



RE-EXAMINING ETHNIC IDENTITY IN MYANMAR

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INTRODUCTION

Since its independence from Britain in 1948, the country of Burma, also known as Myanmar, has experienced decades of armed conflict focused on issues related to ethnic identity. Over generations, ethnic-based conflicts have produced severe humanitarian and human rights consequences for many, including death and injury, displacement, gender based violence, and a lack of access to basic services. A focus on ethnic categorisation and ethnic identity narratives has also contributed to systems and structures that have institutionalised discrimination against some while allocating benefits and entitlements to others, producing a landscape of deep fractures, inter-group competition, and distrust.

The purpose of this report is to re-examine ethnicity from the perspective of diverse Myanmar stakeholders. Emerging from a closer examination of historical experiences and grievances, this report seeks to uncover the ways that ethnic identity has been used for a variety of political purposes. The objective of this analysis is to bring complex root causes of armed conflict in Myanmar to the surface in order to better consider and identify strategies that address long-standing tensions and violence. The report concludes by considering a range of recommendations aimed at multiple Myanmar stakeholders, including leaders from a variety of ethnic communities, the Myanmar government, and international actors.

By way of introduction, this report will take a closer look at the events and reactions that arose around the inclusion of ethnicity in the 2014 Myanmar Population and Housing Census. This report will not provide a detailed exploration of the census. However, the experience of the 2014 census offers a useful departure point, highlighting a number of deep complexities surrounding ethnic identity in Myanmar. Indeed, the following pages of this report will draw on a number of sources

in order to develop a deeper understanding of why collection of ethnicity data in the 2014 census proved so problematic.

The 2014 Myanmar Population and Housing Census

In 2014, Myanmar undertook its first national census in 30 years. Enumeration was carried out between 30 March and 10 April, led by the Ministry of Immigration and Population¹ with support from the United Nations. The overarching goal of the census was to provide data needed for actors working at different levels to undertake development planning, policy formulation, and service delivery. It took place within a broader context of transition that saw renewed efforts to improve socio-economic wellbeing in a country suffering from widespread poverty, invigorate peacebuilding activities after many years of armed conflict, and support a transition to partial democracy after half a century of military rule.

The census was approached as a technical exercise that would shed light on essential demographic variables such as population density, composition of the population in terms of age and sex, educational attainment, labour force participation, access to housing, sanitation, and transportation, as well as information about fertility and mortality. It was a challenging undertaking in a country that includes populations living in remote communities, including some areas under the control of armed groups. Access to education in Myanmar varies widely, and in many communities the national language, Myanmar, is not a first language, or spoken at all. Additionally, communities to be enumerated were in a process of emerging from years of military rule. In this context, questions regarding basic socio-economic indicators provoked deep suspicion among many.

¹ The Ministry of Immigration and Population would become the Ministry of Labour, Immigration and Population (MOLIP) after the 2015 elections.

It was also an exercise that provoked widespread confusion. Households were familiar with the longstanding practice carried out by the Ministry's Department of Immigration (DoI) to collect household registration lists, and had difficulty distinguishing between that process and a census.² Furthermore, the census was scheduled to take place approximately 18 months prior to the 2015 elections, and some assumed that the data collection was directly related to election preparations.

However, some of the strongest reactions to the 2014 census emerged around collection of data on religion and ethnicity. The inclusion of questions on religion and ethnicity sparked deep controversy and concern, pointing to the profound sensitivities surrounding these two aspects of identity in the Myanmar context. Collection of religious data generated anxiety that census results might further damage already tense intercommunal relations. Collection of ethnicity data provoked deep opposition from many different communities due to concerns about how ethnic groups would be categorized and what political determinations would be made on the basis of the data. Many stakeholders from Myanmar's

² Household registration provides a record of all individuals residing in each household in Myanmar. Confusion between the two processes was exacerbated by the fact that the same name was used to refer to both: *de gaung sa yin*, or "midnight count". Collection of the household registration is carried out by the Department of Immigration. It is compulsory and, historically, the collection of ethnicity data as part of the household registration process has not been carried out using the principle of self-identification (e.g. respondents may be asked to present documentation as proof of their ethnic identity). By contrast, the census exercise was carried out under the Department of Population, and, except for those who self-identified as Rohingya, collection of ethnicity identity data (or *lumyo*) was conducted under the principle of self-identification. Both the Department of Immigration and the Department of Population are within the Ministry of Labour, Immigration and Population.

non-Bamar³ communities were deeply opposed to the government's use of a controversial list of 135 national races to classify ethnic categories.

Friction came to a head during the enumeration period when violent protests broke out in Rakhine State in reaction to the prospect that, under the principle of self-identification, respondents would be allowed to self-identify as Rohingya. In an effort to avert further escalation of violence, the government then announced that respondents would not be enumerated if they self-identified as Rohingya, leaving much of the population of northern Rakhine out of the census. In addition, some parts of Kachin State and Kayah State remained unenumerated as it was not possible for the government and some local armed actors to agree on a process for the enumeration exercise to go forward in certain areas under the control of Ethnic Armed Organisations (EAOs). Notably, in some other areas under armed group control the enumeration went forward and collaboration in these areas between the government and the relevant armed groups was successful.

While challenges related to unenumerated areas were noted, a team of international observers reported that the quality of the overall enumeration was quite high.⁴ Provisional results from the census were available in August 2014, followed by a release of the main results in May 2015. Beyond detailed results for each state and region, a series of thematic reports were

³ The ethnicity of the majority population in Myanmar is often referred to by the Anglicised name "Burman". The British colonial administration also used the term "Burma" to describe the territory that it came to control over the course of the 19th-century. Out of respect for the principle of self-identification, this report will refer to majority ethnic group in Myanmar as *Bamar*. More attention will be devoted to issues around naming in subsequent pages.

⁴ See *Findings of the Census Observation Mission: An Overview*. (2014).

produced that looked at key aspects of socio-economic development in greater detail.⁵

Data that required additional processing was not released as part of the May 2015 main results. This included data on occupation, industry, religion, and ethnicity, all categories that necessitated additional coding. In July 2016, data on occupation, industry, and religion were released, but data on ethnicity was not released. Beyond additional coding, government officials explained the non-release of ethnicity data by highlighting its sensitivity and ongoing uncertainty around classification.⁶ At the time of writing, the Myanmar government had not yet reached a decision on releasing ethnicity data from the 2014 census.

The Myanmar government's Ministry of Labour, Immigration and Population (MOLIP) and the United Nations Population Fund (UNFPA) have jointly published a wide array of materials describing all stages of the census. In addition to census reports, these materials share information on topics such as findings by the Census Observation Mission, steps taken to ensure accuracy, steps involved in data processing at the census office, post-enumeration activities, and a list of frequently asked questions.⁷ At the same time, a number of reports and articles have been published that include detailed criticism of the 2014 census.⁸ The main focus of criticism has

⁵ A wide array of reports and infographics derived from the census are publicly available at www.dop.gov.mm and <http://myanmar.unfpa.org/census>.

⁶ See *Fresh delays for census data over stability fears*, by Pyae Thet Phyo, *The Myanmar Times*, 24 February 2016, and *Census, ethnicities discussed at Amyotha Hluttaw*, *The Global New Light of Myanmar*, 22 February 2018, and *Questions and Answers about Myanmar's Census*. (2014), p. 18.

⁷ These materials are publicly available in Myanmar and English at www.dop.gov.mm and <http://myanmar.unfpa.org/census>.

⁸ For example see *Ethnicity without Meaning, Data without Context*. (2014),

centred on the effort to collect religious and ethnicity data, as well as doubts about data accuracy.

This Report

In response to the reactions and controversy that emerged around the 2014 census, UNFPA convened a small team of national and international researchers to look more closely at sensitivities related to data processing, analysis, release and dissemination of census data. This work took place over several years. From the period of July 2016 to June 2018, the work of this small team focused exclusively on concerns related to census ethnicity data. Consultations conducted by the UNFPA team revealed the deep rooted concerns, frustration, and grievances related to the everyday experience of ethnic identity in Myanmar. It is these larger systemic issues related to assumptions and narratives surrounding ethnicity in Myanmar that constitute the main focus of this report.

Beyond reflections emerging from the work of the UNFPA team, this report draws on a series of interviews that were conducted during late 2018. Interviews took place in Mai Ja Yang (in Kachin State and under the control of the Kachin Independence Organisation), Mae Sot (a border town in Tak province, Thailand, and location for many NGO offices, and also administrative offices for the Karen National Union), and Sittwe in Rakhine State.

