

Discrimination, Conflict, and Corruption

The Ethnic States of Burma

The Ethnic Nationalities Council (ENC) was originally established as the Ethnic Nationalities Solidarity and Cooperation Committee (ENSCC) in August 2001. It was entrusted with the task of fostering unity and cooperation between all ethnic nationalities in preparation for ‘Tripartite Dialogue’ and a transition to democracy.

Strategic Studies Department
Ethnic Nationalities Council-Union of Burma
<http://www.encburma.net>

©2011 Ethnic Nationalities Council – Union of Burma

Author: Paul Keenan

Research Assistant: Ni Ni Win

ENC Project Coordinator: Victor Biak Lian

This report was made possible due the generous support of Interpares and the Euro-Burma Office.

Acknowledgements:

The author would like to thank Ni Ni Win, Lasang Tu Ja, Yar Thet Paing, Purity, Saw Mi, Doi Doi, Nai Kasuah Mon, Khu Oo Reh, Col. La Awng, Sai Khuensai, Theh Mar, Sai Mawn, Rimond Htoo, Twan Zaw, the Chin National Council, The Mon Affairs Union, Edmund Clipson, Richard Humphries, and others too numerous to mention. Special thanks go to all those interviewees who kindly donated their time.

Front cover: A Karen man returns to his village from a relocation site (Digital Mapping and Database Program)

Back Cover: Burmese soldiers in Kengtung (Richard Humphries)

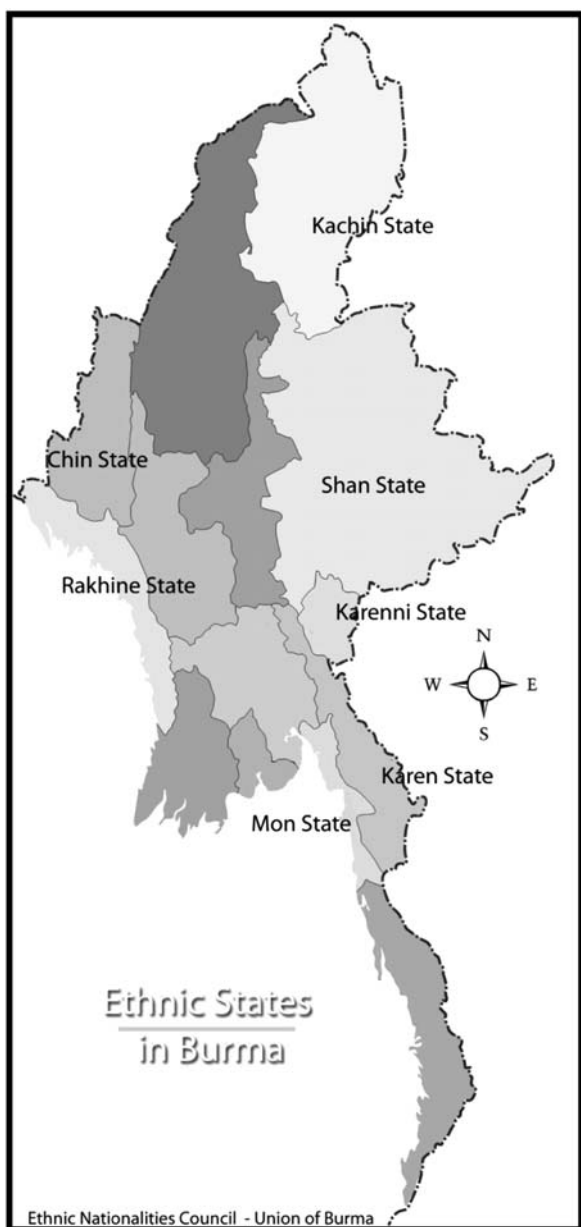
Discrimination, Conflict and Corruption

The Ethnic States of Burma

Strategic Studies Department
Ethnic Nationalities Council - Union of Burma

Contents

Map of Burma's ethnic states.....	1
Executive Summary.....	2
Introduction.....	4
Methodology.....	8
Political Background to the Ethnic Struggle.....	10
<i>Colonialism</i>	11
<i>Separation from India</i>	13
<i>The 'Frontier' or 'Excluded Areas'</i>	16
<i>Post-Independence and the BSPP era</i>	18
Major concerns in ethnic areas.....	30
Discrimination against Ethnic Minorities, by both Government Forces and Local Communities.....	35
Ethnic participation in local communities and political representation.....	40
Government Corruption.....	44
Civil Society and Government, or Non-state Actor, Support for Civilians.....	50
Conflict and Human Rights Abuses.....	56
<i>The beginning of Ethnic Conflict</i>	56
<i>Anti-government Groups</i>	66
<i>Ceasefire Groups</i>	72
Livelihood and the Environment.....	82
Conclusion.....	88
Appendix 1 - List of Interviewees.....	91
Appendix 2 - Text of the Panglong conference.....	93



Map of Burma's ethnic states

Executive Summary

Since achieving independence in January 1948, successive Burmese governments, elected and military dictatorships, have sought to address the complex issues involving the country's many ethnic groups. They have sought to do this primarily through confronting a perceived separatist agenda pursued by the many ethnic groups who have taken up arms against the various governments.

However, ethnic groups have called for a genuine federal union based upon the principles of equality for all of the country's citizens. It is this that is the motivating factor behind the continuation of armed struggle, as central Burmese administrations have refused to concede to the political grievances of the ethnic groups.

Now that a new, ostensibly civilian, government has taken over the administration of the country, the time has come for new efforts to fully understand the current problems affecting the ethnic groups and to re-evaluate those previous strategies that have continued to perpetuate armed conflict.

While armed conflict has become a dominant factor among the problems affecting ethnic peoples, it is not the only one. Wide-scale discrimination against ethnic groups, prevalent corruption, and human rights abuses have continued throughout the decades of civil war. The Governments of Burma, especially from 1962 until 2010, have pursued only a military solution to what is primarily a political problem, and have consequently given ethnic groups no other option but to engage in armed struggle. Ethnic citizens, therefore, have been regarded as possible insurgents without just cause. They have been discriminated against up to the present day.

While the ceasefire agreements of the late eighties and early nineties have characterised some of the achievements that could be found by co-operating with the Military Government's framework, they still failed to alleviate poverty and inequality for most of the ethnic populations. Many of those groups who had not totally supported the military government's line found the original concessions that they had been granted gradually eroded.

The fact that the previous Military Government's response to the ceasefire groups call for equal recognition led to the coerced creation of Border Guard Forces (BGF), in which ethnic armed forces accepted Burma Army authority, demonstrated that the military still did not understand what was needed for the ethnic groups to realise their aspirations and did not trust them to be equal members of the union. While the new government has made a number of concessions to reform laws and instil democratic values, it must recognise the equality of all peoples of the country.

The failure of the BGF programme, the resumption of war in 2011 in Kachin State and the widening of conflict in Shan and Karen States clearly show that the ethnic issue needs to be addressed not by military force but by political compromise. It is this solution that must recognise and redress the inequality that many of the ethnic minority population feel.

Introduction

The Strategic Studies Department was formed on 19 September, 2005 as one of the committees under the Ethnic Nationalities Council (ENC). The goal of the Strategic Studies Department is to implement the policies of the ENC in relation to the analysis of the on-going conflict in Burma. Its main objectives are to enhance the cooperation of ethnic nationalities organizations in political, military and other civil affairs; to strengthen the knowledge and skills within every ethnic nationalities organization related to strategic studies; and to provide strategic consultation between ethnic nationalities organizations and pro-democracy forces.

In an attempt to better depict the situation for the people, and the organisations supporting them, in ethnic areas the ENC commissioned this report to examine the lives of those people living in ethnic areas from their perspective. Many previous reports, often produced by international NGO's and advocacy groups, have focussed on the lives of ethnic people as an aside to the political process in the country or as, quite correctly, the victims of a six decades long civil war.

While such reports assist in better understanding the situation inside the country, especially in a conflict/political context, by speaking with the ethnic minority people in order to gain insight into what they saw as the fundamental problems affecting them and presenting them in this report, ENC policies that best reflect the needs of the ethnic population can be adopted.

This report examines a number of issues that are likely to affect ethnic people in conflict affected, ceasefire, and government-controlled areas. These are:

- Discrimination against ethnic minorities, by both government forces and other local communities
- Ethnic participation in local communities
- Civil society support
- Human rights abuses
- Government, and non-state actor, support for civilians
- Conflict
- Political representation
- Environmental degradation
- Livelihood

There is little doubt that conflict would continue to be a major concern and this report was produced at the time of renewed conflict in Kachin State and Shan States as previous ceasefire agreements collapsed. It was hoped that the other areas would give us a better understanding of how people related to such issues and what changes needed to be made to address any concerns arising.

This report first seeks to put the ethnic issue in perspective by examining the root cause of the problem. This was the failure of the post-independence Burmese government to accommodate and understand the political aspirations of the ethnic minorities. And it was this failure that would be repeated by the various military dictatorships as they continued to misunderstand the needs of the ethnic peoples.

The current major concerns of the ethnic people interviewed are then addressed. Next, the report focuses on perhaps the most fundamental issue that is the basis of the ethnic problem on Burma - discrimination. It is this, or what the Karen National Union frequently terms chauvinism¹, that continues to characterise the ethnic problem in Burma and is what most people are affected by.

Discrimination is further examined in relation to ethnic participation and political representation. The report shows how people see themselves in relation to how they contribute in their own governance and communities and shows how the political system is designed to prevent their promotion to more responsible positions.

Continuing, the report focuses on the most prevalent issue amongst those interviewed - the endemic corruption that is a facet of everyday life. All interviewees cited numerous examples of corruption. And while this problem is not solely confined to ethnic areas, a number of the respondents' comments showed how corruption was further exacerbated by conflict and discrimination.

The subsequent section looks at civil society and government support for ethnic peoples. It shows that, although there are a number of civil society organisations, they are frequently unable to operate in areas where the vulnerable populations need them and that government has failed to adequately respond to the needs of the people in ethnic areas.

The report then provides a history of the conflict in the country and looks at how ethnic groups have been forced to respond to the inability of governments to redress the ethnic issue. As a consequence, human rights abuses continue not only in conflict zones but also in areas with relative peace that are under government control.

Finally, the report looks at the effects government policy has had on the ability of people to make a living and care for their families and how the government has prioritised economic development at the expense of the environment.

While the report provides background information to better enable the readers to put the interviewee's comments into perspective, its primary goal is to allow those people in ethnic areas to share their experiences. It is this that is the most important indicator of progression in Burma, and it is their voices that should resonate the most.

Methodology

Preliminary research based on open source material and from community-based organisations was used to create a question framework based on each individual ethnic area's perceived problems. Field work was conducted with relevant ethnic organisations, and, where available, individuals from specific ethnic areas, from January 2011 till October 2011. The main field work was conducted in Mae Sot, Mae Hong Son, Sangkhlaburi, and Chiang Mai in Thailand, Ruili in China, Laiza in Kachin State, and Aizawl in India.

All interviews were conducted in either Burmese or the ethnic language of the respondent through a translator. A large proportion of the individuals interviewed are currently refugees, migrant workers, or exiles outside of the country but the majority had left within the last ten years. The most recently arrived people to be interviewed were those from Karenni (Kayah) State who had only been in their host country for three months. In total, over 53 interviews have been used for the purpose of this report. In addition the interviewer also met with members of the Mon Affairs Union, the Chin National Council, and a number of serving Chin politicians whose views have also been expressed in the text.

While it was originally envisioned that the report would identify a number of areas of concern that differed from each individual state, the data collected identified main areas that were duplicated throughout all ethnic states, regardless of conflict. It is these areas that this report now concentrates on. That said however, it must be noted that the absence of information on a particular subject does not suggest that the problem does not exist, or is not a concern. Often, absences in relation to the scope of the report were due to the fact that the subjects were not sufficiently aware enough to identify what was corruption or what were human rights abuses, as these had already become part of the societal norm.

Political Background to the Ethnic Struggle

Burma² is perhaps the most ethnically diverse state in mainland Southeast Asia. While the ethnic Burman comprises approximately 68 per cent of the population, it is estimated that there are more than one hundred ethnic groups in the country.³ The majority Burmans dominate the plains, the major towns and the cities. The hills bordering the neighbouring countries of India, Bangladesh, China, Laos and Thailand are populated by ethnic minorities. The largest of the ethnic minorities are the Shan, the Karen and the Arakanese. Up until the colonization of the country, which was finally completed in 1886, the country was ruled primarily by the Burman and the Mon.⁴ Many of the ethnic groups in the mountains found themselves the victims of both parties and were often used as slaves. Throughout this period, a great deal of animosity developed between the different ethnicities, especially with the final defeat of the Mon Kingdom by the Burman King Alaungphaya in 1757.

In the middle of the 18th century, a new Burman kingdom emerged at Ava and gradually extended its control over much of what is now modern day Burma. By the end of the 18th century the country was the strongest state in mainland Southeast Asia. However, as Britain increased its presence in Southeast Asia in the 19th century, it sought, primarily for commercial reasons, to further exert its influence over the region. In an attempt to open a trade route with China, clearly define borders between British India and Burma and reduce French influence, the British Government embarked on a policy of war and annexation.

Colonialism

The first Anglo-Burmese war lasted from 1824 to 1826 and saw the annexation of Arakan, bordering British India, and Tennesserim, the lower part of Burma which borders both Thailand and what was then Malaya. A further war, the second Anglo-Burmese War from 1852 to 1853, saw the annexation of Rangoon and Pegu and all the areas became known as Lower Burma and became part of, and were governed from, British India.

These areas under British control contained a diverse ethnic mix of people. To the west, on the border with India, were the Arakanese (Rakhine) while to the southeast were the Mon and, in the eastern hills, the Karen. Rangoon and Pegu, with the former being the trade capital of the country, consisted of a mixture of all races but primarily the ethnic-majority Burman and many Karen. The latter were especially populous in the Irrawaddy delta. Another war, the short-lived third Anglo-Burmese War from 1885 to 1886, would see the total annexation of the country and the joining of both upper and lower Burma. The consequences of this final war would prove disastrous as the British intentionally sought to dismantle the former power of the Burmese state. As Donald Mackenzie Smeaton of the Bengal Civil Service, writing at the time, noted:

‘The second Burmese war, in 1852-53, was a war of annexation. The third Burmese war, in 1885-86, is a war of annexation and extinction – extinction in the people’s eyes both of nationality and of religion.’⁵

Accordingly, British priorities towards rule in Burma were, as historian Martin Smith notes, based on ‘...a minimum of inconvenience and a basic requirement that annexed territories raise sufficient revenues to pay for themselves’.⁶

Such policies however ignored the delicate ethnic balance of the country and would lead to clearly separating those ethnicities that existed along tribal lines and located in the hills, from the majority Burman in the plains. As Lord Dufferin, viceroy of India, explained during the 1886 pacification of the country:

‘The Shans, Kachins and other mountain tribes live under the rule of hereditary Chiefs whose authority is generally sufficient to preserve order amongst them. Here, then, we have to deal not with disintegrated masses as in Burma Proper, but with large well organised units, each under the moral and administrative control of an individual ruler.’⁷

It was this recognition that would result in the division of the country into two distinct entities and the total dismantling of the apparatus of state in the plains, or Burma proper. This meant the granting of authority to the Chin, Karenni, Kachin and Shan (as the Federated Shan States) to maintain their feudal administrations in what became known as the Frontier or Excluded Areas.

After the first war, Lower Burma was governed from Calcutta and it wasn't until 1862 that an officer was appointed to govern the country from Rangoon. With the full annexation of the country, the British sought to totally remove all remnants of the Royal Court. The King was exiled to India and his hereditary officials dismissed.

