

# Kawthoolei State: Karen National Union's Quest for Broader Representation and Governance Legitimacy in Post-Coup Myanmar

by

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Abstract

The nationwide uprisings in response to the military coup of February 21, 2021, and the subsequent violent crackdown on peaceful protests and civil disobedience rapidly transformed into a “People’s Revolution.” Very early on, especially after the ruthless crackdown by the junta, it was clear that the people of Myanmar are not only fighting to restore the pre-coup status quo but also to turn a new chapter for the country. Despite the immeasurable loss of lives and livelihoods, many view this as a historic opportunity to rectify nearly 80 years of failed nation-building and to create a new country. After unanimously abolishing the military-drafted 2008 constitution, a coalition of pro-democracy groups drafted the Federal Democracy Charter (FDC) to establish an interim governance framework capable of containing the junta’s administration, alongside armed struggles against its atrocities. In just over two years after the coup, the pro-democratic alliance has begun to adopt a bottom-up approach to realize their federal democratic vision. The Karenni took the first practical step by establishing an interim state government in June 2023. The Karen National Union (KNU) publicly announced in August 2023 its intention to establish the state of Kawthoolei as a unit of a federal democratic union. Likewise, Magway and Sagaing in central dry zones expressed desire for self-determination. This led Myanmar watchers to think that the country is in fragmentation or even falling apart. On the contrary, this paper argues that such desires and efforts should be viewed as parts and parcels of building a critical foundation for the formation of a thriving federal democracy. In this context, this paper examines KNU as a long-standing non-state governance actor before and after the coup and how it attempts to understand its evolving vision for Kawthoolei, along with the steps it is taking to broaden representation, strengthen governance, consolidate territorial gains, and thereby enhance its legitimacy. By extension, this can be viewed as taking care of its shared duty toward national level pro-democratic nation and state building.

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## 1. Introduction

The nationwide uprisings in response to the military coup and the subsequent violent crackdown on peaceful protests and civil disobedience rapidly transformed into a “People’s Revolution.” Very early on, it became quite clear that the people of Myanmar are not only fighting to restore the pre-coup status quo but also to turn a new chapter for the country. Despite the immeasurable loss of lives and livelihoods, many view this as a historic opportunity to rectify nearly 80 years of failed nation-building and to create a new country. After unanimously abolishing the military-drafted 2008 constitution, a coalition of pro-democracy groups, which became National Unity Consultative Council (NUCC), drafted the Federal Democracy Charter (FDC) to establish an interim governance framework capable of containing the junta’s administration, alongside armed struggles against its atrocities. In just over two years after the coup, the pro-democratic alliance has begun to adopt a bottom-up approach to realize their federal democratic vision.

The Karenni took the first step by establishing an interim state government in June 2023 in line with the interim state constitution called “the Interim Arrangement” developed after the coup by the Karenni State Consultative Council (KSCC) which is regarded as one of the most inclusive state level political coalition bodies created after the coup. Even Magway and Sagaing in central dry zones have expressed their desire for self-determination and have taken differing steps from conceptualization, coalition building to drafting interim constitutions.<sup>1</sup> The Karen National Union (KNU), one of the longest ethnic resistance organizations, also publicly announced in August 2023 its intention to establish the state of Kawthoolei as a unit of a federal democratic union.<sup>2</sup>

These led Myanmar watchers to think that the country is in fragmentation or even falling apart.<sup>3</sup> On the contrary, these should be viewed as parts and parcels of critical

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<sup>1</sup> ‘PRA (Magway) released Interim Federal Unit Policy Position’ (*Spring Sprouts*, 10 Feb 2024) <https://www.springsprouts.info/en/updates/interim-federal-unit-policy-by-pra-magway>

<sup>2</sup> Speaking at the first press conference after the 17<sup>th</sup> Congress, Padoh Tar Doh Moo, the General Secretary of KNU said KNU will work towards forming a Kawthoolei federal unit, that embodies the principles of the federal democratic system and self-determination. <https://www.bnionline.net/en/news/knu-military-coup-nullifies-nationwide-ceasefire-agreement>

<sup>3</sup> Richard Horsey, ‘Myanmar Is Fragmenting - but Not Falling Apart’ (*Crisis Group*, 31 May 2024) <https://www.crisisgroup.org/asia/south-east-asia/myanmar/myanmar-fragmenting-not-falling-apart>  
Morten B. Pedersen ‘Outrage is not a policy: Coming to terms with Myanmar’s fragmented state’ (*Lowy Institute*, 12 May 2024) <https://www.lowyinstitute.org/publications/outrage-not-policy-coming-terms-myanmar-s-fragmented-state>

foundation for the formation of a thriving federal democracy. In this context, this paper examines KNU as a long-standing non-state governance actor before and after the coup and how it attempts to understand its evolving vision for Kawthoolei, along with the steps it is taking to broaden representation, strengthen governance, consolidate territorial gains, and thereby enhance its legitimacy.

## **2. Understanding Political Legitimacy in Myanmar Revolutionary Context**

Legitimacy in governance has multiple definitions and its definition could be as complicated as one is willing to stretch. At its core, legitimacy is the right to rule. A governance actor is considered legitimate when it has the recognized authority to make rules, lead society, and—under certain constraints—use force for the common good. Apart from monarchy in which hierarchical legitimacy is given and non-negotiable, other commonly cited sources of governance legitimacy include process legitimacy, performance legitimacy and shared beliefs.<sup>4</sup> Under normal circumstances, process legitimacy could be measured by free and fair elections based on an agreed set of principles or a legal foundation or Constitution. Performance legitimacy is about the existence and the effectiveness of public services manifested through sound policies, regulatory regime and institutions. In many cases, the bond between the state and the society through shared values or beliefs mean a great deal in terms of contributing to governance legitimacy. Rulers are considered illegitimate or are in a legitimacy crisis if they lack some or all of the above traits. For instance, an unelected military junta that is facing nationwide uprising or an elected government through allegedly fraudulent elections. As such, we can say that, since Independence, Myanmar never has had a government that holds a full and perfect legitimacy over the entire population of the whole country.

Even before the coup during a decade of quasi-democratic transition from decades of military rule (2010-2020), one can argue that the governance legitimacy rooted in general elections, whether under the then President Thein Sein or the NLD administration, was far from being perfect. In fact, the elections were not able to cover the entire country, especially areas that were under the control of the long standing ethnic armed organizations (EAOs)<sup>5</sup> that had outrightly rejected the military drafted 2008 Constitution and refused to join the elections. Instead, they vowed to find ways to resolve political problems outside the 2008 Constitution, i.e., ceasefire negotiations to end the decades of armed conflicts and to achieve their political goals.<sup>6</sup> In other words,

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<sup>4</sup> Naw Gladys Maung Maung, *On Burma's Legitimacy*, (Salween Institute for Public Policy, 2024)

<sup>5</sup> EAO was a term coined in around 2011 when there were a series of ceasefire negotiations resumed between the quasi-democracy government and ethnic resistance or revolutionary organizations. There were reports that the ethnic groups prefer to be called EROs but the government insisted on the usage of EAOs.

<sup>6</sup> A series of bi-lateral negotiations between the Myanmar military/the government and individual EAOs, in which some cases faced one-step forward and two-steps back, led to the highly controversial nationwide

the people or the constituents living under the control or governance of those EROs had never voted in any of the recent elections. Plus, the elections were held under a highly controversial 2008 Constitution heavily drafted by the Myanmar military in their favor.