It is important to note the limitations of this report and the need for additional research and analysis. For instance, the focus here is on the issue of ethnic identity, with very little exploration of the ways that religious identity is often intrinsically bound up in ethnic identity. This was a fact that was often noted in community consultations as discussions about ethnic identity (*lumyo*) often triggered

Counting the Costs: Myanmar's Problematic Census (2014),
Ferguson, J. M. (2015), and
Callahan, M. (2017).

conversations that focused on religious identity. Furthermore, many authors have noted that, for instance, Buddhism plays a central role in *Bamar* culture as reflected in the phrase “To be Burman is to be Buddhist.”⁹ While the linkage between ethnicity and religion was often a part of the team’s conversations, this report will make an artificial distinction by primarily considering views on ethnicity. The research team notes that with more time and resources it would be highly beneficial to expand the analysis in this report to include perspectives on religious identity.

Also, the research team would like to emphasize that this report is in no way intended as a critique of the experience of ethnic identity in Myanmar, or any particular ethnic group. Ethnic identity represents a rich form of social capital. It can be used to build ties and cohesion within and between communities, strengthening social networks and giving rise to rich traditions. Indeed, ethnic identity is an aspect of human experience that should be recognized and celebrated. The concern that has motivated the production of this report is not the experience of ethnic identity, but the instances when ethnic identity has been used to justify the allocation of benefits and privileges to some and the practice of discrimination and exclusion towards others.

Report Overview

This report is not intended to provide an in-depth, authoritative overview of ethnic identity in present-day Myanmar. Many excellent resources exist on these topics – several of which are cited. Instead, it provides a snapshot of the main themes related to ethnicity that arose over the course of community consultations and interviews. The focus of this analysis is to consider the ways that narratives and assumptions around ethnic identity have been constructed over time, and used as the basis to allocate

benefits to some and enforce discrimination against others. These themes are explored through an examination of Myanmar’s historical context. Thus, Chapter 1 provides a brief overview of Myanmar history from the precolonial period up until the adoption of the 2008 Constitution, with a particular focus on practices around ethnic categorisation and the emergence of the concept of *taingyintha*, or “national races.”

Building on this historical background, Chapter 2 undertakes a closer examination of ethnic identity narratives that were identified through consultations and interviews. The chapter goes on to consider how these assumptions regarding ethnic identity were institutionalised in the 2008 Constitution. From this point, the report goes on to consider ongoing dilemmas surrounding ethnic identity in Myanmar’s current transition process with a particular focus on the peace process, including the national political dialogue process and contrasting views of federalism, as well as the ongoing experience of armed and intercommunal violence.

The second half of the report explores these issues with reference to three case studies: one focused on Kachin ethnic identity, one on Arakanese ethnic identity, and one on Karen ethnic identity. The case studies provide additional historical background aimed at grounding the views raised by meeting participants and community stakeholders. The case study on Kachin identity focuses on the tensions between maintaining unity while allowing for diversity in a context of chronic insecurity. The Arakanese case study examines perspectives from within the Arakanese community in order to better understand the complex root causes that contributed to the 2017 crisis in Rakhine State. Finally, the Karen case study considers opportunities and challenges associated with participation in the peace process and the impact that the peace process has had on engagement around group diversity.

⁹ Walton, M. J. (2013), p. 7.

It should be noted that case studies are not intended to portray a unified or consensus view emerging from any of the three communities that are explored. Indeed, interviews and consultations sought to draw out a diversity of perspectives from each community, and the research team fully acknowledges that it is not possible (or helpful) to convey perspectives of an ethnic community as being monolithic.

The concluding section summarises the key challenges outlined in preceding chapters and case studies. This summary provides the basis for consideration of priority areas for further engagement for actors inside and outside the country as they begin to build new approaches to ethnic identity in the Myanmar context.

Names of Places and Peoples

Names of places and peoples are particularly controversial in Myanmar. Disagreement arises as a result of contested historical narratives and divergent political perspectives that names convey. The name controversy that is probably best known is the disagreement around how to refer to the country itself – “Burma” or “Myanmar”? Another serious disagreement has emerged around whether or not to refer to the Muslim community that has lived in northern Rakhine State as “Rohingya.”

The purpose of this report is not to determine the accuracy or legitimacy of particular names. However, this study arises out of an exercise of carefully listening to diverse voices in order to better understand and share a range of perspectives and experiences. As part of this process, it is important to accord respect to different groups and refer to them by their chosen name. Likewise, it is an important sign of respect to recognise and use the official place names designated by sovereign authorities.

Therefore, this report will refer to groups of people using the name that group favours in articulating their identity.¹⁰ Leaders of non-*Bamar* ethnic groups have rejected the designation of “ethnic minorities” and instead prefer “ethnic nationalities”. This identification has been chosen as it captures the sense of non-*Bamar* groups forming their own nations with distinct heritage and cultural identity, and avoids any suggestion that they constitute insignificant, marginalised groups.

This same approach of naming groups and people according to the terms by which they self-identify will be used for other specific communities featured in this report:

- Members of the largest ethnic community living in Rakhine State: Arakanese
- Members of the country’s majority ethnic community: Bamar
- Members of the ethnic community associated with Kayin State: Karen
- Members of the Muslim community who have lived in northern Rakhine: Rohingya

The report will use the following approach for place names, shifting names as appropriate according to the historical period under discussion:

Prior to 1989:	After 1989:
Burma	Myanmar
Arakan Stat	Rakhine State
Irrawaddy Division/River	Ayeyawady Region/River
Karen State	Kayin State
Karenni State	Kayah State
Pegu Division	Bago Region
Rangoon Division	Yangon Region
Tenasserim Division	Tanintharyi Region
Salween River	Than Lwin River

¹⁰ Again, the research team notes that, even within a group that shares the same identity, there can be a difference of views on how the group refers to itself. This report uses the name that most community stakeholders used in their own process of self-identification, noting that this does not mean that all members of a group self-identify in the same way.

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List of Acronyms

AA	Arakan Army	KNLA	Karen National Liberation Army
ABSDF	All Burma Students' Democratic Front	KNU	Karen National Union
AFPFL	Anti-Fascist People's Freedom League	KNU/KNLA-PC	KNU/KNLA Peace Council
ANP	Arakan National Party	KPF	Karen Peace Force
ALD	Arakan League for Democracy	KSDP	Kachin State Democratic Party
ALP	Arakan Liberation Party	KSP	Kachin State Progressive Party
ARSA	Arakan Rohingya Salvation Army	KUPC	Karen Unity and Peace Committee
BGF	Border Guard Force	LDU	Lahu Democratic Union
BIA	Burma Independence Army	MOLIP	Ministry of Labour, Immigration and Population
BRI	Belt and Road Initiative	MNDAA	Myanmar National Democratic Alliance Army
BSPP	Burmesa Socialist Programme Party	NCA	Nationwide Ceasefire Agreement
CDNH	Center for Diversity and National Harmony	NCCT	Nationwide Ceasefire Coordination Team
CMEC	China-Myanmar Economic Corridor	NDA	National Democratic Alliance Army, or Mongla Army
CNF	Chin National Front	NDA-K	New Democratic Army-Kachin
CPB	Communist Party of Burma	NGO	Non-Governmental Organisation
CSC	Citizenship Scrutiny Card	NLD	National League for Democracy
Dol	Department of Immigration	NMSP	New Mon State Party
DKBA	Democratic Karen Buddhist Army	NRAM	National Race Affairs Minister
EAOs	Ethnic Armed Organisations	NRPC	National Reconciliation and Peace Centre
FPNCC	Federal Political Negotiation and Consultative Committee	NUPA	National United Party of Arakan
GAD	General Administration Department	PNLO	Pa'O National Liberation Organization
IDPs	Internally Displaced Persons	PNO	Pa'O National Organisation
KBC	Kachin Baptist Convention	PPST	Peace Process Steering Team
KDA	Kachin Defense Army	RCSS/SSA	Restoration Council of Shan State/Shan State Army
KIA	Kachin Independence Army	RNDP	Rakhine Nationalities Development Party
KIC	Kachin Independence Council		
KIO	Kachin Independence Organization		
KMT	Chinese Nationalist Kuomintang Forces		
KNA	Karen National Association		

RRF	Rebellion Resistance Force
SAAs	Self-Administered Areas
SEZ	Special Economic Zone
SLORC	State Law and Order Restoration Council
SNA	Shan-ni Nationalities Army
SNLD	Shan National League for Democracy
SPDC	State Peace and Development Council
SSA-N	Shan State Army-North
TNLA	Ta'ang National Liberation Army
UEC	Union Election Commission
ULA	United League of Arakan
UNFPA	United Nations Population Fund
USD	US Dollar
USDP	Union Solidarity and Development Party
UWSA	United Wa State Army

CHAPTER 1

Historical Overview

As a departure point for exploring ethnicity in Myanmar, this report will use a chronological historical approach to better understand some of the developments that came to shape narratives, views, attitudes, and assumptions regarding ethnicity. This introductory overview is by no means an exhaustive account of Myanmar history or cultural context. However, it will outline some key aspects related to geography and history that bear consideration when reflecting on how views and narratives surrounding ethnicity have evolved over time.

