and central leaders in KNU Mutraw District, reflects the current political dynamics of land contention and governance in Kawthoolei and in relations to Burma.

Research aim and limitations

A main aim for this research is to take land out of the construction as a resource, move the understanding of land contention out of the realm of resource conflict, and to delve into the multiplicity of contentious land politics. This research explores how contentious land politics plays out in Burma, focusing on *the imagined future Kawthoolei*. By answering the thesis question, *how and why is land politics contentious in Kawthoolei Burma,* I examine how multiple land regimes construct land socially, within specific, discursive projects and combined produce a contentious political landscape. Four political levels, and their interconnectedness, are central to this research.

The first level is Burma, uncovering some of the dynamics that has produced land as an extremely contentious sphere within its borders. Answering the question: *in what ways has land transformed conceptually and physically from pre-colonial Burma to the National League of Democracy (NLD) government, and what has been its implications been for the Karen movement,* outline the background chapter of this thesis. The second level is *Kawthoolei,* the area defined by the Karen movement as their homeland. By answering the question, *in what way has land been spatially produced in Kawthoolei through the Karen National Union land regime, and what strategies have they deploy to promote these;* I explore the role of land, and land governance, in the Karen movement. The third level is local land governance, and will be analyzed through the question *in*

what ways has land been governed at the local scale outside the realm of state-authority. The fourth level is a newly established conservation, the Salween Peace Park, focusing on *how it reflects the dynamics of land contention and politics in Burma and Kawthoolei.*

Due to the limitations of conducting digital fieldwork, this thesis cannot account for how the practiced social relations of land at the local level unfolds, nor how the KNU land regime or the Salween Peace Park influence those relations. Due to the time restrictions of this research, I have neither had the capacity to explore the international dynamics of land construction in Kawthoolei, although these perspectives could provide fruitful insights and perspectives to the discussions. Moreover, as I aim to understand the contentious landscape from the KNU perspective specifically, and the Karen movement more broadly, I have not taken perspectives from the GoM/Tatmadaw nor other EAOs in the area into account.

Structure

Chapter 2 discuss the methodological reasoning and research strategy, reflect on the choice of methods for data collection and analysis, and nuance the ethical considerations and challenges of the research process. **Chapter 3** lays the theoretical foundation for by questioning *what land is* and *how it becomes contentious*. By portraying land as a social phenomenon, the purpose is to understand the social construction of land through a broad set of processes and a wide range of actors aiming to give specific meaning to land. **Chapter 4** presents the conceptual development of land in Burma by looking at four political shifts, colonialization (1824-1947), de-colonialization and militarization (1948-1988), economic liberalization (1988-2020) and the political opening (2011-2020). Through that, I focus on the main processes that has shaped land conceptually and physically, and has produced a contentious political landscape. **Chapter 5, 6 and 7 is the empirical parts. Chapter 5** is searching for a *Kawhtoolei land regime* through looking at how land has been spatially produced as a Karen homeland by the KNU's land regime, looking at historical event and central strategical mechanisms for controlling land. **Chapter 6** explores how land has been locally defined and governed outside the frames of competing state-actors, in Mutraw District, Kawthoolei. The focus is on one traditional land regime, the kaw-system, which also serves as an entry point for **Chapter 7,** which discuss the multi-scalar political dynamics of the SPP. The focus here is to capture how the SPP reflects the broader political and contentious politics of land in Kawthoolei and Burma. **Chapter 8** concludes the thesis by returning to the main objectives, thesis

question, and research questions in close dialogue with the analysis. In addition, to reflect on some potential future areas of research.

CHAPTER 2 Method and methodology

In this chapter, I give account of and reflect on the methods and methodology that has been the base of this research. First, I outline the main objectives of this research process by breaking the research into four sub-questions. The sub-questions work as a way to contextualize the thesis and reflects the four political scales that are core to this research. I then position the research methodologically, presenting what it is a case of and describe how I was introduced to the case. Outlining the research design within the concept of a case study, I go through the initial thoughts of the project and highlight the major changes that have occurred in light of the COVID-19 pandemic and the recent events in Burma. Moving on to the data collection strategy, I described the different elements of data collection; the techniques utilized for specific parts of the thesis, and evaluate the relevance and quality of the data collected. Rounding off the reflections on the data collection process, I describe some of the challenges and opportunities that arose conducting a digital fieldwork in a foreign country. I then outline the main strategies for analyzing the data material, synthesizing from the data collected and the process of writing up the thesis. Lastly, I present ethical considerations, challenges and crosscutting issues that have been present in this research process, before concluding with some summarizing thoughts on the overall experience.

Research objectives

By answering the thesis question, *why and how is land politics contentious in Kawthoolei, Burma?* I have investigated the conceptualization, and assemblage, of land in its complex and dynamic relations to conflict in Burma in general, and Kawthoolei more specifically.

Breaking down the research

Four separate, interconnected, political scales and Research Questions (RQs) have guided the research strategy, process and analysis. To understand the historically complex dynamics and interrelations between conflict and land in Burma, I began this project by writing an instrumental background chapter. Serving as RQ1, it answered: *how has land transformed conceptually from pre-colonial Burma to the current National League of Democracy (NLD) government,* and uncovered central mechanisms that have shaped the physical mapping, and aspiring future, of land as territory, and influenced the meaning, value and definition of land.

Second, to uncover what a Karen land regime might look like, I searched for governing mechanisms in Kawthoolei in general and in Mutraw District more specifically. Aiming to

understand *how the Karen ethnic minority authorities frame their land agendas, and what strategies they deploy to promote these,* I found one formal and one informal land regime. RQ2 (stated above) is aimed at the KNU. RQ3 derived from this, and was phrased to answer *in what ways has land been governed at the local scale outside the realm of state-authority,* to explore localized informal land governance models that have been preserved *and* eroded in the mountainous areas of Mutraw District, Kawthoolei.

This search led to a tangible case, providing nuanced and detailed insight to the overall research question: the newly established Salween Peace Park. By answering RQ4: *how does the SPP reflect the dynamics of land contention and politics in Burma in general and Kawthoolei in particular?,* I aimed to understand the dynamics discussed in the two previous chapters, through a new, non-elite driven conservation initiative, as I believe this has physically and discursively impacted the understanding *the contentious politics of land in Kawthoolei, and Burma.*

Ontological and epistemological vantage points

> Social reality refers to the material and socially constructed world within which everyday life occurs, which can have an impact on people's lives, in terms of both providing opportunities and imposing restrictions. (Ramazanoğlu & Holland, 2002:9 in Blaikie, 2007:13).

This statement sums up the foundation of this research. I have been concerned with "explain[ing] observable phenomena with reference to underlying structures and mechanisms" (Blaikie, 2007:16), while it has been equally important to see the understanding of land as "a product of the interpretations of social actors" (Blaikie, 2007:17). The foundation of this thesis has continuously been dancing between these understandings, however, with a clear emphasis on the power and politics that accentuate the assemblage of land.

The interest in uncovering the discursive changes and its implication in land conceptualization and governance generated an interpretative and extensive qualitative research strategy (Stratford & Bradshaw, 2016). Investigating both the tangible and intangible areas of the case, discourses, identities, and places of inscription (Winchester & Rofe, 2016:3), I wanted to understand how these processes materialized in land. Land defined as a *social construct* does not deprive it of its material reality. However, it underlines the importance of seeing the observers and users of land as actively engaging in giving social meaning to land in addition to the meaning that already exists in it.

The research, therefore, aligns well with *social constructionism* (Blaikie, 2007:22), where "the source is the product of the intersubjective, meaning-giving activity of human beings in their everyday lives." (Blaikie, 2007:23). Within this, I believe that actors, intentionally and unintentionally, drive the processes, either changing or preserving the constructions of land. The outcome of these processes is not just complex contentious land, but the assemblage of land as it is portrayed.

Research Design

The methodological approach to this research project is through a case study, using the SPP to understand broader political dynamics of land within Kawthoolei specifically, and Burma. "[P]roper understanding can be achieved only through in-depth examination" (Ragin & Amoroso, 2019:101) and I believe from inside of the Karen movement, not only as a reaction to the outside pressure from the GoM. Aiming to uncover contentious land politics as an outcome of political processes and to go through social actors' meaning giving and interpretations to generate social scientific descriptions and understanding (Blaikie, 2007:57), I follow a combined retroductive and abductive strategy. The former was particularly centered around the different constructions of land historically and contemporary and the latter was aimed at the local land regime and the SPP. However, these distinctions are not clear-cut, in neither the data collection nor the analysis. Fieldwork as "knowledge as situated in space" (Sæther, 2006 introduction section), becomes interesting when digitalizing a fieldwork. It not only questions space, but also questions if one can gain *situated knowledge* through digital devices. I do not have an answer to this question, however, I do believe my previous experiences enabled me to connect to some degree with the idea of situated knowledge and that parts of this can be transmitted across space through digital devices.

Choice of case and site of research

I would like to echo Ragin & Amoroso's (2019:175) emphasis on choice of case, as a reflection of both the heart and the mind – ideas that resonates well with this project. Due to previous experience with the area, and interest in contentious land politics, I chose the case prior to enrolling in this masters' program. However, the case of Kawthoolei and the SPP, resonates well with Stratford & Bradshaw's (2016:121) wordings of how "sometimes the case finds us". Through interaction with the participants and researchers with a heart and mind for the Karen people, the SPP was advocated as a good case to delve into the multiplicity of land production in Kawthoolei.

The case itself, in its context and with the range of assumptions that surround the land in these areas, has a great value to capture land contentions and conflict in Burma. However, land and contention as broader processes inscribed with more rooted ideas of political struggle, is generalizable to other similar cases. A central aim of this research is to break down ideas of what land is, and its conceptual production. Moreover, to generate knowledge of and emphasize the value of how multiple processes, individuals, and groups partake in giving land meaning. This case, as others, is interwoven in larger social patterns that can generate knowledge extending beyond its specificities SPP, Kawthoolei and Burma (Ragin & Amoroso, 2019:173), giving added value by challenging "basic assumptions about social life" (Ragin & Amoroso, 2019:22).

Changes in research design

This research was conducted through challenging and heartbreaking times for the people of Burma and Kawthoolei. First, under the conditions of a global pandemic, second, through escalating military violence in Kawthoolei, and third, in the process of a military coup that again led to full out military conflict between the KNU, the Tatmadaw, and other actors.

With the goal of conducting a longer fieldwork, I started my masters' program by scheduling a three-month fieldwork to meet and engage with land activists in Kawthoolei. The COVID-19 pandemic of coursed paused that plan, leaving me on hold until the realization that a reopening would not happen within this project's timeframe and that a fieldwork would be highly unethical, if not impossible. Theoretically, I had planned for this, and my supervisor, fellow students and I had discussed it at length. My research design would still work and could be conducted from a distance. However, coming to terms with this change took some time. The sudden realization of not being able to visit the field, feel the land I was going to write about beneath my feet, meet the people I was going to talk about face to face, and experience the forests, abruptly changed my research plans and mentality. I kept the overall research objectives and the thesis question, but RQ2-4 readjusted, as it seemed almost impossible to reach activists via Zoom.

The looming presence of military violence that has rippled over Kawthoolei the previous years escalated throughout 2020 (KHRG, 2020, April; 2020, September). In December 2020, the conflict entered a new high when the KNLA issued a statement demanding Tatmadaw to remove their troops from KNU territory (Karen News, 2020). While not leading to adjustments in the research design, it significantly extended the data collection period as reaching participants became difficult.

As people adjusted to the situation by mid-January, participants rescheduled conversations. Then, February 1 2021, the Tatmadaw staged a coup d'état, putting the elected parliament under house arrest or arrest due to a number of auspicious allegations. Everything stopped, data collection stalled, and I spent most of my time following news and updates from the participating community. Only one observation was completed, an action meeting for people involved with SPP, February 13 2021. The KNU issued a statement on February 3 rejecting the coup and a position statement February 14 (KNU Head Quarter, 2021). March 27, KNLA captured a Tatmadaw base in Mutraw District, leading to brutal retaliation from the Tatmadaw with airstrikes on civilians (Fishbein & Kyaw Hsan Hlaing, 2021). My most pressing concern before starting the data collection was if it would be possible to reach participants. It turned out that was the least of the concerns. To conduct the interviews became the most pressing issue, and the coup made continuing not reasonable nor ethical.

Data collection

"The **empirical** world is limitless in its detail and complexity" (Ragin & Amoroso, 2019:22 **bold** in original). In a constantly growing data-pool, data triangulation of *oral*, *visual* and *observational techniques* was the chosen rigor strategy for data collection (Winchester & Rofe, 20016:18-22). Although originally the idea of observation through a screen seemed absurd and impossible, I have attended a few observable events, combined with earlier field observations. The triangulation through a mixed-method approach, focusing on interviews, observation, digital data and document analysis was helpful for two reasons. First, this method was fruitful to crosscheck and build rigorous data (Winchester & Rofe, 2016:20) as I could see the same themes emphasized across mediums. Second, combining oral and visual techniques allows to better capture relational dynamics within each of the RQs (Winchester & Rofe, 2016:17), getting conflicting data, perspectives and opinions. Previous and current fieldwork, textual, digital and visual data combined with interviews and observation gave a rich and varied data material, more than hoped for when entering the digital fieldwork.

Sampling and reaching informants

Sampling for research participants began with reaching out to my network in Norway and abroad, referring me to actors within land politics and other scholars. Actively browsing online, I found a Ph.D. scholar in the UK researching the same field, who recommended other researchers and actors. As knowledge of Karen land politics or the SPP was necessary for all informants, I used *criterion sampling* as my main sampling strategy. As the project developed, I was referred further and my network grew, following a typical snowballing pattern (Stratford & Bradshaw, 2016:124). This process evolved organically with less obstacles than initially thought.

Accessing unpublished work

Exploring what the Salween Peace Park is and how it relates to the political field, few sources had discussed the project at length except in communication campaigns and social media work from involved CSOs and a few master projects. At least so I thought. Just as I began digging into this, I became aware that I was entering a field with many Ph.D. researchers with a passion for the Karen people. Since collecting primary data became a challenging task with alarming questions of ethics, these scholars' work became my eyes into the Peace Park. The network granted access to one unpublished Ph.D. thesis and a few unpublished articles discussing the SPP. This gave insight into dynamics of the SPP, but also RQ2-3, that would have been inaccessible through a screen. Accessing their work and experiences has been a central to this research process.

Conversations

In-depth interviews is about building relationships (Ragin & Amoroso, 2019:111), a process I took very seriously and was eager to explore. Well aware of the delicate political field, I centered the preliminary conversations on building trust and connection, and detangling some of the ideas that were reflecting on the surface before pursuing a more formal style interview. Many participants were keen to have a second talk, however, the circumstances made it impossible.

I had ten semi-structure conversation, around 15 hours, all conducted digitally through Zoom in compliance with UiO's guidelines on security and data storage (UiO, 2020). The conversations followed predetermined topics and themes (See Appendix II) with some specific questions for the interviewee. They also opened up for the participant to share their general thoughts and reflections freely. This layout made the conversation dynamic and interactive, permitting the participant to direct the discussion, while allowing me to cumulate relevant data (Dunn, 2016).

As the preliminary conversations aimed to build trust, only one conversation was digitally recorded, the rest were documented by note-taking. The digital format was an advantage as I could take notes on a laptop without seeming distracted or loosing eye contact.

The conversations enrichened the data material substantially, adding to already existing understandings, challenging some ideas and elaborated on perspectives that were unclear. They particularly spoke to RQ2 and RQ4; focusing on involvement in land politics, view of developments, ideas of the overall political landscape, and SPP's role in that. Following these conversations, I received additional information, documents, reflection notes, and statements, from participants and their network via e-mail or WhatsApp. Most have functioned as guiding information rather than data, as they are not official or public documents.

Observation

To my surprise, and a clear reflection of the increased interest in the SPP, I participated in four events, two seminars about the Park, and two closed meetings. During the seminars, I made notes that were useful for the conversations with the researchers later. For the latter two, I did not take notes, but used the space to ask clarifying questions, give feedback on themes raised, and got detailed insight into some dynamics of the SPP. Minutes of the meetings were shared, but did not serve as data for this research, but rather as knowledge amplifying some of the findings.

The seminars were spaces I actively sought out; while the meetings were spaces made available to me. The difference between searching for places to observe and being invited into a space was important for my engagement in the specific context. In the seminars I was a passive observer, the two meetings served more as "go along" participatory observation (Kearns, 2016) as this was a space aimed at pushing forward the SPP. I was invited into this space due to my current and previous research, and my previous role in the INGO. It is important to emphasize that my role and positionality in these meetings got slightly blurred (Winchester & Rofe, 2016:13), moving closer to an insider position, while also being an outsider.

Document analysis

Documents as discursive representations of social reality have been an essential vantage point of this research to grasp how competing authorities frame land politics, and promote different representations of land. How texts reflect social, contextual and temporal meaning (Waitt, 2016:288) and what these texts *do* (Asdal, 2015) within the contentious landscape of land

politics have been key for the foundation of RQ2-3 but contributed greatly to RQ4. Key documents have been the KNU Land Policy (2015), SPP statements and documents, documents covering land issues and governance, and reports from organizations and researcher, in addition to smaller documents, briefings, and pamphlets. Documents are central in defining issues, presenting solutions, and representing social realities (Asdal, 2015), becoming the starting point of this research. Document analysis has enabled me to engage with the spoken and unspoken meaning shared within a specific land discourse, as it helped me deconstruct the conceptualization of central elements (Winchester & Rofe, 2016:11).

Multimedia and digital data

Other visual and audio data has been of equal importance for RQ2-4. My most clear window into the SPP, the local land regimes, and its political dynamics, was communication material consisting of maps, videos, figures, pictures, social media content and a podcast about the initiative and the process. I spent hours watching videos of land conservation in Kawthoolei and SPP, transcribing the videos and noting important sections of the films. Evelyn Rupert et al (2013:24 in Winders, 2016 *emphasis* in original) notes, "digital devices and the data they generate are both the *material* of social lives and form part of many of the apparatuses for *knowing* those lives." The realities reflected in the digital material gave insight into the project, its existence, and its relations, as well as framing what was communicated and how we can know of these realities, and situated them within the political landscape, discourse and with specific solutions.

Written memories

Through the entire research process, and particularly during the fieldwork, I actively used *memoing* as a tool during the data collection (Appendix I). Writing down reflections from conversations and observations, on the digital material and textual material, theoretical dilemmas and frustrations with the rapidly changing research field, and personal experiences, helped me make analytical remarks, producing small memos covering key analytical points and thoughts. They ended up being an essential part of the preliminary data analysis, as this were the first attempts to interpret and make sense of the data and the process (Cope, 2016:374). Since I did not digitally record the interviews, thorough memos were key to develop a code-system. It has been especially useful for "sorting out ideas, identifying patterns and similarities, recording "Aha!" moments, and generally beginning the process of organizing and analyzing" (Cope, 2016:375). Due to the restrictions in

the data collection, I also saw this as an important step to leave a paper trail, keeping my research open to external audit by being transparent and rigor in how I reflect around my research (Sæther, 2006).

Previous data collection

Conducting a case study through the screen would not be possible without former knowledge and experience with the case. The sense of shared knowledge (Sæther, 2006) was with me from previous interactions. I *had* been to Chiang Mai, I *had* been to Dawei, and Yangon, I *knew* of the actors involved, and yes, I *did* meet these people in Oslo. My extensive, in-depth knowledge of the context, civil society actors, conservation initiatives and Karen land politics allowed be to draw on experiences, data, and information previously gathered. These fields have been essential parts of my academic and working life since 2017. Conducting my Bachelor's fieldwork in Chiang Mai, Yangon and Tanintharyi, spring 2018 connected me with certain actors, but also provided insights, values, opinions, positions and general knowledge of the field. Moreover, working with an INGO collaborating with CSOs in Burma, I have been co-authoring reports that cover projects in Kawthoolei, providing contextual knowledge and insight. Limitations to this fieldwork has been significant and have influenced the data material, however, previous interviews, observation, fieldwork, personal connections and other involvement played a significant role throughout the research process. This knowledge and having insight in many of the themes, conflictual lines, major stressors and positioning of several of the actors involved, and land legal framework and specific contentions, made the analytical process easier.

Data and privacy

As I collected *personal identification data*, I got the Norwegian Data Protection Service' (NSD) approval to conduct the research for my project. All participants received information about the purpose of the project, the intended data use, publication, and an assurance of my obligation to comply with the principles of *anonymity* and *confidentiality* in a letter (Appendix III). They could sign the document, or state their agreement in the e-mail directly. The one recorded interview was stored directly from the UiO recording app *Diktafon* to the University data storage hotel. Notes from conversations were kept apart from any personal identification data. The anonymized data have been stored at a password-protected device. All meeting notes were coded with date, time, and the research participant number.

Digital research – its limitations and opportunities

"Does distance matter in the age of the Internet?" (Mok et al, 2010; Wilding, 2006 in Winders, 2016). Yes and, no! It matters because digital connections strains some elements of human connections. Physical distance hinders connections that allows us to read each other, through body language and movements, small ques of discomfort or interest. It breaks up a conversation as ques of affirmation becomes disturbances in the mic. It also removes the experience of places and people in their places, which highlighted by Sæther (2006) as essential interview elements. The absence of the fieldwork's "daily life and spending leisure time with friends" (Sæther, 2006, introduction section), made me search for these space online, in social media, in podcasts, and through reading non-related work - actively trying to capture some the aspects I knew I missed. I do not argue that this replaced being in the environment and casually meeting interesting people after a seminar or at the tea stall or the expats coffee house. However, to my surprise, it functioned as a satisfying substitute at times, and was equally exhausting.

Digital outreach

Digitalization has indeed internationalized my research (Winders, 2016), although almost the entire process has happened in my own living room. In Burma, you need a research permit; however, crossing digital barriers instead of physical borders solved that issue, but did not solve the ethical dilemma. The general lack of research experience and digitalized research, combined with an institute that lacked digital experience, resulted in a limited number of resources and information regarding this type of research and made the process less straightforward.

Digitalization opened up possibilities, provided distant connections and broadened my scope of participants. Discussing this with my fellow students, we realized that it is not that these opportunities were absent before, rather a pandemic forced us in that direction. In the process, I have connected to Canada, Singapore, Burma, Thailand and someone living just down the street in one meeting. Digital research opened up for observations, seminars in Chiang Mai, and a Ph.D. defense in Sweden, spaces that was digitalized due to the pandemic. What surprised me the most, was the possibility for digital participatory research (Winders, 2016:346).

It is important to mention the limitations of digital research. The social and spatial difference in access to technology and internet in the research field (Winders, 2016) has clear limitations for outreach in terms of participants. Individuals in Chiang Mai, Thailand and Tanintharyi for instance, were more accessible than people in Mutraw, a district with less mobile coverage. In 2018, one CSO representative told me "you cannot get activists to sit at a desk answering e-mails", and this was not easy. In addition, interruptions, people coming into the room, losing internet connection, and lagging sound, were frustrating limitations in the process. As well as significant disruptions from renovating neighbors on my side. The increased digitalization of data material (Winders, 2016) has been the backbone of this research process. An exhausting and intriguing factor is the endless amount of information on the internet. I never had to leave "the field" and could always retrieve more information. Even when writing this chapter, the urge to search for more information, different angles and news updates, lingers.

Language as a barrier

Although I share some experiences and jargon with the participants, I do not share the language. Efforts to reach outside my existing network was challenging due to the language barriers and technological reach. Individuals involved in the SPP and in related CSOs were not necessarily fluent in English and would be hesitant to have conversations with a researcher. Being in the field could have reduced this barrier by decreasing the physical and social distance. In addition, if I were to go to the field site I would have worked with a translator, enabling communication with a broader scope of participants. This could have been done in Norway as well, but time and resource restrictions made this unfeasible.

Written Process and Analysis

Analyzing the data material and writing up the thesis has been a continuous process centered around two phases. Phase one, was from June-October 2020, still hoping for a physical fieldwork. Phase two stretched from February 2021 until the deadline. For the first phase, the analysis and writing focused on theoretical frameworks and the background chapter (RQ1). The second phase centered around the KNU land regime, the informal land regime and the SPP (RQ2-4). The content I put into the theoretical framework came from the learning experience, however the outline was set up prior to entering the field. As the theoretical discussion reflect, the used concepts' meanings are fluid and change with spatial and temporal processes, events and contexts. I actively used

conversations with the participants to guide the analysis' framing and the meaning given to the theoretical framework – thus the participants are not only respondents (Blaikie, 2007:11), but serve a nuanced role of both providing me, and the research, with information, concepts, and thoughts on the overall framework of the research. The overall outline of the research, background chapter, KNU land regime, and background for RQ3-4, was guided by process tracing. This was combined with thematic analysis, particularly for RQ3-4, but also to set some categories for the process tracing.

Process tracing

Viewing contention and land conceptualization as parts of broader processes and assemblages of social relations, I utilized process tracing for analyzing *how land has transformed conceptually from the pre-colonial Burma to the current National League of Democracy (NLD) government (RQ1).* This approach was also used for the KNU land regime and the CSO-KNU relations that have been essential in RQ2, and also leading to some of the conclusions in RQ3-4. Since I view land and contentions as outcomes of broader political processes, a loosely defined path for processes tracing centered on critical junctures in Burma's history was a good strategy to see what processes have assembled land and contention (Vennesson, 2008). Seeing land as an assemblage of a broad set of processes and conflict emerging from those conflictual relations, made processes tracing a good analytical tool to observe changes in discourses, meaning giving and land use (Vennesson, 2008). For the SPP, it was a tool to understand what the Park is within this contentious political domain that constitute land in Kawthoolei and Burma.

Coding

An analytical log (Dunn, 2016) derived from the memoing served as an entry point to the analysis for RQ2-4. The themes from the log were used as the pre-determined codes in the following analysis and was supplemented by other codes that was derived through the analysis process. This flexibility was useful as it allowed moving the analysis in the directions of the data (Cope, 2016:379-380), and cycling between synthesizing and analyzing. I developed a manual coding system applied to a single document compiling all collected data. The analysis was conducted using descriptive and explanatory-analytical codes (Cope, 2016:375-379), essential in the process of abstraction, getting an organizational structure, and the overall analysis (2016:379-380). I gave different thematic areas specific colors, indicating what RQ(s) it answered. Disaggregating these

blocks, I gave the material numbers, for themes within each RQ, then number for perspectives, ideas or other particular topics. For instance, blue was the SPP's politics, number 2 was relations within the Karen Movement and A was specifically regarding the KNU. Through this, I restructured the data and re-analyzed to see patterns, ideas, conflicting information, and to uncover connections with the theoretical framework.

Moving from analyzing to synthesizing

Connecting analytical parts and starting synthesizing (Ragin & Amoroso, 2019) was a daunting task. A mixture of imposter syndrome and the fear of misrepresenting occurred as I began to see my findings as banal and self-evident (Sæther, 2006), and leaving nuances and specific aspects out felt like failing to reflect reality as is. Going back to the theoretical framework and the background chapter was strategic to move out of this state and begin to synthesize on the background of my data.

Ethical Challenges and crosscutting issues

Any contentious field is a sensitive field. In Kawthoolei, decades of conflict, violence, negative encounters with outsiders have made access somewhat restricted. The inherent politicizing of land requires that one remains sensitive to local developments by implementing safeguarding mechanisms to protect the participants and yourself (Dowling, 2016:32). These aspects, in addition to my positionality and the evolving conflict has been the most prominent dynamics regarding ethical consideration and other crosscutting issues.

Research during conflict

Doing no harm (Dowling, 2016:32) became a paramount concern throughout the process, ultimately leading to a data-collection-stop as the participants already in conflict-prone field became more at risk. Contact with some participants continued. An element of the risk mitigation strategy was reducing contact through conventional social media, shifting to secure apps, and waiting for them to reach out. The only activity left was one advocacy meeting, initiated by the community, where one participant had to leave due to military crackdown and house searches in their street. These advocacy meetings are intended to continue to spread awareness on the situation in Kawthoolei.

Positionality

Former involvement with Karen civil society granted me some access; however, accessing key stakeholders within the KNU and broadening the previous network was challenging. I believe this was a combination of the digitalization, few activists and CSO working from their office, some language barriers, and conflict escalation.

My background gave insights I thought were inaccessible from afar, granting access to the SPP's digital spaces. Therefore, to some degree, I became a sort of insider, which influenced the research process (Dowling, 2016:39) from being included in emailing lists and advocacy work. Although a bit on the outskirts, I became "an accepted member of that [extended] group (…)" (Blaikie, 2007:11). This stretched out the process since getting to know me and evaluating me was crucial before granting access. The outsider position is both challenging and a vantage point (Sæther, 2006). Being placed outside a group or a given space allowed me to go for the basic questions, the somewhat ignorant perceptions and notions to be lifted, to begin detangle the field I was entering. My position as an outsider became particularly evident when I was one of few with no knowledge of language, greetings or other cultural codes, and not having personally visited the SPP. Balancing my role as insider and outsider was confusing and often exhausting, countering the constant fear of becoming too close to the research field. My subjectivity influenced the data collected and the research process on numerous accounts as I constantly negotiated between outsider and insider characteristics (Dowling, 2016:39-40). Meeting with a KNU affiliated person, I experienced that my history with the specific INGO, previous encounters with Kawthoolei and CSOs granted me access. In one meeting, I wore a traditional Norwegian sweater commented on in a positive note by other attendees, emphasizing how clothes and wearing tradition is important. Echoing Keran's (2016) reflections on how we bring more than our ideas and tools into these settings, we bring our culture and embodied experiences with us. Other participants in the process (Karen and non-Karen) wore traditional Karen clothing.