Then, there were pockets of territories under the rule of major EAOs where the central government administration has never reached at all. It is because with the armed conflict as old as the birth of Myanmar as a new nation-state, many EAOs have evolved into a range of non-state governance actors with various administrative departments, providing services in their controlled areas. In other words, since day one, the newly born Burma was growing into one that is under the rule of the central government and the other under different EAOs. Nevertheless, the constituency maps for all the previous general elections (1990, 2010, 2015 and 2020) were drawn as if there were no territories nor administration under the EAOs. For instance, if we compare the electoral map showing results of 2020 elections in Myanmar's 498 constituencies (Annex I) and the map showing the contested areas of Myanmar (Annex II), Laiza, KIO's administrative capital and Mutraw District of KNU, and other ethnic-controlled areas alike, are painted in one of colors of winning political parties. No doubt people in those areas would not have joined nor voted for any of those elections although their areas were part of the election constituency map drawn by the authorities. While this can be viewed as a deliberate decision by the authorities, people from urban metropolitan areas genuinely had little or no clue about EAOs' controlled areas before the coup. This has implications over post-coup understanding of political legitimacy among pro-democratic actors.

Over the last four years after the coup of 2021 in Myanmar, different claims of legitimacy are evolving within various revolutionary organizations and/or localities. Myanmar pro-democracy warriors usually refer the three periods: the current time as "the interim period" or "a revolutionary period" - the time to fight against and bring down the military dictatorship, and then "the transition period" once the military has lost effective control and power, and the final permanent federal democratic period. Almost immediately after the coup, anti-junta pro-democratic groups from diverse backgrounds came together as a national level political coalition body called NUCC, reached an agreement to unanimously abolish the military drafted 2008 Constitution, and then collectively drafted the Federal Democracy Charter as a new source of legitimacy. Some of the same people and stakeholders have started making sub-national level or local level coalition building efforts in their respective areas and some started drafting interim sub-national level constitutions as seen in Figure I.<sup>7</sup> Given different histories, geography and demographic setups, different areas have been evolving into their own unique ways with

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ceasefire agreement (NCA) signed in 2015 by only some of the EAOs, quite the contrary of the name "nationwide." KNU was among the signatory amid widespread suspicion by the Karen people.

<sup>7</sup> Naw Show Ei Ei Tun & Kim Jolliffe, 'Self-determination under an interim constitutional framework: Local administration in ethnic areas of Myanmar' (2022)

different architecture and professing in varying degrees and pace. While each may not be fully representative or could claim to hold legitimacy through general elections, they are attempting to take due process the goals for the common good, striving to improve the country, and playing a crucial role in resisting dictatorship. Across the country, the public has shown extraordinary resolve in rejecting military rule. This is evident in mass personal donations supporting the revolution, boycotts of military-linked businesses, civil disobedience movement (CDM), and widespread refusal to pay taxes or engage with junta-controlled services. Surveys, such as those by the Blue Shirt Initiative, consistently show high levels of support for both EROs and the National Unity Government (NUG).<sup>8</sup>

### **3. KNU as a Revolutionary Organization and a Non-State Governance Actor**

The KNU started political and armed resistance against the authority on January 31, 1949, a year after Myanmar's independence from the British, in pursuit of autonomy in a federal state. Over the course of three quarters of a century of continued political and armed resistance movements, KNU has evolved into a non-state governance actor along southeastern Myanmar, spanning across the Myanmar government designated Karen State plus part of northern Mon, eastern Bago and Thanintharyi Regions, with a population of about 1.3 million according to KNU's socio-economic household survey released in 2023.<sup>9</sup> In Myanmar political discourse today, EAOs such as KNU, Kachin Independence Organization (KIO), Karenni National Progressive Party (KNPP) are generally referred to as de facto powers, meaning their source of power or legitimacy within a certain territory is from their sheer ability to control that area, not from any recognized legal or constitutional framework. In reality, EAOs such as KNU and KNPP could also be considered a de jure power holder because their leaders have been elected through national Congress based on the agreed constitution. This section will examine sources of legitimacy KNU claims to hold as a revolutionary organization and a non-state governance actor.

#### *Revolution of over three quarters of a century*

From the late 1940s to the early 1990s, the KNU was arguably the most significant political insurgent group in Myanmar.<sup>10</sup> Although it had suffered substantial territorial losses by the 1990s, the KNU continued to operate in remote mountainous and forested regions, maintaining varying levels of control and influence in territories contested by the central government.<sup>11</sup> Certain KNU controlled areas have never been governed by

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<sup>8</sup> Blue Shirt Initiatives, 'Opinion Pools' <https://www.blueshirtinitiative.org/template/polls-loop/>

<sup>9</sup> 'Kawthoolei Socio Economic Household Survey' (KNU, 23 October 2023) [https://knuhq.org/admin/resources/publications/pdf/KSEHS\\_13Oct2023.pdf](https://knuhq.org/admin/resources/publications/pdf/KSEHS_13Oct2023.pdf)

<sup>10</sup> Ashley South, 'Burma's Longest War: Anatomy Of the Karen Conflict' (2011) TNT, 14

<sup>11</sup> Ibid

the central government and have remained largely autonomous.<sup>12</sup> These communities, often sharing the same norms and values that influence societal expectation of governance, actively participate in the KNU governance system.

### *KNU governance system and representation*

The administration of KNU is structured in seven districts, demarcated differently from the central government recognized map. Each district is divided into townships, which are further subdivided into village tracts with up to twenty villages.<sup>13</sup> The strength and legitimacy of the KNU's governance largely depend on local elections and community cooperation, which are both key to helping it deliver services on the ground. At the village-tract level, the local people do not need to be a member of the KNU to run for elections, so villagers often see those roles as part of local administration rather than competing for a role in the KNU.<sup>14</sup> The local communities elect leaders of the Basic organization, who then choose township representatives. These, in turn, select the district representatives who make up the Congress. In accordance with the KNU constitution, the central-level Congress is held every four years and acts as the highest decision-making body.

The Congress elects a 45 member Central Standing Committee (CSC), which acts as a legislative body, setting the overall policies and the political agenda for the following four years. From within the CSC, five key leaders - the Chair, Vice-Chair, General Secretary and two Joint Secretaries, known collectively as 'the Big Five'- are elected. Together with six additional members and the head of the 12 departments, they form the Executive Committee (EC). The EC is in charge of policy implementation, serving as an executive branch. Like most parliamentary systems, there is no clear separation of power between the CSC and EC, acting as the Legislative and Executive branch. The benefit of this approach is that it allows important decisions for the revolution to be made quickly. On the other hand, the Chief justice; the highest judicial officer, is elected separately by the Congress, ensuring the independence of the judiciary in accordance with the KNU constitution. With CSC approval, the Chief Justice forms a three-member Justice Committee, serving as the supreme court.

