

# report

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## Burma (Myanmar): The Time for Change

By Martin Smith



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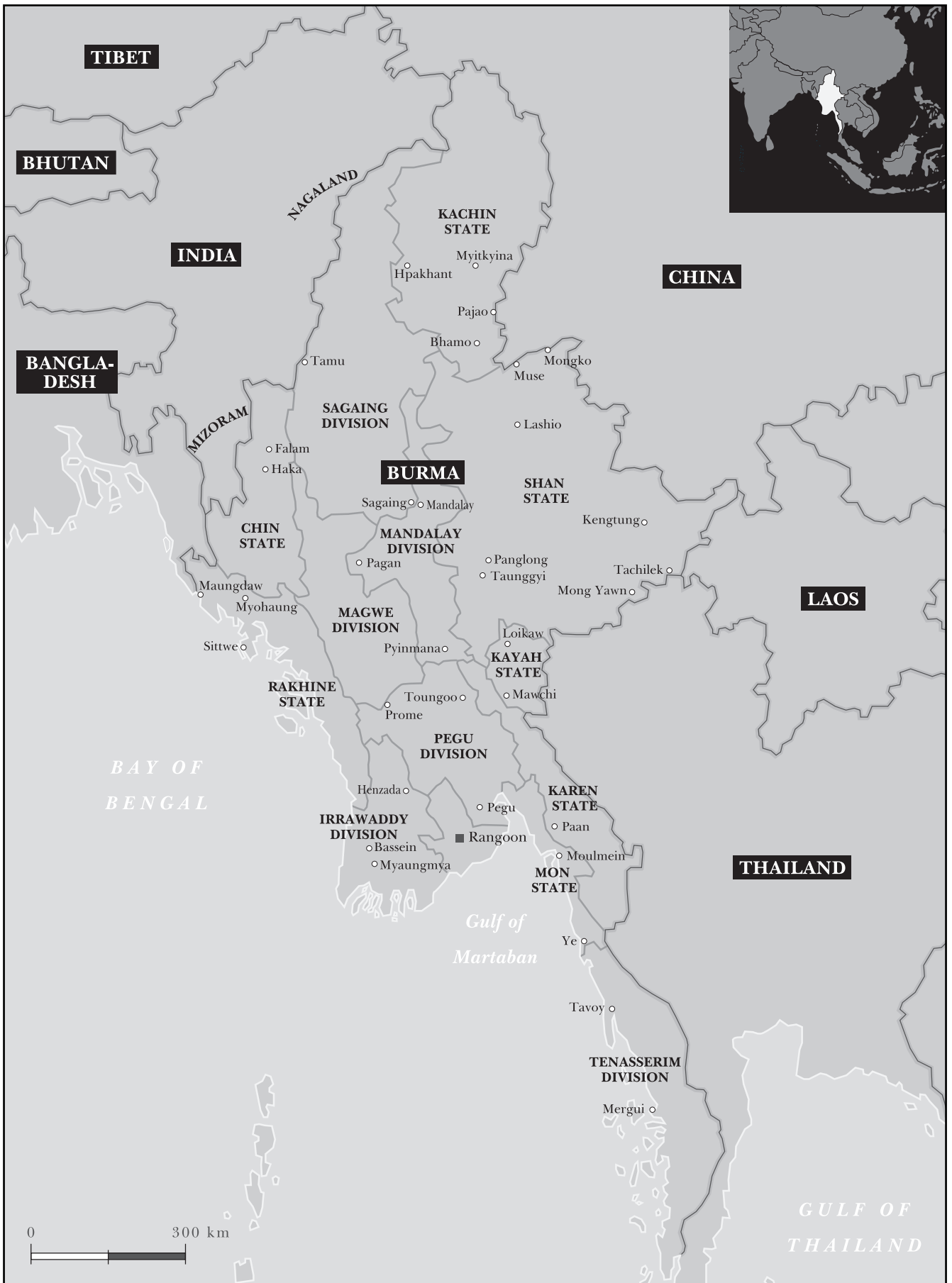
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# Contents

Map	2
Preface	3
Introduction	4
Country background	6
The peoples of Burma	15
Conflict and the human legacy	21
The present landscape	29
Conclusion	34
Recommendations	35
Abbreviations	37
Chart of armed ethnic groups	38
Relevant international instruments	39
Notes	41
Selected bibliography	44



## Burma: States and Divisions

# Preface

As this Report goes to press there is a chance, however small, that Burma and its peoples may be turning towards peace. The United Nations (UN) Special Rapporteur on the Situation of Human Rights in Myanmar, Mr Pinheiro, stated at the end of 2001 that this is the country's 'golden opportunity' regarding peace and reconciliation.

The military government has been holding secret talks with Aung San Suu Kyi, leader of the National League for Democracy (NLD), whose most visible result has been her release from house arrest in May 2002. In addition, some 15 separate ceasefire agreements have been made between the authorities and armed ethnic opposition groups in recent years. Many of the ethnic minority and indigenous communities now want to be included in any peace and reconciliation negotiations. It is therefore in this tri-partite process – bringing together the military government, the NLD, and the diverse ethnic minority groups – that the best hope for a peaceful and democratic future for Burma lies.

Yet Martin Smith, the author of this new report, is necessarily cautious about expressing optimism regarding the outcome of these talks. Progress is slow and despite the ceasefires in many areas, conflict is still a reality in many other parts of the state, human rights abuses continue, and the military government remains firmly in power. Aung San Suu Kyi's NLD party in 1990 won Burma's first and only general election since the military seized power, but the military government still refuses to recognize the election result.

Much has been written about the human rights violations under the military government. These have been all-pervasive since General Ne Win's coup in 1962, and during the subsequent military government of the State Law and Order Restoration Council (SLORC) – since renamed the State Peace and Development Council (SPDC). The abuses have been well documented and include: the use of child soldiers, forced labour, indiscriminate use of anti-personnel mines, rape and other forms of torture. But whereas the political repression of NLD activists has been the focus of ongoing international criticism, less attention has been paid to the gross and

systematic human rights violations against ethnic minority civilians, particularly in the Chin, Karen, Kayah, Shan and Rakhine states.

Since Burma gained its independence from Britain in 1948 it is estimated that over 1 million people are believed to have lost their lives in violent conflict, and around 2 million have been internally displaced. Much of this conflict has been in ethnic minority regions, between the military and armed opposition groups.

It is not always so well known that Burma has a rich ethnic diversity, with its population speaking over 100 different languages and dialects. Ethnic minorities and indigenous peoples are believed to represent approximately one-third of the state's 52 million inhabitants, with an estimated 2 million Chinese and Indian population. While Buddhism remains the largest religion in Burma, there are sizeable Christian and Muslim minorities.

Decades of conflicts have won little either for the government or for fighters from the many armed opposition groups. Meanwhile poverty flourishes, and education and health care are seriously neglected. Burma is among the world's least developed countries. It is the world's largest producer of illicit opium and faces one of the most serious AIDS epidemics in Asia. Refugees continue to flee the state for surrounding countries, and women and girls in particular are trafficked elsewhere as prostitutes and cheap labour.

Yet many among the authorities and the armed opposition groups are war-weary. If an opportunity for peace does exist now, it may not be available for long, and therefore the UN, ASEAN, EU and other key actors must make supporting the process of dialogue, political reform and conflict resolution a priority at this time. History has shown that a prerequisite for the success of this process is that ethnic minority and indigenous communities must be able to play a full part in the future of Burma, and have their rights promoted and respected. A new Constitution for Burma should therefore be inclusive and restore ethnic minority rights that were originally guaranteed at Burma's independence. The alternative, of continued repression and bloodshed, is no way forward.

**Mark Lattimer**

Director

May 2002

# Introduction

*'If we want the nation to prosper, we must pool our resources, manpower, wealth, skills, and work together. If we are divided, the Karens, the Shans, the Kachins, the Chins, the Burmese, the Mons and the Arakanese, each pulling in a different direction, the Union will be torn, and we will all come to grief. Let us unite and work together...'*

**Aung San, Panglong**, February 1947<sup>1</sup>

With these words, the independence hero Aung San addressed ethnic minority leaders at the historic Panglong conference, where the ethnic principles of the future Union of Burma (Myanmar)<sup>2</sup> were agreed. It was a prophetic warning. Within six months, Aung San and most of his cabinet had been assassinated. The situation rapidly deteriorated and, by mid-1949, the country was in the grip of 'multi-coloured' insurgencies as a host of different ethnic and political parties took up arms.<sup>3</sup>

The loss of life and devastating events of these years established a pattern of conflict and state failure that has dominated the socio-political landscape into the twenty-first century. Modern-day Burma enjoys the rich heritage of one of the most ethnically diverse countries in Asia, but it has long been among the most strife-torn. The reasons for this worrying paradigm have been little researched or detailed. Since gaining independence from Great Britain in 1948, Burma has remained one of the most isolated countries in the world.

In the twenty-first century, the long-suffering peoples are urgently hoping for change. Triggered by the pro-democracy protests that swept the country in 1988, Burma has entered a new period of volatility and transition. Equally important, this time concern over the political crisis has been expressed at the international level. From forced labour, child soldiers, extrajudicial killings and other human rights abuses, to refugees, illegal migrants, illicit narcotics and HIV/AIDS, there are many grave issues that prompt anxieties beyond the country's borders.

In attempting to address this scale of challenges, much international attention has come to focus in recent years on the need for dialogue between military government, which has been in power since 1962, and the opposition National League for Democracy (NLD), headed by Aung San's daughter, Daw Aung San Suu Kyi. The NLD won a landslide victory – although it was not allowed to take office – in the 1990 general election, the country's first in three decades.

In private, however, leading figures on all sides of the country are aware that ethnic minority issues are an equally vital element in what the United Nations (UN) has embraced as the need for 'tri-partite' solutions (i.e. between the military government, NLD and ethnic nationality parties). Far from being a marginal or remote borderland question, Burma's troubled history has repeatedly demonstrated that ethnic rights and conflict resolution are at the centre of challenges facing the country today. Not only do minority peoples make up an estimated third of the population, but it is in ethnic minority areas that many of the most acute political and humanitarian crises exist. This, in turn, has fuelled the debilitating cycle of conflict, militarization and economic malaise that has long needed to be addressed if Burma is ever to progress as a modern nation state. A country of abundant natural resources and human potential, at independence Burma was deemed to have the brightest future of any of its Asian neighbours, but, by the late 1980s, it had declined to Least Developed Country status at the UN, on a socio-economic par with other countries in crisis such as Afghanistan, Ethiopia and Nepal.

From the year 2000, with the support of the UN Secretary-General, a tentative dialogue was started between military government officials and Aung San Suu Kyi, although the process of talks remained hampered by continuing political restrictions and tensions. Government ceasefires with over a dozen armed ethnic opposition groups were also holding firm, suggesting that there were indeed leading protagonists who were prepared to seek new ways to end the long-standing political crisis. It needs to be added, however, that there were other ethnic minority regions where fighting and loss of life were still continuing.

However, above all, as the country struggled to emerge from the legacy of decades of conflict, there was a paucity of mutual discussion over the complex ethnic and minority issues that need to be addressed. In essence, many of the challenges facing Burma can be compared to those experienced by other multi-ethnic countries that have undergone similar turbulence in the transition to post-colonial government. Ethnic conflict, non-state formation, militarization and the struggle for control of resources are, sadly, not unique.

But in Burma's case, there has been little space for dialogue and only rare face-to-face meetings between the different parties during the long years of bloodshed. In

the process, sentiment has become highly polarized, and substantive discussion of minority and political rights has, for too long, been overlooked. This is a cycle of deadlock that must be broken if inclusive reforms and Aung San's pre-independence vision of 'unity in diversity' are ever to be achieved. Very different visions of both Burma's past and future have persisted until the present day.

There is no longer any room for complacency. In June 2001, as socio-economic conditions continued to decline,

UN agencies in Rangoon co-authored an appeal warning that the entire country, already the subject of Western restrictions on investment and development funds, was 'on the brink of a humanitarian crisis'.<sup>4</sup> At a time when aid to Iraq and North Korea was being reconsidered, they argued that 'under these circumstances, effective humanitarian assistance to Myanmar is a moral and ethical necessity'.<sup>5</sup> Once again, it was in ethnic minority regions that the most disturbing conditions prevailed.

# Country background

## The dilemma of national unity

International focus in recent years on the conditions of socio-political emergency within Burma has often obscured the extraordinary ethnic diversity and vibrancy of the country. Over half a century ago, in the Kachin hills of north-east Burma, the anthropologist Edmund Leach carried out his ground-breaking studies on the patterns of inter-political and cultural exchange among peoples. In essence, Leach showed that ethnic identity is not innate but fluid and constantly changing, based on interrelations with other ethnic groups and cultures.<sup>6</sup> But while in much of the international community discussions on ethnicity and identity have continued to move on, in Burma very few studies have been conducted at all.<sup>7</sup>

There are a number of reasons why the ethnic debate has remained so entrenched in Burma. It is a situation described by the American political scientist Josef Silverstein as the 'dilemma of national unity'.<sup>8</sup> A first major reason is the complexity of ethnic politics in the country. Over 100 different languages and dialects have been identified, and, although these can generally be categorized into four main linguistic groupings – the Tibeto-Burmese, Mon-Khmer, Shan (Tai) and Karen (Kayin),<sup>9</sup> many distinctive minority cultures have survived into the twenty-first century. These include the Salom sea-gypsies in tropical Tenasserim, the 'long-necked' Kayan (Padaung) of the Shan/Karenni borders and the Nung-Rawang in Burma's snow-capped far north.

In many respects, such cultural diversity reflects Burma's location on a strategic crossroads in Asia. Here it has acted as a historic buffer between the neighbouring powers of China, India and Siam (Thailand). A fertile land, 678,500 square km in area, the country is protected by a rugged horseshoe of mountains that surround the central Irrawaddy plains. Over the past 2,000 years, many ethnic groups have migrated across these frontiers, interacting with other peoples along the way. The result is a pattern of cultural interchange and human habitation which, in many areas, resembles more a mosaic than a map of homogeneous or easily separable territories.

Nevertheless, a number of generalizations can be made. In pre-colonial times, a distinction can be made between the valley-kingdoms of four peoples, the Burman (Bamar),<sup>10</sup> Mon, Rakhine (Arakanese) and Shan, who were wet-rice farmers, literate, and practised Theravada Buddhism, and the diverse hill peoples, such as the Chin,

Kachin, Karen and Wa, who were mostly spirit worshippers, non-literate (they enjoyed oral traditions) and practised 'slash and burn' dry-rice cultivation. In the kingdoms, royal Buddhist rulers presided over city-states, whereas in the hills political authority was usually invested in the village chiefs. Within such a framework, political power frequently changed hands from the time of the great ruler Anawrahta at Pagan in the eleventh century CE, as various dynasties rose and fell. But it was only under the Konbaung dynasty in the eighteenth century, on the eve of the British annexation, that Arakan and the Mon kingdom at Pegu were overrun and the authority of the royal court at Ava, in the upper Irrawaddy plains, was extended to borders approximating the shape of modern Burma. Generally, many societies and kingdoms were pluralistic, but the Konbaung rulers were Burmans, apparently leaving Burman culture in the ascendant at the beginning of the nineteenth century.

## Colonial rule

As border conflicts arose with British India, the rise of the Konbaung kingdom set the stage for the British annexation and a second major reason for Burma's ethnic stasis: the distortions caused by colonial rule. The impact was lasting. Nation-building was never a British objective. In three wars between 1824 and 1885, Burma was annexed into the British Empire – not as a sovereign nation but as a province of India from which it was not separated until 1937. In a classic case of 'divide and rule', ethnic differences were further amplified through a dual system of government under which Burma was administered as two separate territories: 'Ministerial Burma', where Burmans predominated, and the 'Frontier Areas', where ethnic minorities mostly lived. Furthermore, while in Ministerial Burma the monarchy was abolished and a form of parliamentary home rule introduced, the frontier areas were, for the most part, left under the local authority of their traditional headmen and chiefs.

Such a governing system might have sustained the 'pax Britannica', but, as Michael Aung-Thwin has written, it was 'order without meaning'.<sup>11</sup> Not only did it fail to achieve a sustainable cultural or institutional basis, but it also set the peoples of Burma on different paths of political and economic development. It became the source of many resentments as well. In particular, ethnic minorities, principally the Chin, Kachin and Karen, were preferred



for recruitment into the colonial army, but it is important to stress that they were not singularly advantaged. Minority regions were also deeply affected by the arbitrary divisions of colonial rule. The British priorities were of security and profit, and once Ministerial Burma had become an exporter of rice (by the 1920s it had become the world's largest), there was little investment in the frontier hill regions, except for the exploitation of natural resources such as timber, silver and lead. This is a pattern of under-development that continued throughout the twentieth century.

As a result, the roots of many antipathies can be dated to these days. Among the Burman majority, anti-colonial sentiment was always strong, signified in the 1930s by the Saya San rebellion and rise of the *Dobama* ('We Burmans') and student movements, headed by Aung San. In particular, there was deep hostility to the mass immigration of many Indians and Chinese into Burma (by 1931 they accounted for over 10 per cent of the population), and this led to inter-communal bloodshed several times in the 1930s in which hundreds, mostly Indians, lost their lives.<sup>12</sup>

In contrast, after early resistance, many of the hill peoples were more welcoming to the British arrival. Like the Burmans, plains or valley-dwelling minority groups, notably the Mon and Shan, have languages with long and rich written traditions. But with the British annexation, Christian missionaries also promoted education and the transcription of minority languages into writing for the hill peoples, galvanizing a sense of modern ethnic or national identity among peoples that previously had been scattered or politically disparate. Cultural and political organizations swiftly followed, the most important of which, the Karen National Association (KNA), was formed in 1881. Such new influences and institutions, however, created a sense of unease among many Burman nationalists who regarded Christianity, like Indian and Chinese immigration, as a divisive element in the British armoury of 'three Ms': missionaries, merchants and military.