Addressing bias

The insider elements clearly opens up for potential biases. Talking to individuals mostly from one group, their perspectives, position and experiences leaves can cause bias. My previous academic and professional engagement reflects that I sympathize with the Karen cause on land issues, and I deliberately moved into this field with the objective to understand land changes from the

perspective of the borderlands, specifically Kawthoolei, clearly embodying assumptions of how things have unfolded. This makes this research open to certain elements of bias. Nevertheless, I hope I have address some of these concerns through thorough reflections on my positionality.

Power relations and knowledge production

"[K]nowledge is both directly and indirectly powerful" (Dowling, 2016:35).

As the knowledge producer (Dowling, 2016), I am in a position to represent or misrepresent the case and communities. In this role, I am accountable to the participating community, the research community, and the broader public that might have interest in my project. The very foundation of realities, lived experiences and the meaning of land are contentious and sensitive, making the role of interpreting and discussing these issues a delicate task. After several rounds fearing misrepresentation of people and thoughts, I settled on the idea that I am telling parts of someone's truth and discursive framing, not *the* truth or someone's whole story. I do not claim to represent these realities or knowledge-systems, but I underline the importance of legitimizing these systems and their relevance for land governance.

I have integrated some check-in procedures with the researching community, discussing issues, themes and conflicting reflections with them (Stratford & Bradshaw, 2016). Unfortunately, this process has not been as easy with the communities and talked about actors due to the circumstances. I do not believe the lack of one extra round with the participants makes this research irrelevant or a misrepresentation, but additional qualitative data could elaborate on, nuance and add valuable angles. After the coup, information sharing became a paramount concern. The CSOs needed insight in the Norwegian public debate on Burma, and wanted to spread information from Kawthoolei. I translated Norwegian articles and shared with them, and translated one English article to Norwegian and got it published in a Norwegian newspaper.[3]

Research, as a social process (Dowling, 2016:29), is about the interaction between people who are differently positioned. Power relations are imbedded in the research processes - always fluid and

[3] Naw Hsa Moo, Dillabough-Lefebvre, D. & KESAN (2021, March 19). Mens diktaturet befestes, fortsetter konflikten ved Myanmars grenser. Retrieved: https://www.bistandsaktuelt.no/arkiv-kommentarer/2021/mens-diktaturet-befestes-fortsetter-konflikten-ved-myanmars-grenser/ Accessed last: 03.05.2021

contextual. I often found myself in a relatively equal relation with the participants, although always in the role of a being the knowledge producer. Some participants were in clear power positions, in either seniority or insight. The inferiority, as described by Sæther (2006), followed throughout the process, at least mentally. Talking to individuals in positions of power was never experienced as threatening or uncomfortable, although some individuals saw it best to "talk me through the field" before letting me introduce the project. Although I had planned for specific steps to ensure critical reflexivity throughout the process, this structure became more unstructured and messier than intended. My role, which I anticipated to get blurry, got more blurry as events unfolded. Check-ins with the community became difficult, and the emotional aspects of the process at times got extremely heavy. However, I hope that these accounts have led to transparent and open reflection in a valid and ethically grounded matter.

Summary

This chapter outlined the main characteristics of the research strategy, methodological assumptions and research design, with its major changes, techniques and ethnical challenges. With particular emphasis on the challenges of data collection in times of abrupt and heartbreaking change, I have accounted for all major and minor concerns regarding the validity and rigor of the research process and the data material. Nuancing my role in the research, and in the CSO community, I drew attention to this research's potential biases and positioned myself in the researching field and participating community. Emphasizing the research as focusing on discursive representations, rather than representing communities and individuals, I have not claimed to speak on behalf of these communities, but aimed to situate their cause, their work and their activism within broader political struggles in the intersection of elite-politics and power-negotiation. Very much aware of the potential biases of my perspectives and research, I hope to have left the research process and thesis open and accessible for scrutiny, and presented my findings in a rigorous manner (Bailey, White, & Pain, 1999).

CHAPTER 3 Theory

The theoretical foundation of this thesis answers the question: *what is land and why does it get contentious*? This chapter begins by deconstructing land as a phenomenon, placing it in a relational and temporal perspective to understand how land is given meaning through multiple processes and social relations. To structure an analytical framework, I utilize the concept of land regimes to understand both the ontological framing of land and the structural mechanisms continuously working to construct control and define land. Drawing on different strains of theory, from geography and other disciplines, I investigate different approaches to understanding land contention. I conclude with an understanding that land contentions exists within the social relations that constitute the land in question, and can best be understood by looking at competing land regimes. Thus, contention over land exist at multiple political scales at once, and is expressed both in an discursive framing of the land regime and within the structural mechanisms of land regimes.

Understanding the construction of land

Questioning land might seem banal at first. For many, especially for us living in so-called developed, urbanized and industrialized countries, societies and economies, land is something tangible. Often treated as a resource and defined by its purpose, land, together with labor, has been naturalized as an input in economic development. Its purpose is then utilization for economic accumulation. Naturalizing this conceptualization through structures, processes and institutions has been shaped by the political and economic regimes in the specific context we live in.

Treating land as given, natural and neutral leaves it undefined and unquestioned, and a "black box" within academic literature and policy circles. When dissecting land as a concept it becomes evident that land is neither natural nor neutral; land is a construct, continuously produced and reproduced through the processes, structures and institution that shape the societies where the respective land is located (Li, 2014; Howitt, 2001; Lund, 2013). Howitt (2001) has developed this argument with reference to resource management, but I see his notions of values, meaning and construction of resources as equally valid for defining and understanding land. In the same way that Howitt reframes resources as result of the various processes involved in constructing it; land is also not a fixed concept, it is manmade. Understanding land through its functions and relationships allows us to see land as a living phenomenon that changes in response to human activities. Land is relational; it is fundamentally a matter of relationships, not things (Howitt, 2001:6).

Unlocking land as a concept opens it up to multiple philosophical and constructionist questions, which is core to understand why land becomes a contentious domain. Digging into the social construction of land - the perception and understanding of land, concerning what land is and what it does and how humans interact with it – helps us to understand the discursive and ontological framing of it, and the complexity of the issue (Li, 2014). Conflict over territorial claims or claims of rights to occupy a specific space is also dynamic and changes in line with broader socio-political processes (Lund, 2013:29).

Land as a phenomenon

Land is multifold and complex, with a broad range of characteristics with economic, political, social, cultural or physical references. As a physical thing, land consist of soil, vegetation, water sources, rock formations, animals and insects, and human inscriptions. Everything located within a geographical area gives it specific physical characteristics that shape and construct the land in question. These characteristics builds into the most essential characteristic for human activity; land has the capacity to sustain human life (Li, 2014:589). Inscribing land with human activity is what makes it layered, complex, and intertwined in a web of economic, political, and social relations (Howitt, 2001). As a concept, land is the result of the processes that inscribes it, contemporary and historically. This means that land is a materialization of the social relations in the specific geographical context it is situated; it exists relative to and in relation with socio-political and economic processes. Moreover, it exists relative to the various actors involved in (re)producing these relations (Howitt, 2001).

Howitt exemplifies the strengths of treating naturalized concepts as relational and dialectic by emphasizing Marx's work on capital:

> In a dialectical or relational approach, capital is not treated as a neutral, categorically distinct concept that describes an obvious and pre-existing objective reality. Rather, capital is defined not only by how it appears and functions, but also by how it develops and how it interacts with and relates to other parts of the social totality. (2001:120-121)

Transferred to land, it means that what land does, how it develops, how it connects with other parts of society is central to what it is, and is a part of its definition. To understand the localized and contextualized definition of land, it must be seen as the sum of the relations it has with other aspects

of society. Going into these relations allows us to engage actively with the concept of land without assuming its nature and implications. Land is then a phenomenon, not a tangible thing.

Framing land as a phenomenon is key to begin to understand why land becomes a contentious political space (Howitt, 2001:78). This means, to avoid presenting land and contention too simplistic, to be able to understand land in any given context, we need to dissect the concept within its specific context. Dissecting land refers to understanding what social relations that constitute it, following the historical development of land within its geographical area, and searching for competing definitions and ontologies of land in these geographic layers. Through this process, land becomes open for scrutiny and questioning, and we can uncover the knowledge-power structures that are in play to construct land within specific ontological and ideological projects. Construction of land is an active process initiated, maintained, developed and challenged by a diverse set of actors who partake in these processes due to a great variety of reasons and in different ways. Neutralization of land overlooks the ontological discursive projects driven by complex sets of actors. To keep discussing land as something given without question its origin, meaning and purpose leads to a shallow, simplistic, ahistorical and apolitical understandings of how land has come to be and how it becomes conflictual.

Land as relational and temporal space

Howitt's (2001) and Li's (2014) contributions make it meaningful to conceptualize and analyze land as space. Operationalizing land through an analytical framing of space opens for a social, relational and temporal understanding of the construction, meaning and utilization of land. Land, as a materialization of its social functions, emphasize the importance of understanding the social relations and social time that has produced, reproduced or contested the worldviews, narratives and stories of land within its social context (Li, 2014).

Space is not singular, unidimensional, tangible or natural. Space is made through flows and interactions (Massey, 1994; 2005). Space is the "possibility of the existence of a simultaneous (…) heterogeneity or multiplicity" (Grossberg, 2013). Processes fills space with meaning, functions, relations and characteristics. What a distinct space is at a given time is volatile and multilayered. Murdoch's (2006) emphasizes how relational space emerges from discourse, knowledge and power. This is useful to understand how a specific spatial area is a materialization of the discursive

relations that constitute that specific space. Moreover, through the materialization of space, space becomes a performative arena for relations of power discourse and knowledge.

Space can be property or political territory, defined through economic means or ideas of sovereignty (Lund, 2013). Seeing space as property, for instance, place it within economic structures and networks, and is then regulated, controlled, determined and contested within the frames of economic relations. Property is thus a mechanism, discursively and technically, for constructing a given space as economic. Likewise, territory is a political construction of space, reflecting an actor political power over a geographical area. Both of these framings are results of complex, dynamic, power laden and discursive processes, and socio-technical arrangements materialized in space. Space can also have religious, historical, cultural and social sentiments and characteristics, be private or public, accessible to individuals or groups, all depending on the definition of the given space and its social function. Space, as a sum of its relations, becomes filled with specific notions, characteristics, and functions through active processes. Land is then both the spatial materialization of the relations it constitutes and the performative arena where land politics, power struggles and discourse plays out. In addition, it is a materialization of discourse, knowledge and power. Overlooking these aspects makes it easy to naturalize knowledge-power structures that simplify and objectify the complex social relationships that constitute land (Howitt, 2001), and risks ignoring knowledge systems as culturally contextualized, encompassing ways of seeing, understanding and relating to the world.

Our ways of knowing, worldviews and lived realities aligns with aspects of social time. Time plays a crucial role in defining, controlling, and utilizing land and is central in understanding how space evolves, in terms of the discursive construction of land, and the political, economic, cultural, and social structures constituting land. Land is inscribed in current, past and future constructions of space (Lund, 2013). Time is not only a reminder that history matters, it is essential to understand how different ideas and notions of social time plays out in space. Social time has one foot in the present, one foot in the past, while gazing into the future.

> (…) the past is, in fact, used to imagine a future by justifying certain claims to political identity, to property, and to authority. Thus, when we look at the past as an argument voiced in the present in view of the future, the inevitability of history is unsettled. (Lund, 2013:30)

Contemporary planning, designing and organizing of the future draws on narratives of the past, seeking to legitimize spatial control and utilization through historical sentiments. Social time is constructed and is therefore a source of interpretation (Lund, 2013:15).

Multiple social times can co-exist, either in harmony or in competition. Conceptualizations of social time feeds into ontologies, narratives and discourses materialized in space, subsequently feeding into how actors relate to these spaces and interact in the social relations. Social time is constructed to accommodate actors' strategies, needs, and understandings of how space should be organized, dependent on how they interpret the historical, ideological and ontological linkages to the past. Time, then becomes a crucial analytical tool to discuss how land has evolved, as a concept, as a function, and as a bundle of social relations within its geographical context and location.

A relational, spatial and temporal approach to land and conflict opens the discursive debate regarding geographies as living phenomenon. Key to this is the power of knowing and the ideological dimensions of knowledge (Howitt, 2001), which is core to the social understanding of space and time. Knowledge systems are culturally contextualized, encompassing ways of seeing, understanding and relating to the world (Howitt, 2001), resulting in diverging arguments for spatial control and authority, and multiple methods and structures to obtain that control (Howitt, 2001; Lund, 2013). Ignoring this, naturalizes knowledge-power structures, and has the potential to simplify and objectify the complex social relationships that constitute land (Howitt, 2001:117).

Spatial control and land regimes

Different definitions of space influence the strategies utilized to obtain political and spatial control, leading to different forms of territorialization (Lund, 2013; Howitt, 2001). To construct territory is a way to contextualizing a place and determine its relations in space; it is a social construct that assembles political, economic, social and cultural practices, structures and relations (Grossberg, 2013). However, these processes are not inside or outside the given space, but a result of the interaction between those two spheres (Grossberg, 2013).

The way land is defined, how narratives around land is constructed, and what mechanisms that are employed to construct land are part of political strategies to obtain, maintain or execute control over land, either the physical land, land in general, the social relations that constitute land or the discursive understanding of land. Understanding land as a spatial and temporal materialization of

discourse, knowledge and power raises the question of what structures, processes, actors and institutions partake in the materialization processes. Land control encompasses the practices that obtain or consolidate forms of access, claims, and exclusion within a geographical location. Attempts to seize, maintain or challenge land control are executed through complex processes, mechanisms and structures, and entails different actors (Peluso & Lund, 2011), which combined can be understood as land regimes.

While Murdoch (2006), building on Foucault, refers to a regime of ontology, power and knowledge, other scholars, such as Boone (2013), refer to land regimes as something concrete. These two conceptual approaches are closely related and intertwined, but for analytical benefit, I distinguish between an ontological and a structural layer of the land regime. The ontological layer refers to the concept of land or the discursive understanding of land. The structural layer refers to Boone's (2013) technical and mechanism oriented approach. While Murdoch (2006), Lund (2013) and Howitt (2001) portray the regime that produces space, or constructs space as land, Boone (2013) and Li (2014) discuss the mechanisms, tools and processes that constitute the structures of the land regime, it is institutions and institutional orders in practice (Boone, 2013:190). Land regime encompasses the mechanisms and institutions put in place to structure, control, define, and contest space; namely, the laws, policies and norms, formal and informal, that defines what land is and how it should be used; it is both what produces land and what governs land (Boone, 2013). Land regimes, developed through the social functions prescribed to land, and is determined by the actors engaging in the social relations that determined the social function of land (Li, 2014). Land regimes are both the arena for acting out land politics and administration, and the link to other political domains, and frames the political space where rights and belonging are contested and defined through social relations. It prescribes access or denies access.

Land regimes, as a concept and analytical tool, allows us to begin to understand the variations in local structures and settings of land politics (Boone, 2013:190). Processes and mechanism such as legalization and territorialization, or force and violence are examples of structures put in place to control land. That means that for a land to become a resource, property, territory, homeland, ancestral, or holy, there is a discursive regime feeding into concrete mechanisms, tools and processes that transforms or sustains the construction, utilization and meaning of land. I revisit the earlier example of economized or politicized space to exemplify.

Land as a resource is not a universal, neutral or natural perception of what land is, it is a social conceptualization of space (Bridge, 2009:1220-1221). Conceptualizing land as a resource, or by its economic relations, is the result of actors, events and processes with the purpose of utilizing land for economic goals. There is an ontological foundation discursively constructing and assembling land as a resource leading the social relations to be determined by economic means. The economization of the social relations happens through several processes of socio-technical arrangements produced by economic and political regimes for specific purposes (Bridge, 2009). Li (2014) discuss how assembling land as a resource for accumulation is done through a variety of mechanisms deployed to construct narratives of land, to define land, to prescribe value to land and to control the social relations inscribed into land. Turning land into a resource involves actors with distinct perceptions of what land is, what land does and how it should be used; it is an active discursive and technical process, where both potentially contribute to construct a political contentious domain. The same processes are present for territorializing space. Defining space as territory involves processes of discourse, power, knowledge and politics, and political technologies, mechanisms, economic and strategic processes for measuring land and controlling terrain (Elden, 2010).

The role of actors is therefore highly important to understand what land is in a given context or location; it is through the actors involved in constructing, reconstructing or contesting the ontological foundation of land, the discursive framing of land or the structuration of land we can understand contentious politics of land. The ontological framing by actors drives the processes related to land, and determine the social relations constituting land, how land can and *cannot* be utilized and by whom and whom might *not* be utilizing it. To understand it in its context it is necessary to explore which actors that are doing the defining and why it is being done (Howitt, 2001:27).

Land regimes, both formal and informal aim to structure the social relations defining land, and is useful to understand the connections between people, politics, discourse and ontology on multiple scales. Multiple processes, mechanisms and actors can strategize to control land simultaneously, either at the ontological level or the structural level, working together or in competition with one another. Prescribing definitions and characteristics to land happens through political, economic, cultural, physical, ecological and social processes, terms, and mechanisms. However, prescribing

characteristics to land and defining it, as a resource, as territory, as empty, as homeland, exists within the frames of a political economy, a political strategy or through politics of territory, and it infuses land with relations of power and politics (Elden, 2010). The social relations prescribed to land are inherently political, as it constitutes different forms of executing power; land regimes are political systems as they produce resources, and they produce political, economic and social power and wealth and privilege (Howitt, 2001; Lund, 2013; Elden, 2010).

In-depth understanding of historical trajectories, strategies and instruments deployed by actors to control land through enclosure, exclusion, territorialization and legitimization is crucial to understand the land and authority in contested spaces. Current land regimes are layered with historical land regimes, changing political and economic powers, and is the result of previous discursive and structural layers; they are part of complex geographical and historical contexts (Howitt, 2001:86).

Competing land regimes

Authority over land vary in how they treat the concepts of entitlements, rights and thus how they distribute or revoke access to land (Boone, 2013:192). State actors and institutions often determine the official land management regime, however informal or semi-formal land regimes can exist simultaneously at different administrative levels and be defined by other actors. The variation in land tenure institutions, and the way they connect or disconnect with different local and national political arenas, are key to understand why land related conflict arises, how it plays out and in what geographical and discursive areas (Boone, 2013:199).

The political playing field in land politics is often highly structured; however, the structuration is neither random nor similar in different places. Structures of the local political arena often conforms to patterns that reflect central features of land tenure regimes, which may vary in how they define citizenship, authority over land and political jurisdictions (Boone, 2013:199). For a land regime to function and operate as intended it needs to be legitimized by other actors or the citizens inscribed in the land regime (Li, 2014). Where multiple and competing land regimes exist, multiple narratives and ontologies of land often exists simultaneously, sometimes harmoniously and sometime in conflict with one another (Howitt, 2001:3).

By drawing on both the ontological regime and the functions of the land regimes we can begin to understand some of the different layers that outline the contentious politics of land. It allows us to

see how the framing, claiming and utilization of land is a result of numerous actors' efforts to construct and contest land, why specific actors construct and understand land in specific ways and what purpose land serves in specific constructions and as determines of social relations (Howitt, 2001, Li, 2014). The scholarly work on land regimes thus allows for an analytical understanding of how space is attempted defined, controlled and contested by more than one land regime at a time. Seeing this in the frames of social space and social time it becomes evident that land regimes and land control exists within temporal contexts and spatial outreach. Moreover, they often change in line with political economies and ecologies and with the variation in actors involved (Peluso & Lund, 2011:668).

Political and economic changes, at all levels, may come with changes in the land regime(s), consequently changing the social relations that constitute land and effect how land is defined (Howitt, 2001:6). By drawing on these notions, the first step to understand land related conflict is to understand what kind of land regimes that are governing land in the specific location in question, this refers to both the administrative mechanisms and the politics behind it. The second step is to understand how the political and governmental instruments, mechanisms and institutions are manifestations of the discursive and ontological notions prescribed to land by different actors for specific reasons.

Why does land becomes an area of conflict?

The complex dynamics, processes and structures that transforms space into land is reflected in different understandings of why land becomes an area of conflict. Conflicts around land compromise different issues, ranging from disputes of ownership to large-scale political contestation about tenure regimes and land grabbing (Van Leeuwen & Van Der Haar, 2016:94). Different strains of theory approach land conflicts quite differently. I do not attempt to present an exhaustive list of approaches and academic debates, but rather look at a few strains of theory relevant for the previous discussions of land regimes.

A specter of research and policy-work centers around the idea that scarce and valuable land is naturally conflict-prone. This builds on an understanding of land, as a resource and a driver of conflict leading to "resource wars". A scarcity and resource-centered explanation for land conflict is rooted in rational-choice theory and is central within geopolitics and in political economy (Le Billon, 2007; Van Leeuwen & Van Der Haar, 2016). Where geopolitical approaches frame the

conflict as tensions over strategic resources or within an environmental-security nexus (Le Billon, 2007:164), political economy explanations sees it as a result of processes related to institutional weakening, motivational affect and opportunity, often called the "resource curse" (Le Billon, 2007:168). Resource rich countries, that underperform economically and politically, may become dependent on tax revenues from resources, hindering implementation of broader taxation schemes, trapping the given country or region in a vicious cycle. In addition, if the scaling of potential benefits exceed the opportunity costs from sparking a "resource conflict", there is an increased probability of conflict. While broader participation in the conflict is mobilized through sentiments of social and economic justice and equity, the conflict rises out of individuals or small groups' desires to control and collect revenues from resources (Le Billon, 2007:169-170). This is of course a simplification of a complex strain of theory; however, the simplification is fruitful for the discussion.

These strains of theory prescribe analytical focus to economic factors, when exploring both land and contestation. Subsequently, failing to account for political, social and historical structures and constructions, rooted in the specific geographical context (Van Leeuwen & Van Der Haar, 2016:94; Le Billon, 2007:164). Resource- and scarcity-centered theories become reductionist and unidimensional due to their focus on one singular factor. In line with the discussion of land above, a unidimensional focus fails to see the complex picture of social relations and practices as it is; complex, intertwined, complicated and inheritably power laden.

Moreover, they become deterministic through defining land as conflict-prone, and are essentialist in the way they explain the conflict with what the conflict is a materialization of. This overlooks essential dynamics, actors, and layers of the conflict as it decontextualize land contention. Land might be central to conflict, but it is not the driver of conflict in itself (Van Leeuwen & Van Der Haar, 2016). However, geopolitical perspectives are essential to understand how land conflict connects to actors and sectors at multiple scales, and a critical geopolitical perspective reflects a multiple power relations, interests, businesses, communities and authorities, both important to comprehend the landscape surrounding land related conflicts (Le Billon, 2007:176). Moreover, resources might have a prolonging effect on conflict; however, seeing land as resources, and land related conflicts as conflict over resources, is simplistic as it focuses on the exchange or

value use, and it de-politicizes the processes involved in turning it into a resource (Le Billon, 2007:176).

Scholars from political ecology and -geography, places the source of conflict within the historical and political structures (Van Leeuwen & Van Der Haar, 2016). Specific resources are contentious due to competing claims rooted in the structures that has managed the resource historically. Scarcity is treated as consequences of the politics of land distribution and governance, and result of wider historical, political, socio-economic, and ecological changes, not how valuable and sought after the resource is. This reflects Howitt (2001) and Li (2014) ideas of defining land and are valuable insights to better capture local processes of land conflict in relation to broader patterns of land claims (Van Leeuwen & Van Der Haar, 2016:96), as it opens to account for the structural roots and conditions of conflict, identifying grievances and injustices in land distribution.

Le Billon (2007) highlights political ecology contribution to contextualize, spatialize and scale conflicts by re-conceptualizing scarcity, abundance and dependency by emphasizing uneven distribution and commodity production. Scaling these concepts has opened them as processes constituted by a web of actors, places and spaces operating at multiple levels (Le Billon, 2007:170-171), and has contributed to uncovering the interconnectedness between material ecological processes and social processes developing the concept socio-nature. However, these explanations are less compelling in explaining how land contention transforms into violent conflicts, or how mobilization is organized (Van Leeuwen & Van Der Haar, 2016:96-97).

In legal anthropology, the source of conflict is located in the institutions governing land (Van Leeuwen & Van Der Haar, 2016:94); land related conflicts are not over land, but is linked to institutional failure and conflicting land governance (Van Leeuwen & Van Der Haar, 2016:96-97). The conflict takes place in legal or institutional pluralism (Lund, 2013); where several land governance institutions works next to each other, sometimes in conflict, giving rise to competing regulation and authority. Legal anthropology uncovers how conflict intertwines in institutions, land reforms, and land regimes, and broadens our understanding by focusing on legitimacy of norms and regulations, and authorities (Van Leeuwen & Van Der Haar, 2016:96-97). Contested institution might explain the grievances driving conflict, where land distributions, use and ownership is challenged. However, these perspectives lacks a connection to broader political struggles, and fail to connect contention to broader contexts of exclusion, inequality or marginalization

(Van Leeuwen & Van Der Haar, 2016:96-97). Each of these strains of theory present valuable insights for grasping land related conflict, which all serves their part in understanding conflict as intersections of multiple land regimes and the social relations constituting those land regimes.

Linking land regimes and conflict

Van Leeuwen & Van Der Haar, (2016) highlights two important points for linking land contention and land regimes. First, they emphasize how the social production of conflict and conflictual episodes are part of larger patterns of contestation, which makes it is important to understand agency, sense-making, patterns, processes, and the social relations. Second, they underscore how conflictual lines can lie at multiple scales simultaneously, from the national to the local, within the local, within groups and families or exist at the individual level. Scaling land contention is therefore important to understand the multiple arenas, relations and political levels conflict can exist within. The role of the actors framing land and contention is essential to understand the social relations that leads to contentious land politics (Van Leeuwen & Van Der Haar, 2016:100). Construction of land is core to the contention over land as it connects specific struggles to broader political contentions, and links this to question of legitimacy in land regimes. Contentions can arise when certain land regimes, modes of land production, or actors giving meaning to land or the ontological foundation of land is contested or discredited by other actors.

Conflict exist within the social relations amongst actors (Van Leeuwen & Van Der Haar, 2016:95), that means that conflict is ultimately an expression of social relations and within that land becomes the materialization of that contention or conflict – land is the space where contention between actors materialize and becomes tangible. The power struggle exists at multiple levels simultaneously and plays out in complex and dynamic landscapes where multiple processes, ontologies, discourses and actors co-exist in harmony with one another or in conflict with one another. Land contestation is a power struggle, and is central in the construction of politics. Power in itself is contested and ambiguous (Howitt, 2001:48). The different dimensions of the land regime constitute different forms of land related conflict (Boone, 2013:193), and can expose different value systems, different scales of political struggle (Bridge, 2009), and knowledge-systems and ontological foundations (Howitt, 2001:36).

Contention of belonging and knowing

The ontological and discursive framing of land moves the discussion to the ideological or knowledge-based areas of contention, where ethnic or indigenous land claims often exist. These claims are often built on economic, cultural and environmental justice, and include the biophysical, socio-cultural and political economic domains of controlling and managing land (Howitt, 2001).

Legitimation of local land regimes as legitimation of ways of being in the world, is essential in localized land conflicts where minorities fight for small-sized nation-states to protect their rights against the nation-states they reside in (Howitt, 2001:90). Land contentions thus move within larger social projects (Van Leeuwen & Van Der Haar, 2016), where actors at different political scales structures ideas of belonging within an ontological and discursive land regime. This is embedded in diverse struggles for justice, language, reasoning and reality, which are central arenas where conflict over goals, meaning and values materialize in land contention (Howitt, 2001:138). Land is thus the area where these contentions manifests themselves, where friction, opposition, identity, agency and sense-making becomes elements the land itself and the contention over it (Van Leeuwen & Van Der Haar, 2016:95).

Understanding conflict over land control through broader struggles over identities (Peluso & Lund, 2011:668), reflects how both specific places and the governance of it are contentious domains. In addition, aims, meanings and values, feeds into the ideas that there are multiple competing meanings and realities coexisting besides each other (Howitt, 2001:75), structuring multiple claims of land and leading to contention. This aligns with Tarrow's (2015) ideas of how contentious politics exist in a field with multiple interacting collective actors. Focusing on the relational mechanisms in the field of contention he emphasizes how contentious episodes involves interaction among claim-makers, their allies, their opponents, the government, the media and the public, leading to the rise and fall of contentious episodes (Tarrow, 2011; 2015). Single episodes of contention do not stand on their own, they are part of broader contentious processes. Thus, I see land contention as part of broader political struggles that situated in complex sets of processes, mechanisms and structures, ultimately reflecting struggles in different spheres of the political landscape, both in the socio-technical layer and the ontological layer of a land regime.

Framing a conflict as a conflict over land or as something else depends on how land is integrated in the broader ideas of the contention, and if land is seen as a central issue. In what ways, when and with whom the contestation takes place is important for understanding the broader structures of land contentions (Van Leeuwen & Van Der Haar, 2016:102). Thus, framing land as socially constructed by specific actors for specific reasons elevates the discussion of land conflict from being about land in the material sense, to understanding land as a social construct, and conflict as contentious social processes connected to broader political struggles. To understand contentious politics of land, it is therefore essential to uncover how the conflict is performed, stimulated, interpreted and utilized by the involved actors.