In addition, there are two Karen civil society organizations with a special status in the KNU Constitution due to their long history of working alongside the KNU and the Karen revolution.<sup>15</sup> Both KWO and KYO are officially recognized under the KNU constitution and are mandated to organize their members at every administrative level, while

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<sup>12</sup> Shona Loong, 'The Karen National Union in Post-Coup Myanmar' (*Stimson*, 2022) <https://www.stimson.org/2022/the-karen-national-union-in-post-coup-myanmar/>

<sup>13</sup> Brian McCarten and Kim Jolliffe, '*Ethnic Armed Actors and Justice Provision in Myanmar*' (The Asia Foundation, October 2016)

<sup>14</sup> Saw Kapi (SGPA), 'Governance and Administration of Karen National Union: A Brief Overview' (2023)

<sup>15</sup> The Karen Women's Organization (KWO) focuses on Women's rights, health, education, while Karen Youth Organization (KYO) supports youth leadership and youth participation in politics. Both play a crucial role in community engagement. They operate within the KNU framework but maintain internal autonomy.

maintaining significant autonomy in their internal governance and decision-making. Each organization is allocated one seat at the Congress, giving them the opportunity to elect the KNU leadership and to be elected themselves.

The KNU shows strong process legitimacy through its bottom-up structure and independent judiciary, both defined by its Constitution. Public participation further strengthens this legitimacy. The system allows local leaders to indirectly shape the highest decision-making body of the KNU, indicating that the KNU's authority is built on a grassroots election process. Although final decisions are made by the Congress and the CSC, the process reflects a political structure in which power originates from the people.

### *Public Services*

The delivering of services by the KNU, such as education, healthcare, justice and security, carried out by the twelve departments, gives them credibility and support among the population. For example, the Karen Education and Culture Department (KECD) and the Karen Department of Health and Welfare (KDHW) provide vital services in KNU-controlled areas. These services have become crucial not only to the Karen people but also for other ethnic groups, especially after the military coup. The KNU has facilitated humanitarian aid for internally displaced persons and provided essential service, strengthening its legitimacy in newly controlled areas. A recent study by KECD and KWTG reported a 56% increase in student enrollment in Karen schools, reflecting the public's rejection of the junta's education system.<sup>16</sup> In the health sector, the KNU's health department has continued to offer primary healthcare to all those seeking refuge in its territories, regardless of ethnicity.<sup>17</sup>

Another key service provided by the KNU is its justice system, operating in all districts at various levels. The justice system included the Justice Department, a judiciary made up of judges of all levels, and the Karen National Police Force (KNPF).<sup>18</sup> The judiciary at all levels work closely together with the KNPF, particularly in conducting investigations. The KNPF is responsible for maintaining public safety and enforcing the law, where they closely work together with the community they serve.<sup>19</sup> The KNU has facilitated humanitarian aid for internally displaced persons (IDPs) and provided essential services through its affiliated humanitarian agencies such as Committee for Internally Displaced Karen People (CIDKP) and Karen Office of Relief and Development (KORD) which have operations with field staff in all 7 districts. They became quite handy to lend

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<sup>16</sup> Naw Sandrena, Naw Eh Wah Paw and Saw Way Can, *The Hidden Strength: Karen Teachers' Role in Education Continuity* (Report, 2025) 6.

<sup>17</sup> Based on conversation with a KNU leader

<sup>18</sup> Brian McCarten and Kim Jolliffe, *'Ethnic Armed Actors and Justice Provision in Myanmar'* (The Asia Foundation, October 2016)

<sup>19</sup> Saw Kapi (SGPA), *'Governance and Administration of Karen National Union: A Brief Overview'* (2023)

support when several hundreds or may even be thousands of striking civil servants, journalists and activists came to take refuge after the coup.

Through its delivery of services and maintenance of order, the KNU demonstrates performance legitimacy in their controlled area. Even though the KNU hasn't formally declared itself a government, it clearly acts like one by taking on responsibilities such as social services, justice and community governance. Through its organized structure and grassroots involvement, it plays a key role in the every lives of the people in the areas it controls. The KNU may have started as a revolutionary organization to ensure the rights of the Karen people, but it has since evolved into a non-state governance actor, providing security and services for all people under its control. Its goal is not merely to oppose the oppression of the Karen people, but to establish a genuine Federal Union founded on equality and self-determination for all ethnic groups.<sup>20</sup>

In a way, KNU's Constitution, district- and central-level Congress and village tract elections are sources of KNU's de jure power which is something to take pride of as a revolutionary and armed organization to emphasize their legitimacy. The Constitution is reviewed and revised at each Congress to adapt to the changing situations. For example, after the 16th Congress, two new committees, KNU Central Land Committee and KNU Human Rights Committee, were created with a purpose to tackle a growing number of land grabbing cases and human rights violations from the Myanmar military amid ceasefire talks. However, KNU, for some reason, rarely makes the existence of their Constitution aware outside of their constituency. One thing is KNU's Constitution has been drafted for a revolutionary organization striving for the the Karen revolution,<sup>21</sup> and its constituency base is largely Karen people who have long been part of the revolution which makes its administrative workforce largely composed of Karen or Karen-speaking people. In terms of inclusion, Article 14 of the KNU Constitution does stipulate that 30% participation of women at all KNU levels shall be promoted but in reality it has been challenging to meet such a target. Plus, KNU Constitution lacks provision for a broader representation. The post-coup political developments have now called for KNU to consider a new legal foundation as a self-governed, inclusive and democratic state actor with a broader representation and an enhanced competency through mechanisms to attract and appoint new talents.

#### **4. The Coup and the Envisioned Kawthoolei State in a Federal Democratic Union**

In the wake of the coup, KNU was the first EAO to denounce the coup and subsequently sheltered thousands of protesters, ousted lawmakers and striking civil servants. KNU's quick decision was driven not only by the coup but also by decades of

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<sup>20</sup> KNU, 'Background'

<https://knuhq.org/karen-national-union-press-release-on-the-signing-of-the-nca/about/background>

<sup>21</sup> KNU's stated goals of the revolution are freedom, equality, justice and self-determination for the Karen people and for a federal democratic union.

grievances and its broader political goal of self-determination and federal democracy. Together with other key ethnic and pro-democratic allies, KNU was one of the founding members of the National Unity Consultative Council (NUCC) and the drafting of the Federal Democracy Charter as well. Simultaneously, several state or local political coalition bodies were established within months after the coup and representatives were nominated to serve in the NUG which was launched on April 16, 2021. KNU, however, did not form a coalition body nor nominate anyone to serve in the NUG. The reasons may have been: one is that KNU was quite preoccupied with managing an outpouring number of dissidents fleeing into their areas immediately after the coup; second, KNU was still waiting to hold its long postponed Congress due to the Covid Pandemic and then the coup; and last, the Karen case was way more complicated in terms of different or opposing political affiliation even among the Karen armed groups and Karen political parties and the vast areas of land.

The much awaited 17th KNU Congress finally took place in late April 2023 according to the Constitution and new leaders were elected amid threat of conflicts and alleged involvement of some senior KNU leaders in a controversial Chinese investment project.<sup>22</sup> Over three months later on August 10, 2023, KNU held a press conference after the Congress where the General Secretary made the first announcement that KNU will plan to establish a self-governed democratic “Kawthoolei” as a unit<sup>23</sup> within a federal democratic country in line with the long standing goals of the Karen revolution to achieve freedom, justice, equality, self-determination and federal democracy, adding that KNU will hold consultations with all the relevant stakeholders and take a step by step approach.<sup>24</sup> This section will delve into what KNU means by Kawthoolei as a federal unit and what steps KNU is taking in preparation to establish one in what timeline, what opportunities and challenges are ahead, while continuing to actively engage in various alliance building efforts to build a federal democratic union.