In fact, Christians constitute just 5 per cent of the population in modern-day Burma, and even among Karens they are estimated at only 20 per cent. Muslims are calculated at 3 per cent, 'animists' 1 per cent, and Hindus 0.5 per cent, with almost 90 per cent of the people classified as Buddhists.<sup>13</sup> Nevertheless the British introduction of external cultures and ideas left a legacy of tensions that has frequently been voiced in the last hundred years. 'In order to separate them culturally from the Burmese', claimed U Ba Swe, a Prime Minister of Burma in the 1950s, 'they converted the Karens to their religion and also created a separate literature and privileges for them.'<sup>14</sup>

## War and independence

The third major reason for the constricted ethnic debate in Burma is the long-standing state of political and ethnic violence. In the late 1930s, there were indications that inter-ethnic relations were improving, but such progress was shattered by the Second World War. For while Aung San and the young nationalists of the Burma Independence Army (BIA) first fought on the side of Imperial Japan, many of the minority peoples, especially Kachins, Karens and Muslims, remained loyal to the British. Over 500,000 Indians were forced out of the country by BIA supporters, and there were outbreaks of communal violence in which Karens were especially victimized for alleged 'fifth column' sympathies. Over 1,800 Karens were killed in Myaungmya district alone.<sup>15</sup> Aung San, in particular, worked hard to restore inter-communal relations, and in 1945 turned his forces against the Japanese. But a dangerous sense of mistrust had developed which never entirely disappeared among that generation of war-time leaders.

At the war's end, hasty discussions took place for Burma's independence. Various ethnic groups, including Kachin, Karen, Karenni and Shan organizations, made demands for separation, and, at one stage, it was envisaged that Burma might have a two-stage independence for Ministerial Burma and the Frontier Areas so that a more equitable integration could be prepared. In the event, a general consensus was achieved by Aung San with Chin, Kachin and Shan leaders at the Panglong conference in February 1947. Here Aung San famously said, 'If Burma receives one kyat, you will also get one kyat', and, in the final agreement of 12 February, 'full autonomy in internal administration' (Article 5) and the enjoyment of democratic 'rights and privileges' (Article 7) were guaranteed for the Frontier Areas.

Crucially, however, other ethnic groups, including the Karen, Mon and Rakhine, were not represented. Four Karens attended only as observers, and warnings of discontent soon emerged at the subsequent Frontier Areas Committee of Enquiry. Equally ominous, the Karen National Union (KNU: the KNA's successor) boycotted the 1947 constituent assembly elections that were won by Aung San's Anti-Fascist People's Freedom League (AFPFL) coalition. Meanwhile, armed violence had already broken out in Arakan where communist cells were especially active. Other armed groups were also busy in the country, including BIA veterans whom Aung San had reformed into a powerful paramilitary force, known as the People's Volunteer Organization.

Against this backdrop, a democratic Constitution, influenced by socialist ideals of state, was drawn up. It is also a Constitution that many pro-democracy supporters believe can form the basis for Burma's future Constitution

in the present century. For this reason it needs to be examined closely. The challenge was to create a sense and structure of national unity in the new Union from peoples that had formerly been administered separately, while still respecting their rights to ethnic autonomy. And, certainly, many human rights and liberal freedoms, including the rights of ethnic minorities, religious-based groups, women and trade unions, were allowed.<sup>16</sup> On ethnic issues, however, it contained serious anomalies which replicated many of the inconsistencies established under British rule.

Federal in concept (although not in name), power was to be shared between the former Ministerial Burma and the ethnic nationality states. There would be a bicameral legislature, with both a 250-seat Chamber of Deputies and 125-seat Chamber of Nationalities. However, ethnic states were decided for just four minority groups: the Kachin, Karen, Karenni and Shan. Moreover, while the Karenni and Shan states were granted the right of secession after a ten-year period (a right adapted from the Constitution of the Soviet Union), this was a right denied to the Kachin state as well as the Karen state (or special region of 'Kawthulay'), the latter of whose borders were left to be decided after the British departure. Equally inconsistent, in the Shan and Karenni states the traditional *sawbwas* (princely rulers) were to be allowed to retain their quasi-feudal powers. In contrast, for the Chins only a 'special division' was created, while for other minority groups, including the Mon, Pao and Rakhine, there was no territorial provision at all.

To try and balance these anomalies, 22 additional seats were reserved for Karen candidates in the Chamber of Deputies, while several minority leaders were invited into the upper levels of government, including the Shan, Sao Shwe Thaik as Union President, and the Karen, Smith Dun, as armed forces' chief. However, as the months to the British departure ticked away, tensions grew as many armed groups stockpiled weapons from the Second World War. Tragically, at this critical hour, assassination was to rob the country of the one person, Aung San, who many believe could have forestalled the looming catastrophe.<sup>17</sup>

## Democratic Burma

Burma's independence in January 1948 was followed by conflict that has continued through three successive eras of government: parliamentary democracy (1948–62), military socialist (1962–88) and 'transitional' military rule (since 1988). The Communist Party of Burma (CPB) began armed insurrection in March 1948, the KNU in January 1949 and armed conflict rapidly escalated among other ethnic groups, including the Karenni, Mon, Pao, Rakhine, and Muslims of north Arakan. Dozens of towns

across the country fell to insurgent forces, and at one stage the authority of prime minister U Nu's government extended barely 6 miles from the capital Rangoon.

Gradually, central government authority was restored and the Burmese armed forces, known as the Tatmadaw, rebuilt by the new military chief, General Ne Win, using troops from his old unit, the 4th Burma Rifles. (Ne Win had replaced Smith Dun as Commander-in-Chief in February 1949.) However, throughout the 1950s, much of the countryside and many ethnic minority regions remained under the control of insurgent groups. During this turbulent time, the difficulties of government were further compounded by the invasion of several thousand remnant Kuomintang (KMT) troops into the Shan state after the communist victory in China. Critically, it was the KMT incomers who elevated the illicit opium trade to international proportions. Nevertheless, in government-controlled areas parliamentary government continued, and, during 1958, a number of ceasefires were reached with Mon, Pao, Rakhine and communist forces under U Nu's 'arms for democracy' initiative.

All the time the institutional strength of Ne Win's Tatmadaw was growing. In particular, many senior officers were increasingly critical of what they saw as the failures of politicians to overcome factionalism in government and insurgency in the field. During 1958–60, Ne Win briefly assumed control of the country under a 'military caretaker' administration before handing power back to U Nu after elections. It was a short reprieve. In 1961, U Nu attempted to legislate Buddhism as Burma's state religion, only raising tensions among Christians in the Kachin state where a new insurgent movement was getting under way. In the Shan state, too, armed movements were forming as a younger generation grew increasingly impatient. A decade after independence, ethnic disillusion with the new Union was widespread.

In the light of subsequent events, it is thus important to stress that the main focus of ethnic politics at this time was legally based: a Federal Movement established in 1960 by the ex-Union President, Sao Shwe Thaik, with other ethnic leaders. In essence, they sought ways to progress from the quasi-federalism of the 1947 Constitution to an explicit federalism to guarantee equal rights. One concept was the creation of a Burman state for Burman-majority areas of equal status to the minority states. This, they believed, would prevent the monopolization of power by Burmans and government in Rangoon. It is also an idea ethnic opposition parties have revived in Burmese politics since 1988.

Any such devolution of powers, however, was rejected by Ne Win who equated them with separatism. In particular, he was nervous of the ethnic rights of secession set out in the 1947 Constitution, which, like U Nu, he

believed might encourage neighbouring countries to interfere in Burma's affairs. Eventually, in March 1962, as the federal leaders prepared to meet with U Nu, General Ne Win seized power in a military coup, arresting U Nu, Sao Shwe Thaik (who died after detention) and other nationality leaders.

Ne Win claimed, 'Federalism is impossible; it will destroy the Union.'<sup>18</sup> After just 14 years, the experience of democratic government had been brought to an abrupt end.

## 'The Burmese Way to Socialism'

Under General Ne Win, Burma disappeared behind a bamboo curtain as the door to the outside world was firmly closed. Indeed, in 1979 Ne Win even withdrew Burma from the Non-Aligned Movement. Inside the country, however, he sought to rearrange politics completely under a monolithic system of one-party rule. Since the days of the independence struggle, most political movements in Burma stood to the left-of-centre, and Ne Win's rhetorical ideas also appeared driven by competition with the CPB and Mao Zedong's communist government in China where he had visited in 1960. But his political vision, the 'Burmese Way to Socialism', was always lightly sketched. A mixture of Buddhist, nationalist and Marxist principles, the new ideology was only ever outlined in one short book, *The System of Correlation of Man and his Environment*.

For 26 years, Ne Win pursued a basic two-fold strategy: on the one hand, attempting to build up the centralized control of the Burma Socialist Programme Party (BSPP), while, on the other, launching all-out offensives against insurgent groups in the countryside. In contrast to the pluralism of the 1947 Constitution, priority was now given to a socialist and Burmese national identity, shared by all ethnic groups. Only at the beginning did he appear to hesitate during peace talks with insurgent groups in 1963–4.<sup>19</sup> Following their failure, he cracked down on all opposition. Hundreds of political opponents were arrested, the economy nationalized, foreigners and missionaries expelled, and all independent media and schools taken over. Tight security controls were also placed on students, Buddhist monks and other religious groups, as every sector of society came under the control of central government and the Military Intelligence Service.

Under the 1974 Constitution, an attempt was made to systematize the BSPP administration of Burma. Seven ethnic minority states were drawn up, with the addition of new Chin, Mon and Rakhine (Arakan) states. They thus equalled in number the seven 'divisions' where ethnic Burmans are in a majority. There were also guarantees for the

basic rights of all citizens before the law 'regardless of race, religion, status or sex' (Article 22), but many minorities believed that the 'Burmese Way to Socialism' was simply a cloak for 'Burmanization' in a new political guise. With the closure of independent and religious-based schools, minority languages virtually disappeared beyond fourth grade in education, and publications in non-Burmese languages, which had flourished in the 1950s, were severely restricted under the 1962 Printers and Publishers Registration Law. Equally criticized, ethnic minority peoples were increasingly excluded from senior levels in the Tatmadaw and government. In effect, to participate in BSPP leadership meant suppressing their non-Burman identities.

In an echo of the communal tensions of the 1930s, a new xenophobia was also apparent. This time it appeared to be officially endorsed, evidenced by the exodus of around 300,000 Indians and 100,000 Chinese – many of whom were influential in business – during the economic nationalization programmes that began in 1963–4. Eventually, in mid-1967 several dozen Chinese were reportedly killed in anti-Chinese riots that spread from Rangoon; this led to a complete breakdown in relations with neighbouring China.<sup>20</sup>

At the time, however, most concerns were expressed about a new ruthlessness on the battle-fields. Especially notorious was a counter-insurgency campaign, known as the 'Four Cuts' (*hpyat lei-byat*), which was modelled on the US 'strategic hamlet' operations in Vietnam. Under this programme, large areas were declared 'free-fire' zones and villagers ordered to move into defended settlements under government control. Anyone attempting to remain in their homes risked being shot on sight.<sup>21</sup> First introduced in the Irrawaddy delta region in the late 1960s, the tactic was successively introduced into other areas of the country over the next two decades, further exacerbating the internal displacement of civilians that had begun in 1948–9.

Far from ending resistance, such heavy-handed tactics saw a marked revival in insurgencies. Two additional factors now escalated the state of conflict, which threatened to bring in international actors as well. First, following the anti-Chinese riots in 1967, the People's Republic of China began a decade of full-scale military backing to the CPB, which was able to seize control of much of the north-east borderlands, principally in the Shan state. Shortly afterwards, the deposed Prime Minister U Nu and several colleagues escaped to the Thai border where, with apparent CIA backing, they created the National United Liberation Front (NULF) in alliance with the KNU, Mon and other former ethnic opponents to try and overthrow the BSPP government by force.<sup>22</sup>

The NULF proved short-lived and, by the mid-1970s, Karen and CPB forces had been wiped out in the

Pegu Yoma and delta regions of lower Burma by constant counter-insurgency offensives. But this was as far as the Tatmadaw's advance went, with armed resistance now retreating into the ethnic minority borderlands where over 20 insurgent forces continued to hold sway. For over two decades, the CPB and a host of Kachin, Karen, Mon, Palaung, Pao, Shan and other ethnic forces administered large 'liberated zones' – from the Indo-Bangladesh borders to those with southern Thailand – where they kept alive very different political visions to Ne Win's military socialism.

By the early 1980s, two main opposition blocks had emerged: one headed by the CPB, which, although Burman-led, relied mostly on ethnic minority troops; and the other by the National Democratic Front (NDF), a nine-party alliance of ethnic minority forces, established in 1976, which sought the creation of a federal union of Burma. Equally important, they were also able to finance their armed struggles through the thriving black market, which trades in everything from timber and cattle to opium and luxury goods. With a total of around 50,000 troops under arms, several forces – especially the KNU and CPB – could also match the 190,000-strong Tatmadaw in conventional warfare. The cost to the peoples, however, in this unending state of conflict is incalculable. Hundreds of thousands of lives were lost in the battles of these years which, as in the AFPFL era, went virtually unreported in the world outside.<sup>23</sup>

As Ne Win's rule became ever more idiosyncratic, it was against this bleak backdrop that, in the mid-1980s, the Burmese economy edged to the brink of international bankruptcy. In a country with no external military engagements, over 40 per cent of the national budget was being spent on military affairs. With student protests escalating, in July 1988 Ne Win suddenly resigned. His military socialist vision was on the brink of collapse.

## The SLORC-SPDC

Burmese politics entered a new era of volatility during the epoch-making events of 1988. Ne Win's resignation in July that year was followed by mass demonstrations across the country and the appearance of Aung San Suu Kyi and the re-emergence of U Nu, ex-General Tin Oo and other respected figures from Burma's past to support the call for democracy. Ethnic minority groups also watched the situation expectantly. But in September that year Ne Win loyalists reassumed power, crushing the protests and establishing the military State Law and Order Restoration Council (SLORC), which in 1997 was superseded by the State Peace and Development Council (SPDC). Fierce fighting escalated with both NDF and CPB forces, as thousands of students and pro-democracy activists fled to

take sanctuary in the ethnic minority borderlands, and by the end of 1988 it was estimated that as many as 10,000 people had died in the year's upheavals.<sup>24</sup> A new cycle of insurgencies appeared imminent.

Since this time, the political stage has remained largely deadlocked. Upon assuming power, military leaders promised to introduce a new era of 'multi-party' and 'market-oriented' democracy, once law and order had been restored. Growing engagement with Asian neighbours and the international community followed, and in 1997 Burma joined the Association of South East Asian Nations (ASEAN). The era of Ne Win isolationism was at an end. In 1989, the government also introduced a new ethnic ceasefire policy, which was to have a major impact on insurgent politics in much of the country (see 'Ethnic politics', pp. 11–12).

However, for the most part, military rule has continued. Under existing security laws or new regulations and martial law decrees, thousands of opposition activists, including Aung San Suu Kyi, U Nu and ex-General Tin Oo, were arrested during the first decade of SLORC-SPDC rule. Many received long jail terms. The country also remained without a Constitution. In line with promises, a general election was held in May 1990, in which the NLD (with 82 per cent of seats) and 19 parties representing ethnic minorities won the majority of constituencies. But when elected members attempted to call a Parliament, another clampdown occurred, with over 80 MPs-elect arrested and a dozen more fleeing into NDF-controlled territories where they formed the exile National Coalition Government Union of Burma (NCGUB), headed by Aung San Suu Kyi's cousin, Dr Sein Win. Subsequently, the NDF, NCGUB and other pro-democracy groups at the borders allied in the present National Council Union of Burma (NCUB).

Positions thus polarized further, and in January 1993 the SLORC introduced a hand-picked National Convention. Consisting of 702 delegates from eight social categories,<sup>25</sup> including the NLD and ethnic minority groups, military officials claimed that it was a more suitable forum to draw up the new Constitution. In 1995, however, the NLD withdrew from Convention meetings in protest at restrictions on freedom of expression, and in 1998 the NLD and several elected minority leaders made another attempt to increase the political tempo, this time convening a 10-person Committee Representing the People's Parliament (CRPP), chaired by the veteran Rakhine leader, Dr Saw Mra Aung. This, too, was cracked down on, with Saw Mra Aung and hundreds more pro-democracy supporters arrested. Since 1988, any signs of confrontation towards the authorities have been quickly suppressed, with the universities frequently closed and censorship restrictions continuing. In 2001, Amnesty

International reported that there were still 1,850 political prisoners in the country's jails.<sup>26</sup>

As a result, the military government of the SLORC-SPDC has been one of those most condemned by the international community over recent years. Frequent resolutions by the UN General Assembly calling for democratic reforms have been backed up with ongoing reports by a UN Special Rapporteur on the Situation of Human Rights in Myanmar, who began study in 1992.<sup>27</sup> In 1995, the UN Secretary-General also appointed a Special Envoy with the task of trying to facilitate dialogue between the different parties, while in 1996 the International Labour Organization (ILO) began a major investigation into forced labour under Article 26 of its Constitution.<sup>28</sup>

Strong reactions also came from foreign governments. In particular, the policies of 'constructive engagement' with the SLORC-SPDC by ASEAN, China and Asian neighbours contrasted with the policies of aid cut-offs and economic boycotts largely pursued by the European Union, the USA and most Western governments. Two gas pipelines from the Andaman Sea to Thailand – one developed by Total (France) and Unocal (USA) and the other by Premier (UK), Nippon Oil (Japan) and initially Texaco (USA) – were the only high-profile exceptions. From 1997, there was also a ban on further US investment until there are democratic reforms.

Significantly, as international protests grew, for the first time particular attention began to be paid – both inside and outside of the country – to the plight of Burma's ethnic minority peoples. Causing most alarm were gross human rights violations that had long afflicted their communities, especially forced labour, forced relocations and extrajudicial killings in the war-zones. Human insecurity and issues related to gender and regional disparities also attracted concern.<sup>29</sup> In the 1990s, the growing scale of humanitarian emergency became impossible to ignore, evidenced by the increasing outflow of refugees and illegal migrants, including men, women and children, into neighbouring countries. The economy remained stagnant and disturbing health problems such as HIV/AIDS and narcotics abuse were on the rise. As a result, the issue of reform in Burma became among the most urgent in the international community. In December 2001, the Asian Development Bank again warned of the impoverished state of the country.<sup>30</sup>

At this critical moment, hopes were raised during 2000–1 that new ways might be found to address these long-standing conditions of crisis when a tentative dialogue began between Aung San Suu Kyi, who was still under house arrest, and the SPDC leaders. The political landscape, however, remained very complex, a situation highlighted in March 2002 when dozens of military offi-

cers were detained or dismissed, including the heads of the police and airforce, and the husband and three sons of Ne Win's favourite daughter, Sandar Win, were arrested and accused of plotting a military coup. Now in his 90s and in poor health, Ne Win was thought to be long retired from the political scene.