Any political or conflict analysis of Myanmar needs to consider the geography that has shaped the physical world in which communities live, as well as the historical events that have underpinned the relationships between individuals and communities. Myanmar finds itself tucked between two massive neighbours, with the Indian subcontinent to its west and China looming to its north. Present-day Myanmar also shares a long border with Thailand (to the east and southeast), a short border with Laos (along the easternmost portion of Shan State), and a relatively small border area with Bangladesh (in northern Rakhine). Thousands of miles of coastline on its southwest border have provided ports for seafaring communities and formal and informal commercial ventures that have thrived over centuries. To the north, an archway of hills and mountains stretches towards the foothills of the Himalayas. From these highlands, two parallel mountain ranges – the Pegu Yomas and the Arakan Yomas – extend into central Myanmar towards the Ayeyawady Delta. In the cradle of these mountains and hills a dry, hot plains area opens southwards into a broad low-lying delta that pours out into the Bay of Bengal. Lower-lying areas, particularly the Ayeyawady delta, have been associated with wet rice agriculture since the nineteenth

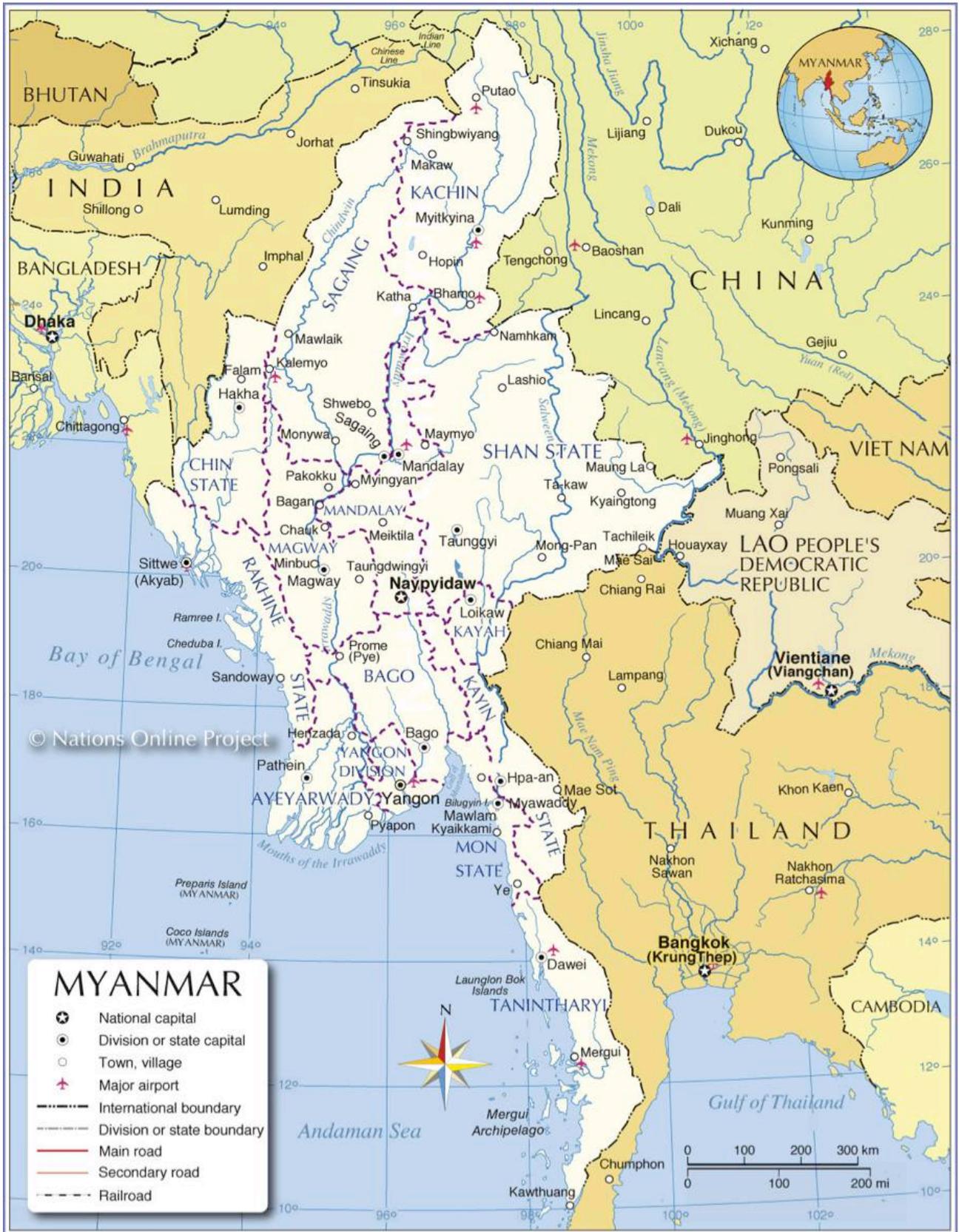
century. Further north, Myanmar's mountainous areas have been home to a myriad of different communities, traditionally living in small, isolated mountain villages and practicing rotational farming.

As in other parts of the world, accounts of Myanmar's history are far from neutral. In the case of Myanmar, it is essential to consider how varied historical narratives have shaped present day perspectives surrounding ethnic identity. An examination of events from Myanmar's pre-colonial past, and the interplay between historical developments and the country's physical geography, provides important insights into the country's current context.

The Era of Hero-Kings: dominant historical narratives and alternative views

Textbooks in government schools reflect a standard historical narrative that recounts central events in Myanmar's past.¹¹ The account emphasises the key role of three great hero-kings. Anawrahta, Bayinnaung, and Alaungphaya are depicted as the three kings that united the territory that would come to be Burma and gave rise to Burmese culture and civilization.

¹¹ For more discussion see Salem-Gervais, N. (2018). *Teaching Ethnic Languages, Cultures and Histories in Government Schools today: Great Opportunities, Giant Pitfalls? (Part I)*.



King Anawrahta is said to have unified territory leading to an expansive kingdom that included much of the territory of modern-day Myanmar and beyond. During the era of Anawrahta and subsequent kings, Buddhism was adopted from the earlier Mon civilisation and established as the dominant religion, with the capital Pagan (now Bagan) becoming a centre of Buddhist thought and the site of splendid pagodas and temples.

Following a period of decline, including invasion by Mongol forces, King Bayinnaung emerged as a new ruler during the fourteenth century, establishing the Toungoo dynasty. Bayinnaung led Burmese-speaking forces from Toungoo to overthrow the Mon kingdom that had re-emerged at Pegu and extended his kingdom to include almost all of modern day Myanmar, as well as reaching into neighbouring kingdoms in what are today Laos, Vietnam, and Thailand. He is often depicted as a strong soldier-king whose leadership unified a territory that was otherwise prone to fragmentation.

By the sixteenth century, the kingdom established by Bayinnaung's dynasty had greatly contracted and his descendants were facing renewed threat from a revival of the Mon kingdom to the south. A new leader, named Alaungpaya, emerged in the eighteenth century and led forces to retake considerable territory. Pegu was taken in 1757 and, famously, Alaungpaya led his troops to take the Siamese capital of Ayutthaya ten years later, burning it to the ground. Alaungpaya's rule established the Konbaung dynasty that would remain in power until the period of British colonisation.

Since Burma's independence, this golden era of Bamar kings has frequently been invoked as part of a historical narrative that celebrates an expansive view of Burmese territory, power and culture. It is a story that emphasizes unity, celebrates a martial culture, and justifies strong and centralized power over a territory inhabited by diverse communities, some living

in remote locations. As such, the hero-king narrative in Myanmar has been employed in an effort to build a sense of national identity or, in the words of Benedict Anderson, an "imagined community" generating loyalty and patriotism.¹²

Alternative views of Myanmar's history and critiques of this nation-building approach have emerged from several vantage points. One critique points to the great diversity of peoples and cultures, all with their own histories and stories of heroes, that overlapped with periods of Burmese-dominated history and are treated only in passing in the above narrative. The historical focus on Anawrahta, Bayinnaung, and Alaungpaya as glorious victors and the founders of Burma leaves little room to consider other significant non-Bamar polities and historical heroes. One of the most obvious examples is that of the Mon kingdoms in lower Burma, rivals to the Bamar kings.