### ***The term “Kawthoolei”***

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<sup>22</sup> Linn Hitn, ‘KNU begins long-postponed congress admit ongoing conflict’ (*Myanmar Now*, 27 April 2023) <https://myanmar-now.org/en/news/knu-begins-long-postponed-congress-amid-ongoing-conflict/> ‘KNU officials accused of involvement in ‘crime-related businesses’ (DVB, 28 February 2023) <https://english.dvb.no/knu-officials-accused-of-involvement-in-crime-related-businesses/>

<sup>23</sup> “Federal Unit” is the language used in the Federal Democracy Charter. The word “unit” is a generic word to refer to sub-national units in a country, which can be States or Regions or Provinces or whatever is decided in the future.

<https://crphmyanmar.org/wp-content/uploads/2021/04/Federal-Democracy-Charter-English.pdf>  
<https://mofua.nugmyanmar.org/uploads/publications/iP6SYLk3ghdelFsitPS3yIqb8T4CJc0jHf5pypja.pdf>

<sup>24</sup> ကော်သူးလေပြည်နယ် KNU ထူထောင်မည် (Translation: Kawthoolei State Shall be Established) <https://myanmar-now.org/mm/news/40630/> ကိုယ်ပိုင်ပြဌာန်းခွင့်ရှိတဲ့ ကော်သူးလေ ဖက်ဒရယ်ယူနစ် ပေါ်ထွက်လာရေး ကြိုးစားဆောင်ရွက်မယ်လို့ KNU ပြော (Translation: KNU vows to strive for a self-governed Kawthoolei Federal Unit) <https://federaljournalmm.org/fj-mm-14744-2/>

The word “Kawthoolei” is not new as historical records show that it was officially used before. Immediately after the Independence, the Salween river and nearby areas, where the majority of Karen people call home, were designated as Karen State according to the 1947 Constitution.<sup>25</sup> Then, General Ne Win, switched from Karen State to Kawthoolei State. Then, it was switched back to Karen State according to the 1974 Constitution under the Socialist government.<sup>26</sup> Nevertheless, the word “Kawthoolei” continued to be used consistently across the resistance areas but not in government controlled areas. Therefore, the word even became dormant in daily use and can be only heard in songs and poems like a legendary land with little prospect of becoming a reality. Some are even afraid to use it as it connotes an act of rebellion against authority. However, after the coup, the word “Kawthoolei” re-emerged and has been widely and boldly used by the Karen and almost all their allies alike.

### ***The Envisioned Kawthoolei State***

The rapidly changing post-coup political developments have led KNU to ramp up and lead ways to position and stand up as a governance actor that has a broader representation and stronger legitimacy. KNU can no longer use its existing Constitution for the reasons discussed above but needs to come up with a new legal foundation. In fact, KNU has initiated and has been working on the drafting of the Karen State (or Kawthoolei) Constitution for a future federal democratic union for more than two decades and there is a working draft but it is not fit to be used during the revolutionary period. In light of the pressing need for one now, KNU has started drafting the Kawthoolei Charter as a legal basis to broaden the presentation and strengthen the public institutions in the governance system during the revolutionary period. Basically, KNU can be seen as taking a five-pronged approach simultaneously to bring about its goal to establish Kawthoolei State: 1) Strengthening Governance from Within, 2) Preparing an inclusive interim governance body, 3) Preparing for Kawthoolei State for the future federal democratic union when nollmacy can be retored, 4) Armed resistance for security, self defense and territorial integrity, 5) Alliance building with other pro-democratic actors.

So far, not much has been written about 2) and 3) as KNU has not put efforts into informing the public about either of the two probably for fear of security or maybe they feel the time is not right yet as the content of the drafts is still quite fluid and needs further consultation. With the belief that “process” and public awareness matter in terms of gaining public support and legitimacy, this paper attempted to unveil some of the high-level developments by carrying out key informant interviews with a few senior

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<sup>25</sup> Constitution of the Union of Burma 1947, art 180(1).

<sup>26</sup> Constitution of the Union of Burma 1947, art 30(a).

members active in the processes, and to provide an initial analysis based on limited information for yet a highly fluid process.

## **1) Strengthening Governance from Within**

At its 17th Congress, the Karen National Union (KNU), KNU renewed their commitment to Administrative Reform, making a strategic and deliberate decision to revive and strengthen its governance and administrative systems. Recognizing the critical importance of capable and accountable leadership, the first Executive Committee meeting held after the Congress established the Governance Capacity Strengthening Committee (GCSC). This committee has since played a pivotal role in enhancing the skills and capacities of KNU administrators, particularly at the district and township levels. In close collaboration with the School of Governance and Public Administration (SGPA), the GCSC has spearheaded a series of initiatives aimed at professionalizing local administration. One of the most significant milestones in this effort was the publication of the KNU Governance and Public Administration Handbook—a first in the organization's 75-year history. This landmark document provides practical guidance and standards for governance across the KNU's administrative structure.

Further demonstrating its commitment to reform, the KNU convened its first-ever Township Administrators' Conference in May 2024, bringing together township chairpersons and secretaries from across Kawthoolei.<sup>27</sup> During the conference, the new handbook was officially introduced, and participants collectively affirmed their commitment to improving public service delivery and upholding principles of good governance. The event also reflected the KNU's increasing openness to collaboration with external experts and resource persons in its pursuit of more effective, inclusive, and accountable governance.

- **Add cross border governance strengthening effort, how it desires to be treated as an official state government.**

Early this year, Mutraw District of KNU, after months of preparation, started a pilot of issuing resident identification cards (ID) to local residents who meet the eligibility criteria regardless of ethnicities and religions. In an interview with Mizzima, KNU spokesperson Padoh Kler Say said this follows KNU's approach follows a bottom-up system, focusing on grassroots implementation within the Kawthoolei federal unit.<sup>28</sup> According to KNU's official population data as of 2023, Mutraw District has an estimated population of no

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<sup>27</sup> 'Administrators of KNU controlled townships hold a conference,' (*Mizzima*, 15 May 2024) <https://eng.mizzima.com/2024/05/15/9916>

<sup>28</sup> 'KNU begins issuing Kawthoolei registration cards in Hpapun district,' (*Mizzima*, 27 January 2025) <https://eng.mizzima.com/2025/01/27/18622>

less than 116, 273<sup>29</sup> but it is not clear how many of them have been or in the process of receiving resident IDs. A large part of Mutraw District, known as Hpapun on the central government's map, has never been reached by successive central government administrations, and therefore, the residents there have been deprived of ID cards issued by the government.

## **2) Kawthoolei Revolutionary Government for the Interim Period**

*Kawthoolei Territory:* Since time immemorial, there is a plethora of evidence that ethnic Karen populations have been concentrated in not only the government designated Karen State but also in government designed Mon (northern), Bago (east) and Thanintharyi (east), Ayeyarwaddy and Yangon region, and even along western border of Thailand. Even the founder of the Karen revolution, Saw Ba Oo Gyi, and along with many current and former prominent political and military leaders is from Ayeyawaddy and Yangon. The Karen revolution was in fact started in Yangon back in 1949. Because of that, various imaginary pictures of Kawthoolei have been seen floating around social media. However, what KNU leadership has envisioned is a multi-ethnic Kawthoolei State with the existing 7 districts where they already have administration, military brigade and populations, which includes the current Karen State plus part of northern Mon State, part of east Bago and east Thanintharyi Regions.