Summary

By questioning land is and why it gets contentious, I have portrayed the main theoretical outlines of this thesis. By deconstructing the idea of what land is as a phenomenon, I have put emphasis on the idea of land as the sum of the relations that aims to define it. Using Doreen Massey's ideas of relational space, I have underscored the importance of temporality and relationality when discussing land. I claim that land is continuously produced and constituted through processes that either change, challenge or maintain certain ideas, mechanisms or structures of land. Within those claims, I have aimed to build a more structured analytical framework to analyze land by separating an ontological and discursive layer of a land regime and a concrete, technical and structural layer of a land regime. These two layers is what constitutes land in relation to specific actors with specific political projects, ideas and aims, ultimately to seek control over a given geographical area. Through that, I claim that land ultimately is a political process. Moving into the ideas of how multiple land regimes can exist simultaneously I uncovered how land can become contentious and thus emphasized that land contention is ultimately about social relations rather than the land itself. Land contention is a conflict in social relations where land becomes the arena where these conflicts plays out. Land becomes the materialization of certain broader conflicts and is not conflict-prone, or the source of conflict in itself. Within these perspectives, I touched upon broader political struggles of belonging, identity and sense-making that are fundamental in contentious land politics. Linking this to land regimes, one can untangle different layers of conflict and uncover broader political struggles as central elements of these contentious political landscapes. Land contention is thus not singular episodes, but are intertwined and interlinked in broader conflictual domains.

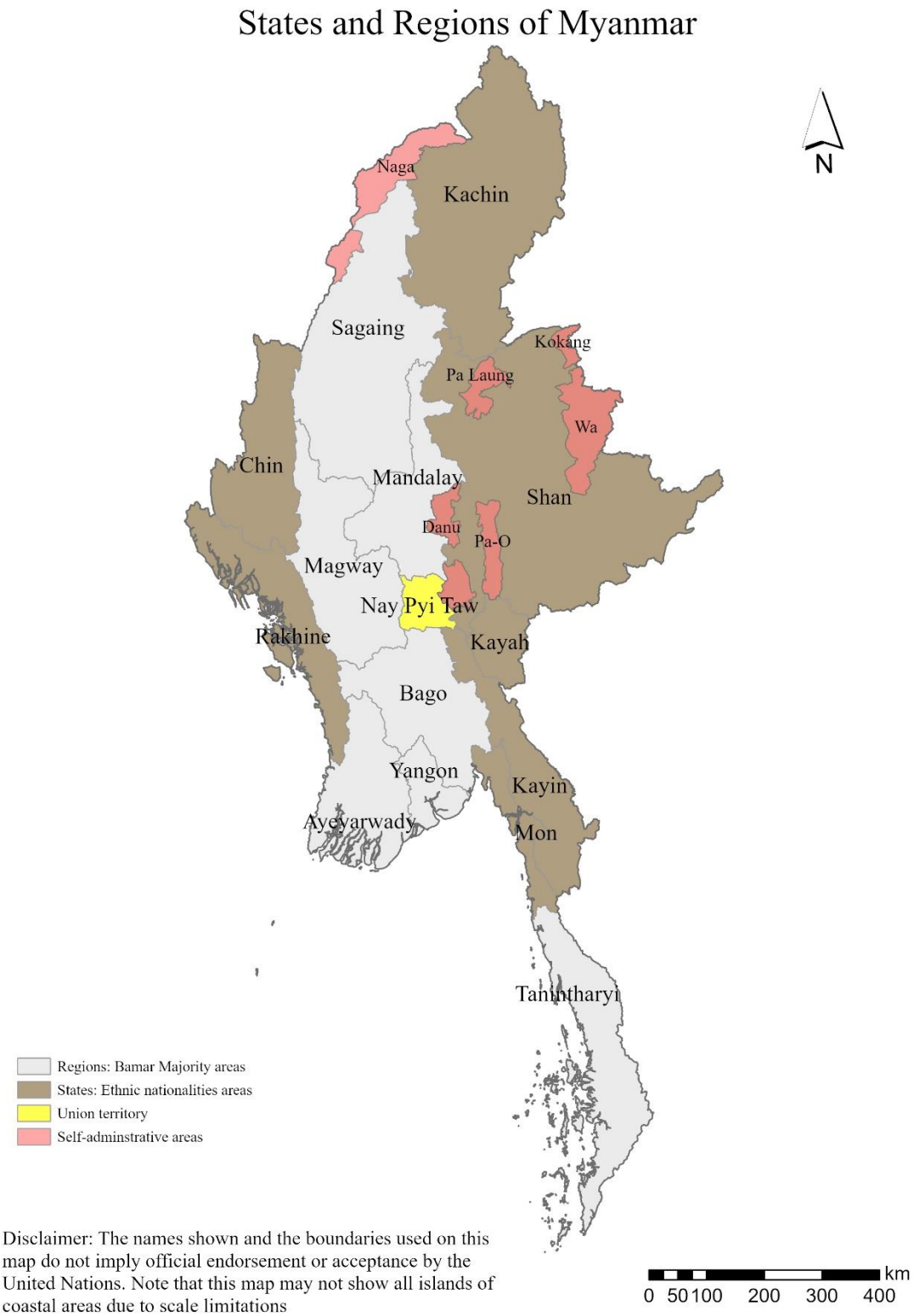

Figure 1: Map of ethnic states and Regions Burma/Myanmar (Kvanvik, 2020)

CHAPTER 4 Historical construction(s) of land in Burma

The objective of this chapter is to understand the centrality of land in conflict throughout the successive regimes governing the geographic area known today as Burma. By focusing on four pivotal historical events shifting the political economic regime of the Central State, I will map out the main processes that has contributed to how land conflict has played out. The main objective of introducing the background of land conflict in Burma through political processes is to emphasize that giving meaning to land is an inherently political process. These political regimes have changed strategies; however, the objectives remains the same, to construct land with an aim to absorb it into a state-building project founded on Burmanization, nationalization and recently increasingly monetarization. The chapter answers the question *in what ways has land transformed conceptually and physically from pre-colonial Burma to the National League of Democracy (NLD) government, and what has been its implications been for the Karen movement.* Subsequently, focusing on the ethnic divide between majority, Bamar, and minorities[4], and as moving closer to contemporary Burma, I will increasingly focus on the Karen movement and Kawthoolei.

First, I address the era of colonialization (1826-1948), looking at the mechanisms and strategies used by the British to construct Burma as a province of British India and integrate the lands into colonial trade. Second, I investigate the era of de-colonization and militarization (1948-1987), emphasizing the socialist nationalization of land and the manifestation of armed conflict onto land. Third, I outline the main changes related to the era of economic liberalization (1988-2010) highlighting geopolitical shifts, economic restructuring and ceasefire tactics of the Tatmadaw as essential processes to market land and resources. Fourth, I sketch out the era after the political opening (2011-2020), looking specifically at how a new land regime has affected the Tanintharyi region and the Karen homeland, Kawthoolei. The chapter ends with a discussion of more recent events from 2018-2021 discussing the current state of Kawthoolei, the EAO the KNU and the Karen communities.

[4] Burma divides its people in eight national races (taingyintha), Bamar (majority), Chin, Kachin, Karen (Kayin), Karenni (Kayah), Arakan, Mon and Shan, and 135 ethnic groups.

Colonializing land, colonializing belonging

Burma's incorporation as a province in British India due to security reasons, access to resources and trade, and not a desire to build a British Burma (Barbesgaard, 2019a). Key changes that came with the British Empire was the changes of authority and rule, commodifying natural resources and incorporating land into colonial trade regimes, and cementing ethnic divides and incorporating them into a hierarchical system. Each of these processes transformed the social relations of land to such an extent that its heritage can be seen up until today.

Shifting authority and rule, carving out Burma

Through three successive Anglo-Burmese wars (1824-1826, 1852-1853, 1885-1886) the British assembled the contemporary Republic of the Union of Myanmar. Subsequently leading to permanent change to governance institution (Aung-Thwin, 1991), ethnic understandings (Brenner, 2019) and territorial divisions. Institutions previously focused on governing people became concerned with governing land, boundaries that had been negotiable became increasingly fixed (Battersby, 1998-1999:474), and ethnic identities that had been flexible and unpolitical became cemented and politicized (Loong, Forthcoming).

Precolonial Burma was governed through center-periphery and patron-client relations. The monarchy was centralized, but with fragile power in the peripheries governed by vassal rulers (Battersby, 1998-1999; Ferguson, 2014). The monarch was the core legal institutions with a decentralized administration responsible for tax collection and holding population records (Huxley, 1997). The dynasty drew its power from controlling relations, labor, trade routes and markets (Aung-Thwin, 1991; Battersby, 1998-1999); "(p)ower was exercised over people, not through land (…)" (Ferguson, 2014:297).

The center-periphery divide was continued under British rule. Burma Proper (Lower Burma, Mandalay, Magwe and Saging), under direct British rule, and Upper Burma (territories Northeast of Mandalay) ruled through traditional leaders (Barbesgaard, 2019a; Ferguson, 2014). Territorial division was a direct result of a colonial machinery that "required an entire reworking of the relationship to land" (Barbesgaard, 2019a:146) to feed British India's large populations and the ever-expanding trade imperium. Valuable resources, mostly teak and minerals, led the third Anglo-Burmese war (1885-1886) resulting in demarcation of international borders between Siam, Burma

and southwest China (O'Morchoe, 2020), and granted the British better access to Upper Burma. However, Wa State[5] resisted annexation and due to the fierce competition over territory and restricted information regarding the potential minerals here, the British claimed the territory, but never colonized it (O'Morchoe, 2020).

It is clear that the hunt for natural resources drove the territorial demarcation of Burma (Battersby, 1998-1999; Ferguson, 2014). Ultimately, leading to efficient colonization of Tenasserim and Pagu (Burma Proper), while the forested Shan states (Upper Burma) remained autonomous federal states, and Wa remained autonomous. Boundaries that have been present in Burma up until today. While power in pre-colonial times were constituted through controlling people, an introduction of the concept of Westphalian states introduced a system where control of space came through economically and politically controlling land, or resources (O'Morchoe, 2020; Scurrah, Hirsch, & Woods, 2015:2). Although the British seems to impose the first permanent territorial and institutional change (Aung-Thwin, 1991), wars over state formation were not new (Ferguson, 2014).

Cementing ethnic belonging

Long historical lines of monarchs attempting to expand their economic and political power had already led to violent opposition from ethnic communities opposing Burmese rule (Aung-Thwin, 1991; Brenner, 2019:33). Inter-ethnic conflict, prior to British rule, was most evident between the Burmese, Mon and Siamese, which had been especially devastating to the Karen population. In many ways, the Karen saw the British as liberators, aiding them in territorializing land (Brenner, 2019:33). However, the British began structuring Burmese society in ethnic groups, keeping account of ethnic categories and dividing people by linguistic and religious lines (Loong, Forthcoming; Ferguson, 2015). Building hierarchical class divisions, inserting Indian and British subjects at top service positions, and filling the lower ranking positions with ethnic minorities, particularly Karen subjects, left the Burmese out of the colonial government (Loong, Forthcoming). The British built on previous antagonistic relations, cemented ethnic categories, and tied these ethnicities to land. The Karen were favored in governmental positions, but did not obtain

[5] Wa State is an autonomous region in Burma, with its own political system and armed wing. The State is recognized by Burma and recognizes GoM as the sovereign authority over Burma.

their own territories. Both Shan and Kachin[6] ethnicities were mapped on to the territory, but the Karen, inhabiting both Burma Proper and Upper Burma, could not be easily mapped onto a territory suiting the colonial power (Loong, Forthcoming).

Changing the social relations of land

The British significantly shifted the land governance regime away from traditional land tenure. The traditional regime was not tied to private property or a strict ownership. The precolonial land regime was based on shifting cultivation, rotational agriculture and supplementary use of commons to support the general production, where the communities were the ultimate owner of land (Barbesgaard, 2019a). Significant for changing these relations was the introduction of a new taxation system based on grid mapping and implementation of scientific forestry.

The Village Act implemented the grid map system (Ferguson, 2014:299). This system only applied to Burma Proper - the cornerstone of the 1880s rice economy. The Act institutionalized land ownership by giving receipts for tax collected based on the size of the plot, functioning as a certificate (Ferguson, 2014). In tandem with the Land Acquisition Act (1894), it also enabled the government to reallocate "wasteland", used as commons by the communities, either by taxing fallow land or redistributing vacant land (Barbesgaard, 2019a; Ferguson, 2014:298). These legal mechanisms commodified rice production, monetized the social relations of land and incorporated cultivators into capitalistic relations.

Central to both the first (1824-1826) and the second (1852-1853) Anglo-Burmese wars was the British Empires thirst for valuable wood, annexing the forested Tenasserim (Tanintharyi)[7] and Pegu regions. The forests in Tenasserim was impoverished by laissez-faire practices (Bryant, 1994; 1996). However, the international demand for teak continued to rise, and scientific measures were deemed necessary. Scientific Forestry was a strategy to prevent over-exploitation while securing extraction, and revenue collection, through instrumental conservation aimed to secure the first two objectives (Bryant, 1996:172). The aim was to kill two birds with one stone. First prevent the "cut and run" strategy preferred by private companies. Second, counter Karen cultivators' rotational dry

[6] Shan demarcated territory was the Shan states, and Kachin territory was Kachin (Kachinland)
[7] Tenasserim was the colonial name of contemporary Tanintharyi region, but also included Mon state and parts of Karen state

agriculture practices, which was seen as destructive by the colonizers (Bryant, 1994:225). However, the Karen knowledge of cultivation was a necessity to build efficient plantations of teak extraction and conservation (Bryant, 1996:174). The cultivators, which did not have any desire to cultivate for the British Empire, were forced into the colonial forest regime (Bryant, 1994:235-246; Bryant, 1996:175).

Commodifying land

Territorializing land, incorporating it into a colonial economic regime and transforming parts of nature into resources drove the colonial machinery. Efforts to gain spatial control was carried out through mechanisms of nationalization and capitalization of land, enabling the British Empire to encroach land that the pre-colonial states never had access to (Bryant, 1994:236). Spaces with valuable resources was increasingly tied to international economic structures through introducing user rights, land classification and foreign capital and labor (Scurrah et al., 2015:2). Dismissing traditional land use pushed cultivators off their land, not only leading to an increase in number of landless and tenants, (Ferguson, 2014:298-299), but also tying user rights to the state and their labor and lands to capitalistic systems. Absorption of the lover delta into mercantile trade commodified land relations and undermined traditional cultivation and alienated the people from their traditional ways of being (Barbesgaard, 2019a:83). Moreover, scientific forestry, monetized elements of the forest that such as teak, and made forestry a technical issue (Bryant, 1996), separating agriculture and forestry. Traditional cultivators were criminalized and politicized, portrayed as subjects needing modernization and as efficient labor for teak production. Scientific forestry differentiated between natural and unnatural relations with the forests introducing a separation between human activity and forests. Commodification of land and monetization of forests reflect a clash of values, perceptions and worldviews. This is most evident in the human-nature separation in scientific forestry, which demonstrates a clash between Karen cultivators and scientific foresters. Colonizers saw forests as valuable in the monetary sense (Barbesgaard, 2019a:179), Karen cultivators saw the forest as an integrated part of agroforestry and essential for their livelihood and way of being (Bryant, 1994; Bryant, 1996).

Struggles of independence and land militarization

Decolonization and large-based nationalistic uprising inscribed land with ideologies of nation-states and territorial authority, fueling growing resentment between ethnic communities. Ultimately, this led to militarization of multiple ethno-nationalist movements, resulting in the Tatmadaw seizing power, and dominating the political economy for decades onwards.

World War II and civil uprising, tying ethnicity to land

The great depression had immense economic repercussions, and was a catalyzer for the uprisings smoldering in Burma in the 1930s (Scurrah et al, 2015:2). British efforts to curb the growing turmoil with the Government of Burma Act (1937) did not address the main grievances, namely control over land and resources. Karen, and other ethnic minorities, were central in quelling Burmese uprisings in the 1930s, leading to further antagonizing the relations between Bamar and Karen (Loong, Forthcoming; Brenner, 2019:35). During the Japanese invasion (1942), an organized elitist group of Karen, the Karen National Association (KNA), fought alongside the British, while the Burmese-dominated Anti-Fascist People Freedom League (AFPFL) sided with Japan (Brenner, 2019:35). Burmese political elites dominated the AFPFL, ideologically fighting both Britain and ethnic minorities (Brenner, 2019), and established the authority to set the agenda for independence with the British and with the other ethnic groups (Bello, 2018:25). The Karen was promised independence by the colonial government (Brenner, 2019:36) and did not partake in the Panglong Agreement that founded Union of Burma with autonomy for all ethnic groups (ENAC, 2017:9; Brenner, 2019). KNA's appealed for a Karen state, but their request was denied. When independence was a fact, all political routes were cut off and the KNA proceeded taking up arms to fight for an independent state (Loong, Forthcoming).

Imposing military rule, militarizing land and ideology

In a wrenched economy and a stumbling idea of national integration, prime minister U Nu[8] continued the colonial ideas of sovereignty via nationalization, with new strategies of Burmanization, socialist industrialization and statist development (Bello, 2018:25; Gum Ja Htung, 2015:2). Opposition grew and the ethnic minorities organized and militarized their movements. Only eight months after independence, civil war was a fact (ENAC, 2017:5). Finances and capital flows were largely in the hands of foreigners, mainly British and Indian (Ferguson, 2014:299),

[8] U Nu was the first Prime Minister of Burma and served three periods: 1948-1956, 1957-1958, and 1960-1962

and Ethnic Armed Organizations (EAOs), fighting for independence blocked the Burmese state access to land and natural resources (Barbesgaard, 2019a:92-93), leaving the state in a crisis.

U Nu, negotiated with the EAOs for federalism, efforts Ne Win[9] saw as a direct threat to integration of the Union. Subsequently, Ne Win staged a coup in 1958 institutionalizing the Tatmadaw as the sole political unit (ENAC, 2017:10). Civil governance had a short comeback, before the Tatmadaw reinserted their power in 1962 (Barbesgaard, 2019a:93) under the Burmese Socialist Programme Party (BSPP). To gain economic and political control the Burmese state nationalized the entire economy from industry to agriculture (Barbesgaard, 2019a:93-94; Scurrah et al, 2015), consolidating Burma as one state through cultural and religious assimilation to Buddhism[10] (Gum Ja Thung, 2015:1).

Tying land to counterinsurgency

The Tatmadaw carried out the infamous *four cuts strategy* zoning Burma in black, brown and white zones, translated to EAO controlled areas, mixed-control areas and Tatmadaw controlled areas (Ferguson, 2014). To convert black areas to white areas, Ne Win established hundreds of militia organizations (Gum Ja Htung, 2015:2), concentrating their activity in brown areas to cut the EAOs off from supporters, food supply chains, financial flows and intelligence (Barbesgaard, 2019a:97; Ferguson, 2014:303).

EAO's were pushed into the forested frontier areas, away from fertile land in the delta and dry zones, transforming the civil war to counterinsurgency campaigns (Barbesgaard, 2019a:203). Forests became a key area for power contestation. The Tatmadaw nationalized forests, in line with the British colonial legacy, removed villagers from their forest settlements and into cleared plots away from the control of the KNU (Woods & Naimark, 2020:4). The counterinsurgency campaign from the Tatmadaw was aligned with the notion of getting forests and the teak industry under national control (Barbesgaard, 2019a:183). The Land Nationalization Act (1953) institutionalized the state as the ultimate owner off all land (Scurrah et al, 2015; Ferguson, 2014). In white areas, around the Delta, the state took control of the entire rice commodity chain, introducing a procurement system (Barbesgaard, 2019a:149). The Tenancy Law defined farmers as tenants on state land (Scurrah et al, 2015; Ferguson, 2014; Mark, 2016), enabling the state to appropriate land

[9] Ne Win was a military commander and served as Prime Minister from 1958-1960 and 1962-1974, and as president from 1962-1988. He founded the Burma Socialist Programme Party

[10] The four major religions in Burma is Theravada Buddhism, Christianity, Hinduism, and Islam.

cultivated outside the legal frames or land labeled as unproductive (Ferguson, 2014). The right to use land was linked to living by regime rules and productivity of the cultivation, leading to concentration of land and illegalizing customary land use (Bello, 2018:13; Barbesgaard, 2019a). Ultimately, this led to economic regression and stalled agricultural production (Barbesgaard, 2019a:96), making Tatmadaw, EAOs and civilians dependent on a growing black economy, smuggling products into Burma, and smuggling natural resources out (Wen-Chin Chang, 2013:295).

EAOS controls the borders

An increasingly organized anti-governmental opposition controlled the entire borderlands in the 1950s and 1960s (Barbesgaard, 2019a:203). While the Communist Party of Burma (CPB), cooperating with EAOs, controlled the entire Chinese border, the National Democratic Front (NDF), a constellation of Mon[11], Karen, Karenni[12] and Shan[13] EAOs, controlled most of the Thai border (Barbesgaard, 2019a:98). Decolonization opened for competing nationalist movements rooted in pre-colonial ethnic cleavages cemented during British rule (Brenner, 2019:34). This resulted in competing militarized efforts to draw ethnicity onto land. KNU started building the Karen homeland, *Kawthoolei*, stretching from the Shan states in the north to Tenasserim in the South (Brenner, 2019:38). Being the Eastern front of the free world during the cold war, Thailand supported the KNU with resources and refuge against the socialist threat (Battersby, 1998-1999:474; Barbesgaard, 2019b). In 1952, the Burmese state drew Karen state onto a map, an area covering the British Salween District and surrounding Districts (Loong, Forthcoming). The Burmese effort to compromise with the EAOs did not land well. Karen state covered 25 percent of the Karen population, and was considered a backwatered area with little resources, and no costal line (Loong, Forthcoming). In 1974, both the Burmese state and the KNU restructured the territorial structure. The Burmese states restructuring resulted in the seven regions and seven ethnic states we know it today (figure 1). The KNU established what today is defined as *Kawthoolei* (Loong, Forthcoming; Jolliffe, 2016:5) (See *Figure 2*).

[11] Mon is an ethnic group residing in Mon, Karen, Karenni, Tanintharyi and Bago regions, and the Irrawaddy delta.
[12] Karenni is an ethnic minority comprising of several sub-groups. They were granted Karenni state as territory after independence, 1948
[13] The Shan ethnic minority comprise of several sub-groups. They were granted the Shan state following independence, 1948

Burma's Citizen Law (1982) prescribed eight national races presumed to be ancestral to Burma (Cheesman, 2017) allowing recognized minorities to occupy ethnically prescribed areas on the conditions of the Burmese state ideology (Loong, Forthcoming). Competing state-building efforts came with competing land regimes infusing land with racialized meaning, fueling anti-burmanization rebellion and strengthened antagonism between ethnic minorities and the Burmese state (Brenner, 2019:49).

Burmese independence did not translate to independence for the ethnic minorities. The BSPP's of Buddhist nationalistic ideology put splinters in already antagonistic cleavages between the Bamar majority and the ethnic minorities. Barbesgaard (2019a:147) claims that land politics in the decades after independence was about war, not political and economic policies, however, the militarization and racialization is essential to understand contemporary contentious land politics. The colonial regime and the post-colonial regime aimed to limit autonomy and reconstruct the social relations of land. The British through legal structures. Burma through counterinsurgency, and nationalistic land- and race laws (Ferguson, 2014). Militarization and nationalization further criminalized traditional cultivation and ethnic minorities, increasingly tying land to the exploitative regime of cultivation based on state-determined practices. In sum, the building up of parallel minority-majority land regimes led to politicized notions of land and ethnicity.

Civilizing politics, liberalizing economics and marketing land

Tatmadaw's domination through the economic liberalization combined with strategic ceasefire negotiations, opened land up to international markets and capitalization, while further pushing ideas of national integration and Burmese dominance. Processes that critically undermined EAOs authority, land control and economic integrity, and eroded land and forests.

Constructing a roadmap to a flourishing democracy

The economy was crumbling in the 1980's, after decades of economic isolation. Ne Win acknowledged economic defeat and attempted to kick-start the economy by liberalizing agriculture and introducing a demonetization scheme, further pressuring the people and fueling mass mobilization (Barbesgaard, 2019a:98-99; Gum Ja Htung, 2015:2). Students and monks led the masses onto the streets, August 8 1988. Ne Win brutally cracked down on the democratic uprising before stepping down. The Tatmadaw, terrified of possible disintegration of the Union of Burma, reinserted their power through the State Law and Order Restoration Council (SLORC) (Barbesgaard, 2019a:99), and guiding the country towards a militarized semi-democracy.

Burma was officially open for business, establishing a new development strategy based on military-mediated capitalistic growth, facilitated by a Foreign Investment Law (1988), and the Central Committee for Management of Cultivable Land, Fallow Land and Waste Land (1991) (Woods; 2011:750; McCarthy, 2018:237). These mechanisms had two objectives. First, make land legible to state allocation and investments. Second, to follow the colonial legacy of classifying unproductive land, which can be annexed to secure state space and determine the social relations of land. In addition, introducing department of Border Areas and National Races (1989), aimed at "developing" the borderlands through infrastructure and state structures (Brenner, 2019:44).

Geopolitical shifts and ceasefire capitalism

When the cold war ended, China and Thailand realigned their interests of regional economic integration, leading to the collapse of CPB (Gum Ja Htung, 2015:4-5; Woods, 2011:749), freeing up resources to put additional pressure on other EAOs. Thailand became increasingly concerned with "turn(ing) battlefields into marketplaces", and was eager to connect the Thai capital to the untapped natural resources in Burma's new resource frontier (Battersby, 1998-1999; Barbesgaard, 2019a). EOAs, previously under Thai protection became increasingly pressured to sign ceasefires with the Tatmadaw.

Tatmadaw opted for ceasefires with some EAOs while continuing counterinsurgency with others (Barbesgaard, 2019a:105), pushing ceasefire capitalism (Woods, 2011) and counterinsurgency concessions (Ferguson, 2014:296-306). The divide and rule tactic, singling out some EAOs for ceasefires while fighting others (ENAC, 2017:11), was efficient as the territories covered by ceasefire grew as did the territorial and economic outreach of Burma.[14] By 2004, KNU was the only sizable movement left (Brenner, 2019:42).

Ceasefires along the Chinese border replaced warfare and counterinsurgency campaigns with ceasefire capitalism connecting borderlands to international markets transforming ethnic areas into resource frontiers under state-military control (Woods, 2011:766-767). The Kachin Independence Army (KIA) political and economic authority was eroded by the military-capitalist complex (Woods, 2011), integrating Kachinland in the Burmese land regime– ultimately leading to collapse of the ceasefire between the KIA and the Tatmadaw in 2011.

[14] The ceasefire between the KIA and the Tatmadaw lasted from 1994 until 2011. Since then the conflict has been escalating.

The Myanmar Oil and Gas enterprise planned two gas pipelines from offshore Tanintharyi, through KNU territory, and into Thailand (Barbesgaard, 2019a). The Thai government and the Tatmadaw pressured the KNU, the former politically by threatening to cut trade routes and return refugees, the latter by brutally clearing the area to carve out space for the pipelines (Woods & Naimark, 2020:5). The pipelines led to an extensive infrastructure-network enabling Tatmadaw forces and capital to plunge further into KNU territory (Battersby, 1998-1999:487). In addition, in line with the oil companies corporate social responsibility obligations, forests in Tanintharyi become conservation zones (Woods & Naimark, 2020:5). Simultaneously, the Burmese state implemented a new agribusiness plan granting the military-capitalist complex two million acres of palm oil concessions in the region (Bello, 2018). Rebel-forests were turned into nationalized resources through ceasefire capitalism and counterinsurgency concessions.

The political and economic scale in the borderlands was shifting towards the Tatmadaw, and their conglomerates, and away from the EAOs (Woods, 2011; Barbesgaard, 2019a:109). SLORC's strategy led to large-scale displacement of Karen communities, away from their land and KNU control (Woods, 2019). KNU was unable to care for their communities, undermining their political legitimacy and authority. This ultimately led to the fall of Manerplaw, the KNU and pro-democracy movements headquarters, in 1995 (Barbesgaard, 2019a:107), still the KNU refused to lower their weapons.

Producing state space, marginalizing cultivators

Geopolitical realignments and restructuring of internal economic and political relations constructed a military-capitalist complex quite efficient for transforming land into national territory. Massive international interest for Burma's lush lands catalyzed processes of centralization leading the Burmese state to assert their power at the expense of EAOs and traditional cultivators (Battersby, 1998-1999:487). Majority of national resource concessions were in ethnic areas, clearly reflecting how this was a strategic state-building objective to gain territorial control in the borderlands (Gum Ja Htung, 2015:8). The violent and exploitative post-conflict strategy pushed forward by the state-capitalist nexus transformed ethnic territories into national territories (Woods, 2011) and at the same time delegitimized the ethnic land regimes.

Removing traditional cultivators from their lands made them unable to sustain themselves removed them from their ancestral land, and increased displacement (Woods, 2011:754). In addition, people in former EOA controlled areas became entangled in the Burmese state structures, capital-intensive cultivation and land regime (Woods, 2011). Large-scale conservation and agribusiness further illegalized traditional agroforestry (Woods, 2011:754) promoting ideas of scientific forestry, criminalizing certain forms of cultivation and ways of being. As Woods (2011:754) states, this is a political act aimed at separating ethnic minorities from their lands by transforming land into individualized property (Woods, 2011:748). The foundation of these strategies can be explained by the imagined future of a unitary state based on a certain understanding of ethnic belonging constituting the state (Woods, 2011:748). The meaning of land is thus increasingly capitalized and racialized in the efforts to construct the Burmese vision of the Republic of the Union of Myanmar.

Consolidating electoral democracy and expanding ceasefire capitalism

Entering semi-democratic governance (2011) and further liberalizing the economy structured an efficient land regime facilitating large-scale development, internationally constructed conservation projects and resource extraction.