Situated around strategically important Pegu (located close to the Sittaung River in present-day Bago), the Mon kingdom enjoyed its own golden era and saw periods of great prosperity. The Mon language spread widely, and Mon merchants traded with faraway markets across the Bay of Bengal. The Mon kingdom was a centre of Buddhist thought, playing a key role in the fifteenth century Theravada Buddhist revival in Southeast Asia. The work of Mon architects can still be seen in parts of Thailand and Myanmar today, including at Bagan. All three of the Burmese hero-kings fought wars against Mon kings, with Alaungpaya's capture of Pegu in 1757 bringing a final end to the Mon kingdom.

The dominant Burmese historical narrative also leaves little room for recounting the rule of the Arakan kingdom during the fourteenth and fifteenth centuries in what is now Rakhine State.

¹² Anderson, B. R. (1983).



Buddhist Temple in Mrauk-U, Rakhine State
Photo credit: Zabra Yu Siwa

Orienting itself towards the sea with the ridge of the Arakan Yomas at its back, the Arakan kingdom was ruled from Mrauk-U and, at its height, its borders extended along coastal Bengal to the west, towards Pegu to the east. The Arakan people shared a common language with their Bamar neighbors and practiced Buddhism. But the kingdom, situated on the Indian Ocean, was also remarkably international and cosmopolitan. The kingdom included a Muslim minority and Mrauk-U served as home to people from Arakan, Holland, Portugal, Bengal, Burma, Afghanistan, Persia and elsewhere.¹³ The Arakan kingdom was defeated under the rule of Alaungpaya's son, Bodawpaya.

Another alternative view that contrasts with the dominant Burmese historical narrative focuses on geography. It points to the myriad of diverse communities, especially those living in more remote hill areas, and raises doubts about the unitary and absolute nature of rule by the ancient Burmese kings.

James C. Scott has articulated this focus on geography in his 2009 book *The Art of Not Being Governed*. Scott asserts that ancient kingdoms, in what became modern-day Myanmar (as well as other parts of Southeast Asia), were dependent on labour-intensive wet rice agriculture as a food supply. These

¹³ Myint-U, T. (2006) pp. 72-74, and Myint-U, T. (2001) p. 14.

agrarian states encountered a significant challenge when their boundaries moved beyond easy reach of rice production. Scott has described highland areas (as well as swamps) as creating a “friction of terrain” where wet rice agriculture cannot easily be practiced but also transportation networks prevent the grain from being used to sustain the military forces necessary to maintain political control. In Scott's view, challenging terrain – whether it be the hills of the Pegu Yoma, swampy areas of the Irrawaddy Delta, the hills of Karen State, the rugged terrain of Shan State, or the remote mountains of Nagaland – offered a refuge from the central state and its demand for labour, taxes, and goods. This analysis raises questions about the extent to which periphery areas truly came under the control of a central state. It offers an alternative view that challenges the narrative of the absolute power of Bamar kings.¹⁴

The campaigns and soldiers of the great hero-kings may have traversed remote areas that today constitute the borderlands of modern-day Myanmar, but this analysis suggests that control by the central state steadily decreased at greater distances and elevations from the state centre. As a result, communities such as the Shan enjoyed higher levels of autonomy under the rule of a local prince or *sabwa*. However, the Shan princes also faced the challenge of geography, and communities of Palaung/Ta'ang, Pa'O, Lisu, Wa and others could easily exceed the reach of the local *sawbwa* in even more remote communities.¹⁵

Beyond the degree of the true political reach of the central state, the analysis of Scott and others raises questions about the degree to which communities, living in what constitutes modern-day Myanmar, experienced ethnicity as a fixed and ascribed identity. In his famous ethnography, *Political Systems of Highland Burma*, Edmund Leach notes tremendous fluidity between communities in northern

¹⁴ Scott (2009).

¹⁵ *Ibid.* p. 252.

Burma.¹⁶ Victor Lieberman also highlights that during the pre-colonial era, among those living in central Burma and the Irrawaddy Delta, ethnic identity would fluctuate between Bamar and Mon communities depending on patron-client relationships and the ascendancy of different centres of power.¹⁷ Scott likewise highlights the porousness of ethnic identity as communities, especially those in mountainous areas, were able to absorb those seeking refuge and fleeing the control of the central state.

Given the apparent fluidity of ethnic identity prior to colonisation, it is essential to look at Burma's colonial experience and British systems of administrative control to further understand the emergence of a fixed and essentialised notion of ethnic identity.

British Colonial Rule

During the nineteenth century, Britain fought three wars against the Bamar Konbaung kings (the descendants of King Alaungpaya). The First Anglo-Burmese War (1824-26) resulted in the British annexation of Arakan and Tenasserim. The Second Anglo-Burmese War (1852) gave Britain control of Lower Burma. The Third Anglo-Burmese war culminated in the surrender of King Thibaw in 1885 and saw the establishment of British rule over all territory previously controlled by the Konbaung dynasty.

As Martin Smith highlights in his chapter "Ethnic Politics and Citizenship in History," Myanmar military leaders have often harkened back to the days of the hero-kings of the eleventh to eighteenth centuries to create a unifying narrative. But any consideration of current national politics in Myanmar needs to also carefully consider the profound impact and legacy of British colonialism.¹⁸ In his article "The British 'Pacification' of Burma: Order Without Meaning," Michael Aung-

¹⁶ Leach (1954).

¹⁷ Lieberman, V. B. (1978).

¹⁸ Smith in South, A., & Lall, M. C. (2018) p. 31.

Thwin notes that British colonial rule imposed arbitrary administrative systems and structures that sought to create meaning and order as new colonial rulers confronted complexity and resistance. He notes that the consequences of this approach are still felt today.¹⁹

Political Administration Under Colonial Rule

Following the British annexation of Burma in 1885, the administrative system of the new colonial power sought to cope with the "friction of terrain" in a very explicit way. A separation was made between Ministerial Burma (also known as Burma Proper), and the Frontier Areas. In terms of geography, Ministerial Burma included the lowlands and valleys, mostly occupying the central and southern areas of the country. By contrast, the Frontier Areas consisted of the archway of highland hills and mountains to the west, north and east.

The separation resulted in very different administrative systems and structures. A strong centralized state was established in Ministerial Burma, where the power of local leaders was curtailed. By contrast, in the Frontier Areas local leaders and local political systems (at least as understood by the British) were left intact, under a system of indirect rule practiced elsewhere in the British Empire (e.g. in colonial India). In exchange for loyalty and regular payment of taxes, leaders in the Frontier Areas enjoyed a high level of autonomy.²⁰

This dual approach reflected Britain's key interest in its newest colonial expansion: rice production for export. This necessitated imposing strict control over the rice producing areas of central Burma, while the highlands, being remote and difficult to access, and not yet a source of key export products, were of less interest (although highland teak and other hardwoods were always valued). The

¹⁹ Aung-Thwin, M. (1985) p. 247.

²⁰ Smith in South, A., & Lall, M. C. (2018) p. 32.

two-track system of administration not only had an impact on how maps and boundaries were drawn up; it also meant that the experience of state power and control was very different for communities living in Ministerial Burma than those living in the remote hills of the Frontier Areas. The experience of having different areas of the country under different forms of administrative control would have a profound impact on the country beyond the colonial period and into the present era.

Ethnic Classification Under Colonial Rule

Beyond the imposition of administrative systems and structures, British colonialism also introduced the concept of classifying people according to ethnicity. Based on nineteenth century understandings of European history and society, ethnic classification became a guide to help colonial rulers understand and manoeuvre the complex diversity they encountered among populations living within the boundaries of their new colonial territory.

One key concept related to ethnic categorisation in Myanmar came from the British colonial administrator and scholar, J.S. Furnivall. In his writings, Furnivall described Burma as a “plural society,” in which different ethnic communities might engage with each other in the marketplace, but not combine. In Furnivall’s view, groups might live side by side, but would remain separate.²¹

Scholars have pointed out that in Furnivall’s characterisation of Burma, and other Southeast Asian countries, the degree to which groups remained separate was exaggerated. Also, it has been noted that he, and others in the British administration, imposed systems of categorisation that had little meaning to the groups under British rule.²² Indeed, authors such as Robert Taylor have noted that the imposition of a set

classification system reflected Western assumptions that the ascribed trait of ethnicity was a central element in identity, and necessarily produced antagonism between different groups.²³ A variety of historians and researchers have argued that this assumption was false and unhelpful, as it represented a departure from more fluid and dynamic pre-colonial relationships. Ashley South puts forward the perspective that ethnic identity existed during the pre-colonial era but that other elements – particularly where individuals and communities found themselves in terms of paying tribute to a central authority – were equally important in forming individual and group identities.²⁴

Thus, one of the deepest remaining legacies of the British colonial period in Burma was not simply the imposition of a bureaucratic system that applied different administrative approaches in different geographic areas. The bureaucratic system was accompanied by the development of an imposed categorisation, which had profound consequences for the future. It was assumed that these categories represented innate and fixed qualities that associated particular groups, or “races” (the term commonly used by the British at the time), with certain territorial boundaries, and supposed racial characteristics.²⁵

While reflecting on the practice of categorisation and ethnic essentialisation (the positing of fixed racial characteristics) under British colonial rule, it is important to also acknowledge that ethnic identity and the sense of communal belonging are authentic experiences in any community. Thus, while categories imposed by the British may have been quite arbitrary, this does not imply that the experience of ethnic identity is not genuine. Indeed, multiple generations have taken on these categories and made them their own. As such, ethnic identity has much

²¹ Furnivall, J.S. (1939).