But for many observers, it was once again in the ethnic field that Burmese politics remained at their most complicated. For as the notion of 'tri-partite' dialogue began to spread, it became essential to take notice of some nuanced but important changes in the ethnic insurgent balance that had occurred during the previous decade. They had attracted little attention in the outside world, but these were the most substantial changes in ethnic politics since Ne Win had seized power in 1962, and they suggested some very unexpected trends and directions. In particular, over a decade of ceasefires by the SLORC-SPDC with armed ethnic forces, especially in the north-east of the country, had produced some very different institutional realities among communities on the ground, which contrasted sharply with the continuing fighting and displacement that existed in other border areas. The situation was full of paradoxes. Indeed, the SLORC-SPDC leaders saw the ethnic ceasefires as the major achievement of their government.

There had been no quantum leap of change. But as serious thought was now given to inclusive dialogue to involve minority groups, it was vital to recognize the changing mood and climate – in particular, between long-time battle-field foes.

## Ethnic politics

As Burma entered the twenty-first century, the political situation was by no means moribund. As the years went by, incremental changes were taking place in different parts of the country which a younger generation of leaders believed could yet pave the way for *rapprochement* and solutions. Despite continued military rule, Burma in 2002 was not the Burma of 1988. In particular, the three-cornered struggle between the BSPP government, the CPB and the ethnic minority NDF had been replaced by a new three-party equation: that of the military regime, the NLD, and diverse ethnic minority parties, both armed opposition and elected.

The situation was never straightforward. The events of 1988 had triggered a dramatic fall-out. The BSPP's demise was followed in 1989 by the collapse, due to ethnic mutinies, of the CPB's 15,000-strong People's Army and the emergence of four new ethnic armies in north-east Burma, headed by Wa and Kokang nationality forces. While the NDF and other opposition groups considered their responses, the government was the first to reach out

in a new ceasefire policy initiated by the SLORC secretary-one, Lt-General Khin Nyunt. Although political details were not on the agenda, this set the stage for the first major peace talks since 1963–4. Under truces reached, ceasefire forces would be allowed to maintain their weapons and territories – and join political discussions – until a new Constitution is introduced. Many ethnic leaders, too, were encouraged by the 1990 elections (there were often close links between above- and underground parties), and, in the next few years, the ceasefires spread to include ever more parties, including the Kachin, Mon, Palaung, Pao and Shan members of the NDF. By 2002, over 15 ethnic forces had peace – though not political – agreements around the country (see Chart of Armed Ethnic Groups, p. 38).

Behind this change of strategy was a growing war weariness after more than four decades of inconclusive fighting in which many communities had been devastated. But also prompting minority leaders, who had spent many years in armed struggle, was a desire to be on the inside of the political process at this rare moment of reorientation in national politics. Based on past experiences, few expected much military or political support from outside the country. Their new aim would be to build up national reconciliation inside Burma through development programmes in the move from ‘peace’ to ‘political dialogue’. Said the 83-year-old Mon president Nai Shwe Kyin, ‘After bloodbaths lasting nearly half a century, we must establish trust with the view that one day national reconciliation will come about.’<sup>31</sup>

However, despite such peace agreements, it is important to stress that the picture was not even across the country. In non-ceasefire areas, especially in the Chin, Karen, Karenni and Shan borderlands, there were still clashes and intensive government operations. Indeed, the ceasefires had a major impact on the strategic balance. Insurgent groups, such as the KNU, which remained determined to link up with the NCUB and pro-democracy groups at the borders, came under particular pressure as former allies agreed to truces. Indeed, from the mid-1990s, their situation was steadily undermined, as a series of splinter groups broke away to make their own ceasefires. The 1995 defections of the Democratic Karen Buddhist Army and Shan State National Army (SSNA) were particular blows to Karen and Shan forces. Internal killings and bloodshed also occurred among armed opposition groups. And the international reputations of several ethnic forces were further dented by the rapid escalation in illicit narcotics production in north-east Burma following the ceasefires. Condemnation was particularly acute after the 1996 ‘surrender ceasefire’ of the 15,000-strong Mong Tai Army, led by the opium kingpin Khun Sa, who was wanted in the USA on trafficking charges.

Against this desperate backdrop, countless tragedies occurred daily. Some events reached the international headlines, such as the shortlived Karen ‘God’s Army’, led by two boy twins, which was crushed with heavy loss of life after a hostage-taking incident at a hospital in neighbouring Thailand.<sup>32</sup> But most sufferings were rarely detailed. The trafficking of women and girls into prostitution, the murder of migrant workers by smuggling gangs, or the rampant spread of HIV/AIDS through illicit drug abuse – all continued under the shadow of conflict and the long-standing failures to achieve reform.

It was incidents like these which caused many leaders, from all ethnic groups, to resolve to find a real peace in the twenty-first century. During 2001–2, with UN and international pressure and support, attention increasingly focused on political dialogue and human rights issues. Nevertheless, as in 1948, the underlying dilemma of national unity remained: how to establish a consensual identity and representative government for such a multi-ethnic country in which the rights of all peoples would be equally protected and guaranteed.

## Ethnic definitions in Burma

In many respects, ‘ethnicity’ has become an ideology in modern-day Burma.<sup>33</sup> However, in the present tri-partite debate, the notion that rights or aspirations can be separated into three different groupings – ethnic, democratic and military – is not always helpful. In reality, there is overlap between all three groups. There are former Tatmadaw officers in the NLD leadership, for example, and armed ethnic groups also profess democratic goals. Thus the present three-cornered discussion within Burma should be considered more a representation of institutional realities after five decades of conflict – not rigid blocks that should be considered as permanently inflexible or unresponsive to the desires of society. Indeed, it can be argued that the greatest weaknesses in modern Burma are the weaknesses of the state, and, despite the sufferings of many communities, it is indeed the ‘societies’ – whether Buddhist or Christian, Kachin or Shan – that often appear stronger at the local or grassroots levels. In this respect, postcolonial Burma represents a vivid example of the political phenomenon known as ‘weak state, strong societies’, where central government has been unable to impose its will, except by the use of force.<sup>34</sup>

This uncertainty over identities also exists in the political terminology of Burma. Aung San himself, who used the writings of Marx, Lenin and Stalin to interpret self-determination and minority rights, once said that the words ‘nation’ and ‘nationality’ could not be translated into Burmese until there was a ‘really good Burmese dictionary’.<sup>35</sup> In fact, since independence the political

language has never discriminated between majority Burmans on the one hand and non-Burman groups on the other. Nor should the ethnic challenges be seen as simply a Burman majority versus ethnic minority affair. Armed violence has also broken out, for example, between Karen and Mon groups or Shan and Wa. In general, only the Indian and Chinese communities are regarded as having a 'non-national' or 'minority' status, while all other 'indigenous' groups, including the Burmans, are described as 'nationalities', 'national races' or 'nationality groups' who equally compose the 'Burmese' national family. Thus someone may be of Burman or Chin nationality but a Burmese national citizen, and this is made explicit in the 1982 Citizenship Law where only descendants of 'foreign' ethnic groups, whose families entered the country after the first British annexation in 1824, are subject to different citizenship status or rights.

For their part, while generally accepting the territorial identity of a modern 'Burmese' state, most minority or non-Burman<sup>36</sup> parties have continued to argue that, in the postcolonial context, their peoples must be granted autonomy and socio-political rights, including control over resources, on an equitable basis with the Burmans and central government. Furthermore, several ethnic groups contend that they historically possess the right to self-determination as 'nations', especially the Chin, Kachin, Karen, Karenni, Rakhine and Shan. In the coming century, few of these groups consider the right of secession to be a likely option, but Arakanese or Rakhine organizations, for example, have described the plight of non-Burman territories as 'hidden colonies'. 'The Arakan is a separate country and the Arakanese society is a separate nation', claims the National United Party of Arakan.<sup>37</sup> Similarly, the KNU declares in an official handbook, 'We are much more than a national minority. We are a nation.'<sup>38</sup> Mon nationalists, meanwhile, describe themselves as 'a people without a country'.<sup>39</sup>

Such arguments over terminology have accelerated since the SLORC-SPDC assumed power in 1988. 'Law and order' and patriotic 'nation-building' have been projected as prime concerns of government, which, in a new policy of 'decolonization', has changed or re-transliterated many well-known names. Some changes are not controversial (e.g. Yangon for Rangoon), but those which touch on ethnicity and politics (such as 'Bamar' for 'Burman', 'Kayin' for 'Karen') have caused controversy. The greatest contention is over the 1989 renaming of Burma as Myanmar. In Burmese, the latter is simply an alternative and equivalent term, and, in explanation, government officials argue that distinguishing (in spelling) 'Myanmar' from the Burmans or 'Bamars' accentuates the multi-ethnic make-up of the country. This is a view several ethnic ceasefire groups have accepted.

Most opposition groups, however, have rejected such explanations, partly because they believe name changes must be democratically approved, and, partly, because many believe that the 'Myanmar' change is part of what the Dutch anthropologist Gustaaf Houtman has called a policy of 'Myanmafication'.<sup>40</sup> In essence, many non-Burman leaders regard this as 'Burmanization' by another name, and the latest stage in the sidelining of minority cultures and promotion of a singular identity for the country. In the process, it can be argued that Burma has taken on the form of an 'ethnocratic' state, dominated by Burman culture and people.<sup>41</sup> 'Today the term ethnic minority no longer conveys a profound meaning', the state-controlled media has claimed.<sup>42</sup>

At the roots of the present debate are some very different interpretations of history. The SLORC-SPDC, for example, has followed the BSPP in dating back the existence of a Burmese nation to pre-recorded history, since which time, it argues, the different peoples have bonded together through 'shared' experiences or beliefs, especially Buddhism and the struggle against colonialism. 'Thanks to the unity and farsightedness of our forefathers, our country has existed as a united and firm Union and not as separate small nations for over 2,000 years', the SPDC chairman General Than Shwe claimed in a 2002 address to the University for Development of National Races.<sup>43</sup> Indeed, military officials have gone so far as to proclaim that the present government – through its ceasefire policies of 'national reconsolidation' – marks only the fifth 'unified era' in the country's history: the fourth being under Aung San and the others being forged by the great monarchs, Anawrahta, Bayinnaung and Alaungpaya, who lived 700 years apart between the eleventh and eighteenth centuries CE.<sup>44</sup> All, official publications say, are ethnic Burmans.<sup>45</sup>

In private, however, leaders on all sides are aware that such conflicting claims and counter-claims have become highly propagandized in the past 50 years. Instead, what is increasingly recognized is the need in discussions of ethnicity to broaden analysis away from simply the histories and rights of minority groups and to include the experiences of ethnic Burmans as well. These are equally crucial in understanding the pattern of socio-political dilemmas today.

In recent years, Burma's academics have begun to look into these issues. Thant Myint-U, for example, has identified how the British, while leaving many minority societies untouched, not only abolished the traditional institutions of power among the Burman majority but also undermined any modernizing influences that sought to arise from within the royal court system. Only the Buddhist *sangha* (clergy) continued to any extent uninterrupted to the present. This suppression, he argued, resulted in a legacy of 'weak' institutions after independence and a vacuum

which the Tatmadaw came to fill through another colonial legacy: a 'Burmese ethnic nationalism' that evolved in the independence struggle, based on 'memories' of a former Burman polity at Ava, rather than on 'a newer identity which would incorporate the diverse peoples inhabiting the modern state'.<sup>46</sup> It has also left an unhelpful historical narrative, rarely challenged by leaders in the military or democratic opposition, of a successful war fought against colonial government by Burman nationalists who then simply needed to unite with other indigenous ethnic groups to restore a historic Burma or Myanmar state.

In 2000, the dilemma was summarized by Professor Tun Aung Chain, a Karen 'peace go-between' and vice-

chair of the Myanmar Historical Research Commission in Rangoon. Pointing out that 'Myanmar nation-building' has been a political priority since independence, he argued that a 'type of history' had been developed in recent decades which projected modern 'political aspiration' into the past; in the process, insufficient account was taken of other 'equally valid political and cultural centres', such as the Mon, Rakhine and Shan.<sup>47</sup> However, since the 'creation of Myanmar nationhood out of its ethnic diversity still remains on the agenda', he urged that the 'formulation of a more sophisticated history' was still a 'challenge' to the country's historians.<sup>48</sup> It is a view with which only the most blinkered would disagree.



# The peoples of Burma

Ethnic statistics are contentious issues in Burma. Under the 1974 Constitution, the political map demarcated seven ethnic minority states – the Chin, Kachin, Karen, Kayah, Mon, Rakhine and Shan – and seven divisions where Burmans are in the majority. But this is a simplification. The last census that attempted a detailed analysis was conducted by the British in 1931, and this identified 135 linguistic sub-groups from 13 ethnic families. The ‘135’ figure is one that the SLORC-SPDC also refers to, but minority leaders believe that new studies are long overdue among the country’s 52 million inhabitants. In many areas, there is an overlap in populations outside administrative boundaries, and there are some ethnic groups, such as the Naga and Wa, who, until now, have never been identified on the political map. Moreover linguistic classifications alone are rarely a reliable basis for ethnic or cultural identifications.<sup>49</sup>

Contemporary population estimates also do not tally with projections from colonial times. This can be partly explained by different methods of ethnic identification (for example, a tendency to identify Buddhists as Burmans), but there are a number of ethnic groups, such as the Shan or Karen, who claim that they have been deliberately under-represented. KNU leaders, for example, estimate the Karen population of Burma at around 7 million, as opposed to government figures of little over 2.5 million.

The following, therefore, can only be a brief overview of major ethnic groups, and it is largely based on the political territories and names by which minority identities came to be represented in the twentieth century.<sup>50</sup>

## Chin

Constituting over 40 dialect sub-groups, the Chin (or Zomi in some areas) are the most diverse ethnic nationality in Burma and inhabit one of the most impoverished regions of the country. Under the British, many Chins converted to Christianity and also served in the British army, but Chin politics and economics have generally remained tied to those of central Burma. Only in 1974 was the mountainous 36,019 square km Chin ‘special division’ upgraded into a Chin state, but perhaps as many of Burma’s estimated 1.5 million Chins live outside its borders as within. The Chins are also related to the Mizos in neighbouring Mizoram in India, and a joint ‘Chin’ or ‘Zomi-Mizo’ state is talked of by some Chin and Mizo leaders. However, in general, Chin-inhabited areas were

not affected by the same degree of insurgencies as other minority areas of the country (nor Mizoram and north-east India) after independence.

This situation changed dramatically in the late 1980s following the formation of the armed Chin National Front (CNF: an NDF member) and the 1988 pro-democracy protests when many Chin students went underground. Fighting has since flared in several border areas and large numbers of government forces have moved in. Many communities have been caught in the cross-fire, and, by local estimates, over 50,000 Chins, including many families and their children, have fled into India and other countries abroad to escape fighting, forced labour and other human rights abuses. Chin political parties, which won five seats in the 1990 election, have also been banned,<sup>51</sup> with three MPs-elect, Zahle Tang, Lian Uk and Thang Lian Pau, going into exile, while Chin politicians in Rangoon have still tried to support the 1998 Committee Representing the People’s Parliament with the NLD.

In addition, there have been continuing reports of discrimination against Chin Christians, including restrictions on the building of new churches and the harassment of local pastors.<sup>52</sup> This partly reflects Buddhist promotion by government officials, who are mostly Buddhist Burmans, but also efforts to counteract the CNF as well as Christian evangelical groups that are active in the hills. In March 2002, a prominent Chin academic, 74-year-old Dr Salai Tun Than, reportedly received a seven-year jail term under the 1950 Emergency Measures Act for a solo pro-democracy protest in front of Rangoon’s City Hall the previous year. A Chin NLD MP-elect, Do Thawng, was also believed to remain imprisoned.

## Chinese

There are no accurate figures for the Chinese population in Burma, but it is generally considered to be in excess of half a million and growing rapidly. Historically, Chinese populations – especially Yunnanese – have lived in several parts of north-east Burma, but it is only in the former Kokang sub-state that Chinese-speakers have been granted a ‘Kokang’ or ‘national race’ status. Most other Chinese are descendants of Fukienese and Cantonese immigrants during British rule, with further incomers during both the KMT and CPB invasions of the 1950s and 1960s. More recently, a new generation of migrants has crossed the border, many illegally, in the wake of the CPB’s 1989 col-

lapse and the government's closer relations with China. Most have moved to Mandalay and the north-east of the country, where many have settled in Kachin, Shan and Wa-inhabited regions. Chinese today is a *lingua franca* in many areas near the Chinese border in the Shan state.

The increase in the Chinese population has attracted critical comment, especially over the predominant role played by many Chinese in business.<sup>53</sup> This has put Chinese communities in an ambiguous position. In the past, many Chinese have intermarried; Ne Win himself is of mixed Sino-Burman ancestry. But despite the traditional *paukphaw* ('kinship') relationship between the two countries, there has historically been much nervousness in Burma about the influence of its powerful neighbour. Over 100,000 Chinese left Burma after Ne Win seized power in 1962, and anti-Chinese violence has broken out several times, most notably during the 1967 anti-Chinese riots that started in Rangoon (see 'The Burmese Way to Socialism', p. 9). In particular, many Chinese inhabitants face discrimination under the 1982 Citizenship Law,<sup>54</sup> by which the rights and privileges of full citizenship are allowed only to recognized 'national races' and those who can prove they had ancestors in the country before 1824. On this basis, Chinese men and women who hold Foreign Registration Cards are barred from many occupations and, under the Ministry of Education's 1980–1 regulations, they are unable to study 'professional' subjects such as technology and medicine at university.