The guided political opening and its new land regime

After several failed attempts to hand over power to a civilian government, most infamous the 1990-election ending with the imprisonment of Aung San Sue Kyi and banning the NLD, the military finally handed over power to the military-civilian Union Solidarity and Development Party (USDP) in 2011, following a flawed election (Jones, 2014). The state-military-crony complex had at this point curbed the opposition to such a degree that NLDs boycott of the institution adopting the new Constitution (2008) and the election was insignificant (Barbesgaard, 2019a:109-110). Even as NLD reentered politics, winning a landslide victory in the 2015 election, it is evident that the Tatmadaw guided road towards democracy was aimed at securing their own political and economic position in a hybrid semi-authoritarian government (Stokke, 2018). Within the crony-capitalist complex, the government facilitated capitalistic accumulation based on resource extraction (Bello, 2018:37), and producing a legal complex promoting "a mainstream model of land governance" (Bello, 2018; McCarthy, 2018:235-236). Yet again, as with the previous regimes, ethnic borderlands, spaces under ceasefires and in the state of "neither war nor peace", were the targeted areas (Bello, 2018:31).

Expanding ceasefire capitalism

In 2012, the KNU signed its first ceasefire with the Tatmadaw. Thus, their territories were subjected to ceasefire capitalism (Woods, 2011) and green territorialization (Woods, 2019; Woods & Naimark, 2020). The signing was controversial within the Karen movement and the KNU, receiving harsh criticism from its own ranks, Karen Civil Society Organizations (CSOs) and communities (Brenner, 2019; Loong, Forthcoming). Then, in 2015, the KNU signed the Nationwide Ceasefire Agreement (NCA), a document failing in all three aspects of its name, it was not national, it did not lead to ceasefire and it is not experienced as an agreement. Military offensives continued, only through slow violence. In addition, what was meant to be agreed negotiated in the following peace process, was treated by the Tatmadaw as the terms and conditions for initiating peace talks (fieldwork, 2018; 2020-2021)

Opening up contested territories and marketing land

USDP quickly assembled an extensive new land regime. The 2012-laws, the Vacant Fallow and Virgin Land Law (VFV) and the Farmland Laws, streamlined land expropriation for development purposes (Suhardiman, Kenney-Lazar, & Meinzen-Dick, 2019:6). Like its predecessors, the VFV allowed the government to "lease land to Myanmar citizens, government and non-government organizations, and private investors (…)" (McCarthy, 2018:237-38). While "the Farmland Law set up a regulated land market through the standardization of a private, predominantly individualized, land-use certification and registration system" (Mark, 2016:444). The Land Use Certificate program (LUC) aimed to grant land use rights based on volunteer submission of land use documentation. Failing to register for LUC risked land being defined as VFV-land, legible for state-allocation. Further, these mechanisms formalized land markets and legalized past confiscations, while individualizing user rights and criminalizing claims based on heritage and customary practices (Bello, 2018:23; Mark, 2016:443; McCarthy, 2018:240; Suhardiman et al., 2019:13). Shifting land grabbing from Tatmadaw to a business-state-military complex, with increasing international involvement, legitimize expanding Burmese state space through economic development (Hong, 2017:9).

Producing national land in Kawthoolei

Karen Human Rights Group (KHRG) documented a sharp increase in land confiscation in Kawthoolei, 2011-2012, confiscations both with and without KNU permission (Jolliffe, 2016; KHRG, 2014; 2017). Tanintharyi has been especially vulnerable to significant biophysical and

sociopolitical changes, a result of being targeted for large-scale development, land management schemes (Zaehringer et al., 2020), and global conservation programs (Woods, 2019; Woods & Naimark, 2020). The 2012-laws with their mechanisms have been a catalyzer for transforming shifting cultivators to permanent cultivators under the LUC requirements. Implementation of market mechanisms has accelerated deforestation at an alarming rate pushing for formalized land rights based on permanent cultivation driving a shift from subsistence farming to cash crop production, while simultaneously encouraging private agribusiness and military farming facilities (Zaehringer et al., 2020:43).

Concurrently, implementing green territorialization as counterinsurgency strategy, where the Burmese state, with international funds and institutional power, initiated large-scale conservation projects to safeguard primary forests before it is thought to be destroyed by returnees (Woods & Naimark, 2020:1). These areas, overlap significantly with KNU territories, clearly reflecting the strategic maneuver to increase state-control through conservation (Woods, 2019:23). Violent counterinsurgencies to clear KNU territories was the strategy of the past two land regimes, for this land regime the strategy has fragmented into a mix of land confiscation for development and conservation. This has not only compromise Kawthoolei, delegitimize the KNU as a state-actor, it continued colonial legacies (Loong, 2020) of criminalizing and marginalizing traditional land use practices and ways of being.

Successive processes of nationalization of land and racialization of belonging took a new discourse though economic liberalization and political restructuring, however, the result remains the same for the Karen cultivators. Their ancestral land is taken away from them; the space to claim rights has become determined by the narrow land regimes and ontological foundation of the Burmese state. Highly imbedded in moral codes of scientific and civilized forest protection (Woods & Naimark, 2020:3), reiterating the notions of Karen as primitive cultivators threatening the forests (Woods, 2019). The KNU took a break from the peace process in 2018, following internal disagreements in the organization, and the increasing presence of GoM in Kawthoolei and increased military offensives in Northern Karen, Burma or Mutraw District, Kawthoolei. The Karen communities, Karen CSOs and KNU officials have advocate extensively for Tatmadaw to withdraw from their territories without any success.

Summary

This chapter has accounted for how land has been inscribed in successive regimes in Burma since the colonial era. By outlining the four major historical events that has shifted the political economy in the country, I have drawn attention to central processes that has contributed to producing contentious land in Burma, specifically in the borderlands and Kawthoolei. The era of colonialization (1826-1948), inscribed land and forests with notions of capitalization, resourcification and scientific forestry, and cementing the ethnic nationalities, and the antagonism between them, in Burma, all processes that has had lasting consequences for the land and communities across the country. The clash of worldviews, particularly evident with the Karen cultivators, has carried on until today, becoming increasingly evident within conservation discourses. The de-colonization and militarization (1948-1987), further hardened these structures, but was essential for nationalizing all land, and rooting armed conflict onto land and ethnic divides, land was to a large degree politicized within the lines of armed rebellion and counterinsurgency campaigns. Third, by outlining the main processes of the economic liberalization (1988-2010), with regional and national economic restructuring and the ceasefire process, I see the outcome of these processes as large-scale land confiscation, farmers being enrolled in producing state land, and further alienation of traditional cultivators. Sketching out the era following the political opening (2011-2020), zooming in on Tanintharyi region and Kawthoolei, I presented the current pressing issues of the development strategy based on large-scale projects and international conservation regimes, further capitalizing land and pushing people into state- and market relations. In sum, the effect on the Karen communities, in these areas, has been devastating, being inscribed in regimes of capitalization, militarization, and being pushed of their land and into processes of producing space and territory for the Burmese state. A process that has continued from colonialization up until today. This led to a preliminary description of the current state of affairs, which already is slightly outdated due to recent events. However, the main reflections here, that will follow into the analysis, is that land is not only produced at the national scale, other equally important land regimes are active producers of land discourses, and these discourses and the actors are central to understanding land and contention in Burma today.

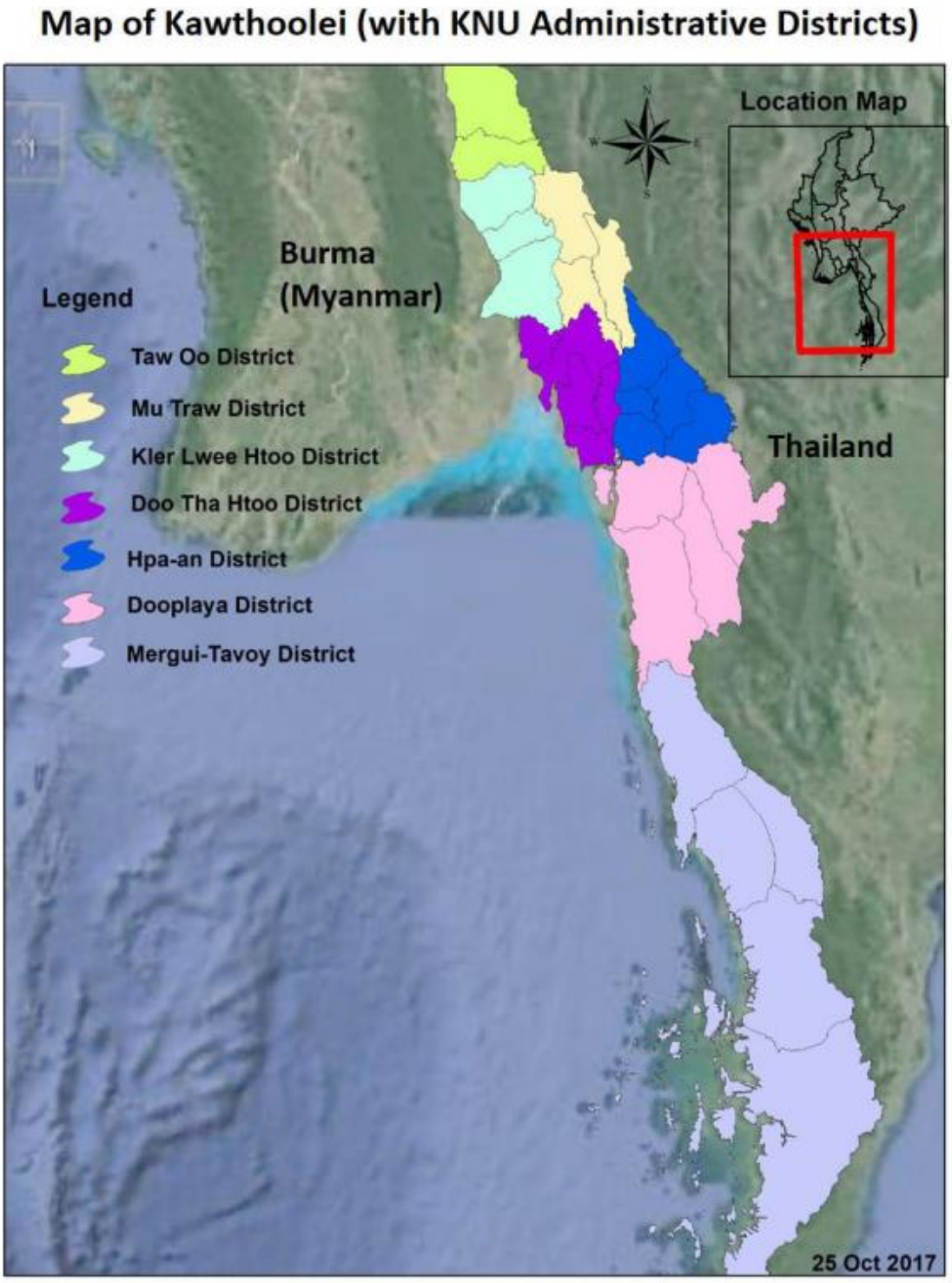

Figure 2: Map of Kawthoolei with districts (KESAN, 2017)

CHAPTER 5 Searching for a Kawthoolei land regime

This chapter address some of the *ways land has been spatially produced in Kawthoolei through the KNU land regime,* by seeing the KNU as a state-actor aspiring to territorialize a homeland. It will give clarity to some of the strategies the KNU *has deployed to promote these land productions,* nuancing the first understanding by adding layers to the KNU's land regime. First, addressing the ideas of mixed-authority and competing land regimes of KNU and GoM, I discuss the notions of the KNU land regime as "counter territorialization" (Woods, 2019) in light of the strategic shift in territorialization efforts from armed conflict to other spaces of contestations. On this basis, this chapter will account for the geographical differentiation of land control and social relations within the Karen homeland, as the multiplicity of interactions between the two land regimes. Outlining the construction of Kawthoolei and KNU, I argue that the KNU's land regimes objective is to discursively assemblage Karen homeland. Subsequently, the chapter explores the process of building Kawthoolei and institutionalizing the Karen movement.

Looking at the KNU land regime through times of struggle, I address two pivotal events, the fall of Manerplaw in 1995, and the two ceasefires in 2012 and 2015. Subsequently, I look into some of the spatial and political implications of these events that combined led to a changing political space and shifting political dynamics. Lastly, I examine two processes that inform this debate. First, the demarcation of a traditional Karen land regimes and the second is the formalization of the KNU land regime with its localized components. Exploring the KNU Land Policy (2015), and supporting documents, I argue that this can be viewed as a discursive shift in the KNU land regime. This analysis will not only conclude that Kawthoolei has been produced as a significant political scale (Hong, 2017) it will delve into other scales of land governance and –production. The KNU is not the only actor actively producing land in Kawthoolei.

Mixed authority and competing land regimes in Kawthoolei

Two competing state-actors, with separate land regimes, seeking to control land in Karen areas in Burma, or Kawthoolei as defined by the KNU. These land regimes have historically competed over land politically through territorial authority, economically through extractive activities, socially through interaction with communities inhabiting these lands, and culturally through ethnicized policies. In addition, there are layers of religion, language, clothes, flags, and other identity markers that are visible within this broader contention. What we see is competing state-building projects,

founded on two divergent ways to frame the imagined future of a homeland, the imagined future of Burma and the imagined future of Kawthoolei.

Historically, violent conflict has been the main strategy and focus. However, I argue that the range of strategies and mechanisms are more comprehensive, from the ideological level, through the political economy level and down to the instrumental level, both through armed territorialization, and softer formers of territorialization. These notions resonate well with Woods (2011; 2019) &Woods and Naimark (2020). Furthermore, the interaction between these two land regimes differs spatially across Kawthoolei, reflecting the variations of land production within Kawthoolei, both as a production of Burma state space and Karen state space.

Kawthoolei a state-building project

The contention between the two land regimes plays out at different levels of interaction, the physical mapping of territories, and in the governmental structures for taxation and land registration seeking to access land and constituents. These conflictual domains coexists with an increasingly depoliticizing vail that has covered ethnic states in the aftermath of the NCA and the following ceasefire capitalism, where land has increasingly been defined as a scarce resource (Le Billon, 2007).

Neither Burma nor Kawthoolei is easily applied to physical maps (Loong, Forthcoming), resulting in conflicting borders and divergent names for villages and townships. Mutraw in Northern Kawthoolei for instance, is Hpapun in Northern Karen state, Burma. After the GoM restructured its land regime, implementing the Vacant Fallow and Virgin land law (2012), the land nationalization and Burmanization process has been prominent across Kawthoolei, incorporating land in the Burmese land regime making it subject to national land and investment laws. Mutraw District is labeled vacant (seminar 06.01.2021), consequently available state-led development initiatives, extractive industries or conservation. This has moved the conflict over land from armed counterinsurgencies to more subtle counterinsurgencies aimed at increasing state space through development programs and conservation initiatives (Woods, 2019; Woods & Naimark, 2020). In addition, the GoM has initiated joint mapping activities with the KNU, especially prominent in Tanintharyi (fieldwork, 2018), but also intensified in Mutraw District (Hso Moo, 2017; seminar 06.01.2021). KNU turned down GoM's request to map Mutraw District, however, the Burma

Ministry of Mines (today under the Ministry of Natural Resources and Environment Conservation) has mapped the territory and marked it with plans of extractive industries (Hso Moo, 2017).

As the GoM became increasingly occupied with international investment, large-scale development, and state-led forest conservation, the KNU became increasingly concerned with filling land that was valued as wasteland or being empty (fieldwork, 2018; 2020-2021). A chairperson of a mixed authority area said in an interview with Joliffe (2016:79):

> "(…) if we can get to the political dialogue stage, after signing the NCA, we need to show that we have our land and that it is demarcated and regulated. The government is also trying to demarcate the land [in this area]"

This underline the fundamental political ideas of land. Moreover, it underscores how land demarcation, formalization and registration are outspoken strategies to materialize KNU authority. Undoubtedly intertwined in political contestation, mapping becomes a tool to seek control over territory, constitute authority and fill land with the social relations that legitimize the imagined future of a homeland. Territorialization of space (Grossberg, 2013) is fundamental in contentious land politics in Burma, where competing state-authorities have enrolled land in territorial, often armed, contestation, rooted in competing nationalist movements with deviating historical perceptions, political ideologies and visions for the future. The contention appears in the ontological and discursive framing of the land (Howitt, 2001) as territory, which grounds the right to control, define, extract and determine the social relations that constitute land (Peluso & Lund, 2011) within their idea of a nation-state. This has led to pluralized land regimes (Lund, 2013), where the competing actors has developed parallel structures to inscribe land in their respective state-building project. Consequently, areas lingering in space with "no war, no peace" where economic development and conservation have been initiated overshadows deep-rooted, historical claims of land, and the right to govern land and people. Ultimately, this has depoliticized historical, political claims centered on an ethno-nationalistic construction of a homeland, with clear counter-Burmese and anti-Burmese domination sentiments.

Building and governing Kawthoolei

The territorial control, and the political authority, of the KNU have been reduced since the fall of Manerplaw; however, they still govern a substantial amount of land, remaining the de facto state for many Karen communities (Woods & Naimark, 2020:4), with well-established governance mechanisms from the local to the central level. Until 2012, the KNU supported the pro-democracy movement, advocated for a democratic government and a tripartite peace process with the NLD, the Tatmadaw and the EAOs.

The Karen movements' effort to map ethnicity onto land date back to pre-independence; however, the first physical attempt was in 1945, claiming authority over the areas Tenasserim Division, today's Tanintharyi Region, Mon state and southern Karen state (Loong, Forthcoming). Following independence the KNU[15] utilized the governance structures inherited from the British, which meant a continuation of a legal system structured to maximize profit from natural resources and make forests "manageable" (Jolliffe, 2016:73). In 1974, the KNU restructured their territorial claims, governance and military structure and the political aim, to how it is today. Kawthoolei, now comprising the entire GoM demarcated Karen state, Tanintharyi region, most of Mon state and areas in East Bago. The political aim shifted from full separation from Burma, to a requesting a federal union, with substantial self-determination for the ethnic states, and power sharing the Union level (Jolliffe, 2016:14). The colonial land laws were translated into Burmese and Karen, but no efforts were made to take account for localized land practices (Jolliffe, 2016). From 1974 until 1995, KNU was ruled autocratically, not convening any elections. Today parts of Kawthoolei are under control or significant influence of other state-actors', however the KNU continues to operate with their territorial and military organization. The territory and governance structure consists of seven districts each with a corresponding Karen National Liberation Army (KNLA) (Jolliffe, 2016:14). The KNU still has firm control in the mountainous areas in Northern Karen, Eastern Bago and along the Thai border(Jolliffe, 2015:46). Mutraw District remains the largest contiguous area governed by the KNU (Loong, Forthcoming). Out of the 800,000 people who are under KNU influence, 100,000 are in areas firmly controlled by the KNU, and 69,673 of those reside in Mutraw District (Jolliffe, 2016:5).

[15] The KNU was then organized under the KNA

Kawthoolei is governed as a federal one-party state, with elections at all administrative levels, central, district and township levels. Congress, the highest political body and is elected for four years. Historically, Congress is what has kept the KNU together (conversations; 12.12.2020; 10.01.2021). It sets the political and strategic agenda, passes laws and policies, striving to obtain equal representation from all seven districts, and is essential for connecting the federal system and build consensus on core decisions related to policy changes, political strategy and external relations (Jolliffe, 2016:14). These decisions are binding for the other administrative levels (Jolliffe, 2016:14). Districts are quite organizationally and financially autonomous from the central level; however, townships rely on the district level for financial management and procurement of military and non-military resources (Jolliffe, 2016:20). Of the total 14 departments, agriculture and forestry, education, and health and welfare are the most active, forming a governance system that provides a basic justice system and social services, and manages land (Jolliffe, 2016:4-5).

The two most prominent departments for land governance are the Karen Agricultural Department (KAD) and the Karen Forest Department (KFD). KAD's main responsibility is to set policies, and build capacity on issues of taxation, irrigation, documentation and ecological farming. These two departments are divided into sub-branches with particular responsibilities for training, planning and development, keeping land and taxation registers, research and documentation, and manage donor-projects, amongst other things (KNU Head Quarter, n.d.-a, n.d.-b). In addition, they are the only two departments with specific representatives at all governance levels, including the village level. The well-developed structures and mechanisms for land governance punctuate the importance of this issue, and is amplified in the large number of people the KAD and KFD employ, with 18 staff at the central level and over 850 across townships and districts (Jolliffe, 2016:73).

The KNU has a sophisticated land governance system that reflects its ambitions of building a coherent and well-functioning governance system. These arguments dismissed the KNU as a rebel-actor, urging to control land for personal and/or economic gains, and open up to explore the KNU, and the Karen movement, as a legitimate political actors fighting for independence, self-determination and authority rather than driven by economic incentives. What we see is two ideological and discursive framings of land (Howitt, 2001; Lund, 2013) that has resulted in competing claims of spatial control. Discursively, or ontologically, the state-claims are rooted in the conceptualization of a homeland and tying identity to physical territory. Structurally, these

claims materialize in mapping, policies, statements and governance mechanisms. Contention is thus visible in the multiple structures that aim to guide and control land, and especially prominent in the legal aspect of land regulation and control (Van Leeuwen & Van Der Haar, 2016), leading to the legal plurality of land (Lund, 2013). The contentious interaction between these two state-actors and their land regimes have resulted in substantial changes in how they strategize to obtain territorial control.

Shifting the KNU land regime in times of struggle

KNU has encountered two events that has significantly curtailed the Karen movement, affected their spatial outreach and had substantial impact on their land regime. First, the fall of Manerplaw, KNU's headquarter in 1995, which markedly reduced KNU territory, organization and legitimacy. Second, the signing of two ceasefires, 2012 and 2015, further eroding the KNU's legitimacy, trust and coherence. Nonetheless, these events have shifted political structures within the Karen movement, redefined the political space for Karen actors and opened space for discursive shifts in their land regime.

The fall of Manerplaw

The authoritarian and elitist tendencies of the KNU after 1974, led a faction to break out and form a separate armed organization, the Democratic Karen Buddhist Army. In 1995, they guided the Tatmadaw to the KNU headquarters, Manerplaw, and assisted in capturing it. Manerplaw was not only significant for the KNU; it served as the pro-democracy headquarter after the 1988 uprising and was a crucial stronghold for the broader oppositional alliance, attracting aid, researchers, activists and NGOs. Capturing the headquarters led to a spatial, political and geographical fragmentation of Kawthoolei. KNU's ability to keep a coherent structure of political influence was declining, leading to detachment between the Central KNU and its District, and a detachment between the KNU and the constituents (Brenner, 2019; conversations, 12.12.2020; 10.01.2021).

Spatial, political and governmental fragmentation of the Karen movement

Until the fall of Manerplaw, the administrative and political structure of the KNU had remained quite coherent and centralized (Brenner, 2019:54). The fall of Manerplaw led to political and economic power shifts in the KNU and had significant impact on the event unfolding after the political opening in Burma, and subsequently the signing of the ceasefires (Brenner, 2019). This, in addition to the geopolitical shift in Thai-Burmese relations straining KNU's finances.

When headquarter fell, the central leadership ran to Thailand and the Thai border costing both the leaders and the central union territory. However, the districts and brigades held on to both territorial and political authority, shifting the political power of the KNU from the central leadership to the district leaders, making them more powerful than their leaders (Brenner, 2019:54). Furthermore, this had a spatial impact where previously weaker district gained power and stronger district lost political authority. Mutraw District, Brigade 5, gained substantial economic and political power, whereas previously stronger districts as Dooplaya and Pa'An, Brigades 6 and 7, lost strength (Brenner, 2019:49). The shift in Thai policy, and the Thailand logging moratorium, opened for the SPDC and the KNU to grant Thai companies logging concessions. Due to the decentralization of the KNU, the district level took out large amounts of profit from logging without approval from Central KNU. In sum, this transferred political and economic power from the central level to the district level, and restructured the power relations between districts, which curtailed and left the movement fragmented. This fragmentation was reflected in the land regime and influenced central mechanisms for land governance and relations with the Karen communities at the district and local level. The spatial restructuring made it difficult for the KNU to provide for their communities.

To finance their activities, the districts and townships registered land at their respective administrative level to assemble land legible to taxation, a central revenue source for the KNU. This resulted in fragmented, unofficial and decentralized land management systems, particularly prominent in areas with fragmented KNU control. Communities became increasingly enrolled in a KNU land regime making them legible for taxation, but without receiving social or security services, or being accommodated on their grievances (Brenner, 2019). In areas with increased GoM presence, communities became legible to both the KNU's land regime and taxation system, and the Burmese land regime and taxation system (Jolliffe, 2016:74). The contention over land control and political authority manifested itself in competition for space and constituents legible for taxation. Negotiations between competing stat-actors land regimes are to a large degree experienced by communities in Kawthoolei, less so in areas with stronger KNU control, like Mutraw District, and more in areas such as Tanintharyi. As the communities have become entangled in producing state space under the new land laws and land certificate scheme, they also receive land certificates from the KNU legitimizing their authority (Berbesgaard, 2019a:203; fieldwork, 2018; 2020-2021). Discussing a conservation initiative one participant emphasizes how

it is in an area with two village heads and two taxation systems, where the question of self-determination needs to be clarified with each of the governments (conversation, 15.01.2021).

New political spaces and formalization of the pluralized land regime

Despite the devastating effect on the KNU particularly, and the Karen movement and communities generally, the fall of Manerplaw gave rise to new political spaces and changes in the KNU land regime. Out of the shifting, political space grew a range of new socially, politically and environmentally oriented organizations emerged, particularly in the borderlands and in refugee camps in Thailand (Loong, Forthcoming). Previously, CSOs functioned as service providers in the extension of formal governance bodies, and were not necessarily welcomed in the political field (Lall, 2016; Loong, forthcoming).

Nevertheless, in the early 2000s, CSOs began to cooperate with KAD and KFD, mobilized the new political space to establish a formalized land regime, leading to significant changes in the land and forest sector in Kawthoolei. In 2005, the preparation for a new land policy was initiated through land registration and land certificate programs (Jolliffe, 2016:75-76). In 2008, KFD introduced a Community Forestry program in all seven districts, and in 2009, they imposed a ban on large-scale logging (Jolliffe, 2016). The structure of each Community Forest program varied, but their common objective was to establish a consensus-based community conservation initiative to protect the forests from potential development and business initiatives (Jolliffe, 2016:8). This program was aimed at areas exposed to the Burmese state, as the head of KFD said to Jolliffe, (2016:83): "[i]n Mu Traw, they have [stronger traditional practices] and are protecting their forests quite well already, so there is no need to focus there". These changes was, according to Jolliffe (2016), a twofold strategy, the first aim was to build a systematic land governance system by connecting the local land systems to the central level, and the second aim was to establish a system accounting for local land-use practices and livelihoods.

In sum, the fall of the KNU headquarters led to a restructuring of the political space that was utilized to initiate a rearrangement and formalization of the KNU land regime. That means that to some degree, although militarization and violence continued, that the contention became increasingly visible in the structures of land governance. The political struggle between the two state actors materialize in the very concrete mechanisms that govern the land, and has led to significant changes in the KNU land regime. This mirrors the contention between the two actors, as a conflict over

autonomy, self-determination, homeland, and authority. Not only does this mirror the anti-colonial struggle over independence (Hong, 2017), but increasingly also a struggle of legitimacy (Li, 2014). Controlling land, physically, politically and structurally (Boone, 2013) entail ideas of whom has the right to determine the social relations constituting lands, where the other actor is seen as illegitimate. For the communities, the KNU is to a large degree seen as a legitimate actor who provides an ethnic-based political vision that is countering the Bamar and Buddhist-centric state (Jolliffe, 2015).

The ceasefire process

The second pivotal event for the KNU, and the Karen movement was the ceasefire agreements, 2012 and 2015. Combined, they increased GoM presence in Kawthoolei, spatially influencing the coherence of the territory, the Karen movement and the KNU. The Karen movement was already experiencing some fracturing, but the ceasefires fueled distrust within the leadership, and between communities, civil society and the KNU. In the processes the KNU, once the EAO in starkest opposition to Burmese rule, suddenly became "perhaps the most cooperative EAO in its relations with the state" (Jolliffe, 206:3). The alarming controversy in the KNU is clearly reflected in the range of emergency meetings held in the aftermath of both ceasefires (Jolliffe, 2016). The controversy also grew in the Karen movement and in the alliances of EAOs in the United Nationalities Federal Council (UNFC). Nevertheless, over time, the ceasefires also contributed to the processes of the converting political space, new political structures and structural changes in the KNU land regime following the fall of Manerplaw.

Conflicting strategies for peace and development in Kawthoolei

After seven decades of armed conflict, the Karen movement has a longing desire for peace. The two factions in the KNU both strategized to achieve that goal, however their strategies for getting there diverge (Brenner, 2019). This became increasingly visible during the ceasefire process in three areas of dispute; the role of outside intervention, on the ground cooperation with the GoM and the Tatmadaw and the prioritizing the Karen movement versus staying committed to the UNFC political alliances (Jolliffe, 2016).

The first faction, the *pro-ceasefire* or *cooperative* faction, is more open to outside intervention, more positive to cooperating with GoM and Tatmadaw, and has strongly prioritized the KNU's own political agenda (fieldwork, 2018; observations; conversation, 11.12.2020). This faction is led by the current KNU leader, Saw Mutu Say Po, who with his supporters led the backroom talks with

the Tatmadaw, which resulted in the signing of the 2012 ceasefire. Based on the belief that the KNU needed to engage actively with the economic development of the region, they continued to strengthen their ties to the Thein Sein Government (2011-2015) and the Tatmadaw, emphasizing that close cooperation was the only way to be involved in the development of Kawthoolei.

The opposition, led by Daw Zipporah Sein, former vice-president of the KNU, have been opposing the ceasefire capitalistic strategy from the Burmese state and the Tatmadaw. During Thein Sein's government, they refused cooperation with the Burmese state and the Tatmadaw, focusing their work on NLD and the UNFC alliance. Their commitment to political dialogue and uncompromised integrity of the Karen movement, has led them to be labeled the *no negotiation* or *politics first* faction. This stance receives wide support from the diaspora and refugees.