²² Lee, H. G. (2007).

²³ Taylor, R. H. (1982).

²⁴ South, A. (2008) p. 4.

²⁵ Ferguson, J. M. (2015) p. 5

to offer in terms of rich cultural traditions and practices.²⁶

As suggested in the introduction, the most problematic aspect of ethnic identity is how imposed categories were used to treat different groups differently, and the long-term consequences of this divisive approach. For instance, as was the practice in other British colonies, the British administration encouraged specific ethnic/racial groups to play particular roles. As a result, groups such as the Karen, the Kachin or the Chin, which the British identified as “martial races,” often performed military functions. Also, the Karen were frequently selected to carry out administrative functions, as were immigrants from British India.²⁷

Beyond giving preferential treatment to certain national groups from within Burma, immigration from India was actively encouraged. Thousands of Indian troops were relocated to Burma to perform security functions. Workers were imported and came to settle in Burma’s main cities, and civil servants from India were brought in to carry out senior civil servant positions. Seasonal labourers also moved from Bengal to work in rice production. They would come to establish permanent homes in northern Arakan.²⁸

As a result, the territory that was brought under colonial administration would come to be what Will Kymlicka describes as both a multinational state and a polyethnic state. As a multinational state, the boundaries of colonial Burma would include pre-existing, self-governing “national minorities” with their own language, culture, and territory or homeland. However, Burma also emerged from colonialism with significant immigrant communities, forming what Kymlicka describes as a polyethnic state.²⁹

²⁶ South, A. (2008) p. 4.

²⁷ Taylor, R. H. (1982) p. 14, and Callahan, M. P. (2003) p. 35.

²⁸ Leider in South, A., & Lall, M. C. (2018) p. 195.

²⁹ Kymlicka, W. (1995) pp. 11-14.

Thus, the colonial period would have a significant impact on views and narratives surrounding ethnic identity in Burma. Colonial rule formalized a practice of delineating and applying different administrative approaches to different parts of the country, through the creation of Ministerial Burma and the Frontier Areas. While this administrative approach was originally established to extract the greatest economic surplus possible from the lowlands, it was accompanied by the imposition of a classification framework intended to help colonial rulers understand the complexity of Burma. Complexity in the colonial state only increased as communities that had occupied territory for centuries and those that had come to settle more recently were bound together under British rule.

As a result, by the time Burma approached the end of the colonial period, “ethnicity had become a defining category of political orientation.”³⁰ Ethnic identity and ethno-nationalism provided a tool that could be used to mobilize communities around efforts to shape the post-independence period.

World War II and Independence

A Burmese independence movement in opposition to British rule emerged prior to the Second World War. Bamar political leaders from Burma’s central lowlands led the movement and articulated their desire for independence emerging out of grievances produced from the experience of strict centralized rule in Ministerial Burma. They sought to establish an independent nation where state authority would extend into the periphery, abolishing the boundaries and different levels of autonomy between the centre and highland areas of the country.

While seeking an end to colonial rule, many nationalist leaders also felt deep resentment towards non-Bamar groups that had integrated into the colonial structures. For

³⁰ South, A., & Lall, M. C. (2018) p. 4 (emphasis added).

instance, South recounts how members of the Bamar population resented the Karen whom they saw as being disproportionately represented in the colonial administration system. Karen forces had been used by the British against the Bamar as far back as the First and Second Anglo-Burman wars, while later Karen security forces were used to suppress Bamar nationalist campaigns. The result was that many within the nationalist independence movement saw the Karen as collaborators and supporters of the British.³¹

At the same time, communities in Burma's highlands and border areas had not experienced the restrictions of centralized colonial rule. Among elites from non-Bamar communities, many had experienced a degree of patronage under British administration. They saw the nationalist independence movement as a potential threat to their long-established autonomy. Leaders from these communities came to articulate their own interest in independence, but their vision for the future did not necessarily share the Bamar nationalist desire for a strong unitary state. Instead, many saw independence as potentially offering an opportunity to make gains for their own communities, and, as was the case for independence leaders in central Burma, leaders from ethnic nationality communities came to see their own ethnic category as a key to mobilize and advocate for political rights: "[C]olonial rule fostered the emergence of self-consciously distinct ethnic minority groups, who were encouraged to identify themselves in opposition to the Burmese majority."³²

The Second World War

Such were the dynamics emerging out of the 1930s at the onset of the Second World War. With Japanese expansion into Southeast Asia, a group of Bamar independence leaders, who came to be known as the "Thirty Comrades," left Burma and connected with Japanese

forces. They were provided with political and military training, which prepared them to reenter Burma and seize control as British colonial powers retreated to India. Following Japanese forces, the independence leader, General Aung San, led the newly formed Burma Independence Army (BIA) across the border of Siam and into Burma in December 1941. The collapse of British rule in Burma, along with the invasion by Japanese forces, and the entrance of the BIA, was a period of tremendous upheaval and violence that would leave its mark on the country well beyond the war years. Again, ethnic identity, resentment, and suspicion would play a significant role in the experience of different communities.

In contrast to the BIA, some non-Bamar ethnic groups maintained their allegiance to the British during the war, and Kachin, Karen, and Karenni militias carried out daring raids against Japanese forces. At the same time, as BIA troops entered Burma, long-standing resentment towards ethnic nationality communities fuelled terrible atrocities against non-Bamar villages. Well-documented massacres took place in the Irrawaddy Delta, Tenasserim, and the Karen hills.

In 1942, further to the west, as British forces retreated to India, but before Japanese forces had established control, a series of events occurred in the Arakan region, leaving a deep scar on communities that remains to this day. In contrast to the violence that took place in the southeast, events in Arakan were not well documented. As a result, the exact chronology, the number of deaths, the number of homes destroyed, the exact role of BIA forces, and the level of overall displacement related to these events is not clear. However, it is clear that serious communal violence – violence against Muslims carried out by Arakan Buddhists in the south, and violence against Arakan Buddhists carried out by Muslims in the north – resulted in many deaths and a significant movement of people between Maungdaw and Buthidaung in the north and districts further

³¹ South (2008) p. 12.

³² South (2008): p. 12 (emphasis added).

south. The result changed where people lived and created divisions based on ethnicity that had not previously existed in the same way in Arakan.³³

Under the Japanese, the BIA was allowed a leadership role in the wartime regime and they proceeded to use the opportunity to develop and implement their vision of nationhood. In an approach reminiscent of the practice of King Alaungphaya in the mid-eighteenth century, they promoted the idea of a unitary Burmese state with a focus on loyalty to the centre. Authors have noted that the experience of military and political training under Japanese forces had a deep impact on future military leaders such as General Ne Win, creating a deliberate Bamar-centric political shaping of the army.³⁴ As a result of the war experience, many from the non-Bamar communities were left with deep concern. The wartime administration had demonstrated a high level of Bamar chauvinism, pursuing strategies such as outlawing the teaching of languages other than Burmese.³⁵

As the end of the war drew near, General Aung San and members of the BIA transferred their allegiance to the Allied forces. The Anti-Fascist People's Freedom League (AFPFL) was founded in March 1945 to resist Japanese occupation in cooperation with the BIA, and as Japanese forces withdrew, turned its focus to ending British colonialism. At this point, Bamar nationalists were eager to begin the process of leading a new unified country. At the same time, ethnic nationality groups saw independence as an opportunity to solidify their claims to autonomy in exchange for loyalty to the British throughout the wartime period. British authorities did not grant independence to non-Bamar ethnic groups despite vague promises made during the

war.³⁶ Rather than immediately granting independence to Aung San's AFPFL, the departing British regime required that Bamar nationalists undertake some level of consultation with non-Bamar groups from the Frontier Areas.