## Indian

Like the Chinese, ethnic Indians are a little recognized minority in Burma. In the pre-colonial era, there were long-standing links with India in culture, religion and politics from the early centuries CE. Inter-ethnic relations, however, became much more complicated under British rule when Burma was incorporated as part of the Indian Empire and over 1 million Indians, including Hindus, Muslims and Sikhs, migrated into the country. Since this time, Indians have often been the targets of anti-colonial resentments and been generally known in the country by the pejorative term of '*kala*' (foreigner). Anti-Indian violence broke out several times in the 1930s and an estimated 500,000 Indians fled Burma during the Second World War. A further 300,000 left after Ne Win's 1962 coup, and, like the Chinese, many are subject to restrictions on the grounds of ancestry under the 1982 Citizenship Law, which limits, for example, the rights to education, owning property or holding public office.<sup>55</sup>

Nevertheless, the present-day Indian population is still estimated at over 1 million, and there are large Indian communities in many urban areas. There remains, howev-

er, considerable anti-Indian sentiment, especially against Muslims, and periodic Buddhist–Muslim conflict has continued to occur. The main focus has been in the northern Rakhine state (see pp. 18–19), where anti-Muslim violence broke out again in early 2001, but such incidents recurred later the same year in other towns across the country, including Pegu, Prome and Toungoo causing the authorities to declare curfews and security controls.<sup>56</sup>

## Kachin

Ethnic Kachins, from six major sub-groups, form the majority population in Kachin state, and another 100,000 Kachins also inhabit the northern Shan state. There are also small Kachin populations in China and India. With forestry, jade, gold and other natural resources, the Kachin region is rich in economic potential but has suffered greatly from over three decades of conflict. The 89,041 square km state, which includes Shan and Burman minorities, was created at independence in 1948 when representatives of the Kachins, the majority of whom are Christians, gave up claims to the right of secession. However, by the early 1960s dissatisfaction had set in, accelerated by U Nu's attempt to make Buddhism Burma's state religion. With the 1961 formation of the Kachin Independence Organization (KIO), the Kachin state became one of the major arenas of conflict in the country.

Between 1961 and 1986 alone, the KIO, an NDF member, claims to have recorded the deaths of over 30,000 Kachin villagers at the hands of government forces,<sup>57</sup> and, by the early 1990s, over 130,000 Kachins (over 10 per cent of the population) had become internally displaced or refugees.<sup>58</sup> In 1989, a former pro-CPB faction, the New Democratic Army, agreed a truce with the SLORC, and in 1994 a ceasefire was eventually agreed between the government and the KIO after the intervention of local Christian leaders. Following these agreements, many long-divided communities attempted to rebuild with a new focus on development. However, the humanitarian situation remained grave, especially due to narcotics abuse and the rapid spread of HIV/AIDS which affected young men and women in particular. The peace also saw a rapid influx of miners, loggers and other entrepreneurs into the state, raising concerns among Kachin leaders, who remained anxious for reforms.<sup>59</sup>

## Karen

Along with the Shan, the Karen are the largest ethnic minority group in Burma, but their politics are also the most complex. In the twentieth century, four political identities emerged among the 20 Karen-speaking sub-groups: the mainstream Karen (Kayin), and the Karenni,

Kayan (Padaung) and Pao (Taungthu). This diversity of Karen populations has always made delineating Karen rights and territories a particular difficulty (over 200,000 Karens also live in Thailand). Eventually in 1952, a 30,383 square km Karen state was created in the mountainous borderlands with Thailand, but, by contemporary estimates, it did not include even one-quarter of the Karen population. In particular, over 1 million Karens live in the Irrawaddy delta region, where they enjoy no ethnopolitical recognition.

Armed struggle by the KNU began in 1949, and, although pushed back into the Thai borderlands over subsequent decades, it has remained the main focus for Karen nationalism as well as the NDF, NCUB and other insurgent 'united front' movements. The KNU's leadership is mostly Christian, whereas most Karens are Buddhists, a situation that caused little friction until the mid-1990s when a newly-formed Democratic Karen Buddhist Army broke away from the KNU, complaining of anti-Buddhist discrimination and abuses by Christian officers, and made a ceasefire with the government. Other defector groups later followed.

Decades of warfare have left a devastating legacy in many Karen communities in the Thai borderlands. Peace talks between the KNU and SLORC during 1995–6 broke down, and fighting swiftly resumed. By the estimates of community leaders, at the beginning of the twenty-first century around 300,000 inhabitants of the Karen state alone had been displaced from their homes – some into urban areas, some into the hills and many more into neighbouring Thailand where over 100,000 refugees live in official camps.<sup>60</sup> As a result, Karen leaders argue that they have become one of the most marginalized groups in the country, a situation highlighted during the 1990s when the Yadana gas pipeline was built across Karen-inhabited areas of the Tenasserim division, despite KNU opposition and objections.<sup>61</sup>

## Karenni

Karenni ('Red Karen') is the collective term for a dozen Karen-speaking groups whose name comes from the traditional colour of clothing of the largest sub-group, the Kayah. Most Karennis are Christians, predominantly Baptists and Catholics, and there are also Buddhist Shan and Burman minorities in the state. Unlike other Karens, the hereditary Karenni chiefs modelled their administrations on the Shan *sawbwa* (princely ruler) system, and the independence of western Karenni was recognized in an 1875 treaty between the British and Burman King Mindon. This apparent demarcation of Karenni lands outside of Burma created a legal anomaly which survived in later discussions. Like the Shan state, the 11,730 square km

Karenni state was granted the right of secession in the 1947 Constitution and local administrative powers were left in the hands of traditional leaders.

Conflict, however, began in the state in 1948 following the murder of the Karenni leader, U Bee Tu Re, by Union military police. Armed violence has continued ever since. In 1951, the state was renamed Kayah by the government, and resistance to central rule has often been fierce. But opposition has been undermined by in-fighting, notably between the Karenni National Progressive Party (KNPP: formed 1957) and the left-wing Karenni Nationalities People's Liberation Front (KNPLF), which broke away in 1978. In 1994, the KNPLF, along with the neighbouring Kayah New Land Party, agreed a ceasefire with the SLORC after peace talks brokered by local Christian leaders. However, a 1995 ceasefire by the KNPP, an NDF member, quickly broke down following disputes over territory and logging rights.

Endless conflict has uprooted many communities. Burma's most important hydro-electric plant is located near the capital Lawpita, and there are important mineral reserves at Mawchi in the south. But the state has some of the poorest educational and health indicators of any part of the country. Uncontrolled logging by the government and different opposition groups in the 1990s (together with Thai companies) also deforested many hills.<sup>62</sup> Many of the state's 250,000 inhabitants have been displaced during the long years of fighting, including 12,000 villagers relocated by the government in 1992 and another 25,000 during 1995–6.<sup>63</sup> A further 20,000 Karenni refugees also fled into Thailand and one Karenni NLD MP-elect, Teddy Buri, escaped to join the NCGUB.

## Mon

Mon leaders claim a present-day population of 4 million, but only around 1 million Mon-speakers are officially identified by that name. A branch of the Mon-Khmer linguistic family, the ancestors of the Mons contributed to one of the great civilizations in South-East Asia, by which both Buddhism and writing were introduced to Burma. Mon kings once ruled over much of lower Burma (there are also an estimated 50,000–80,000 Mons in Thailand), but, following the capture of Pegu by Alaungpaya in the eighteenth century, the visibility of Mon culture and territory declined. The assimilation of Mon communities further accelerated under British rule when Burman immigration into lower Burma increased, leaving the main Mon-speaking communities around Moulmein and the plains of the Martaban coast.

Along with the KNU, armed Mon nationalists took up arms in 1949, but it was not until 1974 that a 12,295 square km Mon state was created under the BSPP. This,

however, did not end armed struggle by the New Mon State Party (NMSP), an NDF member, until 1995 when the NMSP agreed to a ceasefire with the SLORC. Since this time, the situation has remained unstable. In some areas, Mon villagers have resettled, development programmes have started and there has been a marked increase in Mon literacy classes. But in other areas, there have been continuing criticisms of land confiscations, forced labour and other human rights abuses,<sup>64</sup> and in the Ye area around 200 former NMSP troops broke away to resume fighting during 2001 under the new name of the Hongsawatoi Restoration Party (armed wing: Monland Defence Army). These uncertainties are also evidenced by the outflow of many Mons in border areas. Local aid workers estimate that there are around 20,000 internally displaced Mons in armed opposition areas near the border, and around 100,000 migrants working in Thailand, including many families that have taken their children with them.

Several leaders of the Mon National Democratic Front (MNDF), which won five seats in the 1990 election, have also been arrested, including the MPs-elect Dr Min Soe Lin and Dr Min Kyi Win and party vice-chair Nai Ngwe Thein, who each received seven-year jail terms with hard labour in 1998 under the 1950 Emergency Provisions Act for alleged anti-state activities intended to undermine the NMSP ceasefire. Although banned, the MNDF has tried to work closely with other elected nationality parties and the NLD in Rangoon, supporting the 1998 formation of the CRPP.

## Naga

Around 100,000 Nagas are estimated to live along the Sagaing division borders with Manipur and Nagaland in north-east India, which is home to the main population of over 1 million Nagas. Most Nagas are Christians, and the ethnic Naga insurgency is the only armed movement in Burma that has been active on both sides of an international frontier. In recent years, however, the largest force, the National Socialist Council of Nagaland, has been weakened by a split into two factions: one headed by T. Muivah, which is more active in the Indian state of Nagaland, and the other, led by Khaplang, which is based on the Burma side. In both countries, there has been considerable civilian displacement and loss of life during decades of conflict, but, at the turn of the century, both factions agreed ceasefires with the Indian government. Occasional fighting, however, has continued with the Tatmadaw on the Burma side, with dozens of fatalities reported during 2001.<sup>65</sup>

In the future, Naga politics are likely to remain driven by developments in India, but a Naga 'self-administered zone' has been designated in guidelines put forward by the

SLORC for constitutional discussions at the National Convention in Rangoon. The Naga Hills Progressive Party also won a seat in the 1990 election. However, like most organizations that stood in the polls, the party was subsequently deregistered by the government.<sup>66</sup>

## Rakhine (Arakan)

Nationality politics in the Rakhine state, formerly Arakan, represent the most serious communal flashpoint in the country. The majority population among the estimated 3 million inhabitants are ethnic Rakhine, a predominantly Buddhist people whose language is close to Burmese. Until 1784, an independent kingdom was maintained at Myohaung (Mrauk-U), but under Konbaung and British rule the territory was increasingly brought within the governance of central Burma.

Ethnic demands for greater autonomy, however, have continued, and from the late 1940s various insurgent movements, mostly pro-Buddhist or communist, took control of many rural areas. Eventually, in 1974 the 36,778 square km Rakhine state was created, and intensive counter-insurgency operations in the late 1970s pushed remaining Rakhine forces back into the Bangladesh-India borderlands, where a number of small parties, principally the Arakan Liberation Party (an NDF member) and National United Party of Arakan, were still active in the early 2000s. The Arakan (Rakhine) League for Democracy (ALD) also won the largest number of seats in the state in the 1990 election, but the party was later banned and several leaders arrested, including the historian Oo Tha Tun (who died in prison), ethnic liaison officer, Aye Tha Aung, and Dr Saw Mra Aung, who headed the CRPP.

Ethnic Rakhines, however, are not the only inhabitants of the state. In addition to Chin, Mro and other hill peoples, there is a substantial population of anywhere between 700,000 and 1.5 million Muslims, especially in the Bangladesh borders, where they have been known in recent years by the collective name of *Rohingya*. As a term of 'ethnic' identity, however, this name has attracted much controversy. It is not in doubt that peoples practising or adopting Islam, such as the coastal Kamans, have historically inhabited parts of Arakan. The arguments today are over their numbers, origins and ethnicity, which has meant that – as with many Muslims in Burma – their 'nationality' status is disputed under the regulations of the 1982 Citizenship Law. 'Muslim', in general, is regarded as a cultural rather than ethnic identification. In particular, many government and Rakhine leaders believe that the indigenous Muslim population in Arakan has been boosted by a pattern of unchecked migration of ethnic Bengalis from India that started under British rule.

The situation was then exacerbated at independence, when an armed *Mujahid* movement attempted to annex the former Mayu Frontier Division into what was then known as East Pakistan. Low-level Muslim insurgencies have since continued along the Bangladesh borders, led by the Arakan Rohingya National Organization in 2002, but, like the armed Rakhine groups, Muslim insurgent parties have been held back in the borderlands by intensive government offensives as well as continuing factionalism. A Muslim-supported party, the National Democratic Party for Human Rights, also won four seats in the 1990 election in the Maungdaw and Buthidaung constituencies.

The main victims of this unresolved conflict have been the civilian population. In 1978, over 200,000 Muslim refugees fled into Bangladesh during the government's heavy-handed *Nagamin* census operation, which reportedly spiralled out of control amidst allegations of killings and beatings.<sup>67</sup> Most were eventually allowed to return following international pressure, but another 250,000 Muslims fled again in 1991–2, with many repeating the same accusations of summary arrests, extrajudicial killings and other human rights abuses.<sup>68</sup> Since this time, most have again been permitted to return under the auspices of the UN High Commissioner for Refugees (UNHCR). However, in early 2002 over 20,000 refugees still remained in camps in Bangladesh and aid officials privately said that efforts to 'anchor' Muslims back in their homes were fragile. In particular, many Muslims, since they do not have the rights of full citizenship, are subject to travel and identity card restrictions (see 'Indian' above). There have also been continuing outbreaks of inter-communal violence, in which several lives have been lost and mosques and other Muslim property destroyed. The most recent clashes were reported by the UN Special Rapporteur to have occurred in the state capital, Sittwe, in 2001.<sup>69</sup>

## Shan

A vast 155,801 square km plateau, the modern Shan state has witnessed five decades of armed conflict that is comparable to those of Lebanon or Afghanistan in its complexity. Around half of the estimated 6 million inhabitants are ethnic Shan (Tai), who are Buddhists closely related to neighbouring Thais. But there are also many other minority peoples, especially in highland areas, including the Akha, Danu, Intha, Kachin, Kokang, Lahu, Palaung, Pao and Wa. In pre-colonial times, the Shan state existed as a loose federation of over 30 valley sub-states, mostly headed by Shan princely rulers (*sawbwas*), and this was a system the British largely continued with. But, under the 1947 Constitution, the Shan state

was reformed as one, with the important right of secession in recognition of its past traditions of independence.

Conflict began in 1949, initially through a Pao uprising, but violence spread rapidly following the invasion of several thousand KMT remnants from China. By the late 1950s, many Shans were also turning to arms, and, following Ne Win's 1962 coup and the arrest of Shan federal leaders, insurgent movements broke out across the state, including among the Kachin, Kayan, Kokang, Lahu, Palaung and Wa peoples.

Insurgent momentum, however, was undermined in the late 1960s when the CPB, with Beijing's backing, invaded the state and established large 'liberated zones' along the China border. This triggered divisions between ethnic forces prepared to ally with the CPB and those trying to oust it. The opium trade was another divisive factor, and Shan unity was badly weakened during these years by conflicts between various forces. The leading Shan party, the Shan State Army (SSA), an NDF member, was popular with students and intellectuals, but the Shan United Revolutionary Army (SURA), led by Gon Jerng, and the Shan United Army, headed by Khun Sa, remained locally strong. These polarizations increased in 1985 when the latter two forces allied in the 15,000-strong Mong Tai Army (MTA).

After 1988, Shan state politics entered another era of unpredictability. In 1989, ethnic minority troops mutinied to oust the CPB's ageing leaders and set up three new armed ethnic fronts, spearheaded by the United Wa State Party (UWSP). These forces quickly agreed ceasefires with the SLORC and, between 1989 and 1994, they were followed by the SSA and Kachin, Palaung and Pao members of the NDF as well as the Kayan New Land Party and Shan State Nationalities Liberation Organization, which had been allied with the CPB. These ceasefire areas became a main focus of the government's Border Areas Development Programme, and new roads and towns were built in a number of formerly war-torn areas, including at Laukkai and Mongla.

Controversy, however, was never far away, especially since a number of ceasefire groups were accused of profiting from narcotics trafficking (see 'AIDS and narcotics', p. 22). Ethnic Wa and Kokang groups were considered among the main culprits, along with Khun Sa who surrendered the MTA to the government in a 1996 ceasefire. Around 3,000 former SURA troops refused to accept the peace terms and broke away to set up a new armed group, the Shan State Army (South). In a bid for Shan unity, the new force agreed a platform with the ceasefire SSA and other Shan groups to support the above-ground Shan Nationalities League for Democracy (SNLD) which had won most seats in the state in the 1990 election. The SNLD, headed by Khun Tun Oo, became an important

voice in Rangoon politics, often meeting with UN and other international visitors.

The SLORC-SPDC, however, refused to accept the new group as legitimate, and intensive counter-insurgency operations followed in central and southern Shan state. By 2002, it was estimated that as many as 300,000 villagers had been displaced from their homes, many of whom fled into Thailand.<sup>70</sup> Ethnic tensions were further exacerbated when, in 1999, in collaboration with the government, the UWSP began a programme to move over 15,000 families (estimated at anywhere between 100,000 and 200,000 inhabitants) from impoverished mountains in the north to Shan-inhabited areas along the Thai border, where the party was building a new town at Mong Yawn. Between 5,000 and 10,000 villagers were privately reported by local aid workers to have died of treatable ill-

nesses and health conditions during the first two years of these moves.

As a result, despite the spread of ceasefires, by the turn of the century the humanitarian crisis was extreme in several border areas. In addition to illicit drug production, there were large numbers of internally displaced persons, as well as thousands of women going into prostitution in Thailand. In conditions like these, drug abuse and HIV/AIDS continued to spread at alarming rates. There were also clashes between Shan and government forces, which in early 2001 nearly saw a border war break out with Thailand as fighting spilled over the frontier. Officers in the Thai Third Army, in particular, wanted to halt narcotics trafficking and the UWSP's build-up.

As international concerns mounted, Burma's ethnic problems could no longer be considered its own.

# Conflict and the human legacy

Warnings of a 'silent emergency' in Burma were first voiced by the UN Children's Fund (UNICEF) in 1991, and concerns over health and humanitarian issues have continued ever since.<sup>71</sup> Burma has proud cultural and legal traditions,<sup>72</sup> but in the UN Development Programme's (UNDP) 2001 *Human Development Report* it was ranked 118th of 162 nations, and it was placed next to bottom at 190 out of 191 in the table for health system performance in the 2000 *Report of the World Health Organization* (WHO). Underpinning this growing consensus over emergency conditions in many parts of the country have been serious failures and under-expenditure on public health and education, which can largely be attributed to five decades of conflict, militarization and the perennial inability of government to achieve reform. According to the UNDP, the result is a pattern of 'human insecurity' that is especially apparent in three 'disparities': 'regional and ethnic', 'rural-urban' and 'gender'.<sup>73</sup>

No reliable figures exist on the loss of life and destruction since armed conflict began in 1948, but, in the only public estimate, in 1990 the first SLORC chairman General Saw Maung put the death toll, up until that time, as over a million.<sup>74</sup> And, in many respects, it has been acceptance of the disastrous consequences of unending war that has sustained the ethnic ceasefire movement of the past decade, and the efforts to find new ways to solve problems on the ground. All of Burma has suffered, but in recent decades ethnic minority peoples have been the main victims – indeed, to the extent that some nationality leaders fear for the very survival of their peoples unless peaceful solutions are found soon.