In 1897, a legislative council, consisting of governor-nominated representatives, was created and administration was gradually devolved to local, usually ethnic Burman, officials.⁸ The fact that the British appointed Burman officials in practically all positions of local administration was to cause major conflict with other ethnic groups. Further tension was caused by the

British insistence that the military be largely comprised of ethnic groups leading to the exclusion of Burmans from the police and armed forces.

Religion was also to be a major cause of conflict. After the first Anglo-Burmese war, British and American missionaries were able to convert a large proportion of the hill tribes to Christianity and these, especially the Karen, were then used in suppressing the Buddhist rebellion that occurred after the third war. With the expulsion of the Burman King, the British had also removed the head of the Buddhist religion. This caused widespread resentment not only towards the British but also to those who worked with them.

Separation from India

After the First World War, the British moved to introduce a number of reforms to its colonies. In 1917, a number of meetings, the Chelmsford-Montague hearings, took place in India. Although still under Indian administration, a number of delegates from Burma were invited, including representatives of the Burman and Karen peoples. It was here that the first differences between the aspirations of the majority Burman, and of other ethnic groups, first became visible. The ethnic Burmans had asserted their own aspirations in the early decades of the twentieth century primarily through newly founded Buddhist institutions, including the Young Men's Buddhist Association (YMBA), which was established in 1906. This organisation was to become a major focal point for Burman agitation against colonial rule.

Consequently, the Burmans, represented by the YMBA, sought to seek separation from British India and the crown while the Karen sought to retain links to the British. As the Karen National Association representative noted:

*'...the country is not yet in a fit state for self-government. Burma is inhabited by many different races, differing in states of civilisation, differing in religion and social development... From what has transpired in the past, when injustice and despotism reigned supreme. The Karens of Burma do not clamour and agitate for the fruition of questionable political privileges and the ushering in of dubious political eras. The history of our Province indicates that it is in a state of transition still, and as yet the benefits of free government are not quite fully appreciated.'*⁹

In 1920, the Greater Council for Burmese Associations (GCBA), an alliance of Buddhist groups, was formed. The GCBA embarked on a number of anti-colonial measures including advocating the boycott of foreign goods. In 1921, the Whyte Commission was formed to look into communal representation and found itself the target of ethnic Burman hostility and agitation. Burmans in Rangoon, Moulmein, and Mandalay came out in force to protest against the formation of the committee and a number of successful attempts were made to prevent the committee hearing testimony from other ethnic representatives. That said, however, at least one Karen representative was able to put forward his opinion. When asked whether the situation for the Karen had changed, he was quick to reply that:

*'The Karens are today ten times more oppressed and downtrodden than in former days. The Burmese have learned to become wiser and more cunning in their methods of oppression, and Government are none the wiser.'*¹⁰

The reform schemes opened the way for ethnic representation in the legislative council and a number of ethnic representatives were appointed. The ethnic Karens were given seven seats, five for communal representatives and two as general

representatives, although the latter may have been due to a Burman boycott. The next election, where there was no boycott, was contested by large numbers of Burman candidates and the ethnic races lost seats resulting in ethnic representation becoming almost negligible.

The country's first parliament was finally established in 1923. Freely elected ministers were responsible for law and order, irrigation and revenue and finance. The responsibility for administration was reserved for two appointed members of the governor's council, one of whom was always an ethnic Burman. Local government was also introduced and 28 district councils were created for local administration.

By the early 1930s, the country was facing an economic and political crisis. At the beginning of the decade, anti-Indian riots broke out and a populist peasant rebellion led by a former monk and GCBA member, Saya San, spread throughout the country. The rebellion quickly took on a Burman nationalist tone with local Burman associations organising the unrest. To pacify the rebellion, which took almost eighteen months, the British used 10,000 soldiers of the Indian army, 1,600 of which were ethnic Karen and Chin.¹¹ The latter's inclusion would further add to racial, and also religious, tensions between the Burman and the other ethnicities.

Amidst the turmoil of 1930, the Dobama Asiayone (We Burmans Association) was founded. The Dobama Asiayone, which also became known as the Thakin movement, was to hold the mantle of Burman nationalism. Its main objective was total independence of the country from the British but included the imposition of Burman values on an independent Burma - as noted in its slogan:

*'Burma is our country; Burmese literature is our literature; Burmese language is our language. Love our country, raise the standards of our literature, respect our language.'*¹²

Seperation from India was finally granted in 1937 and government was reestablished, comprised of an upper and lower house. The upper house had 36 members half of which were elected and the others appointed. The lower house had 132 elected seats. There were special constituencies for industrial labour (Burman and Indian), Chambers of Commerce (Burman, Chinese, Indian and English) and racial minorities (Karen, Indian and English). The Burmans were allowed to dominate the house with an allocation of 72% of all seats. There was a cabinet of six to nine ministers who were appointed by the governor on the advice of the Prime Minister. The Governor, appointed by HMG, was responsible for foreign affairs, defence, currency and the 'excluded areas'. The Governor also had the power to override parliament in matters gravely affecting peace and tranquility, financial stability, rights of minorities, less backward areas, services, and racial and commercial discrimination.¹³

The 'Frontier' or 'Excluded Areas'

G.E. Harvey, in writing in British Rule in Burma, goes to great lengths to stress the importance of the Excluded Areas. In noting that the 1937 constitution prevented parliament from authority in half of the country, he accordingly draws attention to the fact that:

*'These areas are not and never were Burmese. They were not subject to the 1923 parliament and even before, in the days of the old beauracracy, they were the governor's personal concern in which his officers for Burma proper had no say.'*¹⁴

	Miles	Per cent (Country)	Population (Mill.)	Per cent (Pop.)
Parliamentary Burma	149,000	57	12.3	84
Excluded Areas	113,000	43	2.4	16
All Burma	262,000	100	15 (14.7)	100

Figure 1 - Breakdown of Burma's Population circa 1937 (Source: G.E. Harvey, *British Rule in Burma*, 1946)

As noted earlier, the colonization of the country by the British and the partitioning of the country into two very distinct entities were to be major factors in deciding the political course of the country. The Excluded Areas included what are now Karen State (then known as the Karen Salween Hill Region), Chin State (Chin Hills), Arakan State (Naga Hills)¹⁵ and Kachin State and Shan State (Federated Shan States) with Burma proper, or ministerial Burma, consisting only of what are now the majority divisions of the country.

These areas, inhabited primarily by various ethnic peoples, would require special attention as laid down in the 1935 Constitution. The British Government's desire to quickly grant dominion status to the country after the war would take this into account. The White Paper for Burma, drawn up after the Japanese defeat, clearly stated that:

'The administration of the scheduled areas, that is the Shan States and the tribal areas in the mountainous fringes of the countries, inhabited by peoples differing in language, social customs and degree of political development from the Burmans inhabiting the central areas, would remain for the time being a responsibility of His Majesty's Government until

such time as their inhabitants signify their desire for some suitable form of amalgamation of their territories with Burma proper.¹⁶

Post-Independence and the BSPP era

Actual policy for Burma had initially rested on the returning governor Reginald Dorman-Smith. However, Lord Mountbatten, the Supreme Allied Commander for Southeast Asia, who had been responsible for engineering a deal with Aung San, the Burmese Nationalist leader, to fight against the Japanese, decided to implement his own policy. Mountbatten's decision to support Aung San's Anti-Fascist People's Independence League (AFPIL), was opposed by former Prime Minister Churchill, Dorman-Smith and General Slim. As early as July 1945 reports regarding the AFPIL suggested that ethnic and Burman communities had disparate views in relation to the future. According to an August 1945 report:

'The Anti-Fascist People's Independence League has been very active in forming local branches over most areas of Liberated Burma. It is now emerging as a Communist organisation and is an up-to-date version of the old Thakin party; it aspires to be the main political power in Liberated Burma. It is interesting to note that the Karens and the Arakanese have disassociated themselves from the movement and are endeavouring to set up their own Independence Movements.'¹⁷

British officials, especially Dorman-Smith, had constantly warned Whitehall about the dangers of dealing solely with Aung San and members of the AFPIL who, it was believed, were not representative of the Burmese population as a whole. Pethick-Lawrence, the secretary of State for Burma, noted in a 1945 memorandum his belief that the AFPIL:

‘...has established itself in a dominating position and claims to be accepted as speaking on behalf of Burma. There is, however, clear evidence to suggest that it has acquired this dominating position in the countryside by the menace of the armed force of the Patriotic Burma Forces and because more moderate political elements in Burma have hesitated to oppose it openly.’¹⁸

In relation to Dorman-Smith’s position, he writes:

‘The AFPIL is unquestionably an important and wellorganised body which represents a body of opinion of which he shall have to take full account...But I am assured by the Governor that its claim to be able to speak for all parties greatly overstates the position and that we should make a great mistake to allow ourselves to be manoeuvred into accepting it as the voice of Burma and as adequately representing all political opinion in that country. Demands so extensive as those advanced by AFPIL could not in any event be accepted consistently with the discharge of our obligations to the people of Burma as a whole.’

Dorman-Smith frequently fought with Aung San and the AFPIL over who should be appointed to the Governor’s Executive Committee and the Legislative Council. The disagreements between the two parties became so extreme that Dorman-Smith acknowledged that by October 1945 he had ‘...come to the parting of the ways with the “Big Three” of AFPIL (Ba Pe, Than Tun, Aung San) much to the relief of many people and to the fear of numerous others.’¹⁹

Dorman-Smith was acutely aware of the fact that a number of AFPIL members, especially Thakin Thein Pe were anti-British and, in the case of the latter, practiced a form of communism that was ‘...crude to a degree and of a kind which would make

even Lenin blush.' This, he maintained, was the reason why such members were not acceptable to him even at the risk of causing major disturbances in the country. Adding to the situation was the fact that Dorman-Smith had also wanted to arrest and try Aung San for the murder of the Muslim headman of Thebyugone village whom he had stabbed to death in front of a number of villagers.²⁰ While the Governor had been persuaded from taking further action against Aung San, the case caused some consternation, especially with Mountbatten.

Mountbatten had taken it upon himself to decide the future of Burma. He had allowed the former Burma National Army (former BIA) to be reformed into the Patriotic Burma Forces against the wishes of Dorman-Smith, Churchill and General Slim who had wanted them disbanded. When the PBF was finally disbanded only 4,700 joined the regular army, the rest, some 3,500, became part of Aung San's private army, the People's Volunteer Organisation under the command of Bohmu Aung and Bo Sein Hman.

Mountbatten also lobbied Dorman-Smith for Aung San to have greater say in the appointment of the Governor's Executive Council, a request that Dorman-Smith refused. While Dorman-Smith was in London attending to medical problems he was suddenly replaced as Governor, in September 1946, by Mountbatten's former deputy, Sir Hubert Rance. Rance immediately entered into discussions with various political leaders to form an Executive Council containing members of all the leading parties. Aung San, and the AFPIIL which would later change its name to the Anti-Fascist People's Freedom League (AFPFL), soon dominated the council.

In December 1946 the British government sent a telegram asking for a delegation from the Governor's Executive Council to travel to London. On receipt, the AFPFL relayed a number

of requests that needed to be agreed to prior to the delegation's arrival '*... for the purpose of concretising the following basic principles.*'

- I. Interim National Government with full powers and with Governor as constitutional head.
- II. The coming general election to be held not for restoration of Government of Burma Act 1935 but for convening a Constituent Assembly for whole of Burma, free from the participation of non-Burman nationals.
- III. Immediate steps to be taken from now to prepare the way for a free united Burma.
- IV. A categorical declaration to be made forthwith that Burma would get complete independence within a year.²¹

The requests caused some apprehension in Whitehall. It was not that the Governor was too concerned about granting the requests, for the most part all had already been agreed to, but rather he stated that:

'Nor am I altogether convinced by the Governor's argument that we must back up AFPFL - the very insistence of AFPFL on a concession with which to convince its adherents of its power is in itself an indication that we may be surrendering to a party that may-not be able to maintain effective control.'

On the 27th of January 1947 the Aung San-Attlee agreement was signed. The agreement provided for elections within four months to set up a constituent assembly, recognition of Aung San's Cabinet as an interim Dominion Government, British nomination for Burma's membership of the United Nations, and British loans and support.

Aware that many of the ethnic nationalities were unhappy with the situation, Aung San moved quickly to try and solve the ethnic people's calls for equal representation. On the 12th February 1947, a conference was held at Panglong in Shan State. Although the conference was attended by representatives of the Shan, Kachin and Chin a number of other groups, most notably the Karen, either sent observers or did not attend at all.²²

The document signed at the meeting, which became known as the 'Panglong Agreement', provided for autonomy for both the Shan and Chin states and the future demarcation for a Kachin state, it notes,

*' . . . the Governor's Executive Council ... will not operate in respect of the Frontier Areas in any manner which would deprive any portion of these Areas of the autonomy which it now enjoys in internal administration. Full autonomy in internal administration for the Frontier Areas is accepted in principle.'*²³

Although the Panglong agreement had been signed granting autonomy to at least two of the ethnic states, the 1947 constitution also allowed for those ethnic states to secede from the union - but it further qualified that,

*'The right of secession shall not be exercised within ten years from the date on which this Constitution comes into operation.'*²⁴

Nonetheless, some of the nationalities had been able to benefit from the signing of the Panglong agreement, yet the Karen, who had long been distrustful of the Burman majority, still found their aspirations unaccounted for. A fear that was echoed by a member of the House of Lords who stated, in reference to the Panglong agreement, that:

*'I must confess that when I read its terms, I found it very difficult indeed to reconcile the face value of that Agreement with the previous history of the peoples concerned...This House must satisfy itself that that Agreement was in fact completely genuine, and that there was no element of coercion whatsoever.'*²⁵

As part of the Aung San-Attlee agreement it was agreed that a Frontier Areas Commission of Enquiry (FACE) would be set up to investigate ethnic issues in the frontier areas. However, the commission's chairman, Lt-Col. D R Rees-Williams was only able to concentrate on about 20% of areas where many of the ethnic nationalities, including the Karen resided. It was believed that the commission was hopelessly flawed and interviewees were coerced by the AFPFL who allegedly manufactured Karen agreements to those suggestions put forward at Panglong.²⁶

Aung San, realising the possible consequences of ignoring the ethnic issue was rumoured to be going against the hardliners in the AFPFL (U Nu, and deputy army commander Ne Win), and was believed to be on the verge of making further concessions to the ethnic minorities. Whatever were the real reasons or who was really behind it is unknown, but Aung San and his cabinet were assassinated on July 19th leaving U Nu to become premier.

As a leader of the AFPFL, the first thing U Nu did was to give an order to U Chan Htun to re-draft Aung San's version of the Union Constitution, which had already been approved by the AFPFL Convention in May 1947. U Chan Htun's version of the Union Constitution was promulgated by the Constituent Assembly of the interim government of Burma in September 1947. Thus, the fate of the country and the people, especially the fate of the non-Burman nationalities, changed dramatically

between July and September 1947. As a consequence, Burma did not become a genuine federal union, as U Chan Htun himself admitted to historian Hugh Tinker:

*“Our country, though in theory federal, is in practice unitary.”*²⁷

Not long after independence was granted, the country erupted into civil war as communist and ethnic armies fought for their individual goals. U Nu’s government was able to stay in power and by 1958 began to re-establish government control over the many areas of the country that had been lost to the various factions. In 1958, disunity among the various members of the AFPFL resulted in the government’s collapse. Although U Nu won a new election, it was by such a small margin that he resigned and instead asked the head of the army, General Ne Win, to take over power and organize new elections.

General Ne Win held power for 16 months before U Nu once again was elected to the position of Prime Minister. Throughout the period, the relationship with the various ethnic nationalities in the country was tenuous at best. A number of ethnic armies, especially the Karen and Kachin ones, had won major gains and were still in open rebellion. In addition to the armed conflict, the Government was also facing the prospect of the Shan and Karenni states seeking the right to secede as allowed for in the 1947 constitution. To address these issues, U Nu arranged a meeting with ethnic leaders in February 1962. The military, especially the army, under General Ne Win, saw any accommodation with the ethnic groups as detrimental to the country and on the 2nd of March 1962 seized power in a bloodless coup and jailed all the participants.