The same year Saw Mutu Say Po signed the 2012 ceasefire he won the chairpersonship, and established a coalition government with Daw Zipporah Sein's faction. The pro-ceasefire faction continued to strengthen ties with the Tatmadaw and the Thein Sein government, leading to harsh criticism from the Karen movement. Critics claimed the KNU was moving away from their UNFC alliance in favor of the Tatmadaw and Thein Sein, and prioritized economic development over political dialogue. Some circles, blames them for selling out the movement, neglecting their people and the historical and ideological stance of the Karen revolution (conversations, 11.12.2020; 18.12.2020; 10.01.2021). The 2017-election, consolidated the power-shift towards the pro-ceasefire camp when Saw Mutu Say Po and his faction won, pushing Daw Zipporah Sein's faction out of the Central Steering Committee. The pro-ceasefire faction was thus given the mandate to carry on the process with Burma and negotiating the Nationawide Ceasefire Agreement (NCA) (Jolliffe, 2017).

Increased GoM and Tatmadaw presence, in areas such as Mutraw District, is not the only reason for contention; remote areas have also been subject of disagreement within the movement. The pro-ceasefire faction has emphasized the need for development in these areas, while the politics first faction has underlined the importance of autonomy first to ensure that development occurs in line with the communities' own desires. Due to both the ceasefire capitalization (Woods, 2011), and similar processes in the Tanintharyi region, south Kawthoolei (Woods, 2019; Woods & Naimark, 2020) the politics first faction translated ceasefire to surrender, and development to elite capturing of economic revenues (Jolliffe, 2016:41). The significance of Mutraw District, and other

remote areas, is not only important for territorial control and development issues, it is a reflection of the overlap between the spatial differentiation of Kawthoolei and the political fragmentation within this landscape.

Spatial contextualization of the factions

The two KNU-factions overlap significantly with the spatial and geographical differentiation between KNU strongholds and areas with Burmese state presence. Districts with more Burmese state presence, interaction with their land regime, influence of Burmese culture and immigration, typically support the faction led by Saw Mutu Say Po (Brenner, 2019). Daw Zipporah Sein's faction is supported by powerful and autonomous regions, with more coherent Karen populations; districts that historically have interacted less with the British, and the successive regimes of Burma, such as Mutraw District (Brenner, 2019). In practice, that means the 2017 election not only excluded the opposition, but it also led Mutraw District, one of the strongest and well-funded brigades, particularly underrepresented at the Central level (Jolliffe, 2017), and excluded from the peace process.

The differentiation between the factions are materialized onto the physical territory of Kawthoolei. The question of spatial and political overlap was raised by several participants (conversations, 25.11.2020; 11.12.2020; 18.01.2020; 12.01.2021), where Brigades that have been less eroded by the Tatmadaw and GoM are reluctant to cooperate, and areas that have been exposed to several succeeding land regimes of the Burmese state see no way around cooperation. Districts supporting the NCA, sometimes pointed out as corrupt with an eye for economic revenue (conversations, 12.12.2020; 10.01.2021) have typically been under greater influence of the GoM and Tatmadaw, leading to territorial and political erosion of their territory. The politics first faction of the KNU has been portrayed as an obstacle to peace due to their unwillingness to cooperate with the Tatmadaw and the GoM (fieldwork, 2018; conversation, 25.11.2020). Leaders in the political strongholds of the KNU are reluctant to open up to international capital and development as it can compromise their territorial and political authority; however, more importantly, they are defensive in protecting the Karen traditional culture (Jolliffe, 2016). There are no clear-cut answers to the reasoning behand the factions, however, there are overlapping patterns where districts strongly committed to the revolutionary ideology of the KNU are less exposed to the Burmese land regime, and districts in a cooperative position are more exposed to the Burmese land regime. The political opening and the ceasefires have followed the historical lines of a Burmese nationalistic land regime

with capitalization taking the front seat, processes that has followed the colonial tactic of divide and rule, and has in this case, been rather successful in curtailing oppositions.

Reflection in civil society and the concerns of the broader public

The experiences of divide and rule and the controversy over the ceasefire process(es) is reflected in the Karen movement and communities. Kramer (2015), Jolliffe (2016) and Loong (2019; Forthcoming) all emphasize voices that have spoken up against the ceasefire process led by the KNU leadership. At a peoples' forum in Kawthoolei in October 2012, it was stated that the GoM "is using the peace process to push forward unregulated development projects without proper safeguards or policies" (in Kramer, 2015:368). A female teacher in Lu Thaw Township interviewed by Jolliffe (2016:62), stated, in relation to the NCA that "[a]s we see all of this, we can clearly see the Karen system being broken down". These voiced grievances and concerns reflect both the skepticism towards a Burmese land regime that overruns local land use practices and governance, and discontent with the leaders in the KNU that has pushed forward the NCA. Concerning not only the individual land use, but also the erosion of a cultural system.

Although there is discontent with the KNU leadership, Loong (Forthcoming) has concluded that Karen communities in Mutraw District tend to support KNU policy. This is further emphasized in an interview in Jolliffe (2016:81) stating that "(…) the people see the KNU as their defense, so they wish to pay taxes to the KNU and support (…) their own ethnic administration while keeping their own Kaw traditions." (2016:81). While Brenner (2019) emphasize that authoritarian tendencies and the fracturing of the movement have led to an erosion of KNU-community relations, he and Loong (Forthcoming) also emphasize that these relations remains stronger in Mutraw District. Loong (2019) emphasize how areas with a strong GoM presence have limited space for communities to exist on their own conditions, despite the increased presence of active CSOs

The differentiation is also visible in the organized civil society, where some CSOs balance a fine line between the two state actors, while others have mainly relied on the assistance and dialogue with the KNU. The CSOs in more geographically exposed areas balance between the KNU and GOM land regimes. As one conversation (15.01.2021) with a civil society activist reflected, the objectives, values, notions and ideas of keeping the communities front and center in projects are similar across Karen CSOs. However, as they underlined, the strategy for getting there diverges in terms of cooperation and alliances. Conservation initiatives in mixed-controlled areas tend to be

more pragmatic and balancing between the two power centers (fieldwork, 2018). For instance in Tanintharyi, CSOs need the involvement of both governments in their project, and focus their advocacy work on dialogue rather than countering any of the actors (conversation, 15.01.2021). CSOs in KNU strongholds control hold a more protective and defensive strategy keeping closer ties with the KNU and moves outside GoM interference, and are generally more reluctant to cooperate with GoM, such as in Mutraw District (fieldwork, 2018; conversations, 04.12.2020; 10.01.2021; 12.01.2021). The spatial differentiation of the KNU has a substantial impact on civil society-state relations and how land issues unfold and are addressed (fieldwork, 2018). CSOs are ultimately concerned with developing projects that opens the space for peace, development, and conservation so the local communities can guide it (fieldwork, 2018; 2020-2021). However, one side chooses or are more prone to not discuss with the Burmese State, while the other is more prone to include the Burmese State. As with the factions of the KNU these are differences visible in the spatial organization of the CSOS, but also reflect their political stance in relations between the KNU and the GoM.

Directly connected to the NCA, 41 Karen CSOs condemned it in a statement, denounced the leaders supporting it, claiming they were a small elitist group not representing the Karen movement (41 Karen CSOs, 2015). Further, it states, that the initial "hopes that (…) [the] NCA (…) would be a window of opportunity to ink a durable nationwide ceasefire and move forward to the stages of political dialogue", was crushed. The distrust is rooted in the NCAs failure to build trust among the different parties, be inclusive to all EAOs, and stop Tatmadaw offensives. The CSOs thus labels the processes undemocratic and non-inclusive as it lacked consultation with majority of the EAOs and consensus in the Central KNU, or CSOs, or the local communities "whom they *claim* to represent" (41 Karen CSOs, 2015:n.p.). For Mutraw KNU, the NCA made their balancing of relations more difficult, as they seek to be representative toward the communities while simultaneously cautious not to fracture the movement (Loong, Palmano, & Hsar Doe Doh Moo, Forthcoming).

New political space and shifting political dynamics

The ceasefire, and the fall for Manerplaw, has had a severe impact on the KNU specifically and the Karen movement more broadly. Kawthoolei and the Karen movement had through decades of conflict been eroded politically, economically, culturally, environmentally and ideologically. The ceasefire to a large degree came into the line of these erosions, undoubtedly fueling the opposition and grievances within the Karen movement and functioned as a catalyzer for resistance. However, the political opening in Burma and the ceasefires, however devastating, has, in turn, shifted the political space for both the KNU and civil society in Kawthoolei. The most tangible for both dimensions of the Karen movement has been the physical space to move more freely and the political space to engage more actively.

Freeing movement for the KNU

The KNU can travel more freely, actively engage in economic activities and increase their physical presence through extending their governmental infrastructure, enabling them to provide social services to their constituents (Jolliffe, 2016). Of particular value to the relations of land was the space they could utilize for political training and dismantling information on the peace process (Jolliffe, 2016), and engage with a politically, socially and environmentally engaged civil society (Loong, Forthcoming). The importance of this space is particularly evident as we see new and tangible cooperation, and competition, on the ground in resource management, taxation and infrastructure construction (Jolliffe, 2016:52). The space for cooperation between the CSOs, the communities and the KNU has been of particular importance as it has provided new platforms for the population to voice their grievances and opinions on issues that were of high importance to them, and as demonstrated, ware neglected by the KNU elite. In sum, this has led parts of the KNU to get in closer relations with other parts of the Karen movement.

Increased political space for communities and CSOs

The space for civil society to engage more actively and politically after the fall of Manerplaw increased in the aftermath of the ceasefire processes, where communities and CSOs alike, could seek assistance from the KNU (Jolliffe, 2016:51), but also negotiate and conduct advocate towards the KNU land regime.

Civil society has actively been pushing to expand the space for local communities to influence significant processes related to peace, development and conservation (conversations, 04.12.2020; 11.12.2020; 10.01.2021). The political advocacy from the CSOs have not only been within their

own ranks, the Karen Environmental and Social Action Network[16] (KESAN) with KAD and KFD opened up a space to push for a reform agenda and influence KNU officials and implement programs with international funding (Loong, Forthcoming). In general terms this further pushed CSOs out of the role as service providers (Lall, 2016), and into a realm of a politically oriented civil society strategizing to influence the politics of land in these areas (fieldwork, 2018; fieldwork 2020-2021). CSOs in Mutraw District have been particularly critical of the KNU regarding the peace process, emphasizing the organization's lack of engagement with their constituents (fieldwork, 2018; Loong, Forthcoming). CSOs in the borderlands, moving mostly outside the sphere of the Burmese state, are quite strong politically, and operate in areas where the environment and the Karen culture is well preserved.

The political and geographical shifts following the ceasefires enabled civil society, particularly in the borderlands, to influence processes related to land and assist the KNU in developing and implementing projects, policies and programs (fieldwork, 2018; 2020-2021). KESAN has taken an especially strong position in relation to social and environmental protection, and in reshaping the KNU land policy, engaging them in relationships with the local communities and ensuring that local land rights are not breached (fieldwork, 2018; 2020-2021). This has contributed substantially to influence, redirect and shape the official Karen land regime, in sum contributing to discursive changes in the KNU Land regime.

Shifting the land regime discourse

What has been evolving since the fall of Manerplaw is both an increased attention to formalizing the KNU land regime, improving the structural layer of it (Boone, 2013; Li, 2014) and a more discursive aim to change the meaning of land within the ontological layer and discursive framing of the land regime (Howitt, 2001; Murdoch, 2006; Lund, 2013). In sum, the land regime has been subject to change throughout the spatial and political shifts in Kawthoolei the last two and a half decades, particularly evident in the KNU Land Policy (2015).

[16] KESAN is a CSO based in Thailand and Burma to conduct community work and political advocacy work in Kawthoolei and Burma. They are one of the most prominent CSOs on land issues and advocacy in Kawthoolei.

The KNU Land Policy (2015) as a shift in the Karen Land Regime

One of the most tangible and structured results of the political and geographical shifts is the dual development of the KNU Land Policy (2015) and the KNU Forest Policy (2016). Although mainly addressing the Land Policy, it is important to emphasize that the new Forest Policy (2016) has some of the same objectives. As KFD emphasize it aims to "guide people on how to protect, conserve and use forest resources in a sustainable way" to uphold the life of ecosystems, species and humans through a *participatory approach* (KNU Head Quarter, n.d.-b:n.p.*emphasis* added) underscoring the ideas of a shifting political space and political structures.

The KNU Land Policy (2015) marks a shift in how the land discourse is framed, moving away from the idea of land belonging to the Karen movement to land belonging to the people by "[e]stablishing a policy that complies with local people"(KNU Head Quarter, n.d.-a:n.p.). This can be seen in the shifting slogans of the succeeding land policies. In 1974 the slogan was "land must be in *our* hands", in 2005 this shifted to "land to the *native people*", before the 2015 policy landed on "*people* are owner of land" (KNU, 2015, *emphasis* added). The idea of people as the ultimate owners of land, and KNU as the facilitators, is further strengthened by stating "[t]he lands, forests, fisheries, water and related natural resources of Kawthoolei belong to the people, and are managed by the KNU Authorities" (KNU, 2015:25).

Through the policy, the KNU is obligated to be active in the governing of land in Kawthoolei, from guiding the broader social, ecological, political, and economic objectives in line with the land policy, to ensuring proper registration, dispute mechanisms and other technical mechanisms. The reaffirmation of the discursive, political power of documents like these is directly addressed, stating, "[l]and policies are never neutral. They necessarily transform the status quo, either by reinforcing it or undermining it to varying extents and degrees" (KNU, 2015:2). The Land Policy address the importance of effective access to land and recognition of the peoples' rights to benefit from land and take be part of informed decisions on how land should be used (KNU, 2015:3), following into the line of activities and measures taken prior to the NCA, where land formalization and decentralization were strategic moves.

Formalizing land relations

Despite a written assurance that the GoM would "acknowledge land ownership agreements existing within the KNU (…) cooperate with the KNU to find solutions in consultation for customary land ownership (…)" (in Jolliffe, 2016:75), the urgency to formalize the KNU land regime grew

substantially in the aftermath of the ceasefires. This is reflected in the exponential growth of land registrations and titles following KAD's initiation to formalize land in 2005, reaching a staggering 61,765 plots covering 1,435 square kilometers when Jolliffe (2016) conducted his research in 2015.

In addition, the KNU Central Land Committee (CLC)[17] held its first seminar on the traditional Karen land use system, *kaw*, in June 2018 in Luthaw Township, Mutraw District. The structure, organization and size of the kaw varies, but common for the kaw-systems are that they are traditional, locally developed land use and management practices structured around specific social, cultural, spiritual and political relations (discussed in the next chapter). The kaw may consist of multiple villages or one village, it includes different land and forest use types such as *ku* (swidden, rotational cultivation), paddy fields, orchards, community forests sacred, land, public land and water sources (Saw John Bright, 2020). The seminar was in relation to the establishment of a new conservation initiative, the Salween Peace Park, and gathered 241 customary leaders, civil society leaders, and KNU staff from all seven Districts. The objective was to discuss the kaw-system as an historical institution and indigenous land management system, focusing on identifying its main challenges and opportunities, and efforts to revitalize it (Karen Indigenous People, 2018).

Prior to the seminar, kaw demarcation had been initiated, with 18 kaw mapped and recognized by the Mutraw KNU when Jolliffe (2016) conducted his research. In 2018-2019, when Loong (Forthcoming) conducted her research the number was up to 266, despite several of the kaw demarcation processes being disrupted by Tatmadaw expansion into Mutraw District (Paul, 2018b). As Community Forestry was prioritized in areas exposed to the GoM, the Kaw demarcation process was aimed at areas less exposed to the GoM, (conversations; observations). These efforts reflect the dual strategy of formalizing land governance and develop a land regime that take into consideration localized land management practices (Jolliffe, 2016; fieldwork, 2020-2021). Securing land rights, both through registration of agricultural plots and communal land governance, reflect a shift in the policy where the multiplicity of land use practices are incorporated into the structures of the KNU land regime.

[17] The CLC is the body aimed at filling the gap between the local land regimes and the KNU land regime. They work to formalize structures, procedures, policies and mechanism that streamline the processes of demarcating and approving localized land regimes (Lubanski, 2019).

Securing pluralized land systems

These structural changes reflect broader discursive changes in the KNU land regime. By seeking to align the KNU land regime with the informal land management practices on the ground, and establish a locally informed governance system that ensures the survival of existing practices and norms, the KNU Land Policy (2015) legitimizes a diverse set of land practices. The policy address this by stating that it "envisions recognition, restitution, protection and support of the *socially legitimate* tenure rights of all Karen peoples (…)" (2015:2). Socially-legitimate "[r]efers to land tenure claims that, although they may not be formally recognized by law, are widely accepted according to local norms and values (KNU, 2015:10).

Further emphasizing that the social legitimacy is *not* determined by formality or written testimonies, the KNU does not only recognize a pluralized land governance system, but they are also shifting their land regime to introduce mechanisms for legitimizing ancestral, cultural and spiritual claims, opening up for other forms of ownership than private, individual ownership. Not only does the policy *recognize* a variety of tenure rights it also obliges to restitute and support these land management systems (KNU, 2015). This is with an aim to "improve political and ecological governance of tenure of land, forests, fisheries, water, and related natural resources" (KNU, 2015:2). Further, it lists several socially legitimate land regimes (extensive list in KNU, 2015:9-15), but four major categories reflect the accommodation of local practices; communal land, village land, kaw and ku. Communal land is defined as land that benefits the community and does not only cover agricultural land "but associated forest and aquatic resources as well" (KNU, 2015:9) and might be part of village land, land that is administrated by a Village land committee (KNU, 2015:10). Kaw and ku are traditional customary tenure practices for Karen communities. *Ku* is traditional upland rotational farming that lends usage rights to community members for a time-restricted cultivation period before moving on to a new plot leaving the former to regenerate (KNU, 2015:10). *Kaw* is defined as the Karen form of customary tenure, encompassing land, fisheries, water and related natural resources governed under communal stewardship. A community, household or family can use the land, and it often entails sacred and cultural heritage sites. The kaw-system has a complete article (KNU, 2015, Article 3.3 *"Kaw"* Lands) emphasizing the social, cultural, environmental and political value of these practices, and underscoring how the KNU must take the non-monetized values of land that belong to the communities and people of Kawthoolei into account (KNU, 2015:28). Through KNU Land Policy (KNU, 2015) the KNU land

regime opens up for multiple ways of relating to land, and thus formalize, legalize and legitimize land relations that previously have been countered by the succeeding land regimes of the Burmese state especially, but also been overlooked by the KNU land regime. In terms of the structural dimensions of a land regime, the new KNU Land Policy (2015) is in line with changing the structures of land governances within Kawthoolei.

In relations to a more democratized and grounded KNU (KNU Head Quarter, n.d.-a) conversations have highlighted democratization of land practices as an essential vantage point for the KNU to build a rooted, decentralized and participatory land governance regime (conversation, 18.12.2020; 10.01.2021; observations). The local practices and mechanisms uncovered on the ground, are not only recognized as socially legitimate practices in the KNU Land Policy (2015), they also serve the purpose of decentralizing land governance. Local land-use governance systems are not only to be protected, promoted, and prioritized; they also serve as a framework for further democratization. In the kaw, the customary authorities, that has derived their power from the social, cultural and spiritual norms within the specific community govern the land relations (KNU, 2015:12), and by legitimizing the kaw the KNU also legitimize these governance mechanisms and enables the existence of multiple land authorities through decentralization of the governance structures.

KNU land regime as the idea of filling vacant land

The shift in the KNU land regime directly retorts the VFV-laws of 2012, by underscoring the rights of indigenous people to collectively own and use land, virgin land, forestland, and pastureland as ancestral land, linking this to their ancestral rights (KNU, 2015). References like this, points directly to the KNU land regime as in competition with the GoM land regime. As the GoM continues to push the idea of unity within the territory and the state, the KNU are more actively constructing their political aim of decentralization and federalism within their territories. In addition to challenging the GoM land regime, these efforts also serves other, equally important, purposes. The political shifts following the fall of Manerplaw and the ceasefires opened up for a more vocal and active production of land at the political scale of Kawthoolei, where other power relations, knowledge-systems and social worlds are legitimized. In sum, it changes the performative arena where power and knowledge plays out (Murdoch, 2006). Land production within the two competing land regimes has not been reduced after signing the NCA, although it initially took different forms, and followed other strategies than militarization and armed conflict. The ideological and discursive framings of land still stand in opposition between the two state-

actors, this is evident in many dimensions of the land regime structures, and becomes more evident in the discursive shift in the KNU land regime. The discursive shift also legitimize other knowledge-systems, social relations of land and different social worlds (Howitt, 2011), which will become more evident in the analysis of the local kaw-system in the following chapter.

Summary

Land contention in Burma draws on long historical lines where space has been inscribed in competing ideas of nationhood and national space. By diving into the spatial production (Murdoch, 2006) of land in Kawthoolei, this chapter has addressed the production of a Karen homeland through these ideas and on the background of the competing state building aims. Key to this has been the discursive (Howitt, 2001) and the structured dimensions of the land regime (Boone, 2013), where both have been activated to gain land control within the imagined future of Kawthoolei. As emphasized, this process can only be *partly* explained by ideas of counter-territorialization, particularly in the era following the fall of Manerplaw and the succeeding ceasefires. It is difficult to argue that a consistent physical KNU land regime is experienced across the areas of Kawthoolei, however, what has become evident is that the processes initiated after the 2000s has strategized to create a more coherent land regime formalized under the KNU. Internal political dynamics have been essential in these processes, where particularly key CSOs have taken a lead role. These efforts have resulted in a land regime that accommodates localized land regimes and provides them with mechanisms and structures to formalize their social relations to land. A central strategy has thus been to pluralize land (Lund, 2013) within the land regime, to account for the lived realities within Kawthoolei, and upscale and accelerate the processes of land registration and formalization. I align these ideas with the notions of Woods & Naimark (2020:2) that production of land also happens at the local and regional level, where civil society and communities engaged in the construction of land through producing their own historical land claims. What I argue here, and a as will become evident in chapter 6 and 7, is that these are not just mechanisms and structures, they are to a large degree informed by new ways of understanding land, both in line with, and contradictory to the idea that “people are owner of land” (KNU, 2015).

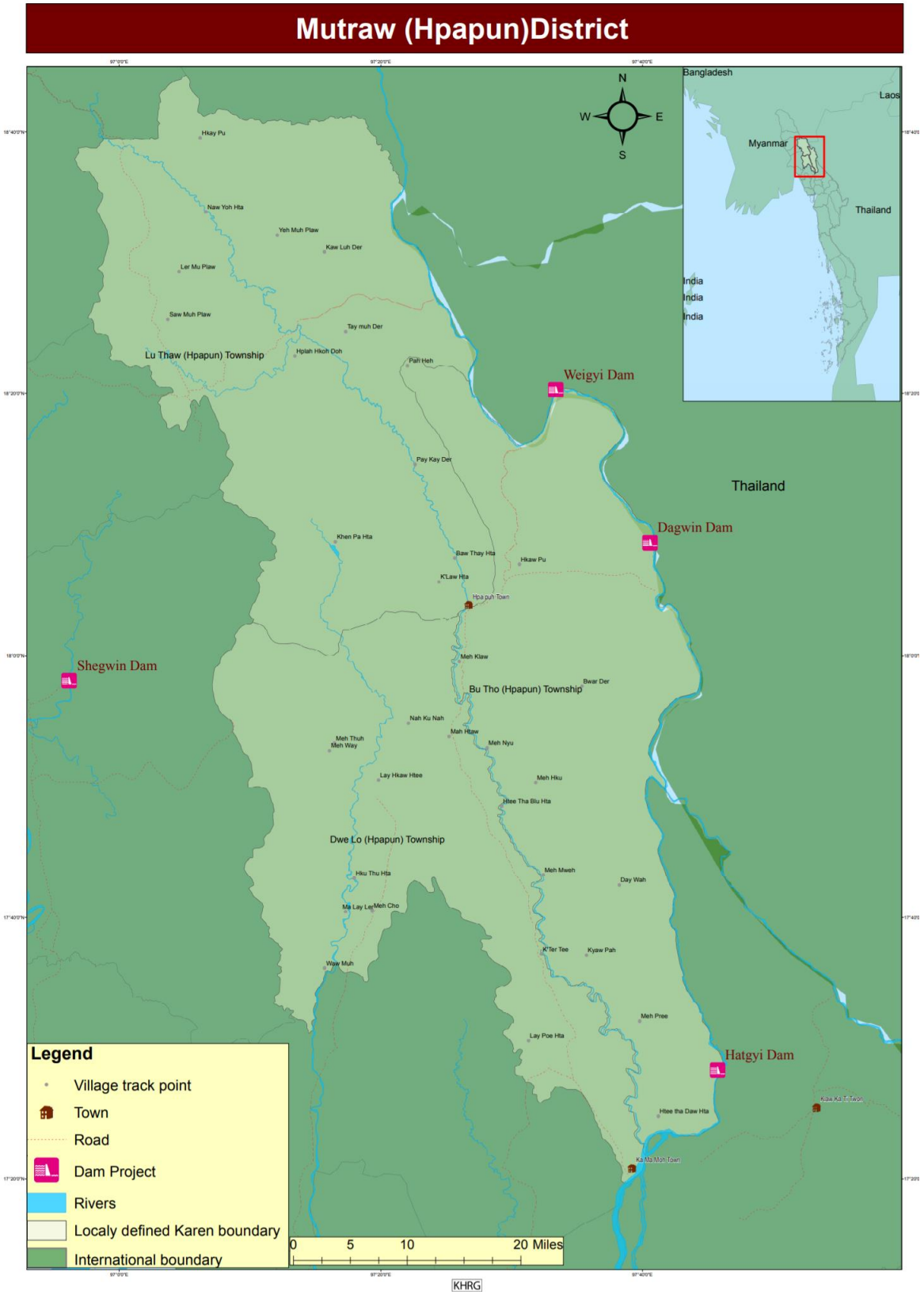

Figure 3: Map of Mutraw District, Kawthoolei (KHRG, n.d.)

CHAPTER 6 The local kaw-system as a land regime

The previous chapter discussed the construction of land in Kawthoolei and Myanmar, drawing on different social-temporal understandings and discursive framings of land, which materialize in specific policies, structures and mechanisms aimed at controlling and governing land. In sum, they reflect two divergent historical claims of land; neither easily mapped onto a geographic area mirroring their de facto land control. The Tatmadaw and the GoM have continuously compromised KNU's land control, both geographically and discursively. As a reaction, the KNU has shifted its land regime, discursively and structurally. However, this is to counter the Burmese state, and to accommodate localized practices and realities into their understanding of land. KNU's strategy to pluralize land governance hints towards other aspects of land construction, which are explicitly defined in the KNU Land Policy (2015), and serves more nuanced and essential purposes of land in Kawthoolei when analytically detangling them. From the point of land as multiplicity and pluralized assemblages, this chapter digs into the localized aspects of land control, land use and land management in Kawthoolei, specifically Mutraw District. By answering the question: *in what ways has land been governed at the local scale outside the realm of state-authority,* this chapter gives some perspectives on how land is governed, inscribed with meaning, and exists as a concept outside state-space and authority.

To answer this, I first zoom in on Mutraw District, northern Kawthoolei, an area that has existed outside of the succeeding Burmese regimes, and somewhat on the outskirts of KNU authority. Concluding on Mutraw District as a stronghold for elements of the Karen movement, I delve into the content of that definition in terms of land governance and land relations. Moving on to the local effects and experiences of the two state-actors land regimes, I begin to address the cultural preservation of animist faith and animist institutions for land governance. These discussions carry the analysis into the idea of the kaw-system as a material and relational governance system, founded on human-land-spiritual relations. Through these conclusions, I define the kaw within the frames of an informal, historical and relational land regime. Winding back, I attach these discussions to the KNU and the Myanmar land regimes, reflecting on the kaw position in that contentious political landscape and nuancing the idea of filling vacant land. Connecting these reflections to the KNU land regime, I investigate how realigning the kaw-system to the official KNU regime can be understood as a discursive change in the KNU land regime. Emphasizing

dimensions that fall outside the typical political domains, this chapter reflects broader ideas of ontology, which are rooted in other ways of relating to land, managing and using land through the embodied experiences of the inhabitants. Concluding, I discuss these ideas in relation to the theoretical perspectives on land as multiplicity and land regimes as multi-scalar structures that coexist either in contention or in harmony.

Diverse authority in Mutraw

In many aspects, Mutraw District has fallen outside the Burmanization, nationalization and capitalization that has dominated other parts of Kawthoolei since the end of the 1980s. However, this does not imply that land and people are not experiencing the lingering presence of the Burmese state and the Tatmadaw, it implies that there are other more prominent processes here and that efforts of land capitalization and nationalization have been halted or taken other forms. Requests for mapping and setting up sub-townships are clear steps taken to increase Burmese state presence in Mutraw, so is the proposed Hatgyi dam on the Salween River (Middleton, Scott, & Lamb, 2019) (See *Figure 3*). The increased militarization in Kawthoolei has been particularly compelling in Mutraw District, where Tatmadaw established 13 new military facilities between 2012 and 2015, built permanent structures in previous mobile bases, and are continuously improving the infrastructure connecting their bases (Jolliffe, 2016). The cementation of Tatmadaw presence within KNU territory has led to several contestations and clashes between the Tatmadaw and the KNLA from 2015, ultimately leading to the 2018-pause in the NCA . Many of these contentions have been linked to a particular Tatmadaw project aiming to reconstruct an old military road in Mutraw District, leading from Ler Muh Plaw to Moh Kyoh Hkoh (KHRG, 2018, April; 2018, June; 2019, January; 2020, April). The persistent militarization of land, in tandem with mechanisms of ceasefire capitalism (Woods, 2011; 2019) has led the Tatmadaw to manifest some territorial control and strategized to expand their physical presence.