*Kawthoolei Charter (KC):* After the 17th Congress in May 2023, KNU started drafting "Kawthoolei Charter" with a seven-member drafting team from KNU-Central with a goal to establish a legal foundation toward a self-governed multi-ethnic democratic Kawthoolei State through an inclusive process. KNU made multiple rounds of discussion and revisions in developing a working draft or what is referred to as "a zero draft."

*Process and progress:* So far, the KNU leadership has made at least two rounds of field visits to share the draft and consult the draft with all the 7 districts during 2024, and the draft has been revised after each time based on the feedback. The most recent version will soon be shared and consulted again with the district leaders plus representatives or leaders from women (through KWO), youth (through KYO) as well as non-Karen communities such as Pa'O, Shan, Mon, Bamar and others. At the same time, KNU has long mandated the drafting of Kawthoolei State Constitution for the future federal democratic union, and they are in close contact with the drafting team called the Karen State Constitution Drafting Coordination Body (KSCDCB) which will be briefly discussed in the next section.

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<sup>29</sup> 'Kawthoolei Socio Economic Household Survey' (KNU, 23 October 2023)  
[https://knuhq.org/admin/resources/publications/pdf/KSEHS\\_13Oct2023.pdf](https://knuhq.org/admin/resources/publications/pdf/KSEHS_13Oct2023.pdf)

*Broder representation and inclusion.* To get the buy-in of all the diverse stakeholders across Kawthoolei, the KNU leadership is making efforts for the drafting process to be inclusive for the formation of a political coalition body, i.e., KNU plus. So far, they have identified five key stakeholder groups that can be part of different layers of governance. They are: 1) KNU representatives - Central and Districts; 2) representatives from non-Karen constituencies, 3) youth representatives, 4) women representatives, and 5) MP-elect from the 2020 elections. In doing so, KNU-Central leaders have assigned KWO and KYO to reach out to non-Karen women and youth communities and leaders across the 7 districts. One of the efforts can be found in KYO's recent Facebook post about "Ethnic Youth Exchange" in KNU's Taw Oo District where over 60 representatives from KNU district leaders, youth and women leaders from Karen and Pa'O communities joined.<sup>30</sup> KWO is also planning to organize a Kawthoolei Women Seminar in late May inside Kawthoolei where Karen and non-Karen women will be invited to discuss various topics.<sup>31</sup> KNU-Central leaders are also reaching out to politically aligned Members of Parliament elected in the 2020 elections for the purpose of offering opportunities to represent in Kawthoolei as a way to recognize the will of the people who elected them as opposed to their corresponding political parties per se. Although striking civil servants or CDMers were not mentioned, KNU is open to embrace CDMers as long as they are committed to the Kawthoolei Charter. Many CDMers are currently serving in various KNU's existing administrative departments.

The above composition may seem similar to the Karenni State Consultative Council (KSCC)<sup>32</sup> but the striking difference is that KCC is not designed to include representatives from civil society organizations nor other Karen armed groups. The rationale for not including CSOs is that this is a governing body and the CSOs are to serve as checks and balances to keep the government accountable. KYO and KWO, however, do appear to be treated with a special status due to their historical affinity with the KNU. In the case of other Karen armed groups, it is still too complicated to bring them at the initial stage due to their political differences. .

*Minorities in Minority Issue:* According to the current thinking of KNU leadership, if there are concentrations of non-Karen communities in no less than 15 villages, they will be allowed to form a constituency or a governance unit at the local level. Depending on the size of territory and population, such constituency units could be village or village tract level. This will pretty much depend on demographic data collected through a

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<sup>30</sup> 'Ethnic Youth Exchange', a one-day event organized by KYO on April 21, 2025.  
<https://www.facebook.com/share/p/1BhJjnGCmW/>

<sup>31</sup> Interview with a Karen woman leader and an advisor for the Kawthoolei Women Seminar, April 2025.

<sup>32</sup> <https://kscc.karennistate.com/about-kscc>

credible and systematic process. It is not clear if they will be able to form a township of the size of the land and the population is big enough.

*Kawthoolei Consultative Council (KCC):* Once the Kawthoolei Charter has been thoroughly consulted and revised with inputs by representatives from all key 5 stakeholders, there will be a broader assembly where the representatives from the 5 pillars will be able to bring more people to review and give inputs to the draft Charter. Once that process is completed, Kawthoolei Consultative Council (KCC) will be formed as a first step toward the Kawthoolei Revolutionary Government. The KC will have provisions on how this should be formed and will play the role of drafting policies for the Kawthoolei Revolutionary process. KCC will be also responsible for the transitional process, and if necessary, the developing of the Transitional Constitution for Kawthoolei.

*Kawthoolei Revolutionary Government:* As it stands now, the KNU is aiming to establish Kawthoolei Revolutionary Government by the end of 2025, building on the existing governance structure by reforming and upgrading with more qualified and competent civil servants from diverse backgrounds. The current KNU EC will be transformed to become Kawthoolei Executive Council (KTL-EC) with a broader representation. KNU views the existing structure as a bit too top-down and rigid in a sense that the Congress makes policies only every four years. The details of the future Kawthoolei Revolutionary Government remains to be seen.

### ***3) Kawthoolei State for the future federal democratic union***

In the early 1990s in Marneplaw, a well-known KNU's former headquarters, a senior KNU leader, Htoo Htoo Lay, a trained lawyer, had initiated the discussion and the drafting of the Kawthoolei State Constitution for a future federal democracy. Simultaneously, KNU also was one of the key players in the drafting of the Federal Constitution Drafting and Coordinating Committee (FCDCC)<sup>33</sup> which completed the first draft of the Constitution of the Federal Democratic Union in 1996 and the second draft in 2008.<sup>34</sup> During the oppressive environment under the previous military junta back then, the drafting team members of Kawthoolei State Constitution were limited to those only in the revolutionary areas. Even then, some Karen stakeholders from inside the military government control tried to share their inputs in a clandestine way. A draft of the Kawthoolei State Constitution was also completed around that time. Note that around

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<sup>33</sup> An anti-military alliance of National League for Democracy (NLD) lawmakers and ethnic armed organisations (EAOs), including KNU.

<sup>34</sup> The Constitution of the Federal Republic of Union of Burma, 2nd draft by FCDCC (2008) <https://www.mmpeacemonitor.org/images/pdf/The-constitution-of-the-federal-republic-of-the-union-of-burma-second-draft.pdf>

that time, other state constitution drafting efforts such as Chin, Karenni, Kachin were also initiated along with Kawthoolei.

After 2010 when the military junta opened up the country and the ceasefire talks were resumed, the Kawthoolei State Constitution drafting process was put on hold. Only in 2018, the process was restarted and openly expanded to include more stakeholders from inside, including Karen political parties, EAOs and CSOs. The group was renamed as “Karen State Constitution Drafting Coordination Body (KSCDCB).” Besides drafting itself, the group was tasked to hold consultations with all the relevant stakeholders, ensure coordination among them, and organize capacity building programs on different technical topics. Together, they reached to complete the second draft before the coup.