Since the early 1990s, different UN agencies, including the UNDP, UNICEF and the UNHCR, have been allowed greater access to the country. From 1994, increasing numbers of non-governmental organizations (NGOs) have also been allowed to establish programmes, such as Médecin sans Frontières (Netherlands) and Save the Children (UK). Along with UN agencies and the International Committee of the Red Cross (ICRC), several have reached into ethnic minority areas, including the Kachin, Rakhine and Shan states, but their presence is small. All Western development aid was cut off to Burma in 1988 in protest at the SLORC's assumption of power, and, given international concerns over engaging in Burma, their budgets have remained very low. UN agencies, for example, recently estimated annual Official Development Assistance to Burma at around US \$1 *per capita* as compared with US

\$35 for Cambodia and US \$68 for Laos.<sup>75</sup> By any international standards, these are minimal figures. All the Bretton Woods' institutions, including the World Bank, International Monetary Fund and Asian Development Bank, also suspended in-country assistance in 1988, a suspension that remained in place in early 2002.

Similar controversy concerns the government's Border Areas Development Programme, which was set up in 1989 and upgraded into a 'Ministry for the Progress of Border Areas and National Races' in 1992. By 2002, it was reported that 679 bridges, 64 hospitals, 678 schools and over 2,000 km of gravel roads had been built in the Ministry's 18 administrative regions of the country.<sup>76</sup> However, with a strong emphasis on construction and 'nation-building', many ethnic opposition groups suspected its motives, especially due to the continuing use of forced labour (see p. 24) on construction projects and the predominance of military officers, most of whom are Burmans, in senior posts. There is greater freedom of movement in many areas than before fighting halted, and in Pao and Kachin front-line communities, for example, there has been cooperation between the Ministry and ceasefire groups in education, including apparent acceptance of the right to use minority languages in locally run schools. But until there is political reform, any such initiatives will remain tentative. Furthermore, reported expenditure of 22,172 million kyats (quoted at US \$63.34 million) in the first 12 years is just a drop in the ocean of needs. Indeed, in *per capita* terms, the international aid budget for refugee and exile groups in Thailand is very much higher.<sup>77</sup>

As a result, although there has been a growing momentum to humanitarian programmes in Burma in recent years – and this is likely to accelerate in the event of reform – much of the work is still in early stages. Many projects have produced more an understanding of needs rather than ultimate progress. In many communities, the situation remains of great concern, as a snapshot of recent data and estimates confirms.<sup>78</sup> In most cases, however, there is little disaggregated information on gender, ethnicity and other vital issues in the field.

- Decades of conflict have witnessed casualty rates of at least 10,000 fatalities a year if hunger, disease and the true costs to society are included.<sup>79</sup>
- As many as 2 million internally displaced persons and refugees have been generated during decades of combat.
- Only one-third of the country has access to clean water and proper sanitation.

- The maternal mortality ratio of between 230 and 580 per 100,000 live births is one of the highest in Asia, and one-quarter of all children are born underweight.<sup>80</sup>
- Infant mortality rates of between 47 and 94 per 1,000 live births were reported in the 1990s, but even higher rates of 200–300 have been estimated in Karen and Shan state war-zones.
- Only one-third of children complete the basic five-year cycle of primary school.<sup>81</sup>
- One-quarter of children aged 10–14 are in work, and, according to the UN, ‘thousands’ of women and children are victims of ‘cross-border human trafficking’ into prostitution and other cheap labour in neighbouring countries.<sup>82</sup>
- Since 1988, Burma has become the world’s largest producer of illicit opium and heroin.<sup>83</sup>
- According to UNAIDS, in 1999 there were an estimated 530,000 HIV-infected persons in the country, including an ‘epidemic’ sero-positivity rate of 2.2 per cent among pregnant women.<sup>84</sup>
- Finally, preventable or treatable diseases, such as malaria, tuberculosis, diarrhoea and pneumonia, take a constant toll of human life.

## AIDS and narcotics

The scale of such crises has created many dilemmas for the international aid community over engagement within Burma in the past decade – as well as for neighbouring governments.<sup>85</sup> The reality is that many problems are interlinked in a cycle of ‘complex emergencies’ so that it becomes difficult to separate them from the conditions of conflict or socio-political breakdown that exist in many parts of the country. For example, it will be impossible for refugees and internally displaced persons in the Thai borderlands to return home until there is lasting peace and reform.

Nevertheless, in recent years, two urgent issues have stood out which have galvanized the opinion that initiatives have to be started sooner rather than later. Both are especially serious in ethnic minority regions of north-east Burma: HIV/AIDS and narcotics. For too long, both incipiently spread under conditions of censorship and conflict. In particular, endemic poverty, family breakdown and community displacement have meant significant movements of peoples over the past 15 years, with, for example, over half a million men and women flooding into the Hpakhant jade mines in Kachin state, or over a million migrants, mostly illegal, crossing the Karen and Shan borders into Thailand. In such conditions, intravenous drug abuse, prostitution and sexually transmitted infections (STIs) have been widespread, resulting in levels of mortality and family loss due to HIV/AIDS, especially

among young men and women in the Shan and Kachin states, that local aid workers estimate as even higher than in conflict. Such figures are never publicly reported, but when one community leader was pressed for evidence, he privately replied, ‘We just read the gravestones.’

In fact, the first sero-sentinel surveillance tests undertaken in 1992–3 indicated alarming HIV-infection rates of over 90 per cent among intravenous drug-users in the Kachin state and 12 per cent among pregnant women in the Shan border-town of Tachilek, where many commercial sex-workers pass through.<sup>86</sup> More recent figures from 1999 have also highlighted the very high risks associated with prostitution and/or intravenous drug abuse, confirming the belief of many international health workers that the country’s ‘Golden Triangle’ borderlands with Thailand and China are the main epicentre for the spread of HIV/AIDS into both Burma and the region.<sup>87</sup> However, in Burma’s political paralysis, where any admission of problems is perceived as a sign of failure, it took until 2001 for a senior leader in the regime, Lt-General Khin Nyunt, to acknowledge publicly the scale of crisis when he told the *Myanmar Times*: ‘HIV, AIDS ... it’s a national cause. If we ignore it, it will be the scourge that will destroy entire races.’<sup>88</sup>

Similar dilemmas need to be faced in addressing the issue of narcotics. Despite a decline to an estimated crop of 865 tons in 2001,<sup>89</sup> Burma remained the world’s largest producer of illicit opium, and, from the late 1990s, a burgeoning new trade in methamphetamine production was raising particular concerns in Thailand, where it was estimated 700 million tablets would be trafficked in 2002.<sup>90</sup> This nearly provoked a border war with Thailand in 2001 and, subsequently, the Thai government proposed the start of the first ever cross-border crop substitution programme. In January 2002, the UN Drug Control Programme (UNDCP) also instituted a Civil Society Initiative in eastern Shan state with eight NGOs to try and accelerate eradication momentum. Ceasefire Wa, Kokang and other ethnic groups also pledged to make their territories ‘drug-free’ by 2005.<sup>91</sup>

However, many observers remained deeply sceptical. In particular, the activities of such organizations as the Kokang-related Asia World Company and the southern UWSP, headed by Wei Hsueh-kang, who has a US \$2 million price-tag on the US State Department’s most ‘wanted’ list, attracted much critical comment. Indeed, it was commonly believed that their business and development schemes were being funded through trafficking and money-laundering.<sup>92</sup> As a result, in February 2002, Burma was again ‘sanctioned’ by the USA (meaning there would be no resumption of aid) for failure to make ‘substantial efforts’ to eliminate narcotics production.<sup>93</sup> And among all the challenges facing the country, there remained a sense that illicit narcotics production was the one issue that might eventual-



ly prompt the US government to take unilateral actions over Burma, a situation highlighted in March 2002 when moves were reportedly discussed in Washington (though subsequently discounted by the US embassy in Rangoon) to label the UWSP an international 'terrorist' organization because of its involvement in narcotics.<sup>94</sup>

Many community leaders, however, were in despair at this continuing spotlight on criminality. For over three decades, they believe that the long-standing need among governments, the media and anti-narcotics agencies to find targeted 'Mr Bigs' on whom to blame the trade has contributed to the marginalization of communities on the ground who are among the poorest in Asia. The real profits are made by trafficking syndicates and corrupt officials, but most of the suffering and international opprobrium falls on the shoulders of local minority peoples. Indeed, in the 1980s the Shan state was the scene of one of the most criticized anti-narcotics initiatives in recent decades when 2,4-D, a compound used in the production of Agent Orange, was dumped on farms in Shan state under a programme in which both the chemicals and planes were supplied to the BSPP government by the USA.<sup>95</sup>

The fact is that ethnic conflict and narcotics – as well as the emerging threat of AIDS – have long been inextricably interlinked in Burma, and they will only be redressed by peace and sustainable solutions.

## Human rights and issues for resolution

Under the UN Charter and Universal Declaration of Human Rights (UDHR), human rights are both universal and indivisible, and, as such, the primacy of one human right or issue should not be promoted over another. Indeed, given the nature of challenges, many would argue that the Right to Health, enshrined in Article 3 of the UDHR, and the 1986 UN Declaration on the Right to Development are equally urgent priorities in the processes of reform. Nevertheless, in considering constitutional change, several areas of urgent human rights concern need to be highlighted for particular attention. A culture of human rights abuses, born out of conflict, has become pervasive, and the most fundamental reforms are needed at this critical time.

In general, such violations can be divided into two categories: those which generally relate to conflict and incidents in war-zones, and those that are more evidential of restrictions on minority rights and political freedoms more broadly.

Among gross violations, a number of issues stand out. The Right to Life is the most fundamental of all human rights under both the UDHR and the International Covenant on Civil and Political Rights (ICCPR; Article

6.1), but since 1988 the disturbing loss of life, summary arrest, torture and extrajudicial killings of civilians have been frequently reported in hundreds of cases by independent human rights organizations, including Amnesty International, as well as the UN Commission on Human Rights and the International Labour Organization (ILO).<sup>96</sup> Most such abuses have been documented in the context of counter-insurgency operations against ethnic minority groups. On occasion, government officials have not denied that 'in the heat of battle' abuses might occur, but have promised that 'as soon as an incident is known, immediate action is taken'.<sup>97</sup> In 1992, the government also signed the Geneva Conventions of 1949, and, in general, in areas where ceasefires have been agreed, allegations of such gross human rights violations on a systematic scale have declined, but in other war-zones reliable reports of violations have still continued. In August 2001, the UN Special Rapporteur once again highlighted the 'disquieting situation of ethnic minorities', noting abuses – including 'torture, arbitrary executions and deliberate killings' – in counter-insurgency operations in the Karen, Kayah, Mon and Shan states.<sup>98</sup>

Closely related to conflict is another major area of human rights concern: the long-standing displacement of ethnic minority communities that exists in many parts of the country. Again, the rights to security, property and liberty are among the most fundamental of human rights and are reflected in Articles 3, 12 and 17 of the UDHR. The rights of minority peoples to inhabit their lands and be protected against forced resettlement are further guaranteed in Article 1 of the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, as well as Article 16 of the ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries.

The scale of civilian displacement is extensive in Burma today, with most figures guesses. In some areas, Burman communities have also been affected, but it is ethnic minority peoples that have long been most disrupted. In Thailand alone, there are over 135,000 official refugees (mostly Karens and Karennis),<sup>99</sup> and over 1 million migrants, most of whom arrived illegally, including many Mons, Shans and other minorities. So serious has the problem become that in 2001 the Thai government began a policy of allowing 'illegals' to register, and 451,335 from Burma did so, but the Thai goal will be to repatriate this large population as soon as conditions allow. Already it has been stated that pregnant women or those with untreatable diseases will be sent back unless their employers are willing to retain them.<sup>100</sup> As a result, the UNHCR and other international agencies are increasingly becoming involved around Burma's borders, with similar problems existing in India, where there are esti-

mated to be around 100,000 refugees and migrants (mostly Chins), and in Bangladesh where over 21,000 Muslims remain from the mass exodus during 1991–2.

Figures for the internally displaced are even higher, with as much as a third of the populations of the Karen, Kayah and Shan states displaced from their homes in some areas. During conflict it is impossible to count, but, for example, at the time of their ceasefires, there were an estimated 80,000 displaced persons in 30 camps in UWSP areas along the China border and 60,000 Kachins in KIO areas from a total displacement of 130,000 Kachins. Many of those displaced have been fleeing their homes during fighting, or forcibly removed, often at very short notice, under 'Four Cuts' counter-insurgency operations which have been widely used across the country for three decades (see 'The Burmese Way to Socialism', p. 9). In recent years, too, the question of displaced persons has begun to blur with government resettlement and urban development programmes more generally. Since 1988, the government has instituted major new town projects in several parts of the country, and such resettlement or displacement fits a long-standing pattern. One unpublished report, for example, by Habitat (the UN Centre for Human Settlements), estimated that in 1990 1.5 million people (or 4 per cent of the population at that time) had been affected by displacements dating back to the 1950s.<sup>101</sup> Clearly, the question of land rights is a particular issue for discussion and reform.

Many of those fleeing the country or displaced in the past decade, however, have been victims of a third human rights violation that has become particularly criticized in recent years: that of forced or compulsory labour. Despite growing international condemnation, the government for a long time claimed that the use of such unpaid civilian labour was an act of merit in accordance with Buddhist traditions – or that it was conducted legally, under the regulations of the 1907 Towns Act and 1908 Village Act. But for many years the evidence was overwhelming, as testified to by Amnesty International and other human rights organizations, that large numbers of civilians were being conscripted, including to act as porters in war-zones carrying supplies into front-line areas where many died.<sup>102</sup>

Both men and women – as well as children and the elderly – might be forced into such duties. It was also in the context of forced labour that many serious human rights abuses, including beatings and rape, were alleged to occur.<sup>103</sup> For example, three-quarters of the dozens of newly arrived refugees from the Kayah state interviewed by Amnesty International in Thailand in 1999 had been pressed into forced labour before their departure, including men, women and children; one man had also reportedly witnessed his neighbour killed by an explosion

as they worked along a road strewn with landmines.<sup>104</sup> In other areas, such labour duties might not directly relate to fighting, but across the country many communities were constantly required to carry out unpaid labour for military units or the government, often taking part in major construction projects, such as the Ye–Tavoy railway, for which the authorities had no other source of funds. For example, in the building of the Aungban–Loikaw railway alone, the state media reported that over 300,000 civilians had 'contributed voluntary labour'.<sup>105</sup>

In the 1990s, this issue was finally taken up by the ILO, which in 1999 took the extraordinary step of considering actions that could lead to the expulsion of Burma from the ILO, the first time it would have taken this measure against a member state. Forced labour is prohibited by ILO Convention No. 29 Concerning Forced or Compulsory Labour (1930) and it also infringes ILO Convention No. 87 on Freedom of Association and Protection of the Right to Organize, both of which Burma ratified in 1955. This level of international pressure produced the first signs that the authorities were publicly prepared to recognize this urgent issue, and supplementary orders, 'Prohibiting Requisition of Forced Labour', were twice sent by the SPDC in 1999–2000 to all local authorities for public display, ordering that any unpaid labour must cease and payment be made for any public work. And during 2001, as part of the SPDC's increasing engagement with international bodies, an ILO 'High-Level Team', headed by Sir Ninian Stephen, was allowed to conduct a field study in the country, visiting many ethnic minority regions. It was a ground-breaking visit.

Nevertheless, while recognizing that forced labour on 'civil infrastructure projects' appeared to have stopped, the final High-Level Team report concluded that a 'serious' situation still existed in certain ethnic minority areas, especially in the Karen and Shan state borderlands and among Muslims in northern Rakhine state.<sup>106</sup> Here there were still reports that local army officers continued to take civilians for portering and other unpaid labour duties, including in war-affected areas. The SPDC seemed to accept this judgement and, in 2002, the ILO continued its mission, leading to the agreement in March to the appointment of an ILO liaison officer who would be based in Rangoon. However, given the legacy of such practices, there still appears a long way to go.

Finally, against this backdrop of conflict, it needs to be added that human rights violations have also been carried out by armed opposition groups. Since 1948, many verifiable reports have continued of attacks by insurgent groups on villages, transport and other civilian targets, taking a steady toll of human life. Such strikes have continued during the past decade, with the KNU, for example, being accused of the 1999 execution of 10 immigration officers

seized from a bus.<sup>107</sup> The SSA (South), too, has been accused of kidnappings and killings, while in 1999 the KNPP executed two Christian 'peace go-betweens' for the alleged crime, local witnesses say, of not paying taxes. As a result, civilian populations are frequently caught between two (or more) sides, a situation one community leader described as having two burdens, 'one on each shoulder'.

Particular practices that have often been attributed to armed opposition groups are the use of landmines and child soldiers. In recent years, accusations have increased that the Tatmadaw is also employing such tactics, using landmines to fence off border areas, and in paddy-fields, to induce displacement in war-zones. There is also evidence that, to sustain the Tatmadaw's expansion in recent years, younger teenagers, including orphans, have been recruited into the ranks.<sup>108</sup> But until the early 1990s at least, these practices appeared to be most widespread among insurgent groups whose leaders privately say that, as weaker parties in the conflict, they have had little choice but to use whatever resources they have. For communities living between combatants in the front line, the humanitarian cost is high. The 2001 Landmine Monitor Report, for example, estimated that in 2000 both the SPDC and 11 ethnic forces were laying mines in nine out of the 14 states and divisions, with the heaviest concentrations in the Thai and Bangladesh borderlands.<sup>109</sup> Equally concerning, it found new evidence that mines were being planted by loggers and narcotics traffickers as well as combatant groups.