The persistent presence of the Tatmadaw and the increased pressure from the GoM are substantial stressors threatening the lives and livelihoods of the communities here. However, it is crucial to emphasize that the GoM and Tatmadaw are not the only actors causing contentions. The KNU has also been involved in several projects leading to conflict with local inhabitants (Cole, 2020; Jolliffe, 2016). The KNU gave permission for a goldmine within their areas, a permission that was withdrawn in December 2016 (Hso Moo, 2017), and infrastructure projects creating tension has been carried out (Cole, 2020:100; Jolliffe, 2016). The control over Mutraw has become

increasingly fragmented although the KNU holds most of the state-authority. The GoM controls the District capital, Hpapun, and KNU is present in the village tracts, controlling more remote and rural areas and areas by the Salween River. Here, they have provided for communities through security and extensive social infrastructure (Cole, 2020). Nevertheless, denser forested areas and mountainous pats have remained outside both state-actors' authority. As Cole (2020) emphasize, that does not mean these areas are without authority, it means that the authority of these areas has existed outside conventional ideas of authority and land control. These other dimensions of authority can partly explain the definition of Mutraw as a stronghold of Karen tradition and culture.

Mutraw District as a stronghold

Mutraw District is a stronghold of the Karen movement, including the political stronghold of the revolution, the cultural stronghold of animist traditions and land relations, and an ecological stronghold for the environment and biodiversity. From the perspective of the two state-actors, strongholds are, according to Joliffe (2016), areas with predominantly Karen Christians with an economy integrated with the Thai economy and to a large degree dependent on cross-border aid. In sum, areas and communities less politically, economically and culturally integrated with Burma.

In light of the positions within the KNU, the Mutraw KNU has been part of the politics-first approach, advocating for protecting and strengthening traditional faith and practices. This, and other factors, have led to the preservation of strong traditional institutions (Brenner, 2019), where the traditional Karen culture and the kaw-system have been maintained in some areas (SPP Charter, 2018). The maintenance of these practices is also partly due to the political strength of the CSOs and their connections to the KNU (Loong, Forthcoming), a political relationship that has been utilized to advocate for the preservation of cultural and environmental landscapes here - both the biodiversity and sociodiversity[18]. These relations have contributed substantially to the land construction in Kawthoolei, especially in Mutraw District. Although the KNU Land Policy (2015) has recently defined the kaw-system as *socially legitimate,* this system has not suddenly become an important land governance mechanism. Prior to the legitimation from the KNU, land has been governed here via other means than state-authority, taxation schemes and land registration. The

[18] A term used by Ragin & Amoroso (2019:39) to explain the idea of preserving societies and cultures similar to the idea of preserving biodiversity. This becomes a key notion in terms of both the kaw-system and the Salween Peace Park.

lack of, or uncoherent presence of, state-authorities, does not mean that land politics are not taking place.

Preserved ecology and traditions

The formalization of the kaw-system under the KNU had two objectives. For one, it was essential to counter the GoM definition of Mutraw as vacant and secure KNU territoriality. Secondly, losing the kaw-system was seen as a threat to the Karen way of life as the erosion of land threatened both ecology and culture, specifically threatening critical spiritual and cultural practices (fieldwork, 2018; 2020-2021). For the communities here, land is essential for farming, keeping livestock, and the forests for providing food, construction materials and medicine, elements that are under severe pressure due to continuation of armed conflict. However, as Jolliffe (2016) emphasizes, forests have also been the lifeline of these communities, keeping them sheltered and safe when civil war has ravished these lands. The relations to these areas are thus both held by a sense of life and security, but also the fear of livelihoods and life being taken away. Conflict continues to inscribe these lives and lands with military control and contention, brutal armed violence and conflict, elitist negotiation and political and economic power politics. Decades of armed conflict has led the communities to balance between two competing power and land regimes within a constant encounter between the GoM and the KNU, the Tatmadaw and the KNLA, where authority has been contested through violent armed conflict and more subtle slow-violence projects aimed at developing the region. Increased military and GoM presence has, in addition to conversion to other religions, displacement and war, led to detachment between people and land in many areas (Paul, 2018b) and threatening traditional land regimes and leading to conflicts with local communities (Brenner, 2019).

As Saw Htee Kaw Moo, a Karen Indigenous man in Kaw Thay Gu, Mutraw District, stated in a kaw-seminar (KESAN, 2019, June 9:3.15) “any land lacking a land-use certificate from the Burma Government is considered vacant land”. The assemblage of land under the Burmese state expansions is thus not only a threat to KNU authority it is a threat to the kaw-system the ways of life constituted in this system. GoM land laws do not recognize indigenous or ethnic land regimes, and land demarcation without consulting the Burmese state is illegalized (Naw Ku Ku Ju, Land in

Our Hands (LIOH), in KESAN, 2019, June 9:3.48)[19][20]. Development, military expansion, conservation initiatives and infrastructure restoration are all projects experienced as attacks on the social relations between villagers and their land (fieldwork, 2018; conversations, 04.12.2020; 15.01.2020; Paul, 2018b). Constant negotiation between Myanmar and KNU has led villagers to register land with both the KNU and the GoM to ensure formal rights to use and occupy land (fieldwork, 2018; conversations, 18.12.2020; 15.01.2021; Barbesgaard, 2019a:203). KNU's taxation system has varied greatly, as described in detail by Jolliffe (2016), often adjusted to fit the local context and the land-use system. For instance, in some cases, tax is negotiated based on commons, and approximate definitions of plots within a common lay as the foundation of the taxation sum (Jolliffe, 2016:74). For communities that have been displaced for years and maybe generations, inside Burma or in refugee camps in Thailand, these processes are even more challenging, as they do not have any documentation or access to the land they feel a sense of belonging to. Nevertheless, contrary to this, traditional practices and intact forests have been preserved in large parts of Mutraw District. This has caused less efforts to establish Community Forests in these areas since "they have [stronger traditional practices] and are protecting their forests quite well already (…)" (Head of KDF in Jolliffe, 2016:83). Not only does this underline the area as an environmental stronghold, but also as a traditional stronghold. Moreover, it might reflect how these areas have gone under the radar as attempts to secure land have been prioritized in areas that are more exposed to the Burmese state's land regime.

The presence of animist faith

The traditional practices referred to above, are the animist practices, worldview and understandings with a strong presence in the mountainous areas of Kawthoolei, particularly in Mutraw District, where these arrangements has governed, managed and integrated land into societal animist practices (Paul, 2018b; Saw John Bright, 2020). Kaw has historically been the institution solidifying these worldviews and social realities, by being the materialization of the connections between the people, the spirits and the land. Due to decades of conflict, these social relations have been eroded, subsequently leading to erosion of Karen identities and the kaw-system. Mutraw, as

[19] LIOH is a land-network comprising of land activists, CSOs, and CBOs from across Burma fighting for ethnic self-determination and land issues.

[20]The National Land Use Policy (2016) mentions the recognition of other land use practices. However, this policy has not materialized in law or influenced the legal system as promised (fieldwork 2018). LIOH and others conducted extensive consultation work for the NLUP drafting process.

an area with limited presence of a modern state-society, with minimal connection to the outside world, has maintained a strong connection to the spiritual world and maintained strong human-nature connections compared to other areas of Kawthoolei (Loong et al., Forthcoming). Nevertheless, animism does not stand for the majority of worldviews and beliefs in Mutraw. However, although Christian and Buddhist conversion has eroded these cultural traditions and worldviews, the kaw-system remains a strong social institution. Some kaw are under animist communities, some are under Christians or Buddhists communities, or under mixed communities (Lubanski, 2019; Paul, 2018a), reflecting that the kaw is not a question of religious beliefs, but a way of life (Cole, 2020; Paul, 2018b). As described by one of the interviewees, a *kaw hko*[21] in Lu Thaw Township:

> We believe that our practices have been maintained through many generations [with] different beliefs and different arrangements,…[but essentially], we believe that the spirit of the kaw still look after us if we look after the kaw. (…) For me, regardless of religion, we need to keep our kaw. We need it because [the Myanmar state] thinks all the land belong to them [as in the Constitution], so we need to maintain it and establish a clear recognition system. (Jolliffe, 2016:81)

This adds to the ontological foundation of land or the worldview that structures land, as elements of animist faith, are incorporated into different religious systems. The Kaw Policy Briefer (Lubanski, 2019) explicitly addresses this, emphasizing that these systems are not fixed, but constantly evolve and adapt to contextual factors.

The kaw-system

The traditional kaw-system underlines the idea that "[l]and is at the heart of the Indigenous Karen social, cultural, and spiritual identity (…)" (Charter of the SPP, 2018:35). As with land in general, the kaw-system consists of both material aspects and a multi-relational aspect, tying together concrete land and its practices, as well as social, spiritual, cultural and political relations (Howitt, 2001). The relations of authority are also multi-dimensional and stretches the governance and the kaw relations back to the ancestral domain and out to the spectral world, constructing a system based on specific ideas of social time and spirituality. These dynamics tie the materiality of land and relations of land together in a complex and dynamic kaw-system.

[21] A Kaw Hko is defined as something similar to the head of a village/the head of the kaw (Jolliffe, 2016; Paul; 2018b; Cole; 2020).

Materiality and social relations

In the material aspect, the physical demarcated kaw area, one can see kaw as "a particular territory with its own clear boundaries" (Saw Htee Kaw Moo, Indigenous Karen Man, Kaw Thay Gu, Mutraw District in KESAN, 2019, June 9:1:32) representing locally recognized and grounded ideas of a territory (Paul, 2018a)[22]. It is important to note that kaw does not represent a singular model; it is locally defined, in both materiality and specific relations. A kaw area includes a multifold of land types, from ancestral land, sacred areas and traditional burial grounds, protected forests and forest gardens, rotational upland agriculture zones and lowland permanent agricultural fields, plots for houses, waters and other natural resources (Lubanski, 2019; Paul, 2018a; Saw John Bright, 2020; KESAN, 2019, June 9). Most of the kaw land falls under the definition of communal land, land that can be utilized by the entire community, including community forests providing medicine, wild foods and building material, and ku and livestock grazing areas (Paul, 2018a). However, land can be owned by the families or households, and can be rented out, sold and inherited.[23] In a relational manner kaw is traditionally a term used to describe "[Karen communities] lands and their relationship with them" (Lubanski, 2019). The relational dynamics contribute to the understanding of the kaw as an assemblage of various social relations, ultimately constituting an idea of land governance that exceeds political actors' conventional understanding. Kaw then encompasses both the material land used through customary practice and the community-based governance system that functions as a mediator between communities and land (Lubanski, 2019; Saw John Bright, 2020). These mediating relations are the foundation of authority in the kaw-system, drawing on social, ecological and spectral relations to land.

Relational authority in kaw governance

The authority in the kaw-system is both layered and relational. Although, each kaw act as a largely autonomous scale of political organizations exceeding beyond, and bind together, households, families and villages (Paul, 2018b; Saw John Bright, 2020), they all have the spectral-human-land complex as the foundation for their governance. I understand this as the political authority coming from two different levels, one spiritual and one at the kaw political level.

[22] Kaw is also used for referring to a country, or a nation-state.
[23] See Cole (2020) for details of ownership, land use rights and other forms of land relations.

Spiritual authority

The relations between the communities and the spiritual world serve as an important governance structure within the kaw-system. Spirits are the territorial guardians of the kaw (Loong et al., Forthcoming), and serves as the mediator between the spectral, social and ecological aspects of this system. This is essential for understanding the relational aspects of the kaw, as it guides the way different land can be used and for what purposes, and it has a determining factor for land ownership. The kaw-system in many ways functions as an internalized land governance structure that has been preserved to a certain degree through animist faith, in other areas as mixed with Christianity or other religions or simply as an environmental initiative (Paul, 2018b). The spiritual and social relations prescribes different land practices for different areas and plots, giving direct input into the practical execution of land governance (Paul, 2018b:97). Cole (2020) and Paul (2018b) discuss the variated forms of spectral-human-land relations where spectral forces and human forces come together to negotiate how land can be used, what animals that can be hunted, where crops may be grown and where the spectral beings need land, forest and water to be preserved for their survival and movement.

Further, practices such as specific offerings and taboos, vary between the kaw (KESAN, 2019, June 9; Paul, 2018a). What is common is the ritual offerings to the spirits that ensure the general well-being of the kaw (Paul, 2018a). Generally, the human-spectral relation function as a social institution developing community practices, regulations and taboos (Paul, 2018a), and regulates individual and interpersonal actions, preventing unwanted social and ecological behavior (Lubanski, 2019; Paul, 2018a). Crossing these regulations and taboos can give bad omens to the people and land, creating what they define as hot land, or land that has a contention, hot land are at risk for disasters, either for the people or the land itself (Paul, 2018b:68-69). Some land has identifiable spectral owners known as *hsoo*, while other areas, often forests, lakes and rivers, have vaguer and intangible spectral beings (Cole, 2020). More than being a coexistence of the human and spectral, "people not only share the land and water with a whole host of ghosts, territorial spirits, ancestors and other unseen beings but also constantly negotiate with them to borrow it for cultivation" (Cole, 2020:85). Land is borrowed for rotational use and goes back to the spectral owners, or the forest after it has been cultivated, and at a later point will be inscribed in cultivation again. Cole (2020) emphasizes that the materiality of what is being grown, rice, areca palms or less permanent inscriptions on the land, stretches the ideas of borrowing as the inscription to land

becomes more permanent and the timespan activity of human use is prolonged. However, the spectral world is ultimately the owner, and the inhabitants thus borrow these areas for a specific time span. The idea of borrowing materializes a sense of temporality with the land where humans are entitled to use it in a form of agreement with the spiritual world.

The spectral forces are also used more actively to interfere in unwanted behavior in these areas. Cole (2020:100) reflect on how villagers have used the spectral world to interfere with the KNU's plans of infrastructure development that was crossing through agricultural land and an ancestral mountain "that is ritually and politically central to day-to-day life". The villagers called on the spirits for support, which eventually led to an accident and ultimately stopped the road construction. This intervention does not only reflect the relation between the humans and the spectral world, but captures the political specter of these institutions where the spirits can be mobilized, and interfere when taboos and regulations are breached. The kaw-system as a social institution thus reflects governance mechanisms that regulate human-nature interaction, which broadens the perspective of land governance and the meaning of land in Kawthoolei. The spectral world is not only a belief system or a worldview, but deeply integrated in the political governance and guides the day-to-day management of land, adding new layers to what social relations constitute these lands. Ultimately, these spectral forces or more-than-human-beings are involved in politics and governance through their relations *with* the inhabitants of these areas.

Communal authority

As Paul (2018b:99 *emphasis* added) notes, "[t]he spiritual-*ceremonial* regime is the most important organizer and driver of environmental governance and conservation in a Karen Kaw". The ceremonial implies the important role of the human dimension of the governance structures. Communal authority is essential in the kaw-system in two ways, for the first part this level of authority mediates between the KNU and the communities, or outsiders and the communities, second, it mediates between the spectral world and the communities and their land. The kaw is governed and regulated through different institutions and persons with different roles based on seniority, knowledge, ancestral relations, skills, consensus or other characteristics (Lubanski, 2019; Paul, 2018a). Most prominent are the male kaw ceremonial leaders, known as *Htee Hko, Kaw Hko* and *Kaw Hka*. Their authority is prescribed through their ancestral knowledge and by embodying the social institutions of the kaw. They have no direct authority to make decisions over the community or the land, but exercise their power through managing the relations with the spiritual

world, and passing on knowledge and embodied laws of the kaw (Lubanski, 2019; Paul, 2018a; Paul, 2018b:87). Their traditional and spiritual governance obligations are to coordinating ceremonial rituals and agricultural activities, and keeping a dialogue with the KNU (Jolliffe, 2016:80).

The kaw institutions do no control villagers access and use of land, they coordinate the relations between the spirits and the community, and thus the land and the community (Paul, 2018a), functioning more as a mediator between the spiritual, human and ecological domains. Ultimately, the kaw administration exercises authority through managing the social and spiritual relations (Paul, 2018b). Not only does this fall into the lines of how authority was exercised in pre-colonial times, where authority was over relations rather than land (described in chapter 4), but it brings new light to the ideas of social and political relations in Kawthoolei. On one side, it grounds the relations of land to the communities and their ideas of belonging in ancestral institutions. On the other, it exceeds the basic assumptions of the spheres of politics and land governance, as it reflects both a localized, grounded governance system, and the relational governance between the spectral and the human. The spiritual domain is not only essential to social life; it directly connects to land governance and politics. Ceremonial and spiritual protocols govern life in the Kaw (Paul, 2018a), molding people's relations to the natural environment and constitute human-nature interaction (Paul, 2018b:68). The more-than-human-beings constitute a spectral world with significant influence on the relations between the people and their land, historically and contemporary.

Kaw as a local land regime in Mutraw District

The relational governance mechanisms are embedded in the relational ontological foundation of the kaw (Paul, 2018b). Human governance entities become mediating platforms where the relations between the spectral world, the environmental landscape, and the human inhabitants are governed. This resonates well with Loong et al. (Forthcoming) analysis of the kaw as the central governance structure that regulates spiritual, social and political life in Mutraw District, reflecting how land, as a social construct, is imbedded in different processes that constitute the social world, building on other ontological framings (Howitt, 2001). The kaw, as a territory or given area, is an assemblage of different types of land, with different social, spiritual and ecological purposes, and values, into one unit; it is the multiplicity of the social, spiritual and ecological relations constituting the land (Howitt, 2001). As a social institution, the kaw is based on informal, multi-dimensional governance structures tied to a world outside of the common understandings of

political authority and land regimes. The assemblage of the kaw, under a relational ontological framing, is inscribed in a process of giving meaning to land that is embedded in other aspects of social time (Lund, 2013), and other relational aspects. Land contention is thus part of both the ontological or discursive level of governance and the structures and mechanisms that exist to govern it (Van Leeuwen & Van Der Haar, 2016).

More than being indigenous systems, in a strict sense of the word, these systems are social institutions that structure and govern land; they are thus similar to what is defined in this thesis as a land regime (Boone, 2013). Spectral entities, as part of the foundation of these lands and the direct governance, politics and authority, are essential to the historical and contemporary understanding of these areas, although their preservation varies. Building on how KESAN and KNU Mutraw District (2016:n.p.) describes the kaw as both "a physical area and a social institution for sustainable land governance", the kaw can be seen as a land regime as it is both the structures constituting the relations defining what land is and the arena where land politics plays out (Boone, 2013). Moreover, it is a land regime that draws on indigenous knowledge and practices for land use that defines a knowledge-system (Howitt, 2001), used for governance, conservation, protection of wildlife and conflict resolution, and defining social taboos (KESAN & KNU Mutraw District, 2016).

Protection of the kaw is for ecological, cultural and spiritual value, reflecting immaterial values of land, values that reach beyond the monetary structures (Howitt, 2001), and feed into ideas of the multiplicity of land (Grossberg, 2013). On this background, I understand kaw as an historically informed, informal land regime (Boone, 2013) built on relational worldviews and beliefs, functioning as both social institutions and political governance. Land here is entangled in both human and other-than-human-being political forces that are central to the land governance mechanisms. Enabling kaw as a land regime opens up for a broader understanding of what constitutes the relationship between people and land within Mutraw District. Land as a mediator between people and the spirits becomes the materialization of the social, spiritual and environmental relations that have been upheld in these areas. What becomes evident is not only how the kaw land regime has been a social institution historically, but also how it recently has been used to reinstate traditional land governance in line with formalized governance by the KNU.

Connecting kaw to the other political scales

Kaw exists in relation to two competing land regimes. Both have had reduced and scattered presence historically in Mutraw District. The Burmese land regime has been most visible through Tatmadaw's brutality, but recently also through infrastructure projects and large-scale development initiatives. In addition to the clear strategies of countering the Burmese discourse and ontology of land, and Burmese nationalization and capitalization of land, the KNUs uneven presence also stands as an important element of the kaw-systems interconnectedness. The KNU formalization of the kaw-system and the legitimation of these ontological and structural land governance institutions has been a part of broader processes of building a coherent, grounded and more democratized KNU land regime.

Nuancing ideas of land as empty

The idea of filling vacant land and contesting the top-down Burmese land regime is clearly present in the KNUs process of formalizing traditional shifting cultivation (Woods and Naimark, 2020). As Thera Paul Sein Twa, director of KESAN, emphasized in an interview:

> "If you say [land] is "vacant" you are so selfish… you are a human being, you see the forest as vacant wasteland, you need to convert it to agriculture or business or something, but what about ecology?" (Ezell, 2019:n.p.).

The formalization of the kaw-system is explicitly set as a measure against the Burmese land regime. A video published after the kaw-seminar by KESAN (2019, June 9:6.30) states that strengthening the kaw-system is a preventive measure to resist land encroachment from outsiders. Further, a statement from Karen Indigenous People (2018) and a Kaw Policy Briefer (Paul, 2018a) put forward the request that Burma, and the international community, recognize these traditional practices. However, it is not only linked to localized land practices in Kawthoolei, as it calls for the abolishment of the Burmese states' land laws and demands that they decentralize land governance through a federal democracy, clearly linking it to the broader political objectives of the KNU.

The statement from Karen Indigenous People (2018) explicitly says that Burma has deprived them of their rights to peace and self-determination, their way of life, and their ability to sustain themselves, both materially, culturally and spiritually. The demand for withdrawal from the *ancestral* domain, as noted in the Kaw Policy Briefer (Paul, 2018a:n.p *emphasis* added) clearly

denotes historical, deep-rooted sentiments of belonging. The Karen Indigenous People (2018) emphasizes that the kaw-system has been under threat due to decades of offensives from the Tatmadaw, land grabs for economic development, large-scale infrastructure and top-down conservation. The Kaw Policy Briefer (Paul, 2018a:n.p) connects this directly to the Karen homeland and contention by stating, "Karen people wish to govern their own affairs and their own land, Kawthoolei. Denial of these aspirations has fueled decades of civil war." This frame the contention of the Karen movement directly to the ideas of being deprived of the rights to govern their own land and being marginalized by the Burmese state. Reflecting not only the multiplicity of land and contention, but also the interconnection between contentions and broader political struggles of belonging, rights and identity, rather than the specific land in itself (Van Leeuwen & Van Der Haar, 2016:102).

The complexity of local land governance in the kaw land regime reflect that these lands are not empty in any sense of the word, nor are they without authority or value, they just lack inscription in state-space or economic productivity and monetary value. The idea of land being empty or without authority is linked to colonial ideas of property and ownership where land must be inscribed in the nation-state and be productive, in an economic sense, for it to be valued (discussed in chapter 5). Defining Mutraw as empty is not only challenges KNU authority, it becomes a challenge to other ways of being in the world, other ways of relating to land, and other understandings of what land is (Howitt, 2001). Within the frames of colonialization, these areas in Mutraw District are some of the last to be inscribed in a state-centric and colonial idea of land, producing neither economic revenue nor political authority for the state. Although the Burmese state seeks to inscribe them in a state-centric and monetary land regime, these lands have yet to be constructed through those structures and mechanisms. These areas are outside physical state-control (Peluso & Lund, 2011), and outside the discursively and ontologically framings of land (Howitt, 2001) that has been the foundation of the Burmese land regime. Although the Burmese state has made substantial efforts to determine what social relations should constitute these lands (Murdoch, 2006), namely the relations of the Union of Myanmar and international capital, these efforts have not succeeded. The kaw land regime stands as an opposition, and the opposite, to the Burmese land regime. A land contention that is not over specific land and its resources (Le Billon, 2007), but tied to deep-rooted sentiments inscribed in the ontological or discursive framing(s) of land. Both land regimes are evidently inscribed with identity markers, ethnic, cultural or spiritual,

which is essential for the understanding of these lands as a contentious political domain. Furthermore, when going into the interconnection with the KNU land regime, a more nuanced picture of the kaw land regime and its political dimensions unfolds.

Relational politics and relational authority

While the kaw-system in many ways stand as an opposition to the Burmese land regime and the Burmese state, it also has political dimensions essential to understanding this political field, specifically linked to the ideas of CSO-KNU-Communities relations. These relations have become increasingly prominent the last few years, resulting in new and interesting dynamics between the kaw land regime and the KNU land regime and the Karen movement. Moreover, connects different ideas of social time (Lund, 2013), drawing on indigenous, holistic views of land and traditional knowledge system (Howitt, 2001). The CSOs particularly, have played a key role in the restructuring of social relations and the reframing of land.

Relational power of the CSOs

The strong CSO-KNU relations have been particularly evident in Mutraw District and have enabled civil society to broacher on issues they know are important to local communities that have been excluded or downplayed in the peace process (Loong et al., Forthcoming). Loong (Forthcoming) emphasizes how the CSOs are constituting their political power through cooperation, listening and interacting with the communities and then mediating what they know to the KNU. Extensive advocacy work from the CSOs towards the KNU, over many years, has been essential to opening up a space for political conversations and negotiations, enabling dialogue between different perspectives and experiences. While CSOs in other areas have been negotiating between the two state-actors land regimes (fieldwork, 2018; conversation, 15.01.2021), CSOs in Mutraw have been negotiating and mediating between the kaw-system and the KNU land regime, and the Karen communities and the KNU leaders (fieldwork, 2018;2020-2021). The most profound results of this work are reflected in the KNU Land Policy (2015) however, the formalization of the kaw as a land regime entails more than formalizing its structures and legitimizing its existence (fieldwork, 2020-2021).

Connecting the Kaw to the KNU land regime

Land has functioned as a platform, or forum, for dialogue and mediation between the CSOs, the communities and the KNU. One specific event that resonates with this was the 2017 kaw-seminar, where different stakeholders came together to discuss the historical institution and management regime the kaw represents (Karen Indigenous People, 2018).

Land as a platform, has led to a collaborative effort between the KAD and KDF, CSOs and the communities to demarcate kaw-territory. Lubanski (2019) discusses the issues of translating local practices to a formal political governance level; emphasizing the importance of mediating relations, through the Central Land Committee (CLC) and Karen CSOs. In processes such as the kaw-formalization, the CSOs have functioned as a translator between the Karen communities' relations to land, and the KNUs framing and governing of land (field notes, 08.-13.12.2020). The translation and mediation have been efficient, and when the Kaw Policy Briefer (Lubanski, 2019:n.p.) was published, five Kawthoolei districts had more than 6.070 square kilometers of land recognized as kaw-systems, half of these were in Mutraw District.

CLC has been essential for aligning the KNU land regime with the kaw-system, and training community-staff to record and document localized land institutions. In March 2017, the CLC held a meeting to set the formal processes of how kaw-systems should become recognized (Lubanski, 2019). The processes begin with demarcating the respective kaw and documenting its practices, the kaw-community then applies for endorsement from the village tract, before the application is reviewed at the township and district level, getting the final approval with the CLC (Lubanski, 2019:n.p.). Further, the CLC piloted three cases, one in Mutraw District, which ended with endorsement by the CLC, the streamlining of these processes and deciding to prioritize areas with strong kaw-systems, areas such as Mutraw District (Lubanski, 2019). Several references are made to broader political struggles. In the video published by KESAN after the first kaw-seminar Padoh Saw Kwe Htoo Win, Vice President of the KNU, states:

> Now we are negotiating to build a federal union. The word federal means sharing power with local communities to govern themselves. Therefor we demands equality and self-determination. Equality means that our culture, traditions, and history must be recognized. Now we are negotiating through the peace process for the government to recognize ethnic state's rights to govern and manage their own territory, such as kaw, a kaw which govern themselves in a way that benefits the communities and fit the local situation. (2019, June 9:5.30)

In this statement, federalism is directly linked to the communities' right to self-determination, and their historical claims of belonging and using land. These claims are recognized in the KNU Land Policy (2015) where land use, formal or informal, through practiced norms and values, is formalized under the KNU land regime. Emphasizing that the social legitimacy is not determined by formality or written testimonies, the KNU not only recognizes a pluralized land governance system, but are also shifting their land regime to introduce mechanisms for legitimizing ancestral, cultural and spiritual claims, opening up for other forms of ownership than private, individual ownership. Not only does the KNU Land Policy (2015) *recognize* a variety of tenure rights, it also obliges to restitute and support these land management systems.

Temporal boundaries of the kaw land regime

A central dimension of the kaw-system is the idea of maintaining cultural traditions that tie current generations to their ancestors (Paul, 2018a). In the past when families established a new village they made a pact with the spiritual owners of the land prescribing ceremonial obligations as an exchange for a permit to inhabit and use the land (Paul, 2018a), forming a *contract* between the founding spirits of the land and the current land users (Paul, 2018b:91). These temporal aspects of land construction (Lund, 2013) gives new dimensions to the idea of land within Kawthoolei generally, and Mutraw more specifically. As Padoh Saw Kwe Htoo Win, Vice President, KNU states (KESAN, 2019, June 9:1:18) "[e]ven before the Karen revolution begun, the kaw and its governance system existed". These sentiments, in relation to the KNU land regime, ground the claims to land and belonging through the ancestral domain, and are then buying into temporal aspects that reach further back in time than the organization of the Karen movement. The spectral-land-humanl dynamics, with the ancestral domain, thus connect notions of belonging to territory, within the kaw land regime, in conversation with the KNU land regime. The KNU land regime thus builds on the temporal relations of land that is denoted in the kaw-system and recognizes these temporal boundaries. These are explicitly referred to in the KNU Land Policy (2015:28, *emphasis* added):

> "[T]he KAD shall work with people and village communities to clarify and demarcate, when appropriate and applicable, the spatial and *temporal* boundaries of communal land held by village communities in Kawthoolei"

Tying together these different land regimes social time (Lund, 2013) restructures the temporal boundaries of the territory as a Karen land and thus contributes to discursively frame land claims

in line with the historical claims of the communities inhabiting these areas. This changes the discourse of the KNU land regime, and the claim to territory, by rooting ideas of belonging to the communities inhabiting these areas instead of the Karen movement in itself.