After a period of pause due to the coup, the process was resumed about two years ago but some former members were not able to or hesitate to participate in the new sensitive political context, especially Karen political parties. The group members and KNU have been in contact to coordinate between the Kawthoolei Charter for the interim and Kawthoolei State Constitution for the future as they cannot be contradictory to each other. For example, both documents have made a renewed effort to emphasize on the inclusion of non-Karen constituencies. Another example is, they both agreed to generally designate the existing KNU’s 7 districts as a starting point for Kawthoolei State, but leave room for adjustment based on the desire and demand of the local people. The group has recently completed a third draft and submitted it to KNU in February 2025 for a review.<sup>35</sup>

#### **4) Armed resistance for security, self defense and territorial integrity**

In the wake of the coup, the Karen National Liberation Army (KNLA), the military wing of KNU, not only trained but also joined hands with thousands of peaceful protesters-turn-resistance fighters in fighting against the military junta. So far, KNU has been able to regain territories lost to the Myanmar military in the past three decades. Within a matter of one year (Aug 2023 - July 2024), KNLA and their allies have made significant territorial gains in southeast Myanmar, seizing 70 military camps of the State Administration Council (SAC) junta – half the overall total of 138 camps seized since the February 2021 coup.<sup>36</sup> With the recapture of KNU’s former headquarters in December 2024, a large portion of the Thai-Myanmar border along the Salween River was brought back under KNU/KNLA control for the first time in 40 years.

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<sup>35</sup> KII with a member of KSCDCB, April 30, 2025.

<sup>36</sup> ‘Regaining Control of Our Lands’ (KPSN, November 2024)

[https://www.karenpeace.org/wp-content/uploads/2024/11/FINAL-Regainign-Control-Our-Land\\_English-version.pdf](https://www.karenpeace.org/wp-content/uploads/2024/11/FINAL-Regainign-Control-Our-Land_English-version.pdf)

In the absence of international support, the long journey of the Karen armed struggles would not have been sustained success without the consistent and dedicated participation and support of their constituencies. In fact, one little known fact is that households in KNU's 7 districts are required (by what law? need to check) to give one child or person per family to serve in the revolution. We could say it is a mandatory but subtle military service but there are cases where young men or women have willingly and voluntarily joined the armed struggle. There are cases where some joined because they have to. But overall, the Karen people and the people of Myanmar clearly understand its importance to defy the stubborn Myanmar military that has shown no sign of lenience even in the midst of the Covid Pandemic or natural disaster.

### **5) Alliance building with other pro-democratic actors**

While striving for a self-governed Kawthoolei State, KNU also actively engages with other ethnic revolutionary organizations that have shared goals for the purpose of strengthening mutual trust, recognition and cohesion building. One evident positive outcome of this effort is a joint statement on September 19, 2024 where nine pro-democratic groups, including Ethnic Resistance Organizations and Councils Representing States/Nationalities plus Women League of Burma (WLB), outlined a work plan to implement the “bottom-up federalism approach” in pursuance of strong federal democratic union through strengthened state-level structures.<sup>37</sup> The groups agreed to implement the bottom-up federalism approach in accordance with three set of principles, namely, “(a) The ultimate owners of sovereignty are the states/federal units and the people within these states/federal units; (b) The states/federal units are based on equality and self-determination; and (c) We will implement the division of competencies through the principles of sovereignty, solidarity, subsidiarity, and proportionality.”<sup>38</sup>

While there seems no contention over the mandate of state constitution drafting, there have been heated debates over the mandate for federal-level constitution drafting. With the belief in the value and need to discuss and debate over the principles, on February 12, 2025, the nine group made another announcement about their new initiative in

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<sup>37</sup> [Joint Statement of Ethnic Resistance Organizations and Councils Representing States/Nationalities on the Establishment of a Future Federal Democratic Union \(Burma\), September 19, 2024](#). The nine organizations that issued the joint statement include: the Karen National Union (KNU), Karenni National Progressive Party (KNPP), Chin National Front (CNF), New Mon State Party-Anti Dictatorship (NMSP-AD), Karenni State Consultative Council (KSCC), Pa-O National Federal Council (PNFC), Mon State Federal Council (MSFC), Ta'ang Political Consultative Council (TPCC), and Women's League of Burma (WLB).

<sup>38</sup> Ibid.

drafting the Articles of Federal Transitional Arrangement (AFTA), intended to be used during the transition period to a federal union.<sup>39</sup>

With other pro-democratic actors, KNU continues to remain engaged in the NUCC platform as mentioned above. With NUG, KNU has a bilateral platform called J2C (Joint Coordination Committee) to discuss and coordinate security issues. With other long standing EROs, KNU has K2C or K3C platforms, and plus NUG.<sup>40</sup> **Most recently in April, a much broader higher-level coalition body called Join Coordination Body (JCB), including NUG, EROs, Rohingya groups (need to learn more).**

All of the recent efforts and statements speak loud and clearly that none of these groups are striving for self-determination or independence or disintegration. In fact, they are trying to come together and unify the fragmented pieces caused by decades of military rule.

### **Challenges and Opportunities (this section needs work)**

At present and moving forward, there are a host of outstanding and potential challenges related that KNU has to sort out and overcome in their pursuit to the envisioned Kawthoolei and a peaceful federal democracy for the country. Key challenges include, but not limited to:

- **Add the challenges**

All the above challenges are not out of solutions. Most can be solved through careful, timely and systematic planning and interventions with problem solving skills. KNU must not fail to seize the opportunities presented to them amid challenges.

- Cohesion building: with Kawthoolei and other allies
- Build a robust workforce for its administration: best time to attract talents and streamline decision making process
- Strengthen tie with the public, CSOs and the diaspora:

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<sup>39</sup>'Nine opposition groups announce drafting of laws for federal transition' (*Myanmar Peace Monitor*, 12 February 2025)

<https://mmpeacemonitor.org/en/en-news/nine-opposition-groups-announce-drafting-of-laws-for-federal-transition-period/>

<sup>40</sup> Long standing EAOs such as KNU, KNPP (Karenni National Progressive Party), CNF (Chin National Front) and KIO (Kachin Independence Organization).

- Geopolitically and commercially strategic: this brings huge opportunities but come with challenges as well. cross border management
- Strategic communication:
- Planning and budgeting: Focus on emergency, short-term and long-term public service delivery (humanitarian support, food security, livelihood, housing, essential public infrastructure)

## **5. The Role of International Recognition**

Myanmar is at a critical juncture. Looking from outside and on the surface, it may appear that Myanmar is in a complete mess as there are too many groups pursuing their own individual self interests with no desire nor mechanism to hold them together. This oversimplified (superficial) and flawed assessment then led to the wrong calculation that the alternative of the military junta would be a recipe for disintegration and a disaster to regional stability. This led to some international actors doing anything they can to protect the military junta from falling or even strengthening with more resources, diplomatic space despite the latter being in the highest level of legitimacy crisis in history. In reality, the country started cracking with the Karenni resistance movement rooted in a political crisis over nation-building only six months after Independence. As time went by, it got worse and worse, and finally reached a climax after the military coup of 2021.<sup>41</sup> The country has never been fully intact ever since where the ruling authority has never had a complete control of the entire population. In the long painful journey, no group is far from being perfect but the Myanmar military has been the primary perpetrator in the midst of all these.

The 2021 coup did trigger the nationwide explosion. By nature, explosions cause chaos and casualties. The people's revolution seems scattered especially when there is no one charismatic leader in charge of all. But it is important to see how different groups of people are putting pieces back together of a big broken house in their own areas with their own capacities, resources and paces as they continue to defend and fight against the atrocities. Whether looking at Kawthoolei, Karenni, Kachin, Sagaing, Magway, Chin, Mon, Arakan, Kokang or Ta'ang that are all active in the people's revolution, one can see several mini nation-building processes are in the making along with their armed resistance.