Independence: the Panglong Agreement and 1947 Constitution

The mechanism used to resolve this hurdle came in the form of a Conference of the Nationalities that took place in Panglong in Shan State during February 1947. The meeting was convened by leaders of the Shan and other non-Bamar groups, and attended by Aung San. The conference produced the Panglong Agreement of February 11, 1947, in which Chin, Kachin, and Shan leaders agreed to join the Union of Burma in exchange for guarantees of autonomy. Ultimately, the steps leading up to the conference and the final agreement cleared the way for independence and the drafting of a new constitution, written in 1947 and adopted in January 1948 when independence was granted from Britain. Despite the key role that the Panglong Agreement played in finalizing the move towards independence, ethnic groups associated with Ministerial Burma such as the Karen, Mon, Arakanese, and other smaller groups were not represented at the conference and did not sign the Panglong Agreement.³⁷

The Panglong Agreement is often seen as a symbolic moment and a key element in the formation of modern Burma, but many have noted its limitations. To begin, the Panglong Agreement sought to establish a new unified state in a situation where little unity existed and significant stakeholders had been left out. While the priority for Burmese independence leaders was to create an independent political entity that united both Ministerial Burma and the Frontier Areas, the main focus of non-Bamar groups was to gain independence and

³³ Leider in South, A., & Lall, M. C. (2018) p. 210.

³⁴ Callahan, M. P. (2003) pp. 48-55 and Smith, M. (1991) p. 92.

³⁵ South (2008) p. 23.

³⁶ Ibid. p. 22, p. 24.

³⁷ Smith in South, A., & Lall, M. C. (2018) p. 33.

to maintain autonomy and the right to self-determination. The Panglong Agreement managed to bridge the gap between these aspirations through a clause that stated, "Full autonomy in internal administration for the Frontier Areas is accepted in principle."³⁸

Following the Panglong Conference, the 1947 Constitution was adopted outlining various characteristics of the new state. Taylor captures the challenges encountered and the strategies adopted at the time of independence, and notes that this established a pattern that would be repeated in the future:

*The dominant problem of Burmese politics since independence has been that of national unity. Because of the great ethnic, linguistic, and cultural heterogeneity of the population, no government has been able to meet all the demands placed upon it by various minority and tribal groups for political autonomy, economic development, and cultural independence. One of the major ways governing parties in Burma have attempted to deal with the national unity problem has been through constitutional provisions guaranteeing the preservation of minority cultures and a degree of institutional autonomy for regionally concentrated ethnic groups.*³⁹

Thus, in line with agreements reached at Panglong, the 1947 Constitution created distinct states for Kachin, Karenni, and Shan communities, as well as a Chin Special Division. A Karen State was created five years subsequent to the adoption of the constitution. The head of each of these ethnically-associated states served as a minister in the national cabinet. The new constitution provided for the creation of a

³⁸ The full text of the Panglong Agreement can be accessed through multiple sources including https://peacemaker.un.org/sites/peacemaker.un.org/files/MM_470212_Panglong%20Agreement.pdf

³⁹ Taylor, R. H. (1979) p. 232.

bicameral legislature with a Chamber of Deputies and a Chamber of Nationalities. Representation in the Chamber of Nationalities was allocated according to a set number of seats associated with different ethnic groups. The result has been described by Josef Silverstein as a "federal structure... more nominal than real."⁴⁰

Another key aspect of the 1947 Constitution was that Shan State and Karenni State were accorded the right of secession after a period of ten years. By contrast, Kachin State was granted additional territory in exchange for giving up the right of secession.⁴¹

As Ferguson notes, the association between ethnic identity and political representation in the 1947 Constitution further reinforced the idea that political representation should take place on the basis of ethnic identity.⁴² Furthermore, Taylor outlines how political leaders associated with Bamar communities in the new country's lowlands, as well as traditional leaders from the borderlands, began to promote their communities and speak of interests in terms of ethnic diversity and cultural protection, giving rise to the spread of ethnic-based political parties during the parliamentary period.⁴³

Parliamentary Democracy and Military Takeover of 1962

While seen as the father of Burma's independence movement, and often credited with a lead role in building the understanding needed for the signing of the Panglong Agreement, Aung San did not live to see the fruits of his labour. He was assassinated, along with five of his colleagues, during July 1947. U Nu, a fellow nationalist and co-founder of the AFPFL, would come to play the role of Burma's first Prime Minister as the country gained its independence from Britain in January 1948.

⁴⁰ Silverstein, J. (1977) p. 59.

⁴¹ Smith in South, A., & Lall, M. C. (2018) p. 33.

⁴² Ferguson, J. M. (2015) p. 10.

⁴³ Taylor, R. H. (1982) p. 15.

However, not having been closely involved in the Panglong negotiations, U Nu and other AFPFL colleagues showed little interest in understanding and responding to the aspirations and concerns of Burma's ethnic nationality communities.

Even before formal independence, the country was facing serious instability from multiple sources: Burma was awash with arms distributed over the course of the Second World War; at the close of the war, a Muslim Mujahid movement had already emerged in northern Arakan and was advocating for that region of Burma to join neighbouring East Pakistan; during 1947 the Communist Party of Burma (CPB) would leave the umbrella of the AFPFL and form an underground insurgency movement the following year; only one year after independence, in 1949, fighting would erupt between government and Karen forces, led by the Karen National Defence Organisation (later subsumed under the Karen National Union, KNU);⁴⁴ and a wide array of pocket armies had emerged under the control of various political leaders. Beyond upheaval and instability associated with different ideologies, different ethnic identities, and competing leaders, Burma also experienced a high level of lawlessness and crime. By 1957, it was described as having the highest murder rate in the world, with non-insurgent related deaths higher than those related to insurgent fighting.⁴⁵

The country also experienced security threats emerging as the result of Cold War competition: following the Chinese revolution of 1949, Chinese nationalist Kuomintang (KMT) forces retreated into Burma and, with the support of the US, established bases (and greatly expanded opium production) in the country's northeast. At the same time, China and the Soviet Union lent support to competing factions of the CPB.

⁴⁴ The formation of the KNU is explored in more detail as part of the case study on Karen identity.

⁴⁵ Smith, M. (1991) p. 97.

Meanwhile, the situation within the parliament and among political leaders displayed internal instability, tensions and factionalism. Authors such as Steinberg note that Burma's early experience with democracy during this period did not develop a tradition of compromise and accommodation often associated with a parliamentary system. Instead, in a context where power was perceived as being finite, competition was intense.⁴⁶

Looking back, it is clear that Burma's parliamentary period was one of chaos and instability with conflicting forces emanating from numerous sources. External and internal pressures contributed to a perception, particularly within the armed forces, that the country was under siege.⁴⁷ The Tatmadaw briefly took power and formed a "military caretaker government" in 1958, only to restore it back in elections won by U Nu's faction in 1960.

At the same time, a range of mounting grievances gave way to the emergence of a new armed group, the Kachin Independence Organization (KIO),⁴⁸ in 1961. Also, Shan and Karenni leaders pursued demands to see a restoration of greater autonomy, and the ability to claim their right of succession as originally outlined in the Panglong Agreement.

However, when U Nu began discussions regarding steps towards federalism with a "Federal Movement" led by Shan and other ethnic nationality leaders, General Ne Win took power again in a definitive coup in 1962. Predicting even greater levels of chaos if federalism was pursued, he began the Tatmadaw's half-century-long project of creating a strong, unified nation built on Bamar culture and identity.⁴⁹

⁴⁶ Steinberg, D. I. (2001) p. 19 and p. 48.

⁴⁷ Ibid. p. 185.

⁴⁸ The formation of the KIO is explored in more detail as part of the case study on Kachin identity.

⁴⁹ South 2008: p. 27.

Military Rule Under Ne Win: 1962 - 1988

The *Tatmadaw* justified its takeover in 1962 as a necessary measure to address instability emanating from civilian rule, particularly the perception that a move toward federalism, as advocated by non-Bamar representatives, was a threat to stability and raised the potential of national disintegration. Indeed, the siege mentality that originally prompted Ne Win's military takeover would continue unabated until well into the 1980s.

The Tatmadaw introduced its notorious "Four Cuts" counter-insurgency strategy during the mid-1960s. This military tactic sought to cut EAOs off from sources of civilian support and resulted in the forcible relocation of communities to areas under firm Tatmadaw control. The strategy pushed insurgents from central Burma into the country's periphery and Burma's mountainous borderlands became home to many different armed groups. During the 1960s and 1970s, ethnic nationality forces came to control and administer territories that were colloquially known as "liberated zones." In these zones, some armed groups would develop the systems needed to both tax and deliver services, including education and health care. The largest armed groups came to develop civilian administrations that oversaw a range of community needs, including in the areas of agriculture, management of forest and mining resources, and justice.⁵⁰ In the Thai and Chinese border areas, armed groups such as the KNU and the KIO established fairly sophisticated (if under-resourced) state-like structures of considerable durability that often enjoyed significant legitimacy on the part of conflict-affected nationality communities.