Shortly after seizing power, General Ne Win established the Revolutionary Council comprised of 17 senior officers which promptly replaced the federal parliamentary system with a

military dictatorship. The Revolutionary Council then created its own political party, the Burma Socialist Program Party (BSPP), and published its ideology as the 'The Burmese Way to Socialism' on the 30th April 1962. To further establish control over the political processes of the country the RC issued a decree entitled 'The Law Protecting National Unity' on March 23, 1964, whereby all political parties except the BSPP were abolished.

The BSPP soon embarked on a policy of nationalization and the military assumed direct control of the economy. In 1971, the BSPP attempted to transform itself into a civilian administration; however, it was still primarily comprised of retired military officers. In 1974, a new constitution was adopted which further entrenched the BSPP as the only legal political party in the country. The new constitution's article 11 stated,

*'The State shall adopt a single-party system. The Burma Socialist Programme Party is the sole political party and it shall lead the State.'*²⁸

It also stated that sovereign power resides in a newly formed People's Assembly, or Pyithu Hluttaw. Although article 12 stated that this body would be elected by citizens of the country, the fact that they had only one party to choose from clearly suggested the regime's overall aims.

Throughout the seventies, the BSPP's failed economic policies wreaked havoc within the country. Workers staged violent strikes and student demonstrations in 1974 were bloodily repressed. After years of mismanagement and repression Ne Win finally stepped down from the presidency in 1981, but still held the reins of power of the BSPP.

In 1987, as the country continued to face economic disintegration, the BSPP demonetized three currency bank note denominations and refused to reimburse those who subsequently lost most of their savings. The move resulted in over 70% of the currency in circulation becoming worthless and, as a result, mass protests were organized.

In March 1988, a brawl in a teashop, which led to the death of a student at the hands of the police, resulted in violent campus wide disturbances. The government responded by closing all the universities and, in an attempt to calm the situation, promised an inquiry. Believing the environment to be more stable, universities were reopened in June. However, violence once more broke out at the failure of the Government to bring to justice to those responsible for the student's death. Unrest soon spread nationwide and martial law was declared.

After quelling the large scale civil unrest in 1988 and ignoring the results of the 1990 election, the Burmese military regime (then known as SLORC and later as the SPDC) seized power and embarked on a strategy of neutralising the ethnic minority opposition through a formula of trade arrangements and the provision of limited autonomy for those groups willing to enter into ceasefire agreements. The Communist Party of Burma collapsed in the late eighties and this gave the government the opportunity to sign agreements with the various ethnic groups who had provided the CPB with its troops. These agreements, with the former CPB remnants and later the Mon and Kachin, created relative peace in many ethnic areas and also allowed limited development until the regime sought to legitimize its rule.

To find such legitimacy the SLORC announced on the 23rd of April 1992 that it would hold a National Convention and that its six main objectives would be:

1. Non-disintegration of the Union;
2. Non-disintegration of national unity;
3. Perpetuation of national sovereignty;
4. Promotion of a genuine multiparty democracy;
5. Promotion of the universal principles of justice, liberty and equality;
6. Participation by the Defence Services in a national political leadership role in the future state.

The National Convention opened on the 9th of January 1993 and immediately was suspended within two days amid claims by delegates that the principles had already been laid down. Within months Khun Marko Ban, one of the elected ethnic representatives of Shan State, fled to the border stating that the Government was imposing its will on the representatives. Further problems occurred in April when the Convention was again suspended after ethnic delegates disagreed with the centralization of authority.

Despite this, a number of ethnic groups who had signed ceasefire agreements with the regime agreed to attend thus giving the convention a least a partial degree of legitimacy in relation to ethnic inclusion. A number of other ethnic groups, however, were less enthused. A statement issued by the United Nationalities Alliance recalled the stage managed nature of the previous National Convention and stated:

‘...we, the United Nationalities Alliance-UNA, regard those attempts of resuming the adjourned National Convention, which was composed with government’s hand-picks neglecting democratic principles and United Nations’s General Assembly resolution, as an insulting act of the will of Myanmar people and civilized international community.’²⁹

In the face of open criticism from a number of parties both within and outside of the country the National Convention was reconvened after a number of suspensions on the 17th of May 2004 with 1,076 invited delegates including representatives from 25 ethnic ceasefire groups. During an intermission, 13 ceasefire groups issued a proposal calling on the Government to allow:

1. Concurrent legislative powers for the states
2. Residuary powers to the states
3. The states to draft their own constitutions
4. Separate school curricula for states
5. Separate defense force for states
6. The states to conduct own foreign affairs in specific subjects
7. Independent finance and taxation.³⁰

The proposal was ignored. The constitution drafting process would continue for a further three years. On the 12th of February 2007, the UN Special Rapporteur on the situation of human rights in Myanmar stated in his report to the Human Rights Council in Geneva that the National Convention, while recognizing that it held potential for political transition, “has been strictly limited and delineated... [and] marked by a lack of transparency.”³¹

The National Convention concluded, after 14 years of deliberation and several sessions, on 3 September 2007 with the adoption of the Fundamental Principles and Detailed Basic Principles. A month later the Government would send troops again on to the streets to quell country wide uprisings instigated by the worsening economy.

It would take another five months, on 9 February 2008, before the SPDC declared Announcement No. 1/2008, which stated that “the approval of the Constitution draft will be sought in a National Referendum to be held in May 2008,”

After the promulgation of the 2008 constitution, which stated that ‘All the armed forces in the Union shall be under the command of the Defence Services,’³² the government attempted to transform all ethnic ceasefire groups into what became known as Border Guard Forces (BGF). A November 2010 election was held and in preparation the military leaders adopted the façade of a civilian government and a number of ethnic representatives were eventually elected.³³ While the election has allowed a number of ethnic leaders to have a voice, the military still has the largest say in political affairs with the 2008 constitution noting that ‘The Defence Services has [sic] the right to independently administer and adjudicate all affairs of the armed forces.’ including ‘. . . safeguarding the non-disintegration of the Union, . . .’³⁴ Thereby giving them the right to further confront armed groups whether the government wants to or not.

While a small number of ceasefire groups finally consented to accept the BGF proposal the majority refused. As a result, conflict broke out in Shan State with the Shan State Army – North in March 2011. In an attempt to prevent the conflict intensifying, ethnic parties submitted a proposal to parliament to find a peaceful resolution with the armed ethnic groups on 25 March. It was defeated by 520 votes to 106 votes.³⁵ Since that date, conflict has now spread also to Kachin State and threatens to worsen over the coming years unless a political solution based on ethnic equality can be found.

Major concerns in ethnic areas

Conflict in ethnic areas continues to be a major concern for people living in those areas where the Burma army conducts counter-insurgency operations against ethnic forces. Such operations continue to target the local community, especially in relation to forced labour in all ethnic areas.

‘We felt the pain of the war for many years. Our houses and mosques were destroyed. We were used as porters in the war. Now we are refugees and this place (refugee camp) is our second home. We have got a safe life but we have ethnic discrimination and economic problems. ’

A Karen-Burmese-Bengali refugee, Karen State, ENC-KR-1

‘The villagers are troubled because of the war. When the Army (SPDC) fought with the KNU, we had to flee to other villages. Some villagers died in war.’

A Karen NGO worker, Rangoon Division, ENC-KR-5

‘We have lived with the disadvantages of the war for many years. We were used as porters in wars. We were forced to pay money for wars by the SPDC Army or sometimes the DKBA or sometimes the KNU.’

A Pa-Oh NGO worker, Karen State, ENC-PH-1

‘The villagers (including the village chief) fear the authorities such as police or soldiers. The police and soldiers didn’t torture the villagers but I think that the villagers fear the weapons of the police and soldiers.’

A Rakhine CBO worker, Rambree (Yen Byae) Island, Rakhine State, ENC-AN-1

‘Villagers are always living in fear because they were used as soldiers by the army. An army officer always persuaded the villagers to participate in the army.’

A Rakhine CBO worker, Toungup Township, Rakhine State, ENC-AN-3

‘Villagers fear the Army because the army tortures villagers. If a villager couldn’t afford to pay for taxes/others and a villager refuses to do forced labour, they hit and torture the villagers.’

A Karen NGO worker, Rangoon Division, ENC-KR-2

‘We have been living with fear. We fear Burmese or Kachin soldiers. When they arrive in my village, they ask for money, hens, goats, cooking oil, salt, etc. We are very poor, but we had to give these things that they asked because of fear that they might hit and torture us.’

A Kachin-Nepali refugee, Waingmaw Township, Kachin State, ENC-KC-6

In addition to military operations, the Burmese government’s insistence that individual Burma army units are responsible for their own upkeep has resulted in wide scale land confiscation. Burma army units have sought to raise their own maintenance costs and some officers use the local population for their own business projects.

'Our farms were occupied by the army. The army occupied our farms for their fish ponds. The army possesses a lot of fish ponds. Also the army forced people to clean bushes and cut big trees on wild soil/farms but people didn't get money for their service. Those farms also were used for building fish ponds.'

A Karen Teacher, Rangoon Division, ENC-KR-3

'The government occupied our farms and gardens to extend the Army's territory and to produce oil. Most people had to move to other places. So they have a lot of troubles in economics, transportation and society.'

A Rakhine CBO worker, Sittwe Town, Rakhine State, ENC-AN-5

'Our farms and gardens were occupied by the army. Next, the government operates to produce oil with the Chinese government in Patae Island. The army often called us to work in producing oil (as forced labour). We also had to give rice to the army yearly. Sometimes we got money but sometimes we had to give the army it free of charge.'

A Rakhine CBO worker, Kyaukphu Township, Rakhine State,
ENC-AN-6

Over taxation and the failure to maintain law and order is also a main issue for people living in ethnic states:

'Our township has to pay taxes for water, electricity, farms, cows and even living. Moreover we were forced to pay money to build roads, bridges and dams.'

A Karen- Bengali NGO worker, Rangoon Division, ENC-KR-6

‘The fees for oil and electricity are too high. So the products’ price is very high. So the people spend a lot of money and they face economic problems.’

A Rakhine NGO worker, Toungup Township, Rakhine State,
ENC-AN-4

‘The government asks for taxes a lot. A normal store has to pay 3,000,000 Kyats tax per year. Next the government has secret rules about the tax. There is a big shop that sells iron or copper materials in my city. The owner gave the tax 3,000,000 yearly. Actually, the big shop makes a profit of four billion (4,000,000,000 Kyats) per year. The government investigated the real income of the shop and then the tax officer asked twenty millions Kyats from the owner.’

A Shan NGO worker, Taunggyi City, Shan State, ENC-SN-3

‘There is no law in my community. At one time some robbers stole some money from some of the houses but the police didn’t investigate anything for this case. I believe that some soldiers were the robbers.’

A former Pa-oh Politician, Naungshwe Township, Shan State,
ENC-PH-3

‘There is no law in our community. Money is very important in every aspect of life (education, health, transportation, trading, etc) and there is a lot of corruption. If we can pay money, everything is available.’

A Rakhine NGO worker, Sittwe Township, Rakhine State, ENC-
AN-7

For many people, the gap between rich and poor decides the progression of life at all levels from education to attaining higher positions. This, combined with the lack of available training for what work is available, further aggravates the problem:

‘There is still a lot of unemployment. There are just low salary jobs available. Many of the young people go to university and when they leave they cannot get the correct jobs because they are not taught the skills needed for those positions that are available.’

A Consumer Rights Activist, Myitkyina, Kachin State, ENC-KC-3

‘The biggest problem is the Burmanisation of the country. It is the root cause of all our problems. If language is allowed to be taught it would be better, but it is not the only solution. There needs to be more encouragement of ethnic identity through education of the people.’

A Mon Journalist, Ye, Mon State, ENC-MN-2

Discrimination against Ethnic Minorities, by both Government Forces and Local Communities

Most villages in ethnic areas have village councils either appointed directly by the government or by local villagers themselves. Higher officials are normally Burman but, depending on the ethnic breakdown of the community, local village heads are mainly from the most dominant ethnicity. Racial discrimination, while not necessarily being a dominant issue in mixed villages, does occur, especially against Muslim villagers, who, despite being of mixed parentage, are consistently discriminated against:

‘I have seen ethnic discrimination. I want to talk both of ethnic and religious discrimination. Some of the villagers are ethnic Karen, and some are Karen-Burmese-Bengali, and Karen-Paoh-Bengali but their religion is Muslim. We can all speak Karen fluently but we are seen as Muslim. Most of the places have a notice-board that shows, “Muslim Not Allowed in this place”. (Especially in the DKBA’s territory). We can buy something in a Karens’ shop but Karens are not permitted to buy something at a Muslims’ shop. And then, although ethnic Karen can buy houses or farms of Muslims, Muslims are not permitted to buy the possessions of Karens.’

A Karen-Burmese-Bengali Villager, Karen State, ENC-KR-1

While the example given above relates directly to discrimination in DKBA-controlled villages many Karen as a whole consider mixed Karen-Muslim villagers, and their offspring, to have given up their Karen identity.³⁶ Another example given by a Karen-Pa-oh Village also notes:

'We have seen ethnic discrimination. Most of the villagers are ethnic Karen or some of them are Karen-Pa oh-Bengali but their religion is Muslim. So we have both ethnic and religious discrimination.'

A Karen-Paoh Villager, Karen State, ENC-PH-1

In other examples, there is also inter-ethnic discrimination in mixed villages. In this example from Shan State:

'I have seen ethnic discrimination between Shan and Pa-oh. If the village chief is a Pa-oh, he forces everyone to learn the Pa-oh language in school.'

A Pa-Oh Student, Shan State, ENC-PH-2

'I have seen that the teachers prioritise Burman students in school.'

A Shan Student, Shan State, ENC-SN-1

In other areas, attempts have been made to prevent foreign traders:

'In my village and township, we didn't give trade permits to Chinese and Indians. We prioritise ethnic Arakanese in every aspect.'

An Arakanese Villager, Arakan State, ENC-AN-3

While most respondents claimed there was little racial discrimination, those that did stressed the occurrence of discrimination in relation to government positions:

‘There is no ethnic discrimination in public or society. We can see it in government or administration. The SPDC and its followers take the high positions of administration. Most of them are Burman.’

An Arakanese villager, Arakan State, ENC-AN-5

Similarly:

‘Ethnic Arakanese have no chance to participate in government administration.’

An Arakanese villager, Arakan State, ENC-AN-6

While the above examples are from Arakan State, a similar situation is reported in government-controlled areas of Kachin State:

‘There is ethnic discrimination. Ethnic people have no permission to participate in some local communities/parties . . . especially in local government. Ethnic people have no chance to participate.

A Kachin Villager, Kachin State, ENC-KC-1

‘I have not seen ethnic discrimination in our community or town but ethnic discriminations exists in the authorities and government services. Ethnic minorities cannot get high positions as government officials and in the Army.’

A Kachin Villager, Kachin State, ENC-KC-2

‘There is no ethnic discrimination in my community or environment, but it can be seen in administration and government. Most army captains are Burman.’

A Shan Villager, Shan State, ENC-SN-3

‘When we want ID card registration, officials refuse to deal directly with ethnic people; this is to encourage the use of middlemen and leads to corruption. There is also language discrimination Mon language is discouraged and now at religious celebrations they use Burmese over the Mon language’.

A Mon Journalist, Ye, Mon State, ENC-MN-2

‘Burmans are a minority but all quarters leaders appointed are Burman so ethnic people have no authority. Also we have to apply for permission to have our Mon celebrations and schools are blocked from having Mon literacy training even though they belong to the community.’

A Mon Villagers, Paung Town, Mon State, ENC-MN-6

‘I have seen ethnic discrimination between Mon and Burman. Whoever can speak Mon language is prioritised except for those in administration and government.’