The international communities should scratch below the surface and invest in understanding the situations on the ground at a granular level, in particular, how each is taking its own due process in building their own respective self-governed states to be

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<sup>41</sup> The Karenni revolution started in August 1948, only 7 months after Independence, followed by the Karen in six months after (January 1949), then Kachin (1961), Mon (1962), Palaung or Ta'ang (1963), Chin (1988), Arakan (2009), and then several Bamar and multi-ethnic armed struggles after the coup of 2021.

more inclusive, democratic, and to restore civilian supremacy (e.g., Ta'ang case). While there are common themes of coalition building, drafting interim constitution, public consultation and so on, they all are very different in terms of history, geography, and demographic conditions. Therefore, we cannot take a one-size-fit-all approach nor expect all to come up the same. In other flourishing federal democratic countries, no two States are exactly alike either. Certainly, there are frictions and tensions on the ground among those groups (e.g., Kachin and Ta'ang, Shan and Ta'ang or even intra-group tension) but those who care about cohesion should consider ways to support and strengthen their existing coalition building efforts within each group and among different groups.

International partners should engage with these organizations to lay the groundwork for a more stable and enduring legitimacy, building upon the strong popular support that has emerged through the revolution. One thing for sure is that Karen and the people of Myanmar alike will continue their struggle for freedom from the military dictatorship and for a federal democratic nation building efforts with or without international support. Even if it is too complicated for the international communities to give political recognition, they should consider incremental recognition on specific practical and tangible matters. For example, recognition of administrative documents, as long as they are produced in a credible process, of revolutionary governance institutions as recommended by a fact-finding mission report published in March 2024 by ASEAN Parliamentarians for Human Rights.<sup>42</sup> A case in point would be high school diploma or Resident IDs issued by KNU. It would be highly valuable if those administrative records were recognized by the Thai authorities for the purpose of allowing state-less youth to pursue university education in Thailand.

**(Still need to refine this section and add a few more points)**

## **6. Conclusion**

KNU's quest for a self-governed Kawthoolei State and the like elsewhere across Myanmar should not be viewed as an isolated case that will lead to fragmentation. Rather, they are parts and parcels of building a critical foundation for the formation of a thriving federal democracy. The fact that they are developing the Kawthoolei Charter by consulting with internal and external stakeholders for the purpose of forming a state-level political coalition body called Kawthoolei Consultative Council (KCC) should be viewed as steps toward process legitimacy. Their effort to strengthen the existing governance system, and their plan to establish Kawthoolei Revolutionary Government from KCC to broaden representation and attract more talents can be viewed as steps

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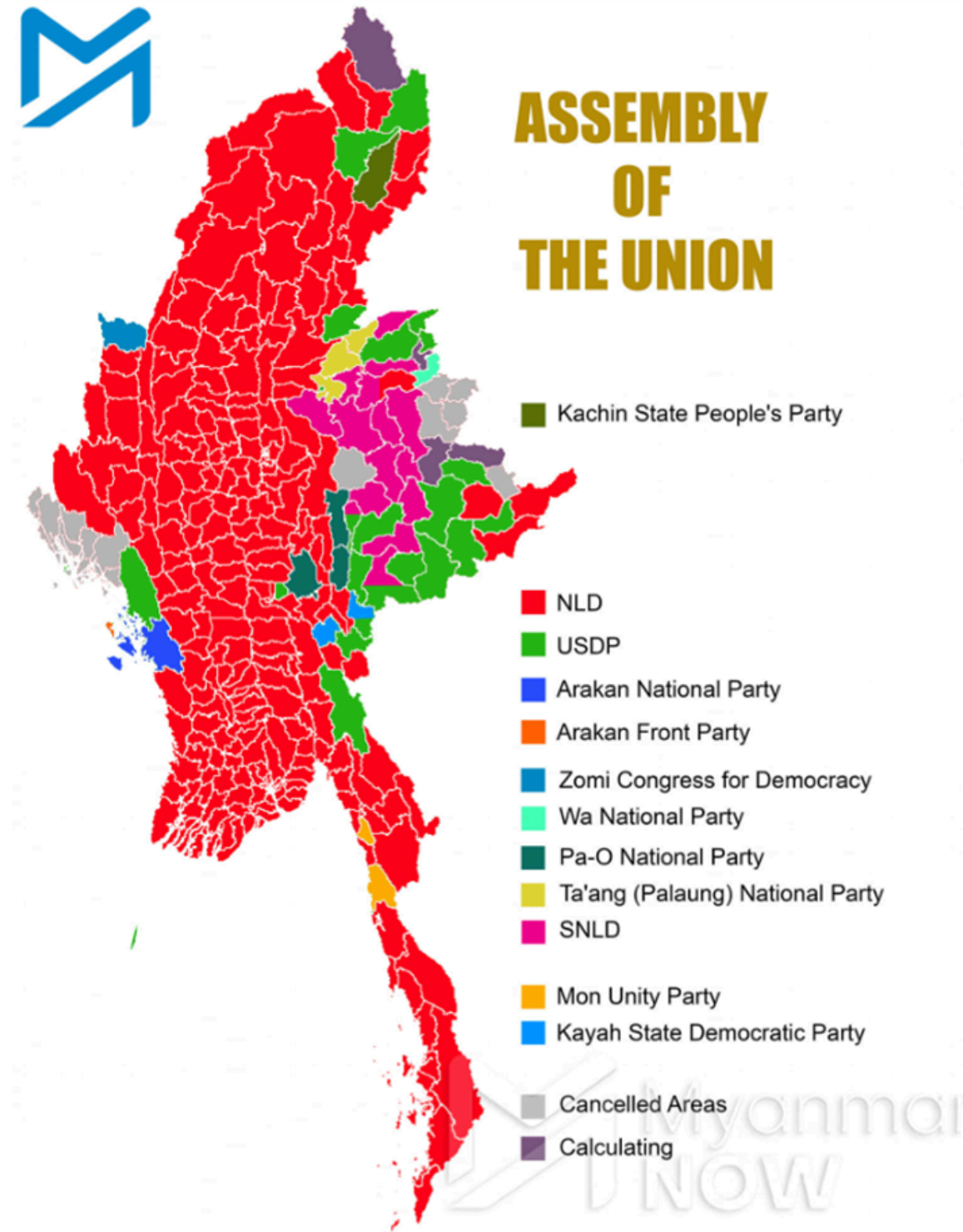
<sup>42</sup>