A similar scale of abuse across the country was reported in the 2001 Child Soldiers Report, which estimated that there could be up to 50,000 children serving in both government and armed opposition forces.<sup>110</sup> If accurate, this would mark one of the highest figures in the world. Because of the difficulties of access, any figures are speculative. But the apparently high incidence of child soldiers in some forces, at least, was confirmed by the recent calculation of one aid worker that child soldiers may constitute 25 per cent of troops in the KNPP's 1,000-strong army alone.<sup>111</sup>

Burma is a party to both the Geneva Conventions of 1949 and, since 1991, the Convention on the Rights of the Child. In the field, however, progress has been slow. Nevertheless, as part of the peace process and Burma's cautious *rapprochement* with the international community, there has been evidence in recent years that these issues are beginning to appear on the agendas of the different sides. The ICRC, for example, has gained access to forces on both sides of the battle-lines, and in 2001 a prosthetics' workshop for landmine victims was opened by the ICRC in Paan, the Karen state capital. Although criticized by opposition groups over their likely effectiveness, human rights training classes have also begun for govern-

ment officials in Rangoon, supported by the Australian government and the British oil company Premier, to assist in the creation of a Human Rights Committee. Such discussions or measures are also being reflected by opposition groups, and, in 2001, for example, the SSA (South) raised the age of recruitment for its soldiers to 18. However, given the multitude of issues to be addressed, it should be remembered that such efforts, to date, tackle only the tip of the iceberg in terms of needs.

## Political, social and economic rights

In Burma's future Constitution, a primary issue will be the extent to which ethnic autonomy is devolved to local self-government in keeping with the promises made at independence. However, transcending particular territorial divisions or rights, four areas stand out that are crucial in guaranteeing the enjoyment of minority rights: freedom of association and opinion, the expression of minority cultures and languages, the representation of minorities in government, and land and economic rights.

Since 1988, international human rights groups have repeatedly drawn critical attention to restrictions on freedom of association and movement, often through summary arrests and the arbitrary use of law. Most criticized were martial law decrees issued after the SLORC's assumption of power, especially Order No. 2/88 which banned gatherings of five or more people. Such decrees were lifted by 1992, and over 400 political prisoners were released at that time. But the right of security forces to take summary actions has continued to be underpinned by a complex labyrinth of laws, some of which pre-date both the BSPP and SLORC-SPDC eras. Among the most commonly employed have been the 1908 Unlawful Associations Act, the 1923 Official Secrets Act, the 1950 Emergency Provisions Act, the 1957 Penal Code, the 1962 Printers and Publishers Registration Law and the 1975 State Protection Act. Each provides for long jail terms for persons deemed guilty of such acts as treason, contact with outlawed groups, or spreading news and stories 'disloyal to the state'.

Such sweeping use of security laws and the BSPP legacy have had a most detrimental impact on the free expression of minority cultures. Under the 1974 Constitution, rights to freedom of expression and use of minority languages were guaranteed (Articles 152, 153 and 157), but only if such freedoms were not contrary to 'socialism' and the national interest in a one-party system. Under such catch-all definitions to promote national unity, the status of minority languages was so downgraded by BSPP officials as to virtually disappear from the curriculum in schools, while the publication of books and

newspapers in minority languages came to a near halt. Save for those printed in the insurgent 'liberated zones', the only exceptions were domestic or religious-based texts that were approved in limited numbers by censorship boards under the 1962 Printers and Publishers Registration Law.

The impact on minority education was equally serious. Universities continued to be concentrated in Rangoon and Mandalay, and all state education and exams were in the Burmese language. As a result, minority students felt severely disadvantaged. Under the SLORC-SPDC, greater emphasis has been given to opening new universities in the ethnic minority states where, on paper, most state colleges have been upgraded to universities. In addition, ceasefire groups report that tolerance by the authorities of local schools run in minority languages, as well as official acceptance of ethnic Culture and Literature Associations, has generally improved. For example, despite some obstructions by local officers, the Mon Literacy and Buddhist Culture Training Committee reported that 46,000 students took part in 'summer school' Mon language classes during 2000. Similarly, over 27,000 Shan students were reported to have attended Shan language classes in 14 townships that same year.<sup>112</sup> Kachin, Karen and other minority groups also try to run such classes, although they have to be held at weekends, in holidays and out of school time. In general, among minority groups there is no disagreement with the teaching of Burmese in schools (it is also taught in most armed opposition schools), but the guarantee to freely teach and express minority languages will be seen as a most essential right in any future Constitution.

Similar ambiguities exist with regard to religion. Although the SLORC-SPDC has maintained the secular approach of the BSPP, the public promotion of, and involvement by government officials in Buddhist activities have increased. Muslim minorities, in particular in the Rakhine state, have alleged communal and state-encouraged discrimination, which has seen the destruction or confiscation of Muslim property and mosques.<sup>113</sup> In the Chin state, too, there have been reports of restrictions on the building of Christian churches, the removal of Christian crosses as landmarks, and pressure on villagers by government officials to adopt Buddhism.<sup>114</sup> Soldiers of Christian faith in the Tatmadaw also say that, in private, they have been told that they should adopt Buddhism if they want to advance their careers.

However, apparently contradicting such trends, some Christian leaders believe that, in recent years, there has been increasing acceptance by government officials of the community-based role of Christian organizations – even, in some cases, with social rights in advance of those allowed to Buddhist groups who remain closely moni-

tored. In particular, Christian organizations, especially Baptists and Catholics, have played important go-between roles in peace talks with Kachin, Karen and Karenni opposition forces, and a number, such as the Myanmar Council of Churches and Kachin Baptist Convention, have become partners to international NGOs that are working in Burma. Said Lt-General Khin Nyunt in a December 2001 meeting with Christian leaders, 'Christianity and other religions teach values that strengthen solidarity among various ethnic groups and foster national development.'<sup>115</sup> Khin Nyunt's view, however, is not considered widespread in the government at large, a situation highlighted in March 2002 when the SPDC vice-chair, General Maung Aye, overruled Khin Nyunt's permission for the Kachin Baptist Convention to hold an important three-day meeting in Muse, near the Chinese border.

Related to this, even if there is better acceptance of minority cultures or religions, there has been a concerning absence of minority peoples, who make up a third of the population, in senior levels of government or the Tatmadaw. At independence, there were ethnic minority cabinet ministers, and Karens, for example, headed both the army and airforce. But, five decades later, nearly all senior positions are filled by Burmans and Buddhists. Partly, this is because, during the long years of conflict, many minorities did not seek to work in national government, but many minorities believe it is also because of discrimination. Even with changes in political and parliamentary representation, this situation will not be quickly improved. Thus it is vital that, in all aid, development and governmental programmes of the future, special focus is put on encouraging and supporting ethnic inclusiveness.

Finally, perhaps the most urgent issue now facing many communities is that of land and economic rights.<sup>116</sup> As uncertain transition continues, many minority peoples argue that they are still excluded from decisions affecting their lands, a situation that has been greatly exacerbated by the long years of community displacements in conflict. In recent years, some cases have also raised international concerns, such as the Western oil company-built pipelines that cross Karen-inhabited lands in the Tenasserim division,<sup>117</sup> or the proposal to use Japanese aid to upgrade the Baluchaung hydroelectric power plant in the Kayah state. Other major projects are mooted in minority areas, including further dams and power plants in the Shan state. But not only do many villagers in remote rural areas not speak Burmese, they would not know how to register their lands if they could.

As a result, the sense of marginalization is widespread, with many local inhabitants feeling that they are being squeezed out by, for example, rampant logging which began in the Thai and Chinese borderland areas in the late 1980s, or the granting of concessions in the jade

mines in Kachin state or ruby mines of Shan state to outsiders – especially companies linked to military interests or Chinese investors.<sup>118</sup> Ceasefire groups, too, have become inextricably involved in such deals, such as Kokang-based groups, the UWSP and New Democratic Army in Kachin state.

The result was that, at the turn of the century, while there was an undoubted welcoming of the peace movement in many areas, there was a real concern among community leaders that, if such land and economic issues were not quickly resolved, a new generation of grievances would surface very soon.

## The situation of women

Women have often been particular victims of conflict and the humanitarian crisis in Burma, but only in recent years have women's rights become the subject of more specialist attention and concern. In general, women are regarded as having equal status with men, and the leading role of Aung San Suu Kyi in the democracy movement has given the country's women an international profile. Life expectancy at 62.9 years (1998 figure) is estimated at two years longer than for men,<sup>119</sup> women are considered to enjoy the same educational opportunities, and this is especially reflected in higher education where there are more female students than male.

However, as the UN Thematic Group on Gender has demonstrated, there are serious discrepancies around the country. Indeed, in contrast to patterns elsewhere in South-East Asia, the higher attainment of women at university level in Burma is contradicted by the lower levels of adult literacy – 86 per cent among men against just 71.3 per cent among women – with significant illiteracy among ethnic minority women.<sup>120</sup> On the national level, too, despite the many qualified women in public service jobs, very few women have been promoted to the most senior levels, where they face what the UNDP describes as a 'glass ceiling'.<sup>121</sup> The eminent position of Aung San Suu Kyi is very much the exception. In addition, only 84 women out of 2,296 candidates stood in the 1990 election, of whom just 14 won seats, highlighting that women are also under-represented within pro-democracy parties.<sup>122</sup> Despite such obstacles, many women have continued to play important roles in social and political movements, and a number, like Aung San Suu Kyi, have been detained or imprisoned for their political activities since 1988, including the writers, Nita Yin Yin May, Ma Thanegi, Dr Ma Thida and San San Nweh, and the NLD MP-elect Daw San San.<sup>123</sup> All have since been released.

It is in the humanitarian field, however, that most difficulties are faced by women in general. For example, life expectancy for women in rural communities is two years

lower than in urban areas due to the extra duties many women have to perform; in particular, it is women who carry out most domestic tasks, including collecting water and supplies. Of equal concern, Burma's high maternal mortality rate has also been attributed by aid organizations to a lack of access to treatment or information on 'reproductive health',<sup>124</sup> with around 50 per cent of maternal deaths estimated to result from illicit abortions. As in many other countries, the issues of gender and ethnicity raise further questions in health provision. In Muslim communities, for example, there are concerns over the right of women to have access to female doctors and also to health workers who can speak their language. Few minority languages are spoken by government-trained doctors and teachers.

In war-affected areas, the situation for women is even worse. In many areas, the loss of men to conflict has left significant gender imbalances and many women are the sole providers for their families. No reliable figures are available, but in just one border region of the Shan state, a UWSP official estimated that, up until 1989, 12,000 Wa soldiers had been killed and many more disabled in 22 years of conflict, leaving 'thousands' of widows and orphans.<sup>125</sup> Related to this, women have been especially vulnerable to gross violations of human rights during war, including forced labour and rape, evidence of which has been highlighted by the ILO and other organizations.<sup>126</sup>

In recent years, such disadvantage and vulnerability to abuse has found a worrying focus in the traffic or migration of women and girls into prostitution. Some have entered a growing industry within Burma and some have moved into China, but the largest numbers have travelled to Thailand which is the centre of the regional sex trade. (There are also Chinese women being transported down similar routes into Thailand.) Much of the business is conducted in secrecy, and one estimate in the early 1990s calculated that 30,000 women from Burma could be involved at any one time, while the UNDP reported several years later that there were 10,000 women and girls from Shan state in brothels in Chiang Mai alone.<sup>127</sup> Some admit to having taken such jobs for commercial reasons, but many others have been trafficked, or travelled out of naivety, lured by the promise of other jobs. For all, the risks and human costs are enormous, not only of HIV-infection which is endemic (see 'AIDS and narcotics', p. 22), but also of beatings and abuse by gangsters and corrupt officials engaged in the trade. Many of the women are illiterate and from ethnic minority backgrounds, but, in parts of Burma's borderlands, for many young women there has been little alternative or means of escape. The net is pervasive. As one World Vision aid worker told *Time* magazine, 'Every village has a broker for sex workers.'<sup>128</sup>

At the turn of the century, the scale of this crisis began to produce increased concern. NGOs in Thailand continued to try and help women living in such life-threatening conditions, while in Burma aid organizations, such as Save the Children (UK) and World Vision, gained more access to affected communities.<sup>129</sup> Burma, in fact, has a number of laws protecting the rights of women, including the Suppression of Prostitution Act, the Myanmar Buddhist Women's Special Marriage and Accession Act, and the Myanmar Maternal and Child Welfare Association Law. In 1997, the government also signed the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). But, as with the many other conventions and laws, the challenge remains to turn such

principles into practice. In its 2000 report, the UN Committee on the Elimination of Discrimination against Women, which monitors how state parties put into practice the provisions of the Convention, had a long and cautionary list of recommendations to make on Burma. They included collection of more data on the human rights of women among minority groups, punishment of those (including military personnel) who abuse women, human rights training on gender issues, more information on HIV/AIDS and the trafficking of women, improvement for women in health and education, and, finally, efforts to ensure that the new Constitution incorporates a definition of 'discrimination', as well as CEDAW, into domestic law.

# The present landscape

Given the legacy of past failures, it would be naive to expect easy solutions. The present landscape is complex and fraught with pitfalls. As many observers point out, the situation has long been one of promises and potential rather than decisive breakthroughs. Meanwhile military government has continued.

Nevertheless, at the beginning of the twenty-first century, discussion of the many political and ethnic problems in Burma is on the internal and international agendas for the first time in decades. On the international stage, the issues of transition and dialogue have been gaining profile through the initiatives of the Special Envoy of the UN Secretary General, the UN Special Rapporteur on the Situation of Human Rights in Myanmar, and the ILO. In addition, the ICRC has been allowed access to the country's prisons and war-zones, while the introduction of human rights training classes for public officials has been promoted in Rangoon by the Australian government.

Against this backdrop of sustained pressure, in the past decade the military government has for the first time taken cognizance, on paper, of several important commitments to the protection of universal human rights, in particular by signing the Convention on the Rights of the Child, the Geneva Conventions and CEDAW. UN and international NGO aid organizations have also been allowed increasing access to many once-forbidden regions of the country, including ethnic minority areas long afflicted by war.

However, of all international initiatives, if change is ever to come easily and peacefully, most hopes continue to be invested in support for the notion of 'tri-partite' dialogue between the military government, the NLD and ethnic minority groups, with which Mr Razali Ismail of Malaysia, the UN Special Envoy, was principally engaged. And from the beginning of secret talks between Aung San Suu Kyi and government officials in late 2000, expectations began to grow. The pace was very slow, and by April 2002 just over 250 of the estimated 1,500 political prisoners, including over 800 from the NLD, had been released (as well as over 300 female prisoners, reportedly detained for 'criminal' offences, who were released as a 'humanitarian gesture' after an intervention by the UN Special Rapporteur). Permission for the NLD to reopen its offices was only slowly being given, and Aung San Suu Kyi remained under house arrest until her release in May 2002. Nevertheless, there was increasing speculation that a breakthrough might soon happen, including hints in interviews by General Than Shwe

and other senior officials that Aung San Suu Kyi would play a role in future government.<sup>130</sup> 'Success "imminent" in talks,' headlined the *Myanmar Times* in February 2002, quoting an SPDC spokesperson.<sup>131</sup>

Just how such a breakthrough might occur, however, was another matter. It is among Burma's peoples that solutions leading to a real and lasting peace will ultimately have to be found. But as the country hesitantly moves towards its third Constitution since independence, the political landscape still appeared obstinately deadlocked, and there were few indications of what constitutional processes might be mutually agreed between the different sides.

Ironically, on paper at least, the goals of all the leading parties appear remarkably similar: the development of a market-oriented and multi-party democracy, in which greater attention will be paid to the rights of ethnic minority groups. This marks a significant change from the Marxist-influenced dogmas of national parties in earlier decades, including the AFPFL, BSPP and CPB. But the manner by which so many different parties and interests will come to a consensus over national reform remains very uncertain. And the SPDC's accusations of an attempted coup by members of the Ne Win family in March 2002 only clouded the picture further.

As in other countries in transition, from South Africa to Eastern Europe, a number of very different scenarios can be mapped out, but they depend very much on individual perspectives. This is where cautions need to be highlighted.

## The Tatmadaw

In many respects, the main struggle since 1988 has been for control of the transitional process, which has been dominated by the Tatmadaw-based government of the SPDC. It is one of least studied or reported of any governments in the modern world. In private, a variety of views can be heard from military officials. These vary from those who say they are supporting the evolution of a modern and professional army that, they claim, will oversee the transition of Burma to a stable democracy (unlike, they argue, that of the 1950s) – to those, following in Ne Win's footsteps, who regard the Tatmadaw as the living embodiment of all national aspirations.