At the same time, central Burma under military rule shifted to single-party rule led by the Burma Socialist Programme Party (BSPP). Ne Win pursued a form of authoritarian

socialist economic development following his "Burmese Way to Socialism," eliminating foreign influence inside the country, while government functions were further centralised under the control of a military establishment increasingly identified with the Bamar majority.

Beyond, political, economic, and security measures, the years of authoritarian rule under Ne Win saw an emphasis on unity and the primacy of Burmese identity. The post-1962 regime unambiguously rejected the claim to nationhood by non-Bamar groups. Any discourse regarding self-determination or federalism was interpreted as emanating from secessionist aspirations, raising the potential of national disintegration.⁵¹

The 1947 Constitution was suspended when the military took power in 1962, and it was not until 1974 that the BSPP published a new constitution. This differed from the 1947 version in several important ways. The number of ethnic states were expanded from five to seven with the creation of Mon State and Arakan State, allocating one state to each of what the military deemed to be the major non-Bamar groups; to balance the new ethnic states, seven divisions were created in areas that were associated with the predominantly Bamar population. The two-chamber system of the 1947 Constitution was replaced by a unicameral system with a single People's Assembly. Taylor notes that the argument for eliminating the Chamber of Nationalities was that the People's Assembly would legislate for the benefit of all citizens without the need for special representation for particular ethnic groups.⁵²

Helene Maria Kyed and Mikael Gravers assert that one consequence of military rule between 1962-1988 was the promotion of the idea of a strong, unitary state in which Bamar identity was the foundation. While diversity in the form of eight major "national races" was

⁵⁰ Jolliffe, K. (2015) pp. 15-17.

⁵¹ Taylor, R. H. (1982) p. 19.

⁵² Taylor, R. H. (1979) p. 241.

acknowledged, Bamar identity was seen as key to a sense of belonging and other groups were encouraged to assimilate under this national identity.⁵³ Furthermore, the focus on eight major nationality races tended to obscure and confuse the significant diversity that exists within and between non-Bamar communities.⁵⁴

Discrimination against non-Bamar groups was justified and reinforced through historical narratives that fostered distrust and animosity. Steinberg outlines a list of perceptions of ethnic nationality groups that framed intercommunal relations. This included the view that non-Bamar groups and foreigners took advantage of British colonialism for economic gain; the belief that the Bamar were the only ethnic group residing entirely within the territorial boundaries of the country, and thus, the only group whose allegiance was entirely devoted to Burma; and a suspicion that non-Bamar groups, who shared a common heritage with ethnic groups living outside the country, and many of whom were not Buddhist, would secede given the opportunity. These narratives unfolded in a context of increased isolation and xenophobia, and contributed to a sense of insecurity within the military and the wider Bamar community, leading to distrust towards communities living in the country's borderlands.⁵⁵

Within this context, authorities continued the practice of promoting Bamar culture through a process often referred to as "Burmanisation." Gravers has described this as a political regime using different strategies to impose "one singular cultural essence."⁵⁶ Gustaaf Houtman notes that this has been achieved through emphasising shared "racial origins, common culture and common

language."⁵⁷ Finally, Matthew Walton explains that through the assimilation efforts of Burmanisation,

Members of non-Burman ethnic groups are forced (either through direct coercions or through incentives) to adopt various aspects of Burman culture, speeding their assimilation in the Myanmar "cultural nation," while at the same time ridding them of those cultural elements that are deemed dangerous to national stability or contrary to the spirit of national unity.⁵⁸

Walton goes on to note that Burmanisation has not usually been an explicit policy of the government. Rather, "establishing Burman culture as the norm of national identity" has taken place through development efforts, education practices (particularly the outlawing of instruction in ethnic languages and Bamar-focused historical narratives in textbooks), and, as illustrated above, narratives around loyalty.⁵⁹

At the same time, narratives also emerged within non-Bamar communities that contributed to polarisation, and a sense of distrust and resentment towards the majority Bamar community. These sentiments were reinforced through narratives that emphasized pre-colonial and colonial experiences of autonomy, and justified armed insurgency based on the right to self-determination.

The Concept of Taingyintha

While the dynamics of division and distrust were certainly present prior to Ne Win's takeover in 1962, they reached new heights under military rule. Moreover, ideas surrounding the categorization of people, originally introduced under the British, were further internalized and institutionalized. A

⁵³ Kyed and Gravers in South, A., & Lall, M. C. (2018) pp. 60-61.

⁵⁴ South, A., & Lall, M. C. (2018) p. 8.

⁵⁵ Steinberg, D. I. (2001) p. 26, p. 190.

⁵⁶ Gravers in Tønnesson, S., & Antlöv, H. (1996) p. 240.

⁵⁷ Houtman, G. (1999) p. 60.

⁵⁸ Walton, M. J. (2013) p. 11.

⁵⁹ Ibid p. 6.

focus on the concept of *taingyintha* played an important role in these trends.

Nick Cheesman describes *taingyintha* as “an idea that provides the basis for guidelines by which certain facts are accepted and others rejected in determining membership in Myanmar’s political community.” While often translated as race, ethnicity or indigeneity, Cheesman emphasizes that the significance of the term goes further as it provides the “contrivance for political inclusion and exclusion, for political eligibility and domination.”⁶⁰

A connection between citizenship and indigenous heritage had already emerged during the post-independence period, but it was during the Ne Win period that the concept of what it meant to be *taingyintha* came into prominence, legitimizing claims that the country belonged to some but not to others.⁶¹ Following Ne Win’s Union Day speech in 1964, in which he urged that “Kachin, Karenni, Karen, Chin, Burman, Shan and other *taingyintha* inhabiting the Union of Burma need to be resolved to stick together for life, through weal and woe,” the concept of *taingyintha* came to occupy a new place of importance in the country’s political life.⁶²

As Ferguson explains, to be considered *taingyintha*, a group had to have already existed within the territory that came to be identified as the Union of Burma prior to the first Anglo-Burmese war (prior to 1824). During the years of military rule, the concept *taingyintha* would be further associated with citizenship rights.

The 1974 Constitution captured Ne Win’s emphasis on the role of the state in “promoting unity, mutual assistance, amity and mutual respect among *taingyintha*.”⁶³

⁶⁰ Cheesman, N. (2017) pp. 461-462.

⁶¹ South, A., & Lall, M. C. (2018) p. 6.

⁶² Cheesman, N. (2017) p. 465.

⁶³ See Article 21(a) of *The Constitution of the Union of Burma (1974)* available at

Following the adoption of the 1974 Constitution, work began to draft a new citizenship law. However, even before a new law was published, sensitivity surrounding illegal immigration, accompanied by the focus on who belonged and who did not, would shape the 1978 *Nagamin* operation⁶⁴ that aimed to verify immigration status of those living on the northern Arakan border with Bangladesh. The violence that accompanied the campaign led 250,000 refugees to flee across the border into Bangladesh.

Four years later, the 1982 Citizenship Law was passed, restricting full citizenship to groups that were *taingyintha*. Lesser categories of citizenship (associate citizenship or naturalized citizenship) were developed for those who did not meet the *taingyintha* requirement. Cheesman notes that the articulation within the 1982 Citizenship Law meant that “a person’s status as a member of a national race, or not, preceded and partly determined their status as a citizen.”⁶⁵

This articulation of what it means to be indigenous firmly emanates from what many describe as an essentialist view of ethnicity,⁶⁶ which assumes that ethnic identity is a fixed characteristic, akin to DNA, assigned at birth by virtue of one’s ancestors. It also requires the establishment of fixed categories with clear boundaries so that social membership can be documented.⁶⁷ Indeed, during the military era, and in association with the 1982 Citizenship Law, the government came to rely on an official list of “national races” that went beyond common reference to the main eight groups, including a hierarchy of subcategories for each group. We will consider the emphasis

<http://www.burmalibrary.org/docs07/1974Constitution.pdf>

⁶⁴ Known in English as “Operation Dragon King.”

⁶⁵ Cheesman, N. (2017) p. 472.

⁶⁶ For example see *A resurgent nationalism is shaping Myanmar politics*, by Thant Myint-U, in *Nikkei Asian Review*, 19 October 2017.

⁶⁷ Cheesman, N. (2017) p. 469.

on categorisation in further detail as we examine the events of 1988 and beyond.

Efforts to Move Beyond Military Rule: 1988 - 2008

During the 26-year period of military rule under Ne Win, from 1962-1988, Burma experienced significant economic decline. For most, the Burmese Road to Socialism turned out to be a road to extreme poverty. By the mid-1980s, civilian anger towards the BSPP had reached new heights as economic reforms were mismanaged, and peoples' savings were eliminated through successive demonetisations.