Human-nature relations and traditional knowledge systems

Recognizing both the multiple values of land and the variety of ways to relate to land and knowing of land, the KNU Land Policy (2015) discursively captures the multiplicity of land relations that coexists in the Karen population. The re-working of the kaw land regime clearly links it to the KNU land regime, where this practice and knowledge is recognized, prioritized and promoted not only as legitimate, but as regimes that have contributed to maintaining ecological farming, food production and livelihoods that promote "social and ecological welfare of all" (KNU, 2015:7).

The KNU Land Policy (2015:4) refers to the integration of a holistic view of land by explicitly referring to both the social and environmental functions and worlds land is entangled in. Bringing in the culturally contextual knowledge system of the kaw, legitimizes it as a coherent system of seeing, understanding, and relating to the world (Howitt, 2001). Through the KNU land regime, the kaw as a knowledge-system, is being absorbed and streamlined by aligning the different ideological and discursive claims of territorial control. While previously, the KNU has dominated the knowledge-power relations (Howitt, 2001) of land and land control in Kawthoolei, it seems that since 2005 these relations are changing to account for other knowledge-power systems, ways of knowing and social worlds. As this contributes to grounding the idea of self-determination and roots these claims from other understandings and social worlds, I argue that the restructuring of land in Kawthoolei has not only been about the physical understanding of land and belonging, but also about giving authority to the knowledge-power relations that exist within the different localities of Kawthoolei.

As Boone (2013) discusses, the connection between different land regimes is key to understanding conflict over land. KNU's restructuring of political scales and connections with local tenure regimes somewhat counters the contentious aspects of these land regimes by ensuring a legitimization of what exists on the ground. As Van Leeuwen & Van Der Haar (2016), emphasizes, multiple claims of legitimacy can coexist, either in harmony or in contention. What becomes evident is that in Mutraw, and Kawthoolei, land regimes exist in contention and harmony at the same time, but at different political levels. The Burmese land regime, and at times also the KNU

land regime, has existed in contention with the kaw land regime. This reflects in the KNU's strategy to legitimize and pluralize and the Burmese state's continuous efforts to dominate and centralize, in punctuate the different strategies to obtain control, at both levels of the land regime. KNU's new discursive changes is evidently based on the idea of aligning and harmonizing the varieties of land governance that exists within Kawthoolei. The relational political dynamics between CSOs, KNU and the communities have thus since 2005 contributed greatly to the discursive and structural production of land in Kawthoolei, particularly Mutraw District, as a new harmonized pluralization of land and governance.

Summary

In sum, land has been a contentious political space at multiple levels within Burma's borders, from the intersection of competing state-actors, down to the localized level of traditional land regimes. Land in Burma, and Kawthoolei specifically, has been entangled in processes of identity and belonging, conflict and peace, political authority and spiritual control, tying together the spiritual world with tangible processes of human political authority. Despite varied physical and discursive presence of state-actors, land has been governed in these parts of Mutraw. Not only does this reflect a plurality in the way land has been governed in Kawthoolei, it also inclines that land has been inscribed with a variety of social relations that contribute to defining what it is, its value, and giving it meaning. Land has been governed through a multiplicity of arrangements, structures and mechanisms over its history, despite the efforts by two state-regimes to seize control over these areas. Mutraw District, on the outskirts of state authority, has been preserved as a Karen stronghold in many aspects of the word, where intact environment and animist institutions are one of the characteristics imbedded in these strengths in terms of land. Kaw very much represents those strengths and ties together the political strength and autonomy of the KNU Mutraw District and the CSOs in this area. The foundation of that governance system stands outside what we typically consider land politics, but is essential to understanding the dimensions of land and conflict in these areas. Emphasizing how land without state-presence is not land without authority, I have underlined the importance of looking at local processes of inscribing land with meaning, constructing land through social processes and defining the idea of what land actually *is*. Kaw has been formalized and inscribed in the KNU land regime, both through the KNU Land Policy (2015) and other platforms, which has aligned previously unconnected land regimes, in sum showing a discursive change of the land regime in Kawthoolei. Aligning the different worldviews and

discursive understandings of land have made it possible to connect these land governance structures and relations under the KNU land regime. The discussion of land in Kawthoolei has often focused on intra-state conflict, rebellion, resource issues and revenue sharing. I have previously demonstrated that the contentions rest on more deep-rooted grievances exceeding the idea of resource wars, as they are contentions over the legitimacy and authority to control territory. However, settling on the idea of land contentions as contentions between state-actors over political authority to control land, leaves out essential characteristics of the specific contention and central dynamics of the land that have been inscribed in contentious relations. As discussed here, land conflict exists within both layers of a land regime, the ontological and the structural.

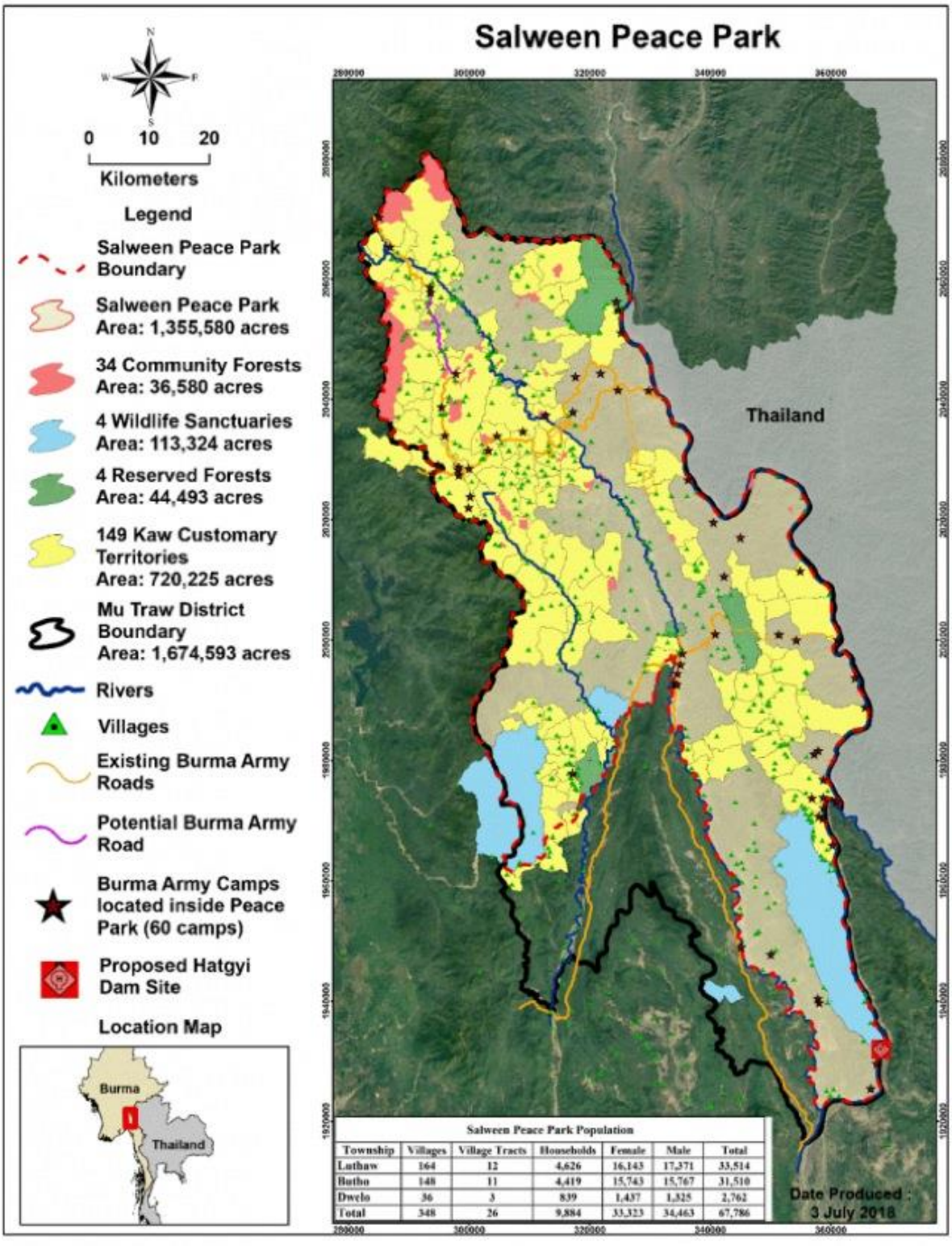

Figure 4: Map of the Salween Peace Park. KESAN in Paul (2018b:106)

CHAPTER 7 The politics of the Salween Peace Park

The Salween Peace Park (SPP) in many ways materialize and contemplate the multiplicity of land regimes that surrounds and inscribes its lands, the Burmese land regime, the KNU land regime and the Kaw land regime. This chapter discuss the newly initiated conservation initiative known as the SPP by exploring how it *reflect the dynamics of land contention and politics in both Burma and Kawthoolei.* The objective is not to define what the peace park *is*, but rather understand what the park *does*, what it is a product of, and how it can exist within these complex and sometimes contentious, constructions of land. First, by laying out the development, establishment, and governance mechanisms of the SPP, the chapter introduces the multiplicity of land regimes related to the SPP. Subsequently, the chapter proceeds to discuss the initiative as a reaction to the ontological and structural layers of the Burmese land regime, focusing on legal mechanisms, development and conservation. Furthermore, discussing how the SPP rejects Burmese state authority, I nuance its political dynamics as a bold move against the Burmese state. The lack of political solution to both conflict and federalism shifts the discussion over to the KNU and the Karen movement. Here, the chapter focus on the SPP as a political project for peace and federalism in light of the imagined future of Kawthoolei. Going back to the materialization of new land relations and political platforms, discussed in chapter 6, I then address the SPP as a potential new turn in the Karen movement. Delving into this the chapter looks at the SPP through multi-level governance, grounding development, peace and federalism, and mediation of political ontologies and knowledge-systems before reconnecting with the future of Kawthoolei. Ultimately seeing this as a discursive change in the Karen land regime, I subsequently address the SPPs discursive impacts and the potential threats to its existence before summarizing the discussions.

The development, establishment and governance of the SPP

The SPP is a large-scale, locally governed, conservation initiative in Mutraw District in Kawthoolei, or Northern Karen state, Burma. It is 5,485 square kilometers, includes 26 village-tracts and 76,000 people, in total encompassing 80 percent of the land and 70 percent of the people in Mutraw District. Founded on the pillars of peacebuilding, environmental conservation, and preservation of the Karen culture (KESAN & KNU Mutraw District, 2016), the SPP aims to serve as a grounded alternative for development, conservation and peace, founded on the rights of the Karen people. These objectives reflect the context the SPP is imbedded in.

Moreover, it drives the ambition of being "[a] vision for an indigenous Karen landscape for human-nature harmony" where "all things [share] peace" (Salween Peace Park, 2016). The SPP was officially launched December 8, 2018 when the SPP Charter was adopted stating that:

> We, the indigenous people of Mutraw, Recognize our roots that transcend national boundaries; Respecting the natural world, which has sustained our people for generations; Honoring the memory of those who have struggled against all forms of injustice against the people and the Earth; In order to create and sustain lasting peace in our lands, protect and maintain the environmental integrity of the Salween River basin, preserve our unique cultural heritage, and further the self-determination of our people; Do enact and establish: The Charter of the Salween Peace Park. (2018:6)

This is the result of years of close collaboration between local communities, CSOs and leaders in KNU Mutraw District. The latter being involved from the initiation throughout the development and establishing of the SPP (Dunant, 2019). Between 2016-2017, a total of 37 meetings and two referendums were held (KESAN, 2019, April 2; SPP, 2017, January 9) aiming to discuss the most pressing socio-cultural and ecological effects of decades of conflict, and design suitable mechanisms to counter these effects (Loong, 2019), laying the groundwork for the SPP Charter (2018). Following its establishment, elections were held at each of the 26 village tracts to select two community-representatives, one male and one female, serving as representatives in the General Assembly and functioning as a mediator between the SPP and the village tract committees (KESAN, 2019, April 2). The General Assembly (GA) is the highest organ of the SPP, consisting of 106 members, 52 community-representatives, 12 CSO-representatives[24] and 42 Mutraw KNU representatives (KESAN, 2019, April 2). The GA elects an 11-member Governing Committee (GC), with five community-representatives, two CSO-representatives, and four Mutraw KNU representatives (SPP Charter, 2018:10). The GC has the mandate to act as the representative body of the SPP coordinating efforts among communities, CSOs and Mutraw KNU to achieve the long-term objectives of the SPP (SPP Charter, 2018:24). The first GA was held April 3-5, 2019 and elected the first GC, established a legal framework, a working-plan and nine working groups with focus on strengthening self-determination and land governance, economy and development, resolving disputes, and preserving and revitalizing Karen culture (KESAN, 2019, April 8). Following the 2019-GA, the SPP made its first statement (KESAN, 2019, April 8) announcing that,

[24] Karen Office of Relief and Development (KORD), Committee for Internally Displaced Karen People (CIDKP), Karen Youth Organization (KYO), KESAN, KHRG, Karen Women Organization (KWO).

"a key step has been taken towards achieving a stable life and meaningful peace for the [SPP] communities." Central to this is the increased presence of the Tatmadaw and the GoM, the KNU land formalization process and the Mutraw District as a Karen cultural stronghold (SPP Charter, 2018). The specific geographical, political and contentious context of the SPP is clearly inscribed in the foundation of the initiative as one built on the kaw land regime in connection to the KNU land regime, and thus stands as a political reaction of the Burmese land regime; existing in the intersection of competing land regimes (Boone, 2013:199).

The SPP as a reaction to the Burmese land regime

The SPP is a grand political statement confronting both the structural and ontological layers of a Burmese land regime. A land regime focused on a liberalized economy and marketization of land and natural resources, without promoting substantial political dialogue to solve deep-rooted sentiments and grievances reflected in the seven decades long conflict and political struggle for self-determination and marginalization. Connections can be made to the perspectives on counter-territorialization from the KNU, however, to define and understand the politics of the SPP as a territorialization project within those frames fails to take account of other essential political dynamics.

The current Burmese land regime, defines 41 percent of Karen state under the Vacant Fallow and Virgin land law (Dunant, 2019; seminar 06.01.2021), including the entire Mutraw District and the SPP. Subsequently, the land here is, on paper, inscribed in the Burmese land regime, produced as Burmese state space and legible for appropriation for the development of Burma. Registering land under the VFV-law requires land users to apply for a Land Use Certificate (LUC), which, if granted, will provide a 30 years land use permit (fieldwork, 2020-2021). As discussed in the context of Tanintharyi region, the LUC enrolls individuals and communities in land marketization and capitalization, and enrolls them in production of state-space under the Burmese land regime. Moreover, by enhancing individual and private land use, and restricts the amount of land that can be rented by each individual it by definition illegalize restricts traditional land use practices, ultimately leading to the erosion of the kaw land regime and the ku practices. In light of this, the SPP fills land claimed to be empty by the Burmese state and inscribe it in the KNU land regime to prevent land appropriation and displacement of Karen communities. One can claim that this is a move to secure KNU-territory, but as with the kaw-formalization, this is a more dynamic move

against the Burmese land regime, more than what can be explained as securing KNU territory (fieldwork, 2020-2021).

This is also evident in the most tangible development threat to the SPP, the planned Hatgyi dam on the Salween River, bordering Hpa-An and Mutraw Districts (Hso Moo, 2017) (see *Figure 3*). The Salween River is one of the last free-flowing rivers in South-East Asia (Deetes, 2020) going from China, through Shan, Karenni and Karen states, comprise 120 km of the Thai border, before entering the Gulf of Martaban (Hein Ko Soe, 2016). The dam does not only compromise fisheries and wildlife in this biodiversity rich region (World Wildlife Fund, 2020, September), it also disrupts the river as an important transportation and trade route, and a source of food for local communities (KESAN, 2020, May 31). The damming of the Salween River has been controversial and mobilized large-scale resistance (KESAN, 2015, March 18), leading to military violence between the Tatmadaw and KNLA forcing thousands to flee in 2014-2015 (Suhardiman et al., 2017:350). Not only does this reflect the interconnectedness between military violence and GoM development initiatives, it also broadens the understanding of the political dynamics of the SPP. Damming of the Salween River is a threat to local communities livelihoods, culture and survival, not only to KNU territory. This reflects a more nuanced and complex political ambition, one that goes beyond the mere idea of constituting KNU territory and seek land control.

In light of the increase in militarized and non-militarized efforts to obtain spatial control in Kawthoolei, the SPP stands as a united front against the Burmese land regime. As recent events bears witness to, peace never reached ground or the communities in Mutraw District. In total the Tatmadaw has 82 military camps in Mutraw District, 60 inside the SPP-territory (Dunant, 2019) (See *Figure 4*). Peace is therefore a visionary ambition rather than a reflection of reality, which is directly stated in a pamphlet (Salween Peace Park, 2016) asking if " (…) battlefields [can] be turned into an indigenous-run sanctuary for endangered species" (KESAN & KNU Mutraw District, 2016). Demilitarization of the territory, removing troops and landmines, is an outspoken aim for the SPP, however, emphasizing that this must happen when it is strategically acceptable for the legitimate authority, the Mutraw District KNU (SPP Charter, 2018:24). The SPP answers to the general lack of political solution to peace and federalism, not only as a KNU space claim, but also as a grounded pushback of the Burmese land regime from broader aspects of the Karen movement. It is a pushback, rooted in a dynamic and complex landscape of the Karen movement, which is

exemplified by the Mutraw KNU strong engagement and commitments in the SPP. The establishment of the SPP is a "[rejection of] the Burmese military state's politics of assimilation and refuses to accept the hegemonic authority of the state to dictate the terms of recognition and inclusion" (Paul, 2018b:139).

The SPP is part of broader struggles against the multi-dimensional processes of the Burmese land regime (Peluso & Lund, 2011) seeking to Burmanize ethnic areas, processes that has included violent militarization, international capitalization and marketization, and conservation. The sentiments and grievances in the SPP are tied to longstanding struggles of the local communities stating that, "for decades our culture and Kawthoolei homeland have been under assault [by the Burmese state]" (KESAN, 2020, May 31). Furthermore, although the SPP explicitly confronts the Burmese land regime, the contention and sentiments reach further back in time than the contemporary Burmese land regime. Many areas inside the SPP has remained outside direct control of any outside regime since before colonialization (Loong et al., Forthcoming), and the sentiments of resistance is subsequently rooted in a time before colonial times (KESAN, 2020, May 31).

The grounded vision for peace and federal democracy (SPP Charter, 2018) is not only a pushback toward the GoM and Tatmadaw for the lack of political solutions and demilitarization, but reflects the *general* frustration and impatience with the lack of political solutions to the long-run conflict, and minimal efforts to build a federal democracy. The frustration and impatience comes from elements of the Karen movement, including local communities, prominent CSOs, and elements of the KNU who are reluctant to interact with the Bamar-dominated union state (Paul, 2018b; Cole, 2020). Although a press release (SPP, 2017, January 9) states that the park, "[o]nce formally established, (…) will engage the Myanmar national government" to discuss the protection of these areas, the initiative does not seek recognition from the GoM (fieldwork, 2020-2021; Paul, 2018b:139), nor has the GoM made any statements regarding the SPP. One conversation (10.01.2021) emphasized that even after the SPP won the Equator Prize, a Myanmar government official declined to answer questions about it.

Nevertheless, these efforts are not only aimed at the Tatmadaw or the GoM, "no construction, regardless of whatever entity or actor initiates it", should be initiated without the agreement of the communities (SPP Charter, 2018:32). That means that the SPP is in opposition to the Burmese land regime, and all initiatives and actors that threatens the land and communities within its boundaries. Moreover, it is a complex vision from the Karen movement, and the critics of the NCA, to establish an understanding of land that protects the livelihoods and cultures of the inhabitants. This does not dismiss the notions of the SPP as a project countering GoM and Tatmadaw spatial control, but argue that the SPP is a much more nuanced project that in *addition* to counter the Burmese state, also becomes a structure to secure the social relations of land and hinder capitalization of land, lives and livelihoods in Mutraw. Looking beyond the mere idea of state territorialization and land control, this pushback reflects deeper sentiments tied to decades of colonialization of traditional land and other social worlds (Peluso & Lund, 2011; Howitt, 2001). The Burmese land regime does not only compromise KNU authority, but also environmental heritage and cultural heritage in Kawthoolei, as it relies on processes that "(…) requires colonialization of indigenous land" (Salween Peace Park, 2016). Establishing the SPP denotes the deep-rooted sentiments of the Karen movement. As the chairperson of the SPP, Padoh D Gay Junior stated, "[the SPP] is the only way that other will respect us as Karen" (Dunant, 2019). Combined these statements demonstrate how the SPP is founded on long-standing grievances of a marginalized ethnic minority seeking to secure a homeland. Furthermore, this shifts the discussion away from seeing the SPP as a KNU initiative to cement their spatial control to understanding the initiative in relation to other political dynamics than the one between two state-actors. More than just reacting to the Burmese state, the SPP is a political reaction to the processes and actors that over decades have eroded Kawthoolei, not only physically, but also culturally, ecologically, politically and spiritually, in total eroding communities' ability to sustain certain ontological foundations of life and social worlds.

A new path for the future of Kawthoolei

The general lack of political solutions to decades of conflict and absence of a federal democracy, combined with the proceeding developments in Burma, reflects well the foundation of the SPP as a project for peace, democracy and development in Kawthoolei. The clear frustration with the elitist peace process and lack of political commitment (fieldwork, 2018; 2020-2021) is demonstrated in the SPP material and conversations (04.12.2020; 18.12.2020; 10.01.2021), as stated by KESAN (2020, May 31 *emphasis* added) "the Salween Peace Park [is] federal democracy in *action*".

The idea of building federal democracy and peace (SPP Charter, 2018), are particularly evident through the democratization of land relations, and reflects the SPP as a political project to secure a true Karen homeland, grounded in the communities and not driven by elite-politics. A SPP pamphlet (KESAN, 2020, May 31) states that the Burmese state does not deliver on promises of federal democracy, leaving the communities, CSOs and parts of the KNU frustrated and impatient. In the extension of that, the SPP is a central move where the KNU can build grounded structures for a federal democracy and experience how these mechanisms can work in practice; it is a way where the KNU can see a future for Kawthoolei, both in terms of peace and federalism (conversations, 18.12.2020; 10.01.2021).

In many ways, the SPP provides an alternative to the top-down, elitist and evidently failing peace process (conversations; 03.12.2020; 18.12.2020; observations). In an interview regarding the SPP General Baw Kyaw Heh, an outspoken critic of the NCA said that "[t]he current peace process is not a real peace process" (Dunant, 2019:n.p.), clearly in opposition to the path taken by the Central KNU and frustrated with the absence of substantial political dialogue. The frustration with the peace process is also present in the Karen communities as Saw John Bright (2020:14) emphasize, reflecting on the peace process and the lack of land security, "[t]he Karen indigenous communities are no longer waiting". For the "politics first" faction of the KNU, who felt trapped in a peace process they did not opt for, the SPP is an opportunity to understand how peace can be built in a grounded way (conversation, 10.01.2021). Furthermore, the SPP gives the KNU something concrete to bring to the table in a potential future peace process, as they will have concrete measures and results of their efforts to build peace in Mutraw District (conversations, 18.12.2020; 10.01.2021). As Paul (2018b:101) states, the SPP is the most ambitious expression of the future in Kawthoolei, punctuating how there are important political dynamics of the SPP, in addition to answering internal concerns and dissatisfaction with NCA and the political leadership of the KNU.

On issues of conservation a pamphlet (KESAN & KNU Mutraw District, 2016:n.p.) states that the SPP is "[a] living vision, not just a national park", clearly confronting previous conservation initiatives in other parts of Kawthoolei, and underlines the SPP as a conservation project that is alive and evolving, not fenced in and static. Although the initiative present harsh criticism of previous development and conservation initiatives, it is clear that these areas cannot be protected from outside forces. Therefore, a paramount concern for the KNU is to prepare for what might come when peace and self-determination is reached (conversations, 04.12.2020; 12.12.2020; 18.12.2020; 10.01.2021). The SPP Charter (2018) explicitly states that it presents an alternative to top-down development and conservation, by grounding ideas of self-determination and participation. Further, it elaborates how the SPP does not oppose development, however, it states that all aspects of governance and development should be decided, developed and implemented through reaching consensus within the communities, and insuring that no communities, individuals or aspects of their lives are compromised. Small-scale development initiatives are encouraged, as long as they do not create conflict and threaten the reescalation of war (KESAN, 2020, May 31). As Thera Paul Sein Twa stated in an interview (Hso Moo, 2017) "(…) the people will be the ones to evaluate whether proposed development projects are good or bad for their communities". In terms of the peace process, it connects land governance to the ideas of peace, and contribute to the discussions of natural resource management and power sharing through those ideas (conversation, 18.12.2020; 10.01.2020; observations). A founding idea is that the SPP can guide these processes in line with Karen knowledge and practices, since the governance is in the hands of the communities. (KESAN, 2020, May 31), clearly denoting the previous and current democratization efforts of the KNU (Hong, 2017).

The SPP's potential democratizing effect is highlighted as a clear vision of the initiative (conversations, 12.12.2020; 18.12.2020; 10.01.2021; observations), where the relations between the KNU and the constituents, and the internal relations of the KNU are emphasized as core elements of this democratization. The relations between the different segments of society has suffered under the KNU organizational structures that has been detached from the constituents (fieldwork, 2018), and served as a cradle for distrust in the KNU's political agenda (conversation, 12.12.2020). Low participation in Kawthoolei political forums, feeling left out of central political processes, and a growing controversy over the political agenda of the Central KNU has partly weakened the coherence of the movement (Brenner, 2019). As Jolliffe (2016:5) highlights,

electoral processes in Kawthoolei has suffered from poor public attendance, and have functioned to balance power between the different districts and brigades, rather than engaging with constituents. On this background, SPP can function as a way to democratize KNUs organizational structure, open up the relations between KNU and the public, and set a political agenda that accommodates the needs and visions of their constituents (conversations, 18.12.2020; 10.01.2021; observations). For the KNU the SPP serves as a platform to reconnect with the broader public, establish democratic relations to other parts of society, and build a more democratized governance structure. For the communities of Mutraw District, it has democratizing effects on their relations to the KNU, but also in how the KNU relates to their lands.

Increased interaction between different actors within Kawthoolei has established a new way of understanding politics built on more democratized social relations between the KNU, the CSOs and the communities (fieldwork, 2020-2021). This aligns with Hong's (2017) reflections on how the KNU are strategizing to build a federal democracy, and can thus be seen as continuum and materialization of these efforts, through grounding ideas of self-determination, self-governance and self-administration. By materializing these relations in land, the SPP can stand as a contrast to the previous frustrations of a detached, dismissive and elite driven KNU. The SPP is something tangible, and establish central mechanisms for governance in Mutraw, but also Kawthoolei. Land, as the central arena of these various relations, of contention and disputes, and as the foundation for livelihoods, spectral forces and traditional knowledge, becomes a physical materialization of KNUs democratization processes.

Materializing new political relations

As a collaboration between local communities, KESAN, other CSOs and the KNU Mutraw leaders, the SPP materialize the restructured political relations and political space that grew out of the ceasefires. General Baw Kyaw Heh clearly states this saying that "[w]hen KNU signed the bilateral agreement in 2012, we decided that this might be our chance to begin to implement our dream" (SPP, KESAN & KNU, 2017, January 9:n.p.). This space, in addition to the restructured political relations after the fall of Manerplaw, also paved the way for a unique positioning for the CSOs, KNU and communities in Mutraw District. An alignments that was essential to establish such a comprehensive political project (conversations, 11.12.2020; 18.12.2020; 15.01.2021), laying the political groundwork for the objectives of the SPP.

These alignments are also reflected in how different people emphasize how the SPP was initiated. Some emphasize the role of central leaders in the KNU/KNLA, others the CSOs, and yet others highlight the influence of international actors (fieldwork, 2020-2021). However, most understandings reflect how the KNU was inspired by a national park established by their counterparts in Thailand, which was alarming for the CSOs, as national parks tend to exclude communities for the benefit of conservation. The dialogue between the parts ultimately became the SPP (Paul, 2018b). Although the version of who had the initial idea diverge, it is clear that the cooperation between actors opposing the NCA, in communication with the communities, is driving the process. The involved CSOs are typically within the "politics first" segment of the Karen movement, forming a nexus with Mutraw KNU and others opposing the NCA (conversations, 11.12.2020; 18.12.2020; 10.01.2021), echoing Loong's (Forthcoming) emphasis on how the SPP relies on longstanding cooperation and dialogue between actors opposing the NCA. The strong authority and control of the KNU in Mutraw, is to some a good explanation for why the SPP is possible, and why they have strategized outside the GoM influence (conversations, 12.12.2020; 15.01.2021). The CSOs in Mutraw are not only uniquely positioned to influence politics in Kawthoolei (Jolliffe, 2016:26), they have actively carved out political space to advocate, influence policies and initiate projects (Loong, Forthcoming). This strengthen the argument that the ceasefires was a catalyzer for the realignment of social relations seeking to counter the Burmese land regime in a new way. The land advocacy work that has been carried out by CSOs, in collaboration with central KNU actors, leading to substantial changes in the KNU land regime is thus materialized in the SPP (conversation, 03.12.2020; Paul, 2018b). The strengthened relations between the CSOs and the KNU is combined what has carved out the political space that has enabled the establishment of the SPP, in sum founding a new political platform based on solidarity and cooperation rather than control and domination (Loong, Forthcoming) over the social relations that constitute Kawthoolei.