A Mon Student, Ye, Mon State, ENC-SN-3

‘Some organisations are favoured over others including the local militia group. Mon Literacy and Culture group members are always given problems in trying to get an ID card. They have to pay 100,000 kyat where other can get it free.’

A Mon Villager, Khaw Dot, Mon State, ENC-SN-8

For the most part, all interviewees who had come from areas that had ceased to be conflict zones over the last ten to twenty years reported little ethnic discrimination, with the exception

of being overlooked for promotion. Rather, the biggest form of discrimination was seen as being based on wealth rather than on ethnicity, although sometimes the two came together:

‘The Burman villagers are richer and have more power than the Chin. Smaller Chin villages are ignored by the government especially in regards to education and health. In addition the Burma Army encourages beggars to relocate to Chin areas to cause disturbances and crime. Landowners cannot stop them.’

A Chin Villager, Thauntlang, Chin State, ENC-CN-1

Ethnic participation in local communities and political representation

Members of ethnic communities are usually allowed to participate in the administration of their own villages, normally as local village chiefs; but they are seldom allowed to hold higher positions thereby denying them a legitimate voice in the community's affairs.

'They can be responsible for administration in bottom areas, quarters, provinces and townships. They cannot participate in higher areas of administration, especially army officers.'

A Shan NGO worker from Taunggyi, Shan State, ENC-SN-3

Despite the new government's plans of reform, there still appears to be no attempt at making the process for nomination of officials more equal in relation to ensuring minority representation. Consequently, the 'Ward or Village-tract Administration Bill' stipulates that ward and village-tract administrative office chiefs will be nominated by the township administrative office.

Although opposition MPs submitted a motion to modify the bill, and thus allow residents to elect ward and village-tract office chiefs by a secret ballot, the Home Affairs Minister, Lieutenant General Ko Koo, objected to the motion. A total of 344 out of 385 MPs in the Lower House voted against the motion to modify the bill.³⁷

The passage of the bill continues to ensure that ethnic voices will be stifled in relation to their community's needs. One interviewee noted that although such participation was endorsed by township authorities it can be abused by the authorities and is subject to an individual's position in relation to wealth or personal relationships:

'Members of ethnic groups were encouraged to participate at the bottom of the administration. There is no ethnic discrimination between Karen and Burman. The Richest man (Karen or Burman) in the village can be the village chief because he had to pay money to the Army to get the position of village chief... I would like to see ethnic members represented in government administration. Ethnic members/representatives should get a chance to participate equally in government administration. However I think that most ethnic members have weakness in education and collaboration, so ethnic members should try to overcome their weaknesses.'

An exiled Karen NGO worker from Rangoon Division, ENC-KR-2

'No, members of ethnic communities were not encouraged to participate in the administration of my township but some people who are relatives of army officers were encouraged to participate in the administration. Ethnic members who obeyed the policies of the government were also encouraged to participate in the administration.'

An exiled Karen-Bengali NGO worker from Rangoon Division,
ENC-KR-6

The situation in Kachin State, in areas under government control, is reportedly subject more to discrimination based on ethnicity, for example:

‘The Government favours some groups like the Lisu and the Rawang over the Jinghpaw.’

A Kachin Consumer Rights Activist, Myitkyina, Kachin State,
ENC-KC-3

In Chin areas it was reported that most village heads were actually appointed to positions primarily because those who were appointed had to take full responsibility and thus were subject to censure from the authorities:

‘There are members in the village council appointed by the Burma Army’

A Chin CBO worker, Kalaymyo, Chin State, ENC-CN-2

‘No one wants to take part because it is difficult and whoever is appointed is made to take responsibility.’

Chin migrant worker, Tiddim, Chin State, ENC-CN-2

‘The local people don’t want to be involved in becoming officials due to the corruption and low salary. Also when Mon people become officials they are transferred to other areas, so they don’t want to go.’

A Mon Journalist, Ye, Mon State, ENC-MN-2

‘If ethnic members obeyed the policies/desires of the government, they can participate in the government’s community. We can see ethnic Arakanese as township government officials, division government officials and army.’

An Arakanese NGO worker from Arakan, ENC-AN-4

'If ethnic members obey the policies/desires of the government, they can participate in the government's community. They can participate in several areas, police, army and other ministries of the government. However, they can only participate in the bottom areas I think.'

An Arakanese NGO worker from Arakan, ENC-AN-5

Unless the government implements policies to try to redress the balance, members of the ethnic communities are still going to feel disenfranchised. While the election has seen a number of ethnic candidates elected, this does not necessarily mean that they can fully represent their communities and many of those interviewed still believed that they are far from having any connection to those people who are supposed to represent their interests in governance.

Government Corruption

Corruption remains a consistent factor in the day to day lives of all Burmese people and Burma continues to consistently rank at the bottom of Transparency International's Corruptions Perceptions Index. As the BTI 2010 Country Report notes, *'Officeholders often exploit their positions for private gain without fear of judicial or public consequences. Corruption is endemic in the bureaucracy and the judicial sector... one of its main purposes is to enrich the members of the armed forces and their families. There is no systematic effort to fight corruption or prosecute corrupt officials.'*³⁸ New President Thein Sein stated in his inaugural speech that he recognises the problem, and that:

*'We guarantee that all citizens will enjoy equal rights in terms of law, and we will reinforce the judicial pillar. We will fight corruption in cooperation with the people.... So, we will amend and revoke the existing laws and adopt new laws as necessary to implement the provisions on fundamental rights of citizens or human rights.'*³⁹

However, it still remains unclear how such a policy can be implemented in a country where corruption is so endemic. Corruption was one of the biggest factors for all those interviewed and was prevalent throughout society and in everything people do.

'I have seen a lot of corruption everywhere such as in schools, hospitals, prisons and in Business activities. We have to pay 300 Kyats to see a prisoner in prison. We have to give some money for our children to pass the exam in schools. We can't show our health problems in hospital without money. We have to pay money to the village chief for a permit to sell vegetables on the corner of the road. Next we collected some

money to repair the road of the village but we had no permit to repair it by ourselves. The Army (SPDC) said that they would take responsibility for the road and they took money that we collected, but they didn't do it well. They repaired the road a little.'

A Karen-Burmese-Bengali refugee, Karen State, ENC-KR-1

'The most common form of corruption can be seen in the courts. Next we can also see some corruption in immigration offices, police stations, licence offices and municipal offices. We have to pay 30,000 or 50,000 Kyats to get a personal identity card at the immigration office. We have to pay a lot of money for a TV licence, a motorcycle, to run a shop. We had to pay 150,000 Kyats to get a cycle licence.'

A Karen Teacher, Tuntay Township, Rangoon Division, Burma,
ENC-KR-3

Although education is supposed to be compulsory and provided free of charge, it is not uncommon for parents to have to bribe teachers for better grades, extra tuition or to provide money for what should be free educational materials.

'I have seen a lot of corruption. For example in education, the rich men give money to some teachers and educational officers for their children to be the first. Also we must pay a lot of money to get recommendations and national identity cards from government officials. All government officials have a lot of corruption.'

Kayan CBO Worker, Loikaw City, Karenni State, ENC-KY-1

'Students cannot pass exams without paying teachers and they also have to pay for extra tuition.'

Chin CBO Worker, Kalaymyo, Chin State, ENC-CN-1

'Teachers were told to sell free school books in local schools and give some of the money to Township officials. When questioned by district officials the township authorities forced parents to sign that they had paid willingly.'

A Mon Villagers, Zayathapyin, Mon State, ENC-MN-7

However, such under-the-table charges are not confined solely to education. Even basic health care has to be bought. Those who cannot pay for additional medicine or even for medical staff to see them face serious consequences:

'I have seen a lot of corruption by government officials such as in schools, universities, police station, courts, hospital, etc. For example, a child who had an accident was sent to hospital but the doctors and nurses didn't cure him because of money. The child died in the hospital. If we don't have money, we will die.'

A Karen-Bengali aid worker, Hmwabi Township, Rangoon Division, ENC-KR-6

'In hospital, we can cure our illnesses if we can give money to some doctors and nurses. The government does not support anything for hospitals, so the patients have to provide all fees for health and for curing their diseases.'

A Rakhine CBO worker, Sittwe Town, Rakhine State, ENC-AN-5

'Government teachers ask for bribes, even doctors and nurse, even if there's an emergency situation they still want a bribe before they treat the person.'

Chin CBO Worker, Thauntlang, Chin State, ENC-CN-1

The most basic things in life, including trying to earn a living, are subject to hidden costs. Even local businessmen have to pay additional fees to open shops, operate a business, or engage in other forms of trade:

'I was a driver and worked for transportation in Burma. To get the permit to drive my own car I had to give 100,000 Kyats to the government and give also 100,000 Kyats to Pa-Oh Liberation Organisation per year. If I don't the give money, I won't get the driving permit. On the journey, I passed 12 government gates of and had to pay 60,000 Kyats for gate fees. Sometimes, I couldn't drive my own car because I had no money to give the fees for the 12 gates. If I drive the car without giving gate fees I will be hit by the soldiers and police. If the timber is carried to Tachilek City, the businessmen have to give 2,000,000 Kyats to the tax officer. The business men get the profit 4,000,000 Kyats.'

A former Pa-Oh politician, Naungshwe Township, Shan State,
Burma ENC-PH-3

'The most common form of corruption is in trading. If we sell rice or cooking oil or clothes etc, we have to pay money to the tax office and government officials such as the police station, the municipal office, etc. We don't know for what we have to pay.'

A Rakhine CBO worker, Sittwe Town, Rakhine State, ENC-AN-7

‘...If villagers quarrel with each other and they reported it to the police station, the police prioritise the man who gives them money. If we have some problems about farms the police stand by the man who gives money.’

A Rakhine CBO worker, Rambree (Yen Byae) Island, Rakhine State, ENC-AN-1

‘We can see corruption in hospital, schools, University, police station, court, transportation station, etc. For Example: If we build a business or shop, we have to pay a lot of money to government officials. The government officers are very rich. Especially army captains, but the soldiers with low positions are very poor.’

Shan CBO Worker, Taunggyi City, Shan State, ENC-SN-3

‘There are a lot of gates in our town because our town has a lot of contacts with the Chinese Border and people trade across the Chinese Border. So soldiers ask for money from traders at the gates. We also have to pay money to every government officials in schools, hospitals, post offices, etc. We also had to pay money to have the buildings of the Army painted.’

Kachin CBO Worker, Bhamo Town,, Kachin State, ENC-KC-2

Passports and even national identity cards also incur a fee to be paid to officials:

‘For official documents like IRS forms, they charge K10,000, they should be free but with a little tea money being paid which is then supposed to be for a village fund, but this money usually goes into the officials pockets.’

Consumer Rights Activist, Myitkyina, Kachin State, ENC-KC-3

‘We had to give 60,000 Kyats to get a National Identity Card. When some villagers apply for a passport to work in Bangkok or Malaysia, government staff even asked for 600,000 Kyats.’

Kachin-Nepali, Waingmaw Township, ENC-KC-6

While the Thein Sein government has already embarked on a number of political reforms, corruption has still yet to be addressed and the government must set this as a priority. Although political reform may win favour with a number of international organisations, which see it as a positive sign that the government is change orientated, the reforms implemented so far have had little impact on the majority of the population.

Civil Society and Government, or Non-state Actor, Support for Civilians

There is little doubt that Burma, despite perceptions to the contrary, has had a fairly vibrant civil society; however, this has largely been in non-ethnic areas. The most comprehensive survey, conducted by Brian Heidel between 2003 and 2004, established that there could have been at least 214,000 community-based organisations, primarily urban based, operating in the country during 2003.⁴⁰

While such figures provided encouragement to the growth of civil society in Burma, as a whole they are non-representative of areas where conflict still exists and the most vulnerable populations are in need of such growth. As Heidel notes:

‘The survey deliberately did not select townships with security or access issues. It is a reasonable assumption that insecure or remote areas might have fewer CBOs.’

In addition to being unable to cover areas of conflict, some consideration must be given to the work that such organisations have been allowed to undertake. According to the survey, which focussed on 455 CBOs, of this number 219, or 48% identified themselves as religious CBOs (with nearly two-thirds Buddhist); the next largest were Parent Teacher Associations (PTAs) with 108, or 24%; then social affairs 95, or 21%; agriculture 8, or 2%, and only 7, and only 2% involved in health/water/sanitation. The remaining 18 CBOs, or 4%, fell into neither of the already listed categories.

The survey further went on to assess the success of CBO work at the local village level. In contrast to the perceptions given by the CBOs themselves, Heidel’s team found that very little support was being given to the poorest villages. Out of a 188

households, representing the poorest members of their communities only 19 (or 10%) reported having received assistance from a CBO in the past 12 months.

For the most part, there continues to be very little support for civil society organisations in ethnic areas, with only church groups being largely responsible for supporting those groups of the Christian faith or Buddhist monasteries helping their own adherents. In some areas, local youth groups are active and largely provide funeral services for the local community.

'We have no civil society, but we had a group concerned with religion. That group supports education and built a clinic in our township. However, most patients had to go to Rangoon Hospital. The clinic is not enough for health. We have a lot of problems in health and Rangoon hospital is very far from our village.'

A NGO Worker, Karen State, ENC-KR-2

'I think that civil society organisations may be in Hmwebi Township but I lived in Tandaypin Quarter. So I didn't see civil society in my quarter. We had a team that serves in funeral and welfare concerning our village... I would like to see the development of education and health, because people have difficulties about education and health.'

A NGO Worker, Karen State, ENC-KR-6

‘Most people face economic problems and have a lot of difficulties in their life. They are not interested in politics and human rights. They only want to know one thing, that is how they get money to eat. The Buddhist monks help the people a lot. They teach some subjects such as English, Burmese and Math in monasteries for the poor children. Next the monks repair the roads in the township. They didn’t ask money and help the people as possible as they can.’

Karen-Bengali CBO Worker, Hmwabi Township, Rangoon
Division, ENC-KR-6

‘I would like to see that the villagers have safe lives and see the development of education, health and economics. Most villagers are not educated. There is only a primary school and no health service in my village. So the patients went to the hospital of refugee camp to cure disease.’

A NGO Worker, Karen State, ENC-KR-7

‘I would like to see the development of health and education. We have a lot of difficulties about health. There is only a small clinic for our village and nearby villages. So the patients had to go to Waingmaw or Myitkyina town. Education status is very low and most of the villagers are not educated. We have a lot of economic difficulties. So the children are not interested in education and they want to help for their family.’

A Kachin-Nepali refugee, Waingmaw Township, Kachin State,
ENC-KC-6

In some areas, civil society improvements have been made, especially those where there has been an absence of conflict, for example, in Kachin and Mon States under the ceasefire agreement:

‘The Church teaches writing. MDM and MSF provide health care, World Concern supports agriculture programs, and we also have YMCA, Shalom and the Metta Foundation... Consumer rights are already there, but they are restricted, there’s too much red tape involved. For example if we want to teach people about food standards we are not allowed to say that some Burmese meals are sub-standard. We have to say this food is from another country, like China, even if it from Burma.’

A Kachin Consumer Rights Activist, Myitkyina, Kachin State,
ENC-KC-3

‘World Concern (I don’t know exactly the name.) buys farms and cows for the villagers. Border Doctors Group (Medicine Sans Froniters) opened a clinic in my town and they cure disease and support us with medicine.’

A Kachin NGO worker, Bhamo Town, Kachin State, ENC-KC-2

Perhaps the Mon community has shown the most progress in relation in continuing the development of civil society and preserving their culture:

‘We have local youth and religious organisations, artistic and cultural groups. Before there were problems, in the past Mon National Day in Rangoon was stopped and moved to Mon State, but later it changed, though the government still needs to approve statements this is to ensure there is only one statement for all Mon groups, in Mon State and other areas. This is actually better for us.’