In general, Lt-General Khin Nyunt, who has been most responsible for the ethnic ceasefires and international engagement, is regarded as the main modernizer and supporter of incremental reforms, while the army chief,

General Maung Aye, is the most hardline and determined in his conviction that the Tatmadaw can resolve the country's problems on its own. In contrast, the third person in the leading triumvirate, the SPDC chairman General Than Shwe, is viewed as standing somewhere in between. But above all, few observers believed that there would be dramatic changes until the ageing General Ne Win (born 1911) finally departs the stage. Throughout the 1990s, like a Tito or Franco, his legacy still cast a long shadow over the country, and the dramatic events of the alleged coup attempt by three of his grandsons and their father in early 2002 demonstrated the continuing power of his name.<sup>132</sup>

It is thus important to stress that, such incidents apart, the post-1988 Tatmadaw leadership has, to date, remained united behind Ne Win's long-standing vision that, out of Burma's turbulent past, the Tatmadaw has earned its pre-eminent role in government. Indeed, as the failed coup appeared to show, a strong case can be made that the unity of the Tatmadaw in the past five decades stands in striking contrast to the perennial disunity or factionalism among many opposition movements. As a result, from these past experiences of conflict, Tatmadaw leaders argue that the military has earned three historic responsibilities, known as 'Our Three Main Causes', as its exclusive prerogative, which allow it the right to interfere in the political process whenever it feels these duties are threatened: 'non-disintegration of the Union', 'non-disintegration of national solidarity' and the 'perpetuation of national sovereignty'. Underpinning this arbitrary right is a perception of Burma as the 'Yugoslavia of South-East Asia', and officials argue that any relaxation of security, or accession to demands that they perceive as 'separatist', will have drastic implications beyond the country's borders. 'A return to the post-independent situation could become analogous to a "Balkanization of South-East Asia"', claimed an SPDC press release in 2001.<sup>133</sup>

In tangible terms, however, since reassuming power in 1988, the military leadership have given few indications of a substantive vision in either political or procedural terms, other than that they seek 'disciplined democracy', built on what General Than Shwe described as three 'pre-requisites': stability and peace, strong central government and a flourishing economy.<sup>134</sup> Having side-stepped the election result, the main process established by the SLORC-SPDC for drawing up the new Constitution has been the National Convention, which began in 1993. However, progress has been very hesitant, and, with the withdrawal of the NLD from the Convention in 1995 and the flight to the borders of several MPs-elect, the National Convention has appeared increasingly trapped in a stalemate. Moreover, the banning of more and more parties – of the 95 parties that stood in the election, only 10 legally existed by the turn of the century – has severe-

ly undermined the international credibility of any conclusions reached, unless the NLD and other parties are brought back into the discussions.<sup>135</sup>

Despite this, as the years went by, a number of key elements appeared to be clarified in the military government's objectives, most of which suggested the constitutional model of Indonesia, another multi-ethnic member of ASEAN, under ex-president Suharto. First, that the 'leading role' of the Tatmadaw in 'national political life' should be guaranteed; second, that Burma's new president should have 'military' as well as political experience; and, third, that an 'initial' 25 per cent of seats in a new bicameral parliament (including a House of Nationalities) should be guaranteed for military candidates who would 'fade out' once 'peace and stability' had been ensured. 'We want evolution', stated Col. Hla Min, an SPDC spokesperson, 'We do not want revolution.'<sup>136</sup>

On ethnic issues, a number of different views could be heard. From official statements, it is clear that the Tatmadaw regards the fields of national security, counter-insurgency and narcotics eradication as its sole preserve for the foreseeable future. But, in private, there has been a general acceptance by leading officers that there will need to be greater local self-administration or autonomy, a situation that, in some respects, is *de facto* recognized by the ceasefires. As in the Constitutions of 1947 and 1974, ethnic and minority rights will be guaranteed on paper, but officials admit that the term 'federal' is likely to be rejected by Ne Win loyalists (because of the events in 1962), though not necessarily, some argue, in practice. Despite the continuing fighting in several border areas, the ceasefires are one development that present Tatmadaw leaders regard as their main achievement in office; indeed, General Than Shwe is on record as saying that the ethnic ceasefires are the most distinguishing feature of the SLORC-SPDC era. 'National unity has been fostered', he has claimed.<sup>137</sup> And certainly, after decades of conflict, it would be wrong to underestimate the importance of the peace-building and reconciliation processes between veteran battle-field opponents. Paradoxically, in the past decade, it has been the NLD that has more often been accused in the state press of treasonous activities than armed ethnic groups that, in some cases, have fought with central government for decades. Such has been the mine-field of Burmese politics.

In concrete terms, however, it has not been clear what the SPDC is considering as specific rights for ethnic minority groups in the new Constitution. In the past decade, for example, a number of redefinitions of territories and rights have been mooted in government circles in Rangoon, but more recent suggestions are that the present 14 states and divisions will be maintained (possibly all by the same title of 'states'), and within these boundaries cer-



tain autonomous or self-administrative regions will be created, depending on the size and concentrations of each ethnic group. To date, such new territories have been mentioned at the National Convention for the Danu, Kokang, Palaung, Pao and Wa in Shan state, with special 'participation' rights for smaller groups such as the Akha and Lahu, as well as a Naga 'self-administered' zone in the Sagaing division.

However, whether opposition groups will accept such structures or the SLORC-SPDC's demand for the Tatmadaw's reserved 'leading' role in the new Constitution, even if it will later be downscaled, must remain open to question. For example, there has been no suggestion so far of self-administrative rights, outside present state boundaries, for large ethnic groups such as the Chins, Karens and Shans who live in several parts of Burma. In this case, the SPDC appears to be following U Nu's dictum that minority groups cannot have both 'state rights' and 'minority rights'; that is, since a Karen state has been designated in the Thailand borderlands, there cannot also be Karen self-administered territory or special rights in the Irrawaddy delta region where over 1 million Karens live.

Even more fundamental is opposition caution over the processes of both dialogue and Constitution-writing. In particular, there is much concern that, while slowing the pace of reform over the past decade, the Tatmadaw leadership has not only obstructed most opposition parties from functioning, but it has also doubled in military size, reorganized command structures, and expanded business influence and authority over the country. Most reservations have been expressed over two organizations the Tatmadaw controls. The first is the Union of Myanmar Economic Holdings, a military-based company through which many investments in the country are made. The second is the Union Solidarity and Development Association (USDA), a mass organization with over 11 million members. Consisting largely of young people and government workers that are co-opted for rallies, the USDA was established in 1993 after the military-backed National Unity Party, the BSPP's successor, won only 10 seats in the election. However, with its high-profile support in the state-controlled media, many people believe that it is being groomed for an eventual political role similar to Suharto's GOLKAR party in Indonesia.<sup>138</sup>

As a result, many minorities remain extremely wary that the 'socialism-building' of the BSPP era has simply been replaced by an equally Burmanized 'nation-building' of law and order objectives in the SPDC era. Certainly, in the past decade, representatives of ethnic minority peoples have almost disappeared from senior positions in either the Tatmadaw or government. Until and unless this is changed, few non-Burman groups will ever feel that they

are inclusively represented in the national Union, whatever local rights are allowed and inter-community bridges are built.

## The NLD

While attention has focused on the military government in the past decade, ethnic minority leaders have sometimes argued that NLD views on political reform also leave room for ambiguities and doubt. Since the party has been subject to constant restrictions, it has, of course, been unable to answer many key questions that arise. But that may be to miss the point. In many ways, the party was formed as a 'mass movement for democracy', and Aung San Suu Kyi has often argued that once democratic conditions are in place, then meaningful dialogue can take place between all parties and ethnic groups. 'Once you have democratic institutions, you have the proper means of conflict resolution', she has said.<sup>139</sup>

On such a pro-democracy platform, the party garnered enormous support across the country after its 1988 formation, including among students and workers as well as many military families and ethnic minority groups. In its 1989 manifesto, which is based on unity, democracy and equality, it pledged in paragraph 22 that every minority will have the right 'to preserve and promote its literature, language, culture and customs' and also to 'promulgate laws for its own region in the spheres of administration, politics and economics'. To help achieve such reform, officials have encouraged a resurrection of the 'Family Spirit' of both the 1947 Panglong Agreement and the 1947 Constitution, although, in one possible point of contention, leaders have always argued that the results of the 1990 election first need to be respected in any Constitution-drawing process. Recognizing, however, the special sensitivities involved in ethnic issues, the NLD's platform has been to set up an additional 'National Consultative Convention' in any constitutional discussions, where the subject can be debated with proper representation.

Significantly, many of these ideas have been discussed with non-Burman parties in Rangoon, most of which are allied in the 25-party United Nationalities League for Democracy (UNLD) that won 67 seats in the election, and they were reportedly agreed in a meeting of UNLD and NLD leaders at Bo Aung Gyaw Street in Rangoon in August 1990.<sup>140</sup> Although most of these parties were later banned, various representatives have continued to try working with the NLD, and four parties – the ALD, MNDF, SNLD and Zomi National Congress – supported the 1998 Committee Representing the People's Parliament, which is chaired by the veteran ALD leader, 84-year-old Dr Saw Mra Aung. No concrete agreements

have been announced, but Saw Mra Aung, for example, has claimed that, in discussions, NLD officials have agreed to a system which better reflects the principles of federalism, including a Burman state of equal status to each of the seven minority states. 'We ethnic people need a federation', he said. 'The Parliament will decide to have a federation of eight states.'<sup>141</sup> This, in turn, gives rise to many questions over numerical representation, the proposed voting 'weight' of each state, and the powers allocated to the states or government.

Clearly, many issues remain to be addressed. However, while tentative discussions continued into 2002 between SPDC officials and Aung San Suu Kyi, this still left the question of how armed ethnic groups – both ceasefire and non-ceasefire – might be brought into the discussions. But here, too, there were some stirrings of optimism, and many leading figures believed that there might indeed be ways forward if the mood of peace and reconciliation could truly take root. As the SNLD leader, Khun Tun Oo, told the BBC, 'Two-way discussion is good before there are tri-partite talks.'<sup>142</sup>

## Ethnic parties

The sheer number of ethnic nationality parties – and the apparent diversity of their views – has often caused confusion in international discussions of Burmese politics in recent years. The notion, however, that they do or should form one distinct block can be misleading. Furthermore, since there has been no common platform or forum that all can join, there has been concern among ethnic opposition groups that, in the present deadlock, other actors might seek to create their own divisions – in particular, the SPDC by attempting to 'enlist' some of the ceasefire groups, or the NLD seeking to do likewise in constitutional discussions with only some of the ethnic parties in Rangoon. If such concerns seem over-cautious, the precedent for this is the hasty politics of the 1946–62 era, which left important concerns unaddressed and minority groups divided or aligned with one Burman-majority party or another.

In the present period of negotiation and transition, however, many minority leaders believe that it is vital not to over-emphasize or exaggerate differences. Certainly, on the surface, ethnic minority parties might appear divided, and, indeed, there have been serious conflicts many times over since 1948. But, in private, during the past decade leaders on all sides have been adamant that, for the most part, they have common views and positions; rather, the differences that do appear are more a legacy of the conflicts of the past which, often as a matter of self-survival, have seen parties and communities divided into polarized and sometimes very different institutional positions. As a result,

what is frequently heard among different parties is the need for a 'new Panglong' to give focus to the ethnic and national reform processes. Such a goal, they believe, will allow all parties to prepare beforehand and come forward to work together at an appropriate time.

In general, three main groups exist among ethnic minority parties today. The first are those that won seats in the election, and continue, in the main, to cooperate with the NLD, such as the SNLD and ALD. The second are the ceasefire groups, today numbering over 20 in all (see Chart of Armed Ethnic Group, p. 38), but which can be largely divided into two groups: those with political agreements, such as the KIO and SSA, under which they are allowed to hold their arms and territories until a new Constitution is introduced, and those, such as the Democratic Karen Buddhist Army, which are essentially local militia forces and breakaway factions from larger groups. And, finally, the third group are the non-ceasefire groups, which are generally allied in the NDF, NCUB or 'united front' pro-democracy movements at the borders. Some of these, too, have had ceasefire talks or contacts with the SLORC-SPDC in recent years, though for the present there are only four – the CNF, KNPP, KNU and SSA (South) – that are likely (because of their histories and size) to be included in any imminent talks.

In procedural or transitional terms, this might appear a complex backdrop, but over recent years there have continued to be links between all these groups. Five of the ceasefire groups, for example, which are now liaising with the SPDC, are former NDF members, while the Shan State Peace Council, which represents the two Shan ceasefire groups – the SSA and SSNA – has agreed with the non-ceasefire SSA (South) to support the SNLD as the voice of Shan aspirations in political developments in Rangoon. The SNLD, too, submitted with UNLD parties a joint declaration to the UN Special Envoy in 1997 calling for a three-fold process of reform in line with UN resolutions that would include an end to armed conflict and negotiations between the 'tri-partite' groupings in Burmese politics, including 'armed nationality' groups. And similarly, in March 2001 and again in February 2002, ceasefire groups in Rangoon put out joint statements, welcoming the dialogue between the SPDC and NLD and reiterating their support for peaceful solutions through 'political dialogue'.<sup>143</sup>

Thus, what is so significant here is not the complexity of groups advancing the call for democratic reforms, but the unity of voices from different groups and peoples, often with long histories of conflict and suffering, supporting dialogue and reconciliation in the twenty-first century. In essence, the biggest difference of opinion in recent years has been between those groups who believe in a 'peace through development' strategy, such as the KIO

and NMSP, and those who believe in a 'politics first' approach, such as the KNU (and NLD).<sup>144</sup> Certainly, both sides have put forward evidence to support their views. In the ceasefire areas, in particular, though undoubted problems remain, community leaders say that the ceasefires have allowed greater freedom of movement, the opening of more local schools and clinics, and a degree of progress in the teaching of minority languages, all of which they believe mark steps in rebuilding civil society in the country. With the end of fighting, improvements in health have been especially noticed.<sup>145</sup>

In contrast, non-ceasefire groups such as the KNU and KNPP claim that it is only because of the sacrifices of their peoples and organizations over many decades – and, again, in support of students and democracy exiles since 1988 – that the long-standing issues of ethnic and political reform have finally reached the top of the political agendas on Burma, both at home and abroad.

However, in assessing the potential for change, much caution is still needed, despite the advances in understanding of recent years. Armed conflict and repression still continue. In the non-ceasefire areas in particular, principally in the Indo-Bangladesh and Thailand borderlands, many of the same tragically familiar reports of fighting, village destruction and human rights abuses continue, evidenced by the continuing flow of refugees and migrants into neighbouring countries. And it is important to stress that there are also internal conflicts among ethnic opposition groups, including occasional clashes between Karen forces, the recent Mon split in the Ye area, and, most notoriously, an internal coup in the Mongko area of the Shan state in November 2000 which resulted in over 100 fatalities when government forces moved in.

One community leader privately summed up the dilemmas facing Burma's peoples in the year 2002: 'We have ceasefires but we do not have peace.'

# Conclusion

At present, given the legacy of difficulties but also the countrywide hopes for breakthroughs, it is possible to make both optimistic and pessimistic predictions about the future of Burma. However it is vital in the midst of any speculations – and there have been many in recent years – not to lose sight of the realities on the ground and the urgency of the need for changes much sooner rather than later. For minority peoples, as for Burma's population in general, it is only through democratic reforms and the establishment of a consensual government representing all ethnic groups, as envisaged at independence, that stability and lasting solutions will be found. In reaching for this goal, experiences in the past decade have strongly suggested that conflict resolution, demilitarization and the building of civil society will be vital bridges in achieving reconciliation in the country and supporting the creation of the conditions in which democracy can take root and minority rights be truly enjoyed.

Quite how both political and social reforms are achieved is for Burma's peoples to address and the international community to support, but there is a common link in both cases. In December 2001, at the opening ceremony in Kachin state of the Shalom Peace Foundation, the Revd Mar Gay Gyi, a Karen 'peace go-between' and President of the Myanmar Council of Churches, addressed an audience that included ceasefire leaders, community representatives, international aid officials, and Lt-General

Khin Nyunt and government ministers. On the basis of religious teachings, he stressed Burma's need for peace and justice. 'Only if there is justice will there be peace,' he said. 'No peace without justice, no justice without peace.'

And this is the challenge that Burma now faces – the need for the establishment of the rule of law under which all peoples enjoy equal rights and protection. Indeed, this is precisely what SPDC leaders have promised UN organizations that they want to see.<sup>146</sup> But as Mr Pinheiro, the Special Rapporteur on the Situation of Human Rights in Myanmar, warned in November 2001, it is vital that the government does not allow the present 'golden opportunity' to pass: 'Nothing can help better Myanmar than the building of an all-inclusive, accountable and transparent democratic process, which would be able to preserve and consolidate peace, national reconciliation and national unity.'<sup>147</sup>

The warnings from history are very sobering. Failure to achieve peace and breakthroughs now, when all sides say that they are willing and seeking solutions, will only set the stage for future conflicts and injustices that will continue into coming generations.

On 6 May 2002, on the release of Aung San Suu Kyi, the SPDC publicly announced the 'turning of a new page' in history, while Aung San Suu Kyi spoke at a press conference of a 'new dawn for the country'. Burma's peoples will sincerely hope that these expectations are fulfilled.

# Recommendations

## 1. Armed conflict

The military government and armed opposition groups should abide by international humanitarian law, including the fundamental duty to protect civilians at all times. In particular, the illegal laying of mines, use of child soldiers, extrajudicial executions, torture, forced labour and forcible relocation of civilians must be stopped. All parties to the conflict should take immediate steps to end the conflict by engaging in constructive dialogue, using appropriate mediators, that will support the promotion of peace and socio-political reform. A nationwide ceasefire will be essential, to include all ethnic groups and parties.

## 2. Constitutional reform

While MRG welcomes the advent of peace talks, the dialogue between the SPDC and Aung San Suu Kyi, and the release of political prisoners, there is a need for all-inclusive consultations between the military government, NLD and ethnic nationality parties to continue, in unrestricted conditions, where genuine participation of all interested parties is guaranteed. The main focus of these discussions should be the agreement of an inclusive Constitution that will provide a framework for the effective participation of all ethnic, religious and linguistic groups in decision-making processes. In particular, consideration should be given to the many existing models for public participation of minorities, including restoring the ethnic autonomy guaranteed at Burma's independence. The new Constitution should also reflect Burma's ethnic diversity and fully guarantee all human rights, regardless of ethnicity, gender or religion.

## 3. Human rights

Regardless of the status of the peace talks, the authorities should take immediate steps to abolish forced labour in law and in practice, in conformity with the recommendations of the International Labour Organization. Furthermore, the authorities should take action to allow the full enjoyment of all fundamental human rights, including freedom from forced labour, freedom of expression and opinion, freedom of association, the right of political parties to organize, and the right of the media to function independently and free from interference.

## 4. Minority rights

The authorities should guarantee and implement the full range of minority rights, as a means of addressing

the grievances which have lain at the root of the conflict and political instability during the past 50 years. The rights to education and broadcast and print media in minority languages, use of minority languages in public and private, and other forms of expression in minority cultures and languages should be guaranteed. In addition, a legal framework should be created allowing for the right to the communal ownership of land in ethnic minority areas, and for participation in decision-making concerning development, economic programmes and the use of resources.

## 5. Discrimination

The authorities should take immediate steps to put an end to all forms of discrimination, in particular nationality laws that discriminate against ethnic Indians, Chinese or other minority groups on the basis of ancestry or origin. In addition, policies should be implemented to ensure a representative balance of women and men from all ethnic groups in government and administration.

Reforms should also be introduced to put an end to the existing unequal access of women to health services, and to ensure that information concerning reproductive health and HIV/AIDS, including advice on prevention and the public services available, is disseminated in all parts of the country, particularly rural areas. Immediate steps should be taken to put an end to forced labour and the trafficking of women, and to the abuse, trafficking and prostitution of children, in conformity with the recommendations of the United Nations Committee on the Rights of the Child.

## 6. International community

The UN, ASEAN, European Union, bilateral and multi-lateral donors, and non-governmental organizations should continue to support the processes of dialogue, political reform and conflict resolution in Burma. In particular, the victims of conflict or abuse and the poorest and most marginalized sectors of society should be consulted regarding their views on the future of their country. Urgent attention should be paid to issues of immediate humanitarian concern, including narcotics, HIV/AIDS and other health emergencies.

All aid programmes to the country and its peoples should be developed in such a way as to promote the equal participation in development processes and economic life of all ethnic, linguistic and religious groups.