A different political platform

The SPP is a new space for dialogue between different actors where communities can participate in the planning of peace, federalism and development of Kawthoolei (conversations, 04.12.2020; 10.01.2021). After participating in the 2019 GA, Loong (2019, Forthcoming) describes the forum as a platform for engagement in question regarding peace, self-determination and natural resource management. A space that did not exist before, to share ideas, realities and visions for the future

(conversation, 10.01.2021), but also a place where communities can hold the KNU accountable for their politics and actions (Dunant, 2019). The structures of the GA and GC does not favor the KNU or the CSOs, however, the forum still function in favor of the politically trained officials. The platform provided in the SPP is still new, and multi-stakeholder interaction, political discussions are unfamiliar to the community representatives (Loong, 2019; Forthcoming; KESAN, April 2019:09.10). However, the SPP can function as a platform for political training and raising awareness (conversations, 03.04.2020; 18.12.2020; 10.01.2021; Loong, 2019) serving as a new, tangible and materialized space for interaction, knowledge-sharing and dialogue between stakeholders within the SPP area. The SPP provides a political space outside the arena dominated by elite actors and contested by state-authority (Loong et al., Forthcoming), and can thus be seen as a continuation of the formalization of land and land governance within Kawthoolei. As Loong (Forthcoming) phrases it, the SPP "provides a tentative break from the dominating power relations sedimented through civil war." Presenting a different political arena where stakeholders can come together and discuss the future of Kawthoolei offers something different to a Karen movement that has been struggling with rigid political structures and elite-driven processes of peace and development.

Providing a new turn in the Karen movement

For the imagined future of Kawthoolei, by addressing the lack of political solutions to conflict, materializing new political relations in a new political platform, the SPP offers new dynamics to the Karen movement and Kawthoolei. The SPP is directly connected to the foundation of the Karen movement, and specifically to the actors less encouraged by the ceasefire processes and the general development of politics in Burma. An activist interviewed by Cole (2020:209), emphasize the SPP as a continuum of the Karen movement, stating it "is part of our movement to claim land and control this land as we are Karen". This is further enhanced by KESAN (2020, May 31) who state that the SPP is "our most tangible success from these decades of resistance". Moreover, in a video by KESAN (2019, December 6:5:10) General Saw Mu Heh, Commander of the 5th Brigade, KNLA, states that "[t]aking up the guns is not the only revolutionary way. There are many ways of revolution and the [SPP] is one". These connections to the Karen movement, and revolution, reflects how the SPP offers a different path to peace, democracy and opposition, not by weapons, but through democratization of land and the social relations of land (conversations; observations; Cole, 2020; Loong; 2020). This might, as one participant said, offer a new path for the Karen

movement (conversation, 18.12.2021). The SPP is not merely a reflection of decades of political struggle, (Li, 2014), but provides the Karen movement with an alternative to peace, self-determination and federalism through other means, a path that in many ways exists on the outskirts of the elitist NCA and power politics.

Interconnected land regimes of Kawthoolei

Land regimes, and land relations have been central elements of the establishment of the SPP. The formalization of land practices under the KNU land regime, and the reworking of social relations of land, has been the fundament and the catalyzer for the SPP. The SPP is founded on the relations between the kaw-system and the KNU land regimes. On one side, the spectral-land-human governance in the kaw-system is the bases for the SPP. On the other, the SPP Charter (2018) refers to the political authority and legitimacy of the KNU, and the KNU land regime as the legitimate land titling system, establishing the SPP as a legal entity under KNU. Existing within the realm of the kaw-system and an increasingly democratized KNU land regime, the SPP is constituted on the worldviews and human-land-spectral relations of the kaw, while simultaneously legitimizing the KNU. This discursively consolidates land in the SPP out of the Burmese demarcated Karen state and the label of wasteland, and inscribes it directly into Kawthoolei and the KNU land regime. These lands have been inscribed in the Karen land regime since the beginning of the Karen revolution, but has recently been formalized under this regime, which in turn has added new layers of historical claims and contentions. The Burmese land regime has through a centralized system and an outsider perspective, demarcated and labelled these lands without the participation of the communities inhabiting them. The SPP does not only tie together different land governance mechanisms, it ties together different discursive and ontological land regimes to each other. A continuous process that in close communication with the Karen communities.

Changing the discourse of land

The different actors' relations to land is central to build a federal democracy, establish mechanisms for land governance and plan for the future of Kawthoolei. The centrality of land becomes the core issue of the democratization processes, as it opens for multiple land use practices, answers sentiments of belonging, and the right to live out specific worldviews. The SPP Charter (2018) aligns the health of the land, the health of the people and the health of the culture, summarizing a holistic perspective (Howitt, 2001), founded on land, the people and the spectral inhabitants. Further it states that it is inspired by "(…) the core of the Indigenous Karen way of life, namely a

worldview that sees land, forests, waters, and people, as inseparable" (2018:4). This lays the foundation for governance and ownership of land in the SPP. In sum, it provides a new discourse on land aligned with the ontological foundation of the kaw-system by enabling multi-level land governance, grounding democratization, peace and development and realigning ontologies and knowledge-systems.

Ownership and multi-level governance

Establishing the SPP accelerated the kaw demarcation process, continued the efforts to build mechanisms to secure land and the communities, and KNU territory. As the Charter states, "[t]he land in the [SPP] belongs to the Indigenous Karen people, and the people of the [SPP] shall not be displaced from their ancestral domains" (SPP Charter, 2018:35). The SPP ties belonging to the ancestral roots of the communities residing here and sets the rights of the Karen communities at the center of land inhabitance. By adopting the kaw-system as a political scale, the KNU legitimized both the communal authority and the spectral authority in the kaw-system. In line with the heterogeneity of political structures, size, the taboos and regulations, in the kaw-system each community is responsible for establishing and improving the structures applicable to their kaw (SPP Charter, 2018:36). In areas where the kaw has been eroded, the kaw-community is responsible for developing new mechanisms, reflecting the objective of restoration and revitalization of the kaw-system (SPP Charter, 2018:38).

Governance and implementation of the SPP is the communities' domain (Dunant, 2019), provided by the legitimization of their practices and their worldviews. Drawing on different levels of land governance mechanisms (Boone, 2013, Li, 2014), the SPP seeks to tie together multiple levels of political authority to constitute the project. The way the SPP connects the KNU and kaw land regimes, or the political scales of Kawthoolei and the kaw, legitimize both land regimes and both political scales as significant for Kawthoolei. This is possible due to the reworking of former constructions of land, connecting the experiences and realities of the communities to the formalized KNU land regime. This (re)connects the constituents to the KNU and makes these lands legible under KNU authority. SPP thus becomes part of the formalization of the KNU land regime, and the KNU political project. In addition to legitimatize the existence and authority of the kaw-system, this legitimize the existence of the land relations (Li, 2014) that constitutes the kaw-system and thus enables the SPP to exist and operate as a socially legitimate land governance system under KNU authority. By connecting different levels of political authority and establishing new platforms

for interaction, the SPP contributes to ground and democratize the conceptualization, use and governance of land. Thus, the vision of the SPP is in the realm of the communities, their relations to land and the spectral world, establishing a grounded initiative that seeks to guide processes of development and peace in line with the communities' needs, rather than by an external political authority (fieldwork, 2020-2021). This provides discursive changes to the KNU land regime as these major processes are in the hands of the communities, grounding authority over land and democratizing land control, in ways that has significant effect on how land is constructed. Subsequently, influencing both the political discourse and political ontologies of land.

Realigning ontologies and knowledge systems

The alignment of the KNU and the kaw land regimes also builds on alignment of different ontologies and knowledge systems. Land, belonging, rights and tradition are core issues, all tightly aligned with the kaw-system and now coopted to serve as mechanisms for the SPP. By connection different spheres of political authority, the SPP is grounding ideas of self-determination, self-administration and self-governance through the ideas that are fundamental to the kaw-system. As Paul (2018b:33) highlights, the ontological self-determination is a central vision of the SPP. The mediation of this ontological foundation has been through CSOs that has embodied the worldviews and the realities of the communities to the SPP and the KNU (conversations, 11.12.2020; 10.01.2021). The SPP protects the traditional and spiritual relations of land. However, more importantly and fundamentally for the KNU land regime is how the SPP protect and promote the ontologies constituting these practices. The communities lived realities, social and material inscriptions to land, the political and governmental dynamics of their lands, and their rights to define what land is within the context of their own worldviews and lived realities is what becomes protected through the SPP. Through the realigning of the KNU land regime and the kaw land regime, the kaw as a knowledge-system, is being absorbed and streamlined through the KNU territorial claim. By bringing in these culturally contextual knowledge systems allows them to be legitimized as coherent systems of seeing, understanding and relating to the world (Howitt, 2001). The SPP thus align the two land regimes ideological and discursive claims of territorial control (Murdoch, 2006).

The SPP then serves as a way to meet contention and disagreement both at the ontological and the structural layer of the land regimes. This builds up under how Howitt (2001) emphasize that where competing land regimes exist one can often see multiple narratives and ontologies of land,

sometime in harmony and sometimes in conflict. The SPP might provide a space where different land regimes can coexist without competition. This adds layers to the centrality of land in contentions (Van Leeuwen & Van Der Haar, 2016), and that the land in itself is not conflict prone (Le Billon, 2007), but are inscribed with meanings and social worlds, by different actors that can be central areas for conflict. Contentious land politics is not about countering the GoM, but countering a Burmese land regime rooted in colonial structures that has continuously strived to colonize ethnic minorities and their land. Therefore, understanding land contention as a conflict between states is a simplification of the multiplicity of land and the structures and actors who produces it (Howitt, 2001). In the SPP, land has become a way for these social worlds to communicate and be aligned. Land is used actively to delve into the possible areas of conflict, and has been the medium that has allowed for a translation of indigenous politics into a vison of the SPP. The relations to land has in many ways been the tangible and materialized way of communicating the social relations that represent the kaw-system, and then rescaling it to match both the KNU land regime and the SPP.

Repossessing mental territory

Several conversations and observations has underlined the idea of repossessing mental territory as the survival of the Karen homeland (04.12.2020; 18.12.2021; observations). This does not entail that the SPP is a KNU project to reassert their political power, but a project that legitimize Karen lives and realities, and thus secures the survival of their cultures and traditions. In sum, the survival of other social worlds. Through the SPP, communities and constituents can claim their right to participate and establish visions for their futures based on their embodied experiences and ways of being in the world. Reclaiming land is more than the physical annexation or political control overland; it is a multi-structural process taking many forms, closely tied to an imaginary future (Lund, 2013). In SPP this process is not guided by actors with larger economic and political agendas, it has become grounded in local processes of belonging and worldviews, in local constructions of land. This is what makes the SPP a unique project, as it roots its visionary agenda in the ontology, ideas and values of the communities. Aiming to democratize land and the KNU, the SPP builds new mechanisms to guide the political discourse of land. Democratization is thus both through reestablishing the social relations that constitute Kawthoolei and land governance, but is also about democratizing land. KNU's democratization project materialize in the SPP, becomes tangible and alive. The SPP becomes a materialization of the new political and social

relations that constitute land and governance in Kawthoolei, a formalization of diverse land use practices and a continuation of processes that reproduce Kawthoolei as a political scale. However, as emphasized, the strategies of relational power, shifting political space and multiplicity of formalized land relations are different, and are ultimately contributing to shifting the land discourse.

Land is of immense importance, however, it is not the materiality of land per se that is central, it is the social, spiritual and ecological inscriptions to these lands that are essential (Howitt, 2001). As a discursive vision for the future Kawthoolei, the SPP upholds and formalize the ideas of traditional land politics, ways of being in and with nature, their worldviews and knowledge systems. By doing so, it established a strong discursive change to counter potential land appropriation and colonialization. Land is thus under democratization and decolonization within the frames of the future Kawthoolei, not only materially, but also discursively and ontologically (Howitt, 2011; Murdoch, 2006). In line with that, land production in the imagined future of Kawthoolei is grounded in the meanings of land in the kaw-system, not the meaning, values and restrictions by the KNU as a state-actor. The SPP is thus a way to reclaim the discursive power of land, not a measure to obtain state-structured territorial control (Peluso & Lund, 2011) and contributes to the future production of Kawthoolei, as a Karen homeland. The SPP is not only countering the idea of a Burmese land regime, it is countering conventional top-down perceptions of peace building and democratization, orthodox views on development and conservation, and Eurocentric ideas of what land is and why it gets contentious. In addition, it goes against conventional ideas of modernization, capitalistic development, the Euro-centric nation-state, and Western views of the values, meaning and social relations of land (Howitt, 2001). Although it is too early to establish any solid evidence of the SPP do to land relations specifically, there are evidence that the SPP, as a discursive project, have substantial impact.

Potential impacts outside Kawthoolei and the risk of failure

The SPP, although subject to research and activism, has not been fully materialized (conversations; observations). However, its discursive power has already manifested itself inside the borders of Kawthoolei and Burma, and internationally. Research, international recognition, demarcating of the kaw-system, seminars and meetings, all contribute to materializing the SPP.

Already flexing substantial mobilizing power, against a gold mine within its project area (conversations; 03.12.2020; 10.01.2021; Paul, 2018b), and contributing to changing the social relations within the Karen movement, and tying together different land regimes (Boone, 2013:199).

The SPP is already spreading (conversations, observations). Communities from Tanintharyi, and Naga-communities, have participated in seminars in the SPP (KESAN, 2019, December 6). According to individuals in the CSO community, INGO community and the KNU the visions of the SPP serves as inspiration for other communities in Kawthoolei, discussing how this can be done elsewhere. The SPP is already a catalyzer for similar projects in other parts of Kawthoolei, as the Tanawthari Landscape of Life conservation project. In a conversation about the project Thera Paul Sein Twa emphasized the need to conserve through the vision of the communities and their land use practices, through a landscape approach, not small pieces of forest, using the SSP as an example (ICCA, 2020).

Although it is a successful initiative, Loong (2019) specifically points out the Tatmadaw, the possibility of economic failure, co-option by elite actors, the absence of international recognition or a vanishing momentum as potential threats. The concern for lacking recognition from the international community is already proven wrong with two international awards directed at the SPP in 2020. First, the Equator Prize announced in June (KESAN, 2020), and in December Thera Paul Sein Twa was granted the Goldman Prize for his efforts to establish the SPP (Jonas, 2020, December). Nevertheless, the first and most prominent threat of the Tatmadaw has been proven heartbreakingly right. In the majority of conversations and seminars attended as part of this research the threat of armed violence, displacement, and land occupation by the Tatmadaw was lifted as a severe threat (conversations, 03.12.2020; 11.12.2020; 18.12.2020; 15.01.2021; observations). One participant feared that the SPP could serve as an increased provocation for the Tatmadaw, and emphasized that they had the military capacity to remove it if they "felt like it". After the coup, and after the KNLA overtook a Tatmadaw military base, March 27, 2021, the Tatmadaw dropped bombs on the civilians residing in the SPP area. Fighting and violence has escalated since then, sending thousands fleeing into the forests.

Summary

The SPP serves as a reflection of the complex, multi-layered and intertwined structures of land in Kawthoolei and Burma. By focusing on the Burmese land regime, the chapter nuanced the ideas of the SPP as territorialization and part of contention by specifically focusing on the legal system, development strategy and militarization of the GoM and the Tatmadaw. Concluding on the SPP as a rejection of the Burmese land regime the chapter nuanced the idea of gaining territory, not for the KNU, but for the broader aspects of the Karen movement. The SPP stands as a bold move against the contemporary and historical Burmese land regime, seeking to reclaim space through the ontological and structural aspects of the kaw land regime. However, more than reflecting this as contentious politics, it also reflects the non-contentious aspects of the land relations and land governance mechanisms in these areas. The SPP seeks to realign important social relations in Kawthoolei in a way that harmonize the heterogeneity of land regimes that exists within its borders. It does so through grounding central processes of democratization, peace and development through the ontological and discursive framings of land that exist at the local level in Mutraw District. These ideas reflect an imagined future of Kawthoolei as a response to the lack of political solutions to peace, federalism and development. Subsequently, the SPP has functioned as a materialization of the shifting political relations and a political platform for increased participation, and serves as a potential new turn in the Karen movement. This shift might represent a discursive shift in the KNU land regime, where mediation of political ontologies and knowledge-systems takes the front seat in larger processes linked to peace, federalism and development. Although it might be difficult to say if this represents a significant shift in the Kawthoolei land discourse, it given some new indications for discursive changed in the KNU land regime, particularly for areas with strong traditional practices as in Mutraw District. In addition, these implications seems to spread to other areas of Kawthoolei, and beyond, which serves as interesting ideas of how this could evolve in areas without strong presence of animist faith and the kaw-system.

CHAPTER 8 Conclusion

The purpose of this thesis has been two-fold. One objective has been to nuances the way we understand land, academically and in our everyday lives. The second objective has been to use those insights to understand contentious land politics, looking at Kawthoolei in Burma. The research has been guided by the thesis question: *why and how is land politics contentious in Kawthoolei, Burma?* I explore this question through a theoretical foundation of *what land is* and *why it gets contentious*, looking at land contention at multiple political scales. Through the case of Kawthoolei, Mutraw District and the SPP, I portrayed a multilayered and complex contentious political landscape in from Burma. I argued that land conflict in Myanmar is fundamentally an issue of political authority to give meaning to land, physically and conceptually. By nuancing and layering Woods and Naimark's (2020) conceptualization of green-territorialization or counter-territorialization, I demonstrate that the social construction of land, and contentious land politics is more than a power struggle between two state-actors aspiring to territorialize a homeland. Constructions of land and political authority over land is also part of localized processes and land regimes. Deconstructing land in Kawthoolei, and Burma, unfolds how the processes of assembling land is inherently political. By uncovering the multiplicity and heterogeneity constructing contentious land politics, I demonstrated that specific contentious episodes are not driven by the desire to expropriate resources; it is driven by broader political struggles rooted in the sentiments of marginalization and discrimination, and experience of violence, displacement and colonialization. For the KNU it to a large degree reflect a desire to secure a Karen homeland, territorially, socially and politically. For the communities it is rooted in the aim of leading meaningful lives, founded on their cultural and ontological relations to land, and on their own terms.

Historical contentious politics of land

Intrigued by Mads Barbesgaard's Ph.D. thesis, *Landscapes of Dispossession: The Production of Space in Northern Tanintharyi, Myanmar,* I began this research by exploring *the ways land has been transformed conceptually and physically, from pre-colonial Burma to the National League of Democracy (NLD) government.* I focused on four pivotal shifts in the political regime of Burma, leading to substantial changes in the Burmese land regime with a particular emphasis on hoe it influenced the Karen movement.

The British Empire's urge for valuable resources, food-supplies and geopolitical security drove the annexation of Burma as a province in British India, a contentious process changing the governance institutions and the social relations of land, and cemented and politicized ethnic identities. The *colonization* (1826-1948) was so intrusive its traces are perceptible in Burma today, particularly in the territorial division that approximately overlaps with the current territorial division. The introduction of capitalistic, extractivist social relations, and a techno-managerial governance regime, designed a land regime with an objective to capitalize and internationalize land and natural resources. In sum, land was constructed as a resource legible for appropriation for economic accumulation. Land was subsequently given meaning though its monetary values. This was enhanced with land classification where land that was deemed unproductive was classified as wasteland. This in addition to racialized governance structures and legal frameworks criminalizing traditional cultivators, and cementing antagonistic and hierarchical relations between ethnic groups.

The antagonism grew through *de-colonization and militarization* (1948-1987), as an elitists-driven negotiation for independence fueled competing nationalistic struggles, leading the Tatmadaw to seize power and violently oppress the competing state-actors. The land regime was restructured to accommodate a Burmese socialist ideology, nationalizing the entire economy and all land with the aim to build a Buddhist national union. However, the Burmese state was contested on all fronts. Attempting to gain control over the perceived national territory, the Burmese state carried out violent counter-insurgency campaigns and introduced nationalistic land- and race- laws. Competing claims of belonging, led the KNU, and others, to initiate separate state-building projects, leading to a pluralization of land regimes, further grounding ethnicity in land and territory. Independence for the Burmese did not mean independence for the ethnic minorities who for decades to come would be subjected to increasingly violent efforts to colonialize their lands.

The *economic liberalization* (1988-2010) intensified the land nationalization and Burmanization processes. When the geopolitical significance of Burma shifted in the Tatmadaw's favor, international capital and a new military-capitalist-state complex drove processes of ceasefire capitalism and counterinsurgency concessions to production of state-space. This reduced the KNU's territorial, political and economic control, and the organizations ability to cater for their

constituents needs. Consequently leading to large-scale displacement, criminalizing specific claims of belonging, further alienating traditional cultivators from their land and social worlds.

The initial hope that the *political opening* (2010-2020) would produce democratic change and an accountable land regime, accommodating the grievances of ethnic minorities, quickly vanished as the Burmese state continued their liberalization and nationalization efforts. Gearing up tactics of ceasefire capitalism and green territorialization, while avoiding substantial political dialogue, left large parts of Kawthoolei in a state of neither war, nor peace. The Burmese land regime continued to displace communities, tie them to capitalistic market relations and subject them to the production of state space.

These historical line, although slightly Burma-centric, demonstrated that the Burmese land regime has continuously strategized to produce a Buddhist, Bamar-dominated nation-state. This has led to severe marginalization of ethnic minorities and highly contentious politics of land. Moreover, this perspective reveals its own weaknesses, as it becomes evident that construction of land and contention also happens at other political scales, with a variety of actors.

A Kawthoolei land regime

The second RQ answered *how land has been spatially produced in Kawthoolei through the KNU land regime,* by exploring the Karen land regimes effort to build a Karen homeland corresponding to the ethnic sentiments and grievances of the KNU. Historically, the Burmese states response has been militarized conflict resulting in land appropriation, displacement, and loss of lives, but also erosion of culture, livelihoods, traditional practices and other social relations of land.

In many ways, Kawthoolei is a counter-territorialization project against a Burmese land regime that over time has shifted from weaponized conflict to other forms of territorialization, including ceasefire capitalism (Woods, 2011) and green territorialization (Woods & Naimark, 2020). This shift has led to a multiplication of strategies, mechanisms and structures to seek land control resulting in a pluralized contentious field and legal pluralization. In sum, contentious land politics played out at the ontological foundation of, and the structural dynamics in, the respective land regimes. Consequently, formalizing and streamlining their land regime, is a way for the KNU to gain some advantage in potential future negotiations for peace and federalism with the Burmese state and Tatmadaw. Nevertheless, this is more nuanced than competing state-actors. KNU's efforts to accommodating local land regimes and seek legitimation from the Karen movement and the

communities corresponds well to former allegations of an elitist organization detached from their constituents. The historical erosion of the Karen movement, politically, geographically, culturally and socially, reflects a need for the KNU to reassert their legitimacy in the public. The KNU Land Policy (2015), and other documents and events, shed light on the shift in the KNU land regime as a substantial effort to counter the distrust within the movement, reconnect with the communities and accommodate the grievances and struggles of their constituents and the CSOs. This has been especially visible in the case of the kaw-system, which has been undergoing processes of formalization, demarcation, and legitimization both through the KNU Land Policy (2015) and other initiatives.

Localized land regimes in Mutraw District

The third RQ elaborated on *how land has been governed at the local scale outside the realm of state-authority*, focusing on Mutraw District. Answering this question revealed that land is locally produced through mechanisms, structures and politics exceeding the formal politics and outside the realm of state-actors. Informal land regimes, as the kaw-system, gives nuanced and intriguing perspectives to land construction and contention. Mutraw as a stronghold for animist Karen culture, the Karen movement's politics first faction, and ecological preservation serves significant contribution to understand contentious land politics in Kawthoolei and Burma. Existing on the outskirts, but in the intersection, of competing state-actors has produced both space with competing state-authority and with limited state-authority.

Land with limited state-presence has not been without authority, but have been inscribed and governed through a spectral-land-human land regime, the kaw-system. Thus, Burmese state expansion into Mutraw is not only a threat to KNU authority, but to the spiritual and communal authority in the kaw. In addition, it is a threat to the social worlds, political ontology and lived realities of the communities residing here, as it threatens to incorporate them and their land in capitalistic and nationalistic land relations enrolling them in production of state-space and give up their traditional land practices. Formalizing the kaw-system is a way of filling vacant land, restructure Karen authority, and trace the Karen claims back to the ancestral domain of these lands. Moreover, the sentiments put forward in the kaw-documentation directly links land contention to the Burmese states efforts to deprive the Karen of the rights to govern their own land and manage their own lives. These sentiments are rooted in broad political struggles where the Karen minority

has been deprived of leading safe, healthy and meaningful lives due to decades of violent conflict and marginalization by the Burmese state.

The traditional social and spiritual relations of the kaw land regime have been absorbed into the formal KNU land regime, changing the discourse substantially. Kaw has been a political platform where different actors have come together to negotiate divergent ideas of land, and has served as a mechanism for the KNU to ensure they carry out a land regime that is consistent with localized practices and experiences. Furthermore, this legitimize and protect the ontological and discursive foundations of Karen communities' way of relating to land. Legitimizing diverse land authority reflects a broader land regime capturing the Karen movement rather than a narrowly defined KNU-centered land regime. Giving authority to the knowledge-power relations in the kaw land regime elevates these local practices to serve as ontological, structural and technical foundations for the Karen land regime.

The politics of the Salween Peace Park

The fourth RQ examined *how the SPP reflects the dynamics of land contention and politics in Burma in and Kawthoolei*, by exploring the diverse and multi-layered political dynamics of the SPP. The SPP as a grounded development, conservation and peace initiative rooted in the social world of the Karen communities counters both the Burmese land regime and elitist dynamics in the KNU land regime. Furthermore, it brings nuances to what land is and why it gets, or does *not* get, contentious. As with the kaw-formalization process, the SPP counters the Burmese land regime on multiple accounts. Nevertheless, portraying this as a KNU territorialization project or a local territorialization projects fails to consider the more prominent political dynamics of this project. The mediation between the actors involved in the project, the CSOs, the Mutraw KNU and the communities frames the SPP as a united front against Burmese land encroachment, and colonialization, while simultaneously answering internal grievances in the KNU and the Karen movement.

The SPP creates a space for land to exist as a multiplicity rather than to essentialize it to fit into rigid and structurally stratifying land regimes that often is prescribed by state-actors. The SPP materialize the frustration regarding the absence of political dialogue on questions of peace and federalism, by utilizing the kaw-structures as grounded mechanisms for peace and democracy. Essentially, it establishes a political reaction to the processes and actors that for decades has eroded

the cultural, ecological, spiritual and political integrity, authority and ontology of the communities residing in these areas of Mutraw District. The experience of ongoing colonialization, through more or less the same structures as implemented by the British Empire, is the broader political struggle that is the foundation of the SPP. Land is then both the materialization of that colonial ideology, and the struggle countering it; it is contentious because political grievances of belonging remains unanswered. Answering these grievances, reflect the SPP as a new *imagined future for Kawthoolei*, founded on a federal democratic structure where the social relations of land is locally governed, and where communities are the central actors. For the KNU, the SPP allows them to reconnect with the communities and *hopefully* retain legitimacy as their political representation. For the communities, it opens up for broader participation in processes and structures that are essential to their lives and well-being. In sum, the SPP can *potentially* serve as a new coherent turn in the Karen movement.

Looking forward

Treating land as a construct of economic incentives overlooks the multi-dimensional characteristics that constitute the relationship between people and land. The theory of resource scarcity is present in aims to preserve the last biodiverse forests of the region and secure energy supplies in the hydropower dam, however framing these resources as scarce, or as resources at all, is what is conflictual, not the resources itself. A resource perspective does not capture the multiplicity of land or the underlying characteristics of contentious land politics. I have argued that land is a multiplicity; it exists within the realm of multiple processes and diverse political scales. Subsequently, Kawthoolei land politics is not a unidimensional initiative countering the Burmese state or serving KNU state building.

Understanding the social relations that constitute land in a given context is what allows us to see these diverse, complex and contradicting constructions of land. Land becomes alive through the ideas, ontologies and discursive processes that is framing it. What is prescribed to land is always shifting, fluid and versatile. In a world where the capitalization intrude in all aspects of life, the SPP rise as a translation of other values of life and of land. Land in itself is not contentious it is part of contentious political processes. Contentious land politics thus becomes a question of multiplicity and exists within different spheres, from the national to the local. Contentious land politics is not land conflict, in the material sense, but deep-rooted political struggles over identities and belonging, the right to determine and control the social relations of land. In a situation where

the Karen movement and land has been continuously eroded, the SPP stands as a token of hope for the ones carrying on the uncompromised vision of a democratic federal union with uncompromised self-determination.

Evidently, the SPP is a bold move against conventional top-down, liberal peace building initiatives, international conservation based on techno-managerial fencing conservation, and large-scale development intervention by outside actors. Standing in opposition to all land regime and initiative that threatens the land and communities within its territory, the SPP questions many conventional ideas of peace building, forest conservation, and development, in general the neoliberal machinery producing specific agendas within each of these spheres. In large parts of Kawthoolei, opportunistic initiatives for securing energy-supplies, preserving the last endangered rainforests and the need for large-scale development have overshadowed and depoliticized historical, political claims centered on an ethno-nationalistic construction of a homeland. Subsequently, the SPP questions whom has the legitimacy to initiate these projects when these spaces are subject to political contestation over power and authority. What roles does the international aid, development and conservation institutions play in areas such as Kawthoolei, when collaborating with the nation-state itself is a political act? What happens to the contentious politics of land when international actors get involved in producing state-space and capitalization of land? This thesis has not answered these questions. However, by deconstructing land in Burma and Kawthoolei, the thesis has contributed to nuancing and uncovering the complexity of land contention and conceivably brought some new dimensions to these debates.

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