A Mon Journalist, Ye, Mon State, ENC-MN-2

As a consequence of previous regime policies toward its population, local CBO's have been forced to act within a constrained framework that limits them in scope. In at least one reported instance, local authorities have harassed those providing support:

'I would like to see development in economic and social aspects of society. I would like to get a chance to organize some societies about health and education. I would like to get support in education and health. The army prohibits support for education. A person, who lives in my village, provided some money for some children's education. However the person was investigated by the army. The army examined his possessions and his position. After this the person stopped donating.'

A Karen-Burmese-Bengali refugee, Karen State, ENC-KR-1

While it is unlikely that this is the current government's policy, rather than the whims of the local army commander, it should be of concern. With the current government attempting to remodel itself, it is important not only for the Burmese administration to promote change but also ensure that local CBO are encouraged to be part of the new policy and be assured of more open access to all areas and fields of work. As Heidel notes in his conclusion, although CBO's have progressed in the past:

'They have not fought vigorously for protecting the rights of suffering people, whether the suffering was caused by government action or inaction or exploitation by businesses or other causes. They have not struggled and grown through their unity against oppression. Their programming strategies have not evolved, but rather stayed at mostly a primary level focusing on direct welfare and service provision.'

It is hoped that, under the new government, more support can be given to civil society and greater freedom be permitted for CBOs to operate in those areas where they had not previously been allowed. Still, at the moment, CBOs are still incapable of helping those most in need even in areas where security is guaranteed by the government. To address these issues, the Thein Sein Government needs to positively promote civil society structures and in doing so could at least earn some trust from local ethnic communities.

Conflict and Human Rights Abuses

Burma has suffered over sixty-three years of ethnic conflict. Since gaining independence in 1948, the country has seen the systematic uprising of its largest ethnic groups in an attempt to bring about equal ethnic inclusion in the political process. While such attempts have so far failed to achieve any substantive change in a country that has been victim to various military dictatorships, the year 2010 was seen as a possible watershed in the future governance of the country.

Many remain hopeful, despite ample evidence that the military continues to exert control over the political establishment that the new civilian-led government can bring about positive change for the people. However, the country is still plagued by a number of ethnic conflicts in its border areas and has recently seen renewed conflict in Kachin State and in areas controlled by the SSPP/SSA. The country is now facing the possibility of an alliance of non-ceasefire and previous ceasefire groups widening the conflict and will therefore be at its worst juncture, in terms of security, since the early nineties.

The beginning of Ethnic Conflict

Post-World War II ethnic rebellion first emerged in Arakan State in 1947. The Buddhist monk U Seinda, organised the remnants of the Arakanese Defence Army into a resistance movement, the Arakan People's Liberation Front, seeking an independent Arakan State.⁴¹ However, the Arakanese struggle was to be quickly eclipsed by so called 'leftist' rebellions and widespread ethnic uprisings.

As noted earlier, under colonial administration the country had been divided into two very distinct entities: Burma proper or Ministerial Burma, consisting only of what are now the majority divisions of the country, and the Excluded Areas which were comprised of what is now Karen State (then known as the Karen Salween Hill tracts), Chin State (Chin Hills), Arakan State (Naga Hills) and Shan and Kachin States (Federated Shan States).⁴²

Fighting in World War II took place largely along the ethnic boundaries drawn by the colonial government. Many of the ethnic groups, including the Karen, Kachin and Chin continued to support the British and fought against the Japanese and the Burma Independence Army. It was this support for the allies that led many of them to believe that the British would honour their calls for separation from an independent Burma under what was feared would be a Burman dominated government. After joining with the British to force the Japanese retreat, Aung San formed a provisional government, the Anti-Fascist People's Freedom League (AFPFL), which included among its members a number of ethnic representatives. Although being given some representation, many of the ethnic groups still believed that the British would support their calls for independence.

As far as it was concerned, the British government had already made allowances for the former frontier areas to be given special dispensation for self-rule in any future independent Burma. Aung San and a number of AFPFL representatives were invited to London for discussions with then Prime Minister Clement Attlee. Despite the fact that Attlee had received a cable from the Shan Sawbas stating that as far as they were concerned '*Aung San and his delegation did not represent the Shan and the frontier areas*' the talks continued.⁴³ The result was that the Aung San – Attlee agreement, originally designed

to give the country full self-government within the commonwealth, stated that ethnic states could decide for themselves if they wished to join with the Union of Burma. It also stated that a conference to discuss ethnic representation must be arranged by the AFPFL.⁴⁴

The subsequent conference, held at Panglong in Shan State on the 12th of February 1947, resulted in the signing of the Panglong agreement. This agreement provided for autonomy for both the Shan and Chin states and the future demarcation for a Kachin state.⁴⁶ However it was not inclusive, Karen representatives, under the political leadership of the Karen Central Organisation,⁴⁷ refused actual participation in the Panglong conference due to the fact that its own AFPFL members had not been included in the London delegation. Although the Karen sent observers to the conference, there were no representatives from the Arakanese, Mon or other ethnic peoples.⁴⁸

A number of the ethnic minorities felt that they had been unjustly treated by the British and the Aung San – Attlee agreement, as did a number of members of the AFPFL. Former Prime Minister U Saw and Thakin Ba Sein refused '*...to associate themselves with the conclusions of the agreement.*'⁴⁹ In Rangoon, Thakin Than Tun and Thakin Soe also denounced it. The fact that the AFPFL was not united would soon see the country spiral into anarchy.

The ethnic issue was later addressed in the 1947 constitution which included a provision that ethnic states could secede from the Union but not within 10 years of the constitution coming into law.⁵⁰ It also included a provision for an autonomous Karen State or Kaw-thu-lay based on the *'Salween district and such adjacent areas occupied by the Karens as may be determined by a special commission appointed by the President.'*

But this was to be decided after independence. The Karen issue was further complicated by factional in-fighting. A number of Karen groups had met to create the Karen National Union (KNU), led by AFPFL member Saw Ba U Gyi, in February 1947. In March 1947, in response to the AFPFL failure to include Karen representatives in its London delegation, Saw Ba U Gyi resigned his post. This was then taken by San Po Thin, leader of the Karen Youth Organisation (KYO), who quickly allied himself to the AFPFL.⁵¹ The KYO supported the creation of a Karen State as demarcated in the 1947 constitution while the KNU sought a much larger area including access to a seaboard. The KNU began to train its own defence force, the Karen National Defence Organisation (KNDO) which was inaugurated on the 15th July 1947.

Two days later, on the 17th of July 1947, Aung San and six members of his cabinet, including Mahn Ba Khaing of the KYO, were assassinated. Aung San was immediately replaced by U Nu as leader of the AFPFL and chief of the cabinet. U Nu hoped that he would be able to solve the Karen issue with the provision laid down for a future Karen State in the 1947 constitution. Although U Nu was supported by San Po Thin and the KYO, the KNU refused to accept the areas given. The Karen leadership stated that it could not accept the constitution because *'...[it] does not include the granting of a state to the Karen to satisfy their aspirations'* Instead they demanded the

creation of a Karen State to include Tenasserim Division, Taungoo District, Irrawaddy Division, Insein District, Hanthawaddy District, and Nyaunglebin sub-district.’

In addition to the Karen, Karenni leaders were also seeking to continue their own independence. On the 11th of September 1946, the Karenni leader, U Bee Tu Ree, had announced the formation of a United Karenni States Independent Council (UKSIC) composed of chiefs and elders from Kantarawaddi, Kyehpogyi, Bawlake and Mangpai States.⁵² Less than a year later, in November 1947, Saw Maw Reh formed the Karenni National Organisation (KNO) and it wasn’t long before they, like the KNDO, began military training for the future defence of their own Karenni State.⁵³

By December 1947, the first signs of open insurrection were seen in Arakan. The secessionist Arakan People’s Liberation Front began to attack urban areas while various Mujahids, Muslim troops seeking to create a separate Islamic state, followed closely behind. In the Irrawaddy delta, Red Flag communists were also active, attacking police outposts and looting local treasuries.

It was against this backdrop that Burma became an independent republic outside of the commonwealth on the 4th of January 1948. The new Prime Minister, U Nu, was soon faced with further rebellions from within the AFPFL. The White Flag communists split from the government in March 1948 and went underground. Three months later, in July, the People’s Volunteer Organisation, the former defence force of Aung San, which numbered between 80,000 to 100,000 troops, split and joined the various rebelling groups in the countryside.⁵⁴

U Nu tried desperately to hold talks and bring the various disparate factions around the negotiating table but such attempts failed. The situation was also further exacerbated by a number of defections from the Union Military Police and the Burma Army. Ironically, U Nu was forced to rely on the Chin, Kachin, and Karen regiments to defend the capital from the various armed bands and to retake towns and cities lost to the rebels.

Although the KNDO had successfully defended Rangoon from communist attack, ethnic tensions between the Karen and Burmans were still high. The Karen call for a separate Karen country had still not been adequately resolved. In addition, U Nu had openly accused the KNU of seeking to set up a parallel government in Karen areas and of attempting to buy large shipments of arms. The press seized upon the stories and their publication further stoked communal tensions.

The situation in Karenni was also precarious. A perceived Baptist-Catholic split in the Karenni leadership was exploited by the government and it seized the opportunity to exert its influence. On the 9th August 1948, the 13th Union Military Police (UMP) regiment attacked the Karenni headquarters. The Karenni leader, U Bee Tu Ree, was later captured and then brutally murdered. Karenni villagers took up arms and numerous attacks were made against the central government.

A month later, in what was ostensibly described as an attempt to restore law and order, KNDO units and a Karen UMP regiment seized Thaton, Moulmein, Shwegyin and Kyaukkyi. The seizure of Moulmein was also supported by local units of the Mon National Defence Organisation which had been formed in March 1948. After four days, Moulmein was returned to the government and the Second Kachin Rifles, however, the ability of the Karen to so easily seize such major locations greatly alarmed the government in Rangoon.

With the prospect of communal violence, and a fear that the Karen were preparing to take control of the capital, U Nu began training local militia units, the Sitwundans, under the command not of the army chief of Staff, an ethnic Karen, but the war office under Aung Gyi.⁵⁵ The Sitwundans and local UMP units began to order the KNDO units to disarm. On Christmas Eve 1948, in the Karen village of Palaw, Sitwundans disarmed the local Karen UMP units and not long after threw grenades into the village church. Over 80 Karen villagers were killed in the first of many such incidents.

In Rangoon, in the majority Karen areas of Insein and Kemendine, random shootings and shelling were also frequently reported. In late January, an armoured car drove through Insein indiscriminately firing at local Karen civilians. This occurrence followed on events which had occurred a few days earlier. A former cabinet minister, Bo Sein Hman, had led PVO troops in the massacre of a hundred and fifty villagers in Taikkyi. In response, KNDO units raided the treasury in Maubin which in turn led to retaliation by the 4th Burma Rifles which razed an American missionary school.⁵⁶ The prospect of widespread inter-ethnic violence became even stronger.

Despite a number of talks between U Nu and Saw Ba U Gyi, the situation continued to deteriorate as Sitwundans entered Karen areas and Karen forces began to seize a number of key cities including Taungoo, Tantabin and Pyu. Government forces attacked the Karen areas of Thamaing and Ahlone with automatic gunfire and mortars, shooting down innocent civilians as they fled their burning homes.⁵⁷ Finally, the government declared the KNDO illegal and two days later Karen forces took Insein in what would be a 112 days standoff.

The troubles in Rangoon, and the failure of the government to adequately deal with ethnic grievances, were to be further compounded by the rebellion of the 1st Kachin Rifles, on the 16th of February 1949, and the organisation, on the 15th of November, of the Kachin forces into the Pawngyawng National Defence Force, by its leader, Naw Seng, which allied itself to the Karen. Soon the various ethnic groups joined together and city after city was taken across the country. It was estimated that in 1949 at least 75% of all the towns and cities in the country were under the control of ethnic or 'leftist' fighters.⁵⁸

By 1950, the Burma Army had been reformed and had begun to take back a number of previously lost towns and cities. In March, they were able to take the Karen headquarters in the city of Taungoo, and in May the communist held city of Prome. In August, the Karen suffered another disaster when their leader, Saw Ba U Gyi was captured and killed. It was estimated that by the end of the year the government had been able to recapture most of its lost territory and U Nu felt confident enough to declare general elections, scheduled for June, the following year.

Although the government had been slowly able to retake much of the country, it was to face another major problem to the east in Shan State. In the early fifties, large numbers of Nationalist Chinese troops (KMT), and their families, had settled there. By 1953, the CIA was covertly dropping arms and flying out opium to fund a war against the Communist Chinese. The KMT had taken control of Kengtung, Manglun, and Kokang and had become the de facto government in the area. In 1953, the KNDO contacted the KMT and a brief alliance was made. In return for arms, the KNDO would allow passage through Karen territory and also assist in attacks against Moulmein and number of other targets in Karenni State. However, the alliance was short lived. After a number of operations against it, the KMT was finally defeated after Burmese and Chinese troops overran its base at Mong Pa Liao on the 26th of January 1961.⁵⁹

Throughout the 1950's the Burma army launched a number of counter-insurgency operations against various ethnic forces. These included '*Operation Sinbyushin*' and '*Aungtheikdi*' which successfully reconsolidated government control over large parts of Karen State, and '*Operation Mote-thone*' which finally crushed the Mujahid insurgency on the eastern border of Arakan. Faced with the prospect of more strategic defeats in their territory, Mon and Karen representatives travelled to meet with the Thai authorities in Bangkok and were able to return with assurances that they could set up a number of bases on Thai soil and purchase supplies in Thailand.

While the military operations continued against members of the ethnic alliance, a number of leaders in the Shan states began to call for the right to secede from the union as provided for in the 1947 constitution. At the same time, Prime Minister U Nu was also faced with the split of the AFPFL government, which separated into two factions, the 'Stable AFPFL' led by

Ba Swe and Kyaw Nyein and the 'Clean' AFPFL which remained under the leadership of U Nu. With the political situation deteriorating and calls for the Shan States to secede, U Nu turned to the military and General Ne Win to take control. On the 28th of October 1958 U Nu resigned and Ne Win took over as caretaker until the formers re-election in 1960.

The ethnic, and what would become known later as the federal issue, continued to be left unanswered. In what the military considered a compromise, U Nu arranged for a federal seminar to take place on the 25th of February 1962 to amend the constitution and give greater rights to the ethnic minorities. Fearing the country's collapse, Ne Win seized power on the 2nd of March and detained U Nu and many of the ethnic leaders. The 1947 constitution, and the rights of the minorities to secede, was suspended.

For a majority of ethnic leaders the 1962 coup is seen as the watershed in ethnic relations. It was the year that military rule was fully entrenched in Burma and all hopes of a federal union were discarded. The Burma army adopted a scorched earth policy, known as the four cuts, in ethnic areas and large parts of the civilian population were either killed or uprooted. By 1976, armed ethnic rebellion had been cemented in the formation, on the 10th May 1976, of the National Democratic Front whose members represented all of the main ethnic nationalities in Burma.

In 1988, student-led protests were brutally crushed by the regime. This resulted in a number of students fleeing to ethnic areas and soon Burman student armies were organized and trained to fight against the regime. The arrival of the student movement led to the creation of the Democratic Alliance of Burma (DAB) which saw the creation of a joint ethnic-Burman front consisting of the ten ethnic resistance armies of the NDF

and 12 Burmese opposition parties.⁶⁰ The NDF and DAB would be joined by the government-in-exile, the National Coalition Government of the Union of Burma (NCGUB), formed in 1990, the National League for Democracy – Liberated Areas (NLD-LA), formed in 1991, in the creation, on the 22nd of September 1992, of the all-inclusive National Council Union of Burma (NCUB).

By the nineties, the situation in the country had drastically changed. The collapse of the Communist Party of Burma in Shan State resulted in a number of new armies, based along ethnic lines, signing ceasefire agreements with the government. These groups, including the Wa, Kokang and Shan, were able to gain limited autonomy. The Kachin and Mon would later join them and factional splits within the KNU would also see a number of Karen groups seek accommodation with the junta. The military regime was able to use these ceasefire and allied groups to great advantage, often using them to fight against opposition forces.