Large demonstrations emerged during 1988 with students playing a leadership role. In response to the unrest General Ne Win resigned as BSPP Chairman in July 1988. However, calls for the end of military rule and democratisation continued and a nationwide strike was called for 8 August 1988. Demonstrations were met by martial law and violent suppression, with casualties estimated to be in the thousands.

The use of force did not deter pro-democracy protests, with demonstrations continuing into September. On 18 September 1988 General Saw Maung led a coup, suspending the 1974 Constitution and replacing the BSPP with a new military regime: the State Law and Order Restoration Council (SLORC). The following year, the SLORC junta re-named many places including the country – often replacing previously neutral or ethnic nationality place names with those derived from the national language. Burma became Myanmar, Burmese language became Myanmar language.

The SLORC promised to hold multiparty elections that took place in May 1990. Despite a restrictive political environment, including house arrest for opposition leaders, voters cast their support for parties that offered change after almost 30 years of military rule. The National League for Democracy (NLD), led by Aung San Suu Kyi, won 60 percent of the

votes while ethnic nationality parties also did well with 35 percent of the votes. However, the country's military rulers refused to relinquish power until a new constitution could be drawn up that would ensure a strong government.

Violent suppression following demonstrations also led many young activists to flee urban centres for Myanmar's border areas. There, pro-democracy activists joined ethnic armed groups such as the KNU or formed new armed organisations such as the All Burma Students Democratic Front (ABSDF).

The emphasis on strong rule, unity, and suspicion of outsiders, that had been a theme during the Ne Win period, was apparent in public statements by the new SLORC regime and was used to justify its ongoing role. General Saw Maung said in June 1990:

The nation should be one in which only Myanmar's reside and which Myanmar's own. We will have to be vigilant against Myanmar Naing-Ngan [the Union of Myanmar], the home of Myanmar nationals, being influenced by anyone. And it is important that Myanmar Naing-Ngan does not become the home of mixed bloods influenced by alien cultures though it is called Myanmar Naing-Ngan.⁶⁸

The military's ongoing role was further justified through repetitive reference to its Three National Causes:

- The non-disintegration of the Union
- The non-disintegration of national [taingyintha] solidarity
- The perpetuation of national sovereignty

The Three National Causes, which were repeatedly emphasized in government controlled print media and broadcasts, held up the idea of unity between the taingyintha, perpetuating the focus on "national races" that had been started under Ne Win.

⁶⁸ Steinberg, D. I. (2001) p. 62.

However, the new era of military rule also saw the emergence of an official list of 135 national races or *taingyintha*.

Ferguson points out that the exact origins of this list remain obscure.⁶⁹ Kyed and Gravers identify the first government reference to the official *taingyintha* list as emerging in the “Working People’s Daily” newspaper in 1990.⁷⁰ Despite the frequent reference to the concept of *taingyintha* and the 135 list, Cheesman notes that definitions have remained convoluted and inconsistent.⁷¹ The simultaneous association of entitlements with the *taingyintha* status and the inability to define or provide an accepted categorisation of *taingyintha* groups will be explored in further detail in this report.

Ceasefires and the Drafting of a New Constitution

General Saw Maung was replaced by General Than Shwe, who inaugurated a National Convention process to create the new, strong constitution required for elections and paving the way to what the military regime referred to as “disciplined democracy.”⁷² The drafting process of the National Convention would run from 1993 to 2007, with a suspension between 1996 and 2004. Under General Than Shwe, SLORC was renamed as the State Peace and Development Council (SPDC). Following the student uprising in 1988, there was intense focus from the international community on what many perceived to be a simple struggle between “the forces of good (western-style democracy and the free market) and the forces of evil (Third World-

⁶⁹ Ferguson, J. M. (2015) p. 15.

⁷⁰ Kyed and Gravers in South, A., & Lall, M. C. (2018) p. 63.

⁷¹ Cheesman, N. (2017) pp. 468-470.

⁷² See for example *Myanmar Roadmap to Democracy: The Way Forward*, Presented by H-E. Khin Maung Win, Deputy Minister for Foreign Affairs of the Union of Myanmar, presented at Myanmar Institute of Strategic and International Studies, Seminar on Understanding Myanmar, Yangon 27-28 January 2004.

style everything else).⁷³ By contrast, far less outside attention was paid to armed conflict in Myanmar’s borderlands, which had been ongoing since independence. A series of ceasefires, negotiated between armed group leaders and Military Intelligence chief General Khin Nyunt, would produce a pause in the fighting. These began in 1989, when the communist-led insurgency that had been fighting since independence collapsed.

With the demise of the Cold War, China’s support to the CPB had declined, and in 1989 foot soldiers from a variety of ethnic nationality groups mutinied against the mostly Bamar leadership of the CPB. In the wake of this event, four new ethnic affiliated armed groups emerged, the largest and most well-known being the United Wa State Army (UWSA). General Khin Nyunt moved quickly to engage these new groups and others in ceasefire talks.

After decades of violence and displacement, many ethnic nationality forces and civilians were tired of conflict and there was a hope that ceasefires would bring an opportunity for badly-needed development assistance. There was also an aspiration on the part of some non-Bamar ethnic leaders to transform their armed groups into political parties that could pursue change and advocate for their communities at a future time when the county had transformed to the democratic system promised by the military junta.⁷⁴

Ceasefire negotiations started with a focus on former CPB militias. As a result, 1989 saw ceasefire agreements reached between the government and the UWSA; the Myanmar National Democracy Alliance Army (MNDA, a Kokang group formerly from the CPB); the Shan State Army (SSA); and a group that would come to be known as the National Democratic Alliance Army (NDAA), or Mongla Army. During the early 1990s, further agreements were formed with the Pa’O

⁷³ Aung-Thwin, M. (2001)p. 494.

⁷⁴ South, A. (2008) p. 119.

National Organisation (PNO) and other EAOs. The only written ceasefire between the government and an armed group was agreed with the KIO in 1994. The following year, a ceasefire agreement was agreed between the government and the New Mon State Party (NMSP), followed by an agreement with the Mong Tai Army, led by notorious drug warlord Khun Sa, in 1996.⁷⁵

General Khin Nyunt's ceasefires allowed rebel forces to retain their troops, arms, and continued control over territory. Agreements did not include any form of political settlement, but there was an expectation that political dialogue would take place at some point in the future.⁷⁶

Even prior to the disintegration of the CPB, Burma had been home to many small, armed s. This was true from the time of independence when different political leaders made use of pocket armies to pursue their own political agendas. As illustrated in the following case studies, it has also been common for breakaway groups to split from ethnic armed organisations forming independent armed units, which have often been quickly co-opted or coerced into ceasefires by the Tatmadaw. Following the ceasefires of the late 1980s and early 1990s, the country's military leaders actively encouraged the formation of splinter groups, creating a proliferation of "People's Militias" or *pyithusit*.⁷⁷ These units would be provided with economic incentives (often including participation in the drug trade) in exchange for ongoing allegiance and supporting Tatmadaw operations as needed.

As a result, when the National Convention reconvened in 2004, Myanmar's borderlands were home to a complex array of armed actors. At the convention, a number of ceasefire groups, led by the KIO and the

NMSP, advocated for the inclusion of political principles that had been at the heart of their armed struggle. Proposals were put forward for measures that would provide higher levels of autonomy at the level of ethnic states. Ultimately, the SPDC was unwilling to revise principles that had been outlined at the start of the National Convention process in 1992 and these advocacy attempts were unsuccessful.⁷⁸

At the same time, the SPDC worked closely with a number of smaller ceasefire groups, both applying pressure and offering concessions. Reflecting on the National Convention process, South writes:

A number of ceasefire groups supported the governance structures emerging in the National Convention, either because they had no choice, because they considered acquiescence politically expedient, or because they perceived advantages in doing so for their communities (and/or their leaders' vested interests).⁷⁹

The National Convention process drew to a close in July 2007. Soon afterwards, mass demonstrations broke out in response to a drastic increase in fuel prices. With monks in the forefront, frustration over poverty and living conditions led thousands into the streets producing the largest protests since those seen in 1988. These demonstrations, which came to be known as the "Saffron Revolution," were again met with a violent crackdown.

As Myanmar approached the end of the SPDC era, it found itself again rocked by popular unrest met by violent repression in the centre of the country. In the borderlands, a cessation of hostilities was in place between the military and many EAOs, but no steps had been taken to facilitate meaningful political dialogue between armed groups and the central

⁷⁵ Smith in South, A., & Lall, M. C. (2018) pp 41-42, and South, A. (2008) pp. 121-122.

⁷⁶ Woods in Sadan, M. (2016) p. 129.

⁷