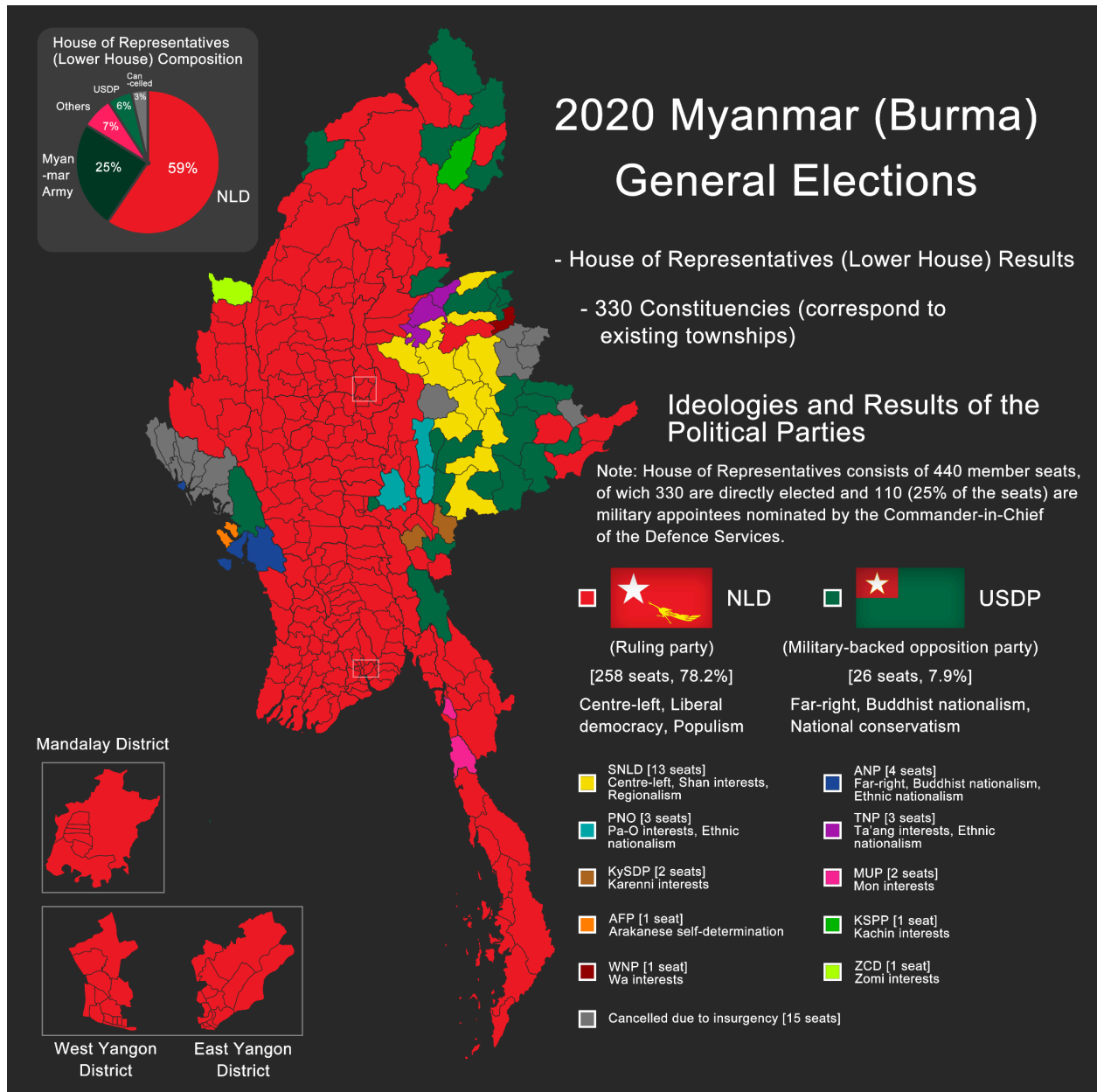
*This is a draft version of a work in progress. Please do not cite or distribute without the author's permission.*

toward performance legitimacy. Last, their resilience and persistent fight against the atrocious military dictatorship in solidarity with the people should be also recognized. As mentioned above, KNU is far from being perfect but with many shortcomings that are calling out for immediate and long-term repairs. They have many challenges and opportunities at present and ahead as mentioned above.

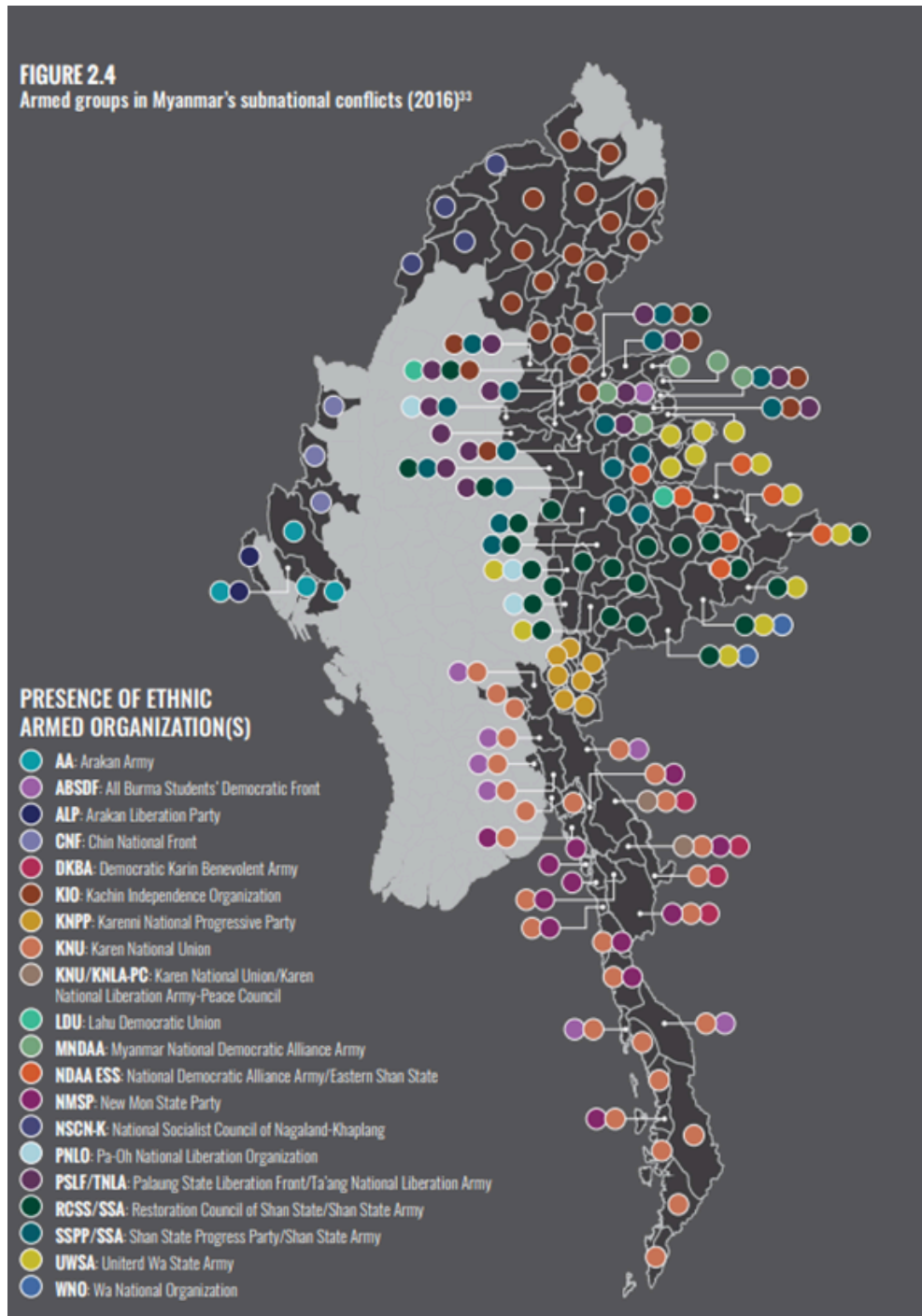
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## Annex I: An electoral map showing results of 2020 elections in Myanmar's 498 constituencies





## Annex II: Contested Areas of Myanmar as of 2017



Source: [Contested Areas of Myanmar: Subnational Conflict, Aid and Development, Asia Foundation, 16 October 2017.](#)