Anti-government Groups

Currently, there are three main ethnic groups with armies fighting against the government.⁶¹ These armies, the Karen National Liberation Army, which has between four and five thousand troops, the Shan State Army – South, which has between six and seven thousand troops, and the Karenni Army, fielding between eight hundred to fifteen hundred troops, have consistently been able to resist Burma Army operations against them. The primary motivation given for the continued use of armed resistance by ethnic groups is to protect their populations from abuses by the Burma Army.

One of the greatest influences on the ethnic struggle inside Burma on its eastern border was the close relationship between ethnic forces and the Thai military. As noted earlier, the Karen and Mon had been given permission to set up bases along the Thai-Burma border as early as 1954 and an unofficial Karen embassy was established in Bangkok in the sixties and was maintained there until the early-nineties.⁶² The Thai army sought to use the ethnic groups as a buffer to prevent the further spread of communism across its borders. However, this policy was officially abandoned in the early eighties under the government of Prem Tinsulanonda, although local arrangements between the Thai military and anti-Rangoon forces have continued.

The main turning point in Thai policy occurred during the government of Chartchai Choonaven who sought to turn what he termed the battlefields of Southeast Asia into market places. This became possible in the case of Burma after the bloody 1988 crackdown. The Burmese regime opened its borders to commercial interests, especially logging, and Thai companies were the first to benefit. For many in the Thai establishment, especially business leaders, the ethnic armies became a thorn in the side of their enterprises as taxes had to be paid to both the Burmese companies and ethnic forces. While Thai businessmen had little option but to pay when the Thai military considered opposition groups as useful allies, this changed when the groups began to lose territory.

The relationship between the Thai government and Burmese regime has also dictated how ethnic groups are treated. In 2002, the government of Thaksin Shinawatra, which was eager to strengthen economic ties with the SPDC, declared its intention to arrest Burmese rebel leaders living on Thai soil. It further stated, in a move that embarrassed the Thai military, that the buffer policy was now over. In an attempt to clarify

that the policy had ended much earlier, and perhaps how ethnic forces were now seen, Third Army commander, Lt-Gen Udomchai, stated that:

‘...There was no point these days in engaging the SSA or Karen National Union in the buffer equation.

Technically, buffer states had ceased to exist once Rangoon annexed areas occupied by the Karen, Kayah and Shan groups. Only pockets of breakaway armed rebels remained but it would be wrong to define them as “states”.

Buffer states must be self-ruled, run their own military, and uphold territorial integrity. The SSA and KNU could not function as buffer states on such a basic definition.’⁶³

Despite the fact that the arrests had been announced, no further action was taken. However, the Thai army has ordered all Karen military leaders and officials to leave Mae Sot where they had been based since the fall of Manerplaw in 1995.

Many critics have often predicted that the Karen resistance was untenable and that it would end soon. However, despite such predictions, clashes have continued throughout Karen areas and the Karen National Union was able to prove it was still a formidable force with the assassination, in May 2009 in the KNU’s 2nd Brigade area, of Brig-Gen Kaung Myat, the commander of No 5 Military Operation Command based in Taungoke in Arakan State.⁶⁴ It is believed that the commander was the highest ranking official killed by Karen forces since the revolution’s inception.

The Karen resistance movement was also strengthened when what was formerly the DKBA's Brigade 5 refused to become a Border Guard Force and instead began to fight against the Burmese Army and other Karen BGF units in November 2010. Acting under the name of the Klo Htoo Baw Battalion, It can field between eight hundred to one thousand troops and frequently operates alongside KNLA sixth Brigade units.⁶⁵

According to recent media reports the Klo Htoo Baw Battalion is attempting to reorganize itself and create two more units under its central command - Klo Htoo Wah and Klo Htoo Lar. In addition it is reported that the group will also set up Information, International Relations, and health and Intelligence units or perhaps act as special units under the KNLA command.⁶⁶ Nevertheless, it is unlikely that such efforts will come to fruition. The Karen National Union is unlikely to accept another Karen resistance force with administrative functions and the Klo Htoo Baw's commander has always maintained that he seeks to remain separate from the KNU and therefore is unlikely to join them.

Due to its areas of operation, the Shan State Army – South sees fewer clashes but is believed to be one of the strongest of the anti-government groups with more than seven thousand troops.⁶⁷ In total there are 5 fixed SSA-S bases, the Loi Taileng H.Q.(opposite Pang Mapha District, Mae Hong Son), Loi Moong Merng (opposite Muang District, Mae Hong Son), Loi Lam (Wiang Haeng District, Chiang Mai), Loi Hsarm Hsip (opposite Fang district, Chiang Mai) and Loi Gawwan (opposite Mae Fa Luang District, Chiang Rai).⁶⁸ Similar to the KNLA, the Shan's bases are strategically located opposite Thailand and this, and the shared ancestry between the two races, has helped support the resistance movement.

While there has been some pressure placed on the SSA-S to curtail its activities from Thailand, they have not had the same pressure placed on them as the Karen. There are number of reasons for this, the main ones being their shared ancestry and their strategic location protecting part of Thailand's northern border. This has resulted in a great deal of support for their cause from the Thai population and its security establishment.

Another major factor is business interests; the scope for business and the possibility of garnering wealth from minerals and trade are not the same as in Karen State and thus local businesses are not exerting the same amount of pressure on the military. In addition, Shan state has seen a number of conflicts erupt between the Burma and Thai armies over contested territory. For the Thai military, the SSA-S and the areas they operate in are strategically more important than the Karen State borderlands. The Shan State army is closely allied with the other ethnic groups and is part of the five group military alliance, which comprises the SSA-S, KNLA, KA, CNF and ALP, however it is not a member of the UNFC (see below).

In March 2011, an offensive by the Burmese Army against the previously ceasefire Shan State Army – North resulted in open conflict between the two parties. Since then, the SSA-N, which has renamed itself the Shan State Progress Party/Shan State Army, has joined militarily with the Shan State Army – South. While still politically separate, armies from both groups conduct joint and support operations.

The third major armed group is the military wing of the KNPP, the Karenni Army (KA). It has been responsible for attacks on a number of infrastructure projects including the bombing of an electricity Pylon on the 23rd of January 2009 in Karenni State. A KNPP statement, claiming responsibility for the attacks, notes the attacks were aimed at:

*'...stopping projects that make profit for the [Burmese junta]... since we don't have the privilege to use electricity, sometimes we blow up the towers, not aiming to terrorise but to stop the government's work.'*⁶⁹

The situation regarding armed conflict on the Burma-India-Bangladesh border is much more precarious than that with Thailand and armed opposition may easily be stifled. The Arakan Liberation Party's forces, which currently number about one hundred troops, 40 percent of which may be situated on the Thai-Burma border, face considerable hardship.⁷⁰ The ALP operates as a mobile force in the southern Chin Hills or the northern Arakan Hills and has no fixed base. The most recent estimates suggest that nine clashes occurred between Burmese troops and the Arakan Liberation Army in 2009 with the first incident of 2010 occurring near Pri Zaw Village in Paletwa Township, southern Chin State on the 11th of February. The most recent clash saw one Burma soldier killed and two seriously injured.⁷¹

The situation in Chin State is similar to that of the Arakan Liberation Army. Although there are a number of Burma Army bases throughout Chin State, the number of reported clashes is relatively small. The Chin National Army has around four hundred to five hundred troops.

At the beginning of November 2010 shortly after the election, three ceasefire groups, the KIO, the New Mon State Party (NMSP) and the SSPP/SSA and three non-ceasefire groups, the Karen National Union (KNU), the Karenni National Progressive Party (KNPP) and the Chin National Front (CNF), announced the creation of an organising committee, the Committee for the Emergence of a Federal Union (CEFU), to consolidate a united front. At a conference held from the 12-16 February 2011, CEFU declared its dissolution and the formation of the United Nationalities Federal Council (UNFC). The UNFC, which is comprised of 12 ethnic organisations⁷², stated that:

‘The goal of the UNFC is to establish the future Federal Union (of Burma) and the Federal Union Army is formed for giving protection to the people of the country.’⁷³

Ceasefire Groups

The ceasefire groups were borne out of two distinct elements. The first were formed from the remnants of the Communist Party of Burma and were the first to sign agreements with the junta. These groups, the UWSA, MNDA-ESS, and the Shan State Army – North profited largely from the narcotics trade and have used their ethnicity to augment their legitimacy in the political arena. The second are those groups who were originally part of the ethnic armed opposition and made agreements in the mid-nineties. The KIO and NMSP made agreements with the SPDC in the belief that by doing so life for their ethnic populations would be improved. While there has been some development, for the most part there has been only limited improvement.

The UWSA is the strongest ethnic army with an estimated 20,000 to 25,000 heavily armed soldiers including local militia units. Following a major reorganisation in late 2007, the UWSA was divided into eight brigades with an additional brigade created in 2010, split between northern and southern regions. Tatmadaw forces occupy the territory between them. The 171st is currently divided into 5 brigades - the 772nd at Mong Jawd, the 775th at Hwe Aw, the 778th at Hsankarng, the 248th at Hopang-Hoyawd and the 518th at Mong Yawn. The Wa North comprises four brigades – the 318th at Namteuk, the 418th at Kiu-hey, the 618 Takawng-et Bridge, and the 468th at Mong Pawk. In addition, the northern Wa region also has an artillery regiment and a Headquarters security force.

The NDAA-ESS based at Mongla has a force of approximately 5,000 mainly Shan and Akha hill-tribe troops, the NDAA-ESS is divided into three relatively well-equipped brigades, the 369th Brigade based at Hsaleu bordering Wa territory in the east; a headquarters brigade near Mong La and the 911th Brigade close to the Mekong River in the east. The Shan State Army – North, the smallest group in the alliance, consist of approximately 2,500 troops and is located in the Hsipaw and Mong Hsu areas of northern Shan State west of the UWSA's Special Region 2.

Both the UWSA and Mongla signed initial peace agreements with the Thein Sein government on the 8 September 2011 for:

‘...cooperation of ensuring peace and stability and development of Wa Region and related areas...and both sides agreed to continue to hold peace talks with Peacemaking Committee that will be formed by Union Government.’⁷⁴

While the UWSA and the NDAA-ESS (Mongla) have agreed to work with the government, the Kachin Independence Organisation, which signed a ceasefire agreement with the regime in 1994, has once more taken up arms against the government.

Its armed wing the Kachin Independence Army and its militia force is estimated to have a combined strength of between 5,000 and 8,000 troops. The KIA is divided into the northern 1st Brigade based in the 'Triangle' between the Mali Hka and N'mai Hka rivers northeast of Myitkyina, the 2nd Brigade in the Hukawng Valley to the west; and the 3rd Brigade based on Laiza in the zone southeast of Myitkyina.

Fighting erupted on the 9th of June 2011 after Burmese troops opened fire on a KIA outpost at Sang Gang. While the KIO's reluctance to join the Border Guard Force Program was a major factor in the resumption of hostilities the primary reason seems to be the KIO's attempts to prevent further abuse of its land and resources. The Burmese regime has allowed Chinese companies to construct a number of dams, the most controversial of which being that at Myitsone on the Irrawaddy River. The Myitsone dam is to be built on a culturally important location at the confluence of the Mali and N'Mai Rivers in Kachin State and will result in the displacement of over 60 villages, or approximately 15,000 people (see Livelihood and the Environment section for further information).

One more group that remains important but has not yet faced any major Burma Army military operations against it is the New Mon State Party. While the government has decided to treat the NMSP as an illegal organisation, it has not conducted any offensive operations in Mon State. The NMSP is a founding member of UNFC and as such is party to its goal of creating a union army. The Mon National Liberation Army (MNLA), which

is estimated to have 1000 - 1500 fully armed troops, may be small but could easily join with the KNLA in mounting operations against the junta's forces.⁷⁵

The situation for the civilian population throughout sixty-three years of conflict has largely remained unchanged since the granting of independence. The failure of successive Burmese regimes to recognise that its ethnic population needs be treated equally has resulted in the continuation of armed conflict and the continuing under-development of the country's ethnic areas.

As noted earlier, conflict and the subsequent human rights abuses have actually heightened since the 2010 election and the regime's attempts to turn former ceasefire groups into border guard forces. Conflict in Karen State increased after the Klor Htoo Baw Battalion, under the command of former DKBA 5 Brigade commander Saw Lah Pwe, seized Myawaddy on the 7th of November 2010. A year later, fighting erupted between the Shan State Army – North in March 2011 and with the Kachin Independence Army in May. While the recent fighting has caused increased problems for the civilian population in these areas, conflict has been a consistent factor in many people's lives for decades:

'I have grown up among wars/conflicts. And in Burma, I was a driver and used to drive around the Shan State. I and my passengers went on journeys through many wars. It was not entirely safe. Sometimes the soldiers took the passengers to use as porters in wars while we were on our way. The passengers had to carry weapons. And then, we saw a lot of trouble on our way. When the government sends the ration to the army in Kyanton City, we had no permit to go on the same road. So we had to wait for the ration cars of the government to pass. When the cars had already gone, we

could get the permit to go on the way. We had to wait for the whole night beside the road near a forest and we had nothing to eat or drink. I had those experiences at many times.'

A former Pa-oh politician, Naungshwe Township, Shan State,
ENC-PH-3

'I have felt the pain of the war my whole life. We are used as porters in war zones. The villagers were killed by the army, the DKBA and the KNU (the reason is we have contact with the enemy)...The situation was the worst over the last twenty years. We have faced big wars over the last twenty years. We saw the wars between the SPDC and the KNU, the SPDC and the DKBA, and the KNU and the DKBA... We were forced to pay some money for the wars. We had to pay several taxes (for farms, houses, cattle and people) to the Burmese government. We were used as porters. If we don't go to war zones as porters, we have to give money 50,000 Kyats.'

A Karen-Burmese-Bengali refugee, Karen State, ENC-KR-1

'Our community has been affected by conflict over the last twenty years. We have a lot of troubles. For example, we did not have our meals, sometimes we fled without having lunch or dinner, and we did not sleep at night and couldn't work at our jobs very well.'

A Karen NGO worker, Kyaukkyi Township, Karen State, ENC-
KR-5

'There were armed conflicts between the government army and KNU in my village. The villagers were used as porters in wars. The villagers died a lot in war zones. Our houses were destroyed because of wars. Most people fled to Thai-Burma Border and Refugee Camps.'

A Karen NGO worker, Hlaingbwe Township, Karen State, ENC-KR-7

'Wars and armed conflict has affected our community. Most villagers died and some were handicapped in the fighting, some were used as porters. Sometimes we fled from our villages to other villages.'

A Kachin-Nepali villager, Waingmaw Township, Kachin State, ENC-KC-6

'Our community has seen some conflicts between PLO and Burmese Army, and SSA- N and Burmese Army in 2000 year. And in 1994-95, Khonza occupied the towns, Minepun and Loilin and he tried to occupy Taunggyi. The people fear Burmese Army, Khonza and the other ethnic troops. Most people were used as porters in the war. The people had to give money to ethnic Troops and the Burmese Army.'

A Shan NGO worker, Taunggyi City, Shan State, ENC-SN-3

'There are a lot of armed conflicts in Dimosoe and Pharusoe cities not Loi Kaw city. Armed conflicts are between Burmese Army and Karenni armed troops & Burmese Army and other ethnic armed troops. My relatives and friends live in the cities. They fell in to trouble because of wars. They sometimes stay in my city and flee to the other cities.'

A Kayan NGO Worker, Loi Kaw City, Karenni State, ENC-KY-1

Despite such on-going conflict and the problems caused for local communities, most people believe that the continuation of armed struggle, regardless of the outcome, will not affect how the Burmese government treats the ethnic populations of the country:

'I don't think that the government's policies towards ethnic minorities will change. And I think collaboration is necessary among ethnic organizations.'