In particular, all states, international organizations and non-governmental organizations should respect the request of the International Labour Organization to cease any activities that could directly or indirectly support the practice of forced labour.

## **7. Countries of refuge**

All countries of refuge, including European states, Australia, Canada, Japan and the USA, should honour their obliga-

tions under the 1951 Refugee Convention and provide sanctuary for refugees fleeing persecution or conflict in Burma. Bangladesh, China, India, Laos and Thailand should ensure that refugees fleeing persecution in Burma are allowed to pass through their borders without hindrance. Under no circumstances should refugees be refouled or returned if their lives or freedom are at risk, a practice which is prohibited under customary international law, regardless of whether the country concerned is a party to the Refugee Convention.

# Abbreviations

AFPFL	Anti-Fascist People's Freedom League
ALD	Arakan League for Democracy
ASEAN	Association of South East Asian Nations
BIA	Burma Independence Army
BSPP	Burma Socialist Programme Party
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CNF	Chin National Front
CPB	Communist Party of Burma
CRPP	Committee Representing the People's Parliament
DKBA	Democratic Karen Buddhist Army
ICRC	International Committee of the Red Cross
ILO	International Labour Organization
KIO	Kachin Independence Organization
KMT	Kuomintang
KNA	Karen National Association
KNPLF	Karenni Nationalities People's Liberation Front
KNU	Karen National Union
KNPP	Karenni National Progressive Party
MNDF	Mon National Democratic Front
MTA	Mong Tai Army
NCGUB	National Coalition Government Union of Burma
NCUB	National Council Union of Burma
NDF	National Democratic Front
NGO	Non-Governmental Organization
NLD	National League for Democracy
NMSP	New Mon State Party
NULF	National United Liberation Front
SLORC	State Law and Order Restoration Council
SNLD	Shan Nationalities League for Democracy
SPDC	State Peace and Development Council
SSA	Shan State Army
SSNA	Shan State National Army
SURA	Shan United Revolutionary Army
UDHR	Universal Declaration of Human Rights
UMEH	Union of Myanmar Economic Holdings
UN	United Nations
UNDP	United Nations Development Programme
UNDCP	United Nations International Drug Control Programme
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNLD	United Nationalities League for Democracy
USDA	Union Solidarity and Development Association
UWSP	United Wa State Party
WHO	World Health Organization





# Relevant international instruments

## United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (Adopted 18 December 1992)

### Article 1

1. States shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity.
2. States shall adopt appropriate legislative and other measures to achieve those ends.

### Article 2

1. Persons belonging to national or ethnic, religious and linguistic minorities (hereinafter referred to as persons belonging to minorities) have the right to enjoy their own culture, to profess and practise their own religion, and to use their own language, in private and in public, freely and without interference or any form of discrimination.
2. Persons belonging to minorities have the right to participate effectively in cultural, religious, social, economic and public life.
3. Persons belonging to minorities have the right to participate effectively in decisions on the national and, where appropriate, regional level concerning the minority to which they belong or the regions in which they live, in a manner not incompatible with national legislation.
4. Persons belonging to minorities have the right to establish and maintain their own associations.
5. Persons belonging to minorities have the right to establish and maintain, without any discrimination, free and peaceful contacts with other members of their group and with persons belonging to other minorities, as well as contacts across frontiers with citizens of other States to whom they are related by national or ethnic, religious or linguistic ties.

### Article 3

1. Persons belonging to minorities may exercise their rights, including those set forth in the present Declaration, individually as well as in community with other members of their group, without any discrimination.
2. No disadvantage shall result for any person belonging to a minority as the consequence of the exercise or non-exercise of the rights set forth in the present Declaration.

### Article 4

1. States shall take measures where required to ensure that persons belonging to minorities may exercise fully and effectively all their human rights and fundamental freedoms without any discrimination and in full equality before the law.
2. States shall take measures to create favourable conditions to enable persons belonging to minorities to express their characteristics and to develop their culture, language, religion, traditions and customs, except where specific practices are in violation of national law and contrary to international standards.
3. States should take appropriate measures so that, wherever possible, persons belonging to minorities may have adequate opportunities to learn their mother tongue or to have instruction in their mother tongue.
4. States should, where appropriate, take measures in the field of education, in order to encourage knowledge of the history, traditions, language and culture of the minorities existing within their territory. Persons belonging to minorities should have adequate opportunities to gain knowledge of the society as a whole.

5. States should consider appropriate measures so that persons belonging to minorities may participate fully in the economic progress and development in their country.

### Article 5

1. National policies and programmes shall be planned and implemented with due regard for the legitimate interests of persons belonging to minorities.
2. Programmes of cooperation and assistance among States should be planned and implemented with due regard for the legitimate interests of persons belonging to minorities.

## United Nations Convention on the Elimination of All Forms of Discrimination against Women (Adopted 18 December 1979)

### Article 6

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

(...)

### Article 11

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(...)

(b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;

(...)

### Article 12

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.
2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

(...)

### Article 14

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.

## United Nations Convention on the Rights of the Child (20 November 1989)

### Article 30

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

(...)

### Article 32

1. States Parties recognize the right of the child to be protected

from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular: (a) Provide for a minimum age or minimum ages for admission to employment; (b) Provide for appropriate regulation of the hours and conditions of employment; (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

### **International Labour Organization Convention concerning Forced or Compulsory Labour (C29) (28 June 1930)**

#### **Article 1**

1. Each Member of the International Labour Organization which ratifies this Convention undertakes to suppress the use of forced or compulsory labour in all its forms within the shortest possible period.

(...)

#### **Article 4**

1. The competent authority shall not impose or permit the imposition of forced or compulsory labour for the benefit of private individuals, companies or associations.

(...)

#### **Article 17**

Before permitting recourse to forced or compulsory labour for works of construction or maintenance which entail the workers remaining at the workplaces for considerable periods, the competent authority shall satisfy itself:

- (1) that all necessary measures are taken to safeguard the health of the workers and to guarantee the necessary medical care, and, in particular, (a) that the workers are medically examined before commencing the work and at fixed intervals during the period of service, (b) that there is an adequate medical staff, provided with the dispensaries, infirmaries, hospitals and equipment necessary to meet all requirements, and (c) that the sanitary conditions of the workplaces, the supply of drinking water, food, fuel, and cooking utensils, and, where necessary, of housing and clothing, are satisfactory ...

(...)

#### **Article 18**

1. Forced or compulsory labour for the transport of persons or goods, such as the labour of porters or boatmen, shall be abolished within the shortest possible period (...).

### **International Labour Organization Convention concerning Freedom of Association and Protection of the Right to Organize (C87) (9 July 1948)**

#### **Article 2**

Workers and employers, without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organization concerned, to join organizations of their own choosing without previous authorization.

# Notes

- 1 Maung Maung, *Aung San of Burma*, The Hague, Martinus Nijhoff, 1962, p. 124.
- 2 The 1989 retitling of Burma as Myanmar by the military government has been the subject of much discussion (see 'Ethnic definitions in Burma', p. 13 in main text). The term is used by the UN but is not common English language usage. In this report, MRG will continue to use Burma for history and consistency, but Myanmar will be employed where quoted by that name.
- 3 An ex-Prime Minister, U Saw, was later tried and executed for the murders. For a more detailed history of insurgent and ethnic politics until the century's end, see, Smith, M., *Burma: Insurgency and the Politics of Ethnicity*, 2nd edn, London, Zed Books, 1999a.
- 4 UN Country Team, *Myanmar: A Silent Humanitarian Crisis in the Making*, Rangoon, 30 June 2001, p. 1.
- 5 *Ibid.*, p. 2.
- 6 Leach, E., *Political Systems of Highland Burma: A Study of Kachin Social Structures*, London, G. Bell and Son, 1954.
- 7 An exception was, Lehman, F., 'Burma: Kayah society as a function of the Shan-Burman-Karen context', in J. Steward (ed.), *Contemporary Change in Traditional Societies*, Urbana, University of Illinois, 1967.
- 8 Silverstein, J., *Burmese Politics: The Dilemma of National Unity*, New Brunswick, NJ, Rutgers University Press, 1980.
- 9 Such groupings should not be considered as definitive or representative of cultural or political identities. For example, the Karen group has also been put by academics in Tibeto-Burmese or Sino-Tibetan as well as 'Karenic' groupings of its own. Similarly, though classified in the Mon-Khmer linguistic group, the Wa of eastern Shan state have little real cultural or historical affiliation with the Mons of lower Burma today.
- 10 'Burman' is usually used in English for the majority ethnic group and 'Burmese' for language, citizenship or other national terms: i.e. an ethnic Shan is a Burmese citizen. Since 1989, the military government has used 'Bamar' instead of 'Burman' and 'Myanmars' for 'Burmese'; see, 'Ethnic definitions in Burma', pp. 12–14 in main text.
- 11 Aung-Thwin, M., 'British "pacification" of Burma: order without meaning', *Journal of South East Asian Studies*, September 1985, p. 245.
- 12 E.g. the casualty figure during riots in 1938 was officially put at 204 killed and over 1,000 injured: Government of Burma, *Final Report of the Riot Enquiry Committee*, Rangoon, 1939.
- 13 Matthews, B., *Religious Minorities in Myanmar: Hints of the Shadow*, monograph, Burma Studies Group, Dekalb, Northern Illinois University, 7 October 1994, p. 1.
- 14 Quoted in Von Der Mehden, F., *Religion and Nationalism in SE Asia: Burma, Indonesia, the Philippines*, Madison, University of Wisconsin Press, 1963, p. 191.
- 15 See e.g. Morrison, I., *Grandfather Longlegs: The Life and Gallant Death of Maj. H.P. Seagrim*, London, Faber and Faber, 1947. For this and following events in 1941–8, see also, Smith, *op. cit.*, 1999a, pp. 60–87.
- 16 Silverstein, J., *Burma: Military Rule and the Politics of Stagnation*, Ithaca, NY, Cornell University Press, 1977, pp. 54–5.
- 17 For a copy of a letter from Aung San to Karen leaders in 1945, promising equal cultural, educational and religious rights 'regardless of race, religion or sex', see Naw, A., *Aung San and the Struggle for Burmese Independence*, Chiang Mai, Silkworm Books, 2001, pp. 249–50.
- 18 *The Times*, 3 March 1962.
- 19 Smith, *op. cit.*, 1999a, pp. 206–12.
- 20 See e.g. *ibid.*, pp. 224–7; and Pettman, R., *China in Burma's Foreign Policy*, Canberra, Australian National University Press, 1973, pp. 36–7.
- 21 Smith, *op. cit.*, 1999a, pp. 258–62.
- 22 *Ibid.*, pp. 276–80.
- 23 For a rare eyewitness account of the struggles in north-east Burma, see Lintner, B., *Land of Jade: A Journey through Insurgent Burma*, Edinburgh, Kiscadale, 1990.
- 24 See e.g. Smith, *op. cit.*, 1999a, p. 16.
- 25 MPs-elect, from other legal parties, ethnic nationalities, peasants, workers, civil servants, intellectuals and specially invited guests.
- 26 Amnesty International, *Myanmar: Prisoners of Political Repression*, London, 2001, p. 1.
- 27 See e.g. UN General Assembly, *Situation of Human Rights in Myanmar: Note by the Secretary-General*, New York, 56th session, 20 August 2001.
- 28 See e.g. ILO, *Forced Labour in Myanmar*, Geneva, 2 July 1998.
- 29 See e.g. O'Shannassy, T., *Burma's Excluded Majority*, London, Catholic Institute for International Relations, 2000.
- 30 *Asia Times*, 13 December 2001.
- 31 Reuters, 2 October 1996.
- 32 See e.g. McCarthy, T., 'Leading God's Army', *Time* (Magazine), 7 February 2000.
- 33 Brown, D., *The State and Ethnic Politics in Southeast Asia*, London, Routledge, 1994, pp. 1, 33–65.
- 34 The armed forces in such countries no doubt possess military 'power', but, under this paradigm, continued military rule is further confirmation of the weakness of state. See Migdal, J., *Strong Societies and Weak States: State-Society Relations and State Capabilities in the Third World*, Princeton, NJ, Princeton University Press, 1988. For a discussion of the Burmese context, see e.g., Smith, M., 'Ethnic conflict and the challenge of civil society in Burma', in Burma Center Netherlands and Transnational Institute (ed.), *Strengthening Civil Society in Burma: Possibilities and Dilemmas for International NGOs*, Chiang Mai, Silkworm Books, 1999b, pp. 20–5.
- 35 Quoted in Naw, *op. cit.*, p. 211.
- 36 This expression has recently been preferred to 'minorities' by many ethnic leaders in Burma: see e.g., Yawngnwe, C.T., 'Burma and national reconciliation: ethnic conflict and state-society dysfunction', *Legal Issues on Burma Journal*, no. 10, December 2001, p. 10.
- 37 National United Party of Arakan, *Arakan Information Homepage*, <[www.rakkhapura.com](http://www.rakkhapura.com)>
- 38 The Government of Kawthoolei, *The Karens and their Struggle for Independence*, KNU Publishing, 1984, p. 3.
- 39 Mon Unity League, *The Mon: A People without a Country*, Bangkok, 1997.
- 40 Houtman, G., *Mental Culture in Burmese Crisis Politics*, Institute for the Study of Languages and Cultures of Asia and Africa, Tokyo University of Foreign Studies, 1999, pp. 137–56.
- 41 For a discussion, see Brown, *op. cit.*
- 42 *Working People's Daily*, 6 August 1991.
- 43 SPDC, *Information Sheet, Yangon, Myanmar*, no. C-2103 (I), 30 January 2002.
- 44 See e.g. *The New Light of Myanmar*, 27 February 1998.
- 45 The ethnic identities of rulers in pre-colonial Burma are, in fact, not always clear. Kingdoms were poly-ethnic and evol-

- ing, so it is questionable how far back modern ethnic identities can be attributed. The kings of Pagan, for example, wrote in several languages, including Mon and Pali as well as Burmese. A comparison would be claims today that King William 'the Conqueror' in eleventh-century Europe was 'French' or 'English' rather than Norman.
- 46 Thant Myint-U, *The Making of Modern Burma*, Cambridge, Cambridge University Press, 2001, p. 254; for a discussion of Buddhism in Burmese politics, see also Min Zin, 'The power of Hpoun', *The Irrawaddy*, vol. 9, no. 9, December 2001.
- 47 Tun Aung Chain, 'Historians and the search for Myanmar nationhood', paper presented at the 16th Conference of the International Association of Historians of Asia, July 2000, Kota Kenabalu, Malaysia, p. 11.
- 48 *Ibid.*
- 49 See note 9.
- 50 For fuller political details, see Smith, *op. cit.*, 1999a. For a more detailed analysis of social and human rights issues, see Smith, M., *Ethnic Groups in Burma: Development, Democracy and Human Rights*, London, Anti-Slavery International, 1994.
- 51 Of the 95 parties that stood in the election, only 10 were still considered 'lawful' by 1996. The rest had been 'deregistered' for a variety of reasons which appeared technical. See Diller, J., 'The National Convention: an impediment to the restoration of democracy', in P. Carey (ed.), *Burma: The Challenge of Change in a Divided Society*, Basingstoke, Macmillan, 1997, pp. 34–5.
- 52 See e.g. US State Department, *1999 Report on Religious Freedom*, Washington, DC, pp. 99–112.
- 53 See e.g. Mya Maung, 'On the road to Mandalay: a case study of the sinization of Burma', *Asian Survey*, vol. 34, no. 5, May 1994, pp. 447–59; MRG, *The Chinese of South-East Asia*, London, 2000, pp. 9–11.
- 54 Burma Citizenship Law of 1982:  
<<http://www.ibiblio.org/obl/docs/Citizenship%20Law.htm>>
- 55 See e.g. Human Rights Watch Asia, *Burma: The Rohingya Muslims: Ending a Cycle of Exodus?*, vol. 8, no. 9, September 1996, pp. 23–33.
- 56 Statement by Mr Paolo Sergio Pinheiro, Special Rapporteur on the Situation of Human Rights in Myanmar, New York, 56th Session of UN General Assembly, 9 November 2001.
- 57 KIO, *Policy Statement*, Pajao, 1987.
- 58 See e.g. KIO, *Collective Endeavour: A Report on Construction Activities in Kachin State*, Pajao, October 1995, p. 2.
- 59 See e.g. Moncreif, J. and Myat, H., 'The war on Kachin forests', *The Irrawaddy*, vol. 9, no. 8, November 2001.
- 60 See e.g. Burma Ethnic Research Group, *Forgotten Victims of a Hidden War: Internally Displaced Karen in Burma*, Chiang Mai, Nopburee Press, 1998; Amnesty International, *Myanmar: The Kayin (Karen) State: Militarization and Human Rights*, London, 1999; Burmese Border Consortium (BBC), *BBC Relief Programme: July to December 2001*, Bangkok, 2002.
- 61 KNU, *Report the Facts: The Yadana Gas Pipeline Construction in Tavoy District*, Mergui-Tavoy, KNU, 1996.
- 62 See e.g. 'An interview with Karenni Evergreen', *Burma Debate*, winter 2001/2002, pp. 11–13.
- 63 Bamforth, V., Lanjouw, S. and Mortimer, G., *Conflict and Displacement in Karenni: The Need for Considered Responses*, Chiang Mai, Burma Ethnic Research Group, 2000, pp. 49–50.
- 64 See e.g. *The Mon Forum*, no. 4, 30 April 2001.
- 65 See e.g. Associated Press, 18 May 2001, which reported the claimed deaths of 50 combatants and the flight of 900 refugees into India.
- 66 See note 51.
- 67 See e.g. *Impact International* (London), 26 May–8 June 1978, pp. 6–8; *The Guardian* (London), 21 November 1978; Rohingya Patriotic Front, *Rohingya-R-Daak: The Call of Rohingya*, vol. 2, no. 3, 1983.
- 68 See e.g. Human Rights Watch Asia, *op. cit.*
- 69 UN General Assembly, *op. cit.*, p. 13.
- 70 See e.g. Amnesty International, *Myanmar: Exodus from the Shan State*, London, 2000; and Shan Human Rights Foundation, *Uprooting the Shan*, Chiang Mai, 1996.
- 71 Carriere, R., 'Responding to Myanmar's silent emergency: the urgent case for international humanitarian relief and development assistance', in, Carey (ed.), *op. cit.*, pp. 209–34.
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