A Kachin NGO Worker, Bhamo Township, Kachin State, ENC-KC-2

That said, however, most respondents believe that, in the absence of change in how the government treats its minorities, conflict is the only recourse they have.

While Burmese governments have sought to make a number of peace agreements with various factions, they have sought to do so separately. As a result, this has shown it does not see the ethnic issue has a single problem but rather a number of smaller problems. It has pursued a military solution that emphasizes border security and curbing internal dissent above the needs of its people. Consequently, the ethnic opposition, which seeks equality and security for the people as its main priority, is largely misunderstood.

The Border Guard Force issue, which sought to contain ethnic aspirations rather than address them, has largely shown itself to be a failure. Once more the Regime has sought to address the ethnic problem not as a political issue but rather a military one that it believes it can control.

Previous attempts by ethnic groups to consolidate their opposition to the regime, by showing a united front and leverage bargaining power in relation to seeking peace negotiations, have failed. While all groups should be united in their demands for ethnic equality, it still remains unlikely that the Government will accede to hold talks with the UNFC as a single entity. Even with a purportedly civilian administration, it is still believed by many in the government that the only way

to deal with the ethnic issue is through conflict. As noted earlier, this was demonstrated when a proposal to find a peaceful resolution with the armed ethnic groups was defeated.⁷⁶

Throughout this conflict, the civilian population has borne the brunt of Burma Army operations. The most common form of abuses, as enumerated in interviews, related to illegal taxation, forced labour and corruption:

'We had to pay taxes for houses, farms, cattle and men. We were forced labours. We were forced to repair roads and cut trees. We didn't get fees. We had to pay our money for building roads and bridges. Next we had to watch as guards in army watch houses almost every night. Every house had to provide guards to the army. If a house had an old woman, the army forced her to watch as a guard. So the old woman had to hire a young instead. The old woman had to give money the young man.'

A Karen-Burmese-Bengali NGO Worker, Rangoon Division,
Karen State, ENC-KR-2

'We had to pay taxes for houses, farms, cattle and men. We were forced labourers. We were forced to repair road and clean hospitals and drains. We didn't get fees. Moreover we were forced to pay money to repair the roads. Next, if a VIP vehicle drove on the road we had to stop riding our bicycle or walking. If we go on without stopping, the soldiers in the cars shout insults at us.'

A Karen NGO Worker, Rangoon Division, Karen State, ENC-KR-3

'The government forced us to pay money to build streets and dams, and we had to give 1000 or 2000 Kyats for each time. We were used as forced labourers and we never got money. The government sometimes rented and used trolleys owned by people but the government didn't give any money them. The farmers have to give their rice or peas for the soldier rations.'

Karen-Bengali A NGO Worker, Rangoon Division, Karen State,
ENC-KR-6

'Most villagers including me from _ _ _ Village and other villages, _ _ _ , _ _ _ , and _ _ _ all in Munbra Township, Arakan State were forced by authorities to work on maintenance of high way. Again our villagers and others didn't receive salary and also were threatened with a 50,000 Kyats fine for each villager if we did not work according to their instructions. It was very difficult for villagers to work during the strong rainy season. They forced us to work the whole day so I and two villagers went to a military officer to explain about our difficulties but the military officer refused to listen to our explanation. The next day I and other villagers decided to run away from Arakan.'

Rakhine CBO Worker, Munbra Township, Rakhine State, ENC-
AN-2

'The Burma Army takes our land to set up military camps. This has happened since 2000. The Soldier's families also confiscate our land and loot the villager's property. They don't care. Also there a lot of gas explosions at the pipeline because the material quality is low – so villagers are also scared.'

A Mon Villager, Khaw Dot, Mon State, ENC-MN-8

‘They take land off the people without compensation, divide it and sell it. Normally the local army commander orders the village headman to take it and he also receives some money. This occurred especially during the time of the SPDC government when the village headman had a lot of power.’

A Mon Journalist, Ye, Mon State, ENC-MN-2

There have been serious land seizures by Zaykaba company to build a cement factory. And although framers were given a small amount of compensation they had no choice but to sell their land.

A Mon Relief Worker, Kyaikmayaw Township, Mon State, ENC-MN-9

The continuing conflict continues to give local army units the opportunity to further exploit the civilian population. Until the Government recognises that the needs of the people are as equally important as securing sovereignty and that ethnic groups fight not for secession, but for equality, and that only a political solution can solve the problems of the country, then continued conflict is inevitable.

Livelihood and the Environment

The ability for most people to support themselves and their families continues to deteriorate equally in areas where conflict exists and where it is absent. Most people have reported a rise in unemployment and an increase in the number of villagers seeking work in more profitable locations, for example in Kachin State, or abroad in Thailand, Malaysia and China.

'We have a lot of problems in everything. We lived in the black area during the four cuts campaign. The biggest problem is the economic crisis. We had to pay a lot of taxes for farms, cattle, and men [to avoid forced labour]. Next we had to sell our rice/paddy to the government and we had no chance to sell to other places. The government gave us only a low price.'

A Pa-Oh NGO worker, Karen State, ENC-PH-1

'Most people mainly grow poppy. If you sprinkle 2kg of poppy seeds on a farm, we can produce heroin from that poppy plant for about three months. The people get the profit of 200,000 Kyats for 2kg poppy seed. Therefore, to get the profit 200,000 Kyats, the people use poppy seed 2kg at the time (3 months). Next the price of raw opium is 25 Kyats in Burma. If it is sold on the Thai-Burma Border, its price is 700 Kyats. Therefore, most people survive by selling drugs. Sometimes the government destroys the poppy plantation by spraying herbicide on the plantation by airplane. Some people produce soya beans and some people work in trading gems such as jade, ruby, etc. Some people work on the Border and other countries.'

*A former Pa-oh Politician, Naungshwe Township, Shan State,
ENC-PH-3*

‘There isn’t any security for employment. There are no factories or other job opportunities. Most people rely on relatives abroad to send money back to them.’

A Mon Journalist, Ye, Mon State, ENC-MN-2

‘There are not enough jobs for people so they go to Thailand. Farming was the main job but now it is bad, rice prices are very low. Nearly 20% have left; they go abroad as a family to work with only one or two members remaining’

A Mon Medic, Kawkareik, Karen State, ENC-MN-3

As far as the environment is concerned, deforestation is the most common problem reported, especially in areas where armed resistance groups sell local timber to support their cause or in areas where previous ceasefire armies were allowed to operate. Thein Sein has acknowledged the problem stating in his inaugural speech that:

‘Another task we will have to implement is environmental conservation. In that regard, we will pay serious attention to conservation of forests and woodlands and take measures in various sectors to reduce air and water pollution, control dumping of industrial waste and conserve wildlife. We will lay down a new policy in which we will work for economic development in parallel with environmental conservation. We will mobilize participation of the people and social organizations in the tasks for environmental conservation and create renewable energy at low cost. We will review and amend laws and enact new laws on environmental conservation.’⁷⁷

Nonetheless, it will be a long and arduous task that will require the strengthening of environmental groups working in the country and increased access to ethnic areas. According to the Burma Environment Working Group there are a number of organisations already working in the country on such issues, including 40 international NGO's, however, as of yet they do not appear to have been able to access ethnic areas.

'I think that our environmental degradation is the worst. We have no civil societies or support. We have deforestation because the Burma army and the DKBA sold a lot of timber.'

A Karen-Burmese-Bengali refugee, Karen State, ENC-KR-1

'...Ethnic armed forces are given permits by the government to support their economy. They have been given permits to trade jade, other jewellery and also timber so forest conditions are gradually worse and worse.'

Kayan CBO Worker, Loikaw City, Karenni State, ENC-KY-1

'There is deforestation in my town because the government cut a lot of trees to build roads.'

A Karen Teacher, Tuntay Township, Rangoon Division, Burma,
ENC-KR-3

'Most of the villagers have economic problems...We have deforestation because some villagers give money to the police and they are allowed to cut timber and sell it.'

A Rakhine CBO worker, Rambree (Yen Byae) Island, Rakhine
State, ENC-AN-1

'The main problem with our environment is rubbish, "Plastic bags'. And there is also deforestations (toddy grove) in our environment.'

A Rakhine CBO worker, Sittwe Town, Rakhine State, ENC-AN-5

'Gold mining is contaminating the Irrawaddy River. Also there is too much plastic waste, because of bad garbage collection. Education on environmental issues is too low.'

A Kachin Consumer Rights Activist, Myitkyina, Kachin State,
ENC-KC-3

While these were the most common problems reported by those interviewed, the prospect of further environmental degradation occurred in May 2007, when Burma's government signed an agreement with China Power Investment Corporation for the implementation of seven large dams along the Irrawaddy, Mali, and N'Mai Rivers in Kachin State. The largest is the \$3.6 million Myitsone, located at the confluence of the Mali and N'Mai Rivers at the source of the Irrawaddy about 37 km from Myitkyina, the capital of Kachin State. It was scheduled for completion in 2019 with a capacity of 6,000 megawatts. About 90 percent of the electricity generated from the project was expected to go to China, with the Burmese government receiving about \$500 million annually, some 20 percent of the revenue.⁷⁸

Construction began in December 2009. The dam is 152 metres long and 152 metres high and would have flooded an area about the size of Singapore. It is estimated that should work be completed that over 60 villages, approximately 15,000 people, would be forcibly relocated. Families from six villages have already been forced to move and are currently in a relocation camp.⁷⁹ In addition, it is estimated that the dam

would have impacted millions of people downstream who depend on the Irrawaddy for agriculture, fishing, and transportation, and also destroy the confluence - a location believed sacred to many Kachin.

Local opposition to the construction of the dam has been fierce and in April 2010 a series of bombs exploded at the construction site Killing four Chinese workers, injuring 12 others, and destroying several temporary buildings and vehicles. On the 16 March 2011, the Kachin Independence Organisation sent a letter addressed to the Chinese Premier, Hu Jintao, stating that it had:

‘... informed the military government that KIO would not be responsible for the civil war if the war broke out because of this hydropower plant project and the dam construction.’⁸⁰

Since 9 June 2011, the Kachin Independence Army has been in open conflict with the regime. While there is little doubt that the Government’s Border Guard Force program also played a part in the resumption of hostilities, the primary concern seems to have been that of the environmental impact of the dam and its threat to Kachin culture.

In a surprising move, with the conflict still raging and consistent attacks on government troops, President Thein Sein announced the suspension of the project on the 30 September 2011 for the length of the government’s term. While the suspension of the dam project shows that the President is prepared to consider the view of the people, there are other major projects planned, including several dams of the Salween River that will also have serious consequences for the ethnic populations and these still continue.

One of the largest, the Italian-Thai (ITD) US\$8 billion Tavoy (Dawei) deep water port and connected infrastructure projects will see an eight-lane highway and railroad built from Thailand's Kanchanaburi Province across parts of Karen State and to Tavoy in Tenneserim Division. It is estimated that the project will take ten years to complete and the Burmese Government will build its first Special Economic Zone (SEZ) established on a 100,000-acre (40,000-hectare) plot around Tavoy.

ITD has acknowledged to the Karen National Union that 20 villages along the Tavoy coastal line will have to be relocated from their homes.⁸¹ Already reports are emerging of land confiscation, and threats that if villagers do not pay the offered price, which is substantially less than its value, the land will be taken without any compensation at all. There are also reports of local authorities colluding with businessmen to evict farmers from their land. What those displaced are supposed to do to earn a living without their major source of income is unclear.⁸²

In addition, security of the operation is in question with KNLA 4th Brigade units attacking a Burma Army outpost, used to guard the highway's construction, resulting in 50 Thai workers being evacuated back to Thailand. The KNU banned ITD employees from using the road on the 15 September while it considers an ITD proposal for a joint assessment of the environmental and other impacts caused by the project.

For the most part, all projects thus far initiated seriously affect the ethnic populations of the country and have been implemented with little regard for the peoples in those areas. Previous governments have shown that economic development is paramount and supersedes all other issues including the wellbeing of the people and the environment, it is hoped that the current government will take action to reverse this policy.

Conclusion

The purpose of this paper was to identify what the grassroots people living in ethnic states saw as the problems they daily encountered. While problems were identified in all areas, a number appeared more widespread than others. The main causes of concern for most people interviewed were those of discrimination and lack of control over their lives, the continuing conflict, and the corruption that has become a major part of living in Burma. While these were the main concerns it does not suggest that the others are any less important.

There is little doubt that human rights abuses continue in those areas, even where there is little or no conflict. Forced labour seemed to be endemic throughout all areas, although far worse in conflict zones. Religious discrimination is still a major concern in those areas that are predominantly Christian, and this needs to be addressed as many of those ethnic groups see their faith as internal to their identity and its denial therefore is deeply resented.

While the report addressed sexual discrimination in relation to all parties, the fact that many of the respondents lived outside, or no longer in conflict zones, was a major factor in the lack of response to the question. Domestic abuse was perhaps the most common form of sexual discrimination encountered, but at least one interviewee noted that:

‘About five years ago when the Burma Army were deployed near the village many women were raped and forced to marry their rapists.’

A Mon Villager, Zayathapyin Viilage, ENC-MN-7

While this was the only case mentioned by all those interviewed, this does not necessarily suggest that such abuses are rare. The most recent report from the Kachin Women's Association – Thailand (KWAT) estimated that over 30 women and girls had been raped in Kachin State since the conflict began.

Sixty years after independence, life for the ethnic peoples of the country has declined markedly. While conflict has played a major part in this inertia, government policy has consistently sought to maintain the status quo of keeping non-Burman people at the lowest levels of society, uneducated, ill-treated and abused.

While the current government has been seen to be reform minded and is praised for attempts at 'reinvigorating the economy, reforming national politics and improving human rights,'⁸³ such acclaim fails to acknowledge that what reforms undertaken so far will affect very little of the population. It is true that democratic reform in the nature of allowing access to previously banned web-sites, discussing previously sensitive issues, relaxing press laws, and delaying the Myitsone Dam, can be seen as positive indicators.

However, the majority of the people will receive little from such changes. The children who are forced to leave school to work to support their families, the parents who can't afford to pay for school books, health care, or even ID papers will receive nothing from such reforms.

It is true that the government has taken a number of steps forward, but also a number of others steps have faltered. For example, ethnic motions are still overturned in parliament and ethnic conflict has escalated. Many may argue that progress can only be made slowly, but when a population feels marginalized, oppressed, and forced to flee to another country to find a living wage, one has to wonder where the most immediate priorities lie

Appendix 1 › List of Interviewees

No.	Reference	State/Division	Ethnicity	Sex
1	ENC_KR_1	Karen	Karen-Burman-Bengali	F
2	ENC_KR_2	Rangoon Division	Karen	F
3	ENC_KR_3	Rangoon Division	Karen	F
4	ENC_KR_4	Karen	Karen	M
5	ENC_KR_5	Pegu Division	Karen	M
6	ENC_KR_6	Rangoon Division	Karen	M
7	ENC_KR_7	Karen	Karen	M
8	ENC_PH_1	Karen	Pa-oh	M
9	ENC_PH_2	Shan	Pa-oh	F
10	ENC_PH_3	Shan	Pa-oh	M
11	ENC_AN_1	Rakhine	Rakhine	M
12	ENC_AN_2	Rakhine	Rakhine	M
13	ENC_AN_3	Rakhine	Rakhine	M
14	ENC_AN_4	Rakhine	Rakhine	F
15	ENC_AN_5	Rakhine	Rakhine	M
16	ENC_AN_6	Rakhine	Rakhine	M
17	ENC_AN_7	Rakhine	Rakhine	F
18	ENC_KC_1	Kachin	Kachin	M
19	ENC_KC_2	Kachin	Kachin	M
20	ENC_KC_3	Kachin	Kachin	F
21	ENC_KC_4	Kachin	Kachin	F
22	ENC_KC_5	Kachin	Kachin	F
23	ENC_KC_6	Kachin	Kachin-Nepali	F
24	ENC_KN_1	Mon	Karenni	M
25	ENC_KN_2	Karenni	Karenni	F
26	ENC_KN_3	Shan	Karenni	F
27	ENC_KN_4	Karen	Karenni	F
28	ENC_KN_5	Karenni	Karenni	F
29	ENC_KN_6	Karenni	Karenni	F
30	ENC_KN_7	Shan	Karenni	F
31	ENC_KN_8	Karenni	Karenni	F
32	ENC_KN_9	Karenni	Karenni	M
33	ENC_SN_1	Shan	Shan	F

No.	Reference	State/Division	Ethnicity	Sex
34	ENC_SN_2	Karen	Shan	M
35	ENC_SN_3	Shan	Shan	M
36	ENC_MN_1	Mon	Mon	F
37	ENC_MN_2	Mon	Mon	M
38	ENC_MN_3	Karen	Mon	M
39	ENC_MN_4	Mon	Mon	M
40	ENC_MN_5	Mon	Mon	F
41	ENC_MN_6	Mon	Mon	M
42	ENC_MN_7	Mon	Mon	M
43	ENC_MN_8	Mon	Mon	M
44	ENC_MN_9	Mon	Mon	M
45	ENC_KY_1	Karenni	Kayan	F
46	ENC_BN_1	Rangoon Division	Burman	M
47	ENC_BN_2	Pegu Division	Burman	M
48	ENC_CN_1	Chin	Chin	F
49	ENC_CN_2	Chin	Chin	F
50	ENC_CN_3	Chin	Chin	M
51	ENC_CN_4	Chin	Chin	M
52	ENC_CN_5	Chin	Chin	M
53	ENC_CN_6	Chin	Chin	M

Appendix 2 - Text of the Panglong conference

A conference having been held at Pang-long, attended by certain members of the Executive Council of the Governor of Burma, all Saohpas and representatives of the Shan States, the Kachin Hills, and the Chin Hills, the members of the conference, believing that freedom will be more speedily achieved by the Spans, the Kachins and the Chins by their immediate co-operation with the interim Burmese Government, have accordingly and without dissentients agreed as follows:—

1. (I) A representative of the Hill peoples selected by the Governor on the recommendation of representatives of the Supreme Council of the United Hill peoples, shall be appointed a Counsellor to be Governor to deal with the Frontier Areas.
2. (II) The said Counsellor shall also be appointed a member of the Governor's Executive Council without portfolio and the subject of Frontier Areas brought within the purview of the Executive Council by constitutional convention as in the case of Defence and External Affairs. The Counsellor for Frontier Areas shall be given executive authority by similar means.
3. (III) The said Counsellor shall be assisted by two Deputy Counsellors representing races of which he is not a member. While the two Deputy Counsellors should deal in the first instance with the affairs of their respective areas and the Counsellor with all remaining parts of the Frontier Areas they should by constitutional convention act on the principle of joint responsibility.
4. (IV) While the Counsellor in his capacity of member of the Executive Council will be the only representative of the Frontier Areas on the Council, the Deputy Counsellor (s) shall be entitled to attend meetings of the Council when subjects pertaining to the Frontier Areas are discussed.

5. (V) Though the Governor's Executive Council will be augmented as agreed above, it will not operate in respect of the Frontier Areas in any manner which would deprive any portion of these areas of the autonomy which it now enjoys in internal administration. Full autonomy in internal administration for the Frontier Areas is accepted in principle.
6. (VI) Though the question of demarcating and establishing a separate Kachin State within a unified Burma is one which must be relegated for decision by the Constituent Assembly, it is agreed that such a State is desirable. As a first step towards this end, the Counsellor for Frontier Areas and the Deputy Counsellors shall be consulted in the administration of such areas in the Myitkyina and the Bhamo Districts as are Part 2 Scheduled Areas under the Government of Burma Act of 1935.
7. (VII) Citizens of the Frontier Areas shall enjoy the rights and privileges which are regarded as fundamental in democratic countries.
8. (VIII) The arrangements accepted in this agreement are without prejudice to the financial autonomy now vested in the Federated Shan States.
9. (IX) The arrangements accepted in this agreement are without prejudice to the financial assistance which the Kachin Hills and the Chin Hills are entitled to receive from the revenues of Burma and the Executive Council will examine with the Frontier Areas Counsellor and Deputy Counsellor(s) the feasibility of adopting for the Kachin Hills and the Chin Hills financial arrangements similar to those between Burma and the Federated Shan States.⁸⁴

Notes

- ¹ See KNU President Saw Tamla Baw's Address on 62nd Anniversary of Karen National Day - '...the Karen people lost their birth rights due to enslavement, oppression and maltreatment by some, with the ideology of chauvinism.'
- ² Burma is the preferred name of the country by those groups who do not recognize the military Government has having legal recourse to rename the country 'Myanmar' having failed to honour the 1990 election results.
- ³ The Burmese government recognises 135 different groups, but this is debated by the ethnic opposition who see it as a further attempt to divide them.
- ⁴ Not including Shan and Karenni principalities.
- ⁵ 'The Loyal Karen of Burma', Donald Mackenzie Smeaton, M.A., 1887, pg 2
- ⁶ 'Burma – Insurgency and the Politics of Ethnicity', Martin Smith, Zed Books, 1999, pg 41
- ⁷ *ibid*
- ⁸ Higher levels of the bureaucracy were British supervised and staffed largely by Anglo–Burmese and Indians.
- ⁹ 'Burma and the Karens', San C Po, 1921
- ¹⁰ *ibid*
- ¹¹ Mikael Gravers, quoted in 'In search of Chin identity', Lian H. Sakhong, NIAS Press, 2008, pg 190
- ¹² 'The Cambridge History of Southeast Asia.' Nicholas Tarling, Cambridge, 1999
- ¹³ 'British Rule in Burma 1824-1942', G. E. Harvey, Faber and Faber, 1946 pg 82
- ¹⁴ *Ibid* pg 83
- ¹⁵ The British used the term Naga Hills.
- ¹⁶ 'Burma: Statement of Policy by H.M. Government', May 1945
- ¹⁷ Report for the month of July 1945 for the Dominions, India, Burma And The Colonies And Mandated Territories. 27 August 1945
- ¹⁸ 'Political Situation in Burma: Memorandum by the Secretary of State for Burma', 29 October 1945
- ¹⁹ Cypher (O.T.P) telegram from Governor of Burma to Secretary of State for Burma, dated Rangoon, 20.40 hours, 27th Octobers 1945

- ²⁰ 'The Curse of Independence', Shelby Tucker, pg 113, Pluto Press, 2001
- ²¹ 'Burma Constitutional Position: Memorandum by the Secretary of State for Burma', 9 December 1946
- ²² Ministerial Burma which included parts of Karen State, Mon and Arakan areas were represented by Aung San. Karenni did not participate as it was an independent country by virtue of the 1875 Anglo-Burman treaty.
- ²³ The Panglong Agreement
- ²⁴ Union of Burma, Constitution, 1947, Chapter X, 202
- ²⁵ http://hansard.millbanksystems.com/commons/1947/may/02/burma-failure-of-constitutional-machinery#S5CV0436P0_19470502_HOC_38
- ²⁶ 'A Just Country – The Karen of Burma: History, Identity and Conflict', Paul Keenan, Unpublished manuscript, 2009
- ²⁷ Hugh Tinker, Union of Burma, London, 1957
- ²⁸ Union of Burma 1974 Constitution
- ²⁹ Trading Legitimacy', ENC Working Paper No 1, 2007
- ³⁰ Ibid.
- ³¹ 'Chronology of Burma's Constitutional Process', Human Rights Watch
- ³² 'Constitution of the Republic of the Union of Myanmar, Chapter VII, Section,338', Ministry of Information, September 2008
- ³³ Although many were ran as USDP candidates
- ³⁴ 'Analysis of the 2008-SPDC Constitution for Burma', David C Williams, <http://uscampaignforburma.org/david-william-2008-constitution> accessed on 26 June 2011
- ³⁵ See 'Parliament snubs ethnic harmony bill', DVB, 28 March 2011
- ³⁶ For further information see the Sgaw Karen language of section of ...
- ³⁷ 'Ward, village-tract administrative chiefs to be appointed by superiors' Te Te, Mizzima 20 September 2011
- ³⁸ Bertelsmann Stiftung, BTI 2010 - Myanmar Country Report. Gütersloh: Bertelsmann Stiftung, 2009.
- ³⁹ 'President Thein Sein's Inaugural Speech', EBO Analysis Paper No2, 2011
- ⁴⁰ See 'The Growth of Civil Society in Myanmar', Brian Heidel, Books for Change, 2006, Bangalore

- ⁴¹ The Arakanese Defence Army formed part of the Burma National Army and was the first to rebel against the Japanese on the 1st of January 1945. See 'Burma: Insurgency and the Politics of Ethnicity', Martin Smith, Zed Books, 1999, p. 64
- ⁴² Kachin State minus Bhamo and Myitkyina were delineated as the Kachin Hills while Shan State minus most of the Wa areas comprised the Federated Shan States. Personal correspondence with Khuensai Jaiyen, 27 September 2011
- ⁴³ 'The Shan of Burma', C.T. Yawngghwe, ISEAS, 1987 p. 99
- ⁴⁴ See the Aung San-Attlee agreement clause 8 reproduced in *Rhododendron*, Vol. 4 No 1, 2003, CHRO, p. 8
- ⁴⁵ A earlier meeting, the first Panglong Conference, had occurred in March 1946
- ⁴⁶ It must be noted that the 1947 constitution did not allow the Kachins to secede. See Union of Burma, Constitution, 1947, Chapter IX, 178
- ⁴⁷ Forerunner of the Karen National Union and a member of the AFPFL
- ⁴⁸ Smith, p. 79
- ⁴⁹ *Rhododendron*, p. 8
- ⁵⁰ Union of Burma, Constitution, 1947, Chapter X, 202
- ⁵¹ San Po Thin, a leading KCO member, had originally advised Saw Ba U Gyi to resign from the AFPFL. 'A Just Country - The Karen of Burma : History, Identity, and Conflict', unpublished manuscript, Paul Keenan, 2009, p155
- ⁵² Personal correspondence with Rimond Htoo, October 2011
- ⁵³ Maw Reh first founded the Karenni Army, on the 17th August, 1948, shortly after the KNO was created. Ibid.
- ⁵⁴ Members of the PVO had become politically active and held 44 seats in the Constituent Assembly, in addition, three also held cabinet positions. On splitting they divided into two different bands, white and yellow. Smith, p107
- ⁵⁵ The Sitwundan units were originally recruited in seventeen districts, six of which were Karen. They were further expanded and by 1949 there were twenty-six battalion comprising thirteen thousand troops. 'Making Enemies: War and State Building in Burma', Mary P Callaghan, Cornell University Press, 2003, p. 128
- ⁵⁶ Keenan, p. 178

- ⁵⁷ 'A Journalist, A General and an Army in Burma', U Thaung, White Lotus, 1995, p. 15
- ⁵⁸ See Callaghan, p. 115
- ⁵⁹ Time, February 10, 1961, p. 22
- ⁶⁰ 'Burma in Revolt: Opium and Insurgency since 1948', Bertil Lintner, White Lotus, 1994, p. 376
- ⁶¹ While there are still anti-government troops in Arakan and Chin state and other smaller units in Mon these are the main groups.
- ⁶² Keenan, p. 212
- ⁶³ Wassana Nanuam, 'Buffer State Policy ended years ago', Bangkok Post, 10/6/2002, quoted in Keenan p. 347
- ⁶⁴ 'Senior Burmese Commander Killed by KNLA Soldiers', Min Lwin, The Irrawaddy, 13 May 2009
- ⁶⁵ Figures for the Klo Htoo Baw units are frequently inflated in media reports. It was estimated that approximately 400 DKBA troops comprised the Klo Htoo Baw Battalion in November 2010, recent defections from the Myaing Gyi Ngu BGF units are unlikely to have added more than another 450 troops to that number – not all of whom would be armed.
- ⁶⁶ 'DKBA Reform', Saw Kar Su Nyar, Karen News 12 September, 2011
- ⁶⁷ Email correspondence with SHAN, 9 December 2009
- ⁶⁸ 'Shan Army set to cast a wider net', SHAN, 8 June 2009
- ⁶⁹ 'Karenni Party admits to bombings', DVB, 4 February 2009
- ⁷⁰ Personal correspondence with Arakanese leader, 12 December 2009. In 1980, all ALP personnel were released from Mandalay jail under an amnesty. In 1981, the ALP & ALA was re-formed at the KNU's Kawmoora base.
- ⁷¹ 'Burmese Soldier Killed in clash with the ALA', <http://www.narinjara.com/details.asp?id=2482> accessed on 15 February 2010
- ⁷² Chin National Front, Kachin Independence Army, Kachin National Organisation, Karen National Union, Karenni National Progressive Party, Lahu Democratic Union, National Unity Party of Arakan, New Mon State Party, Palaung State Liberation Front, Pa-O National Liberation Organisation, Shan State Progress Party/Shan State Army, Wa National Organisation
- ⁷³ 'Statement of Expanded Meeting of the Political Leading Board and Central Executive Committee of UNFC', 14 May 2011
- ⁷⁴ New Light of Myanmar, 9 September 2011

- ⁷⁵ The Independent Mon News Agency, quoting the NMSP website, reported on the 10th September 2009 that the MNLA had 350 members down from 7,860 at the time of signing the ceasefire. See 'MNLA gears up for conflict', IMNA, 29 April 2010
- ⁷⁶ See 'Parliament snubs ethnic harmony bill', DVB, 28 March 2011
- ⁷⁷ 'President Thein Sein's Inaugural Speech', EBO Analysis Paper No2, 2011
- ⁷⁸ <http://www.reuters.com/article/2011/09/30/us-myanmar-dam-factbox-idUSTRE78T15S20110930> accessed 9 October 2011
- ⁷⁹ <http://www.burmariversnetwork.org/dam-projects/irrawaddynmimali.html#5> accessed 28 June 2011
- ⁸⁰ 'KIO warns China: Myitsone Dam could spark 'civil war'', Thomas Maung Shwe, Mizzima, 20 May 2011
- ⁸¹ <http://daweiproject.blogspot.com/2011/09/knu-tightens-construction-ban-on-tavoy.html> accessed 12 October 2011
- ⁸² 'Authorities of Dawei deep seaport threaten land owners to sell at low price', Kyaw Kha, Mizzima, 7 October, 2011
- ⁸³ 'Myanmar Major Reform Underway' ICG, Asia Briefing 127, 22 September 2011
- ⁸⁴ http://hansard.millbanksystems.com/written_answers/1947/feb/17/text-of-the-agreement

Since achieving independence in January 1948, successive Burmese governments have sought to address the complex issues involving the country's many ethnic groups. They have sought to do this primarily through confronting a perceived separatist agenda pursued by the many ethnic groups who have taken up arms against the various governments. However, ethnic groups have called for a genuine federal union based upon the principles of equality for all of the country's citizens.

In an attempt to better depict the situation for the people in ethnic areas the Ethnic Nationalities Council - Union of Burma commissioned this report to examine the lives of those people living in ethnic areas from their perspective.



The report, which interviews people from all walks of life both inside and outside of the country, details how, sixty-three years after the country's independence, life for Burma's minority populations continues to worsen.

It shows how the chronic failures of successive governments and dictatorships have been responsible for fuelling the wars that have enveloped the country. It suggests that conflict continues because the ruling regime has constantly failed to recognize the true nature of the ethnic problem and it has been unable to address the inequality many of the minority people face.

Through the use of interviews with local ethnic people, the report seeks to portray what life has been like for those individuals who have consistently faced discrimination and abuse at the hands of a government that chooses to be far removed from a large percentage of the population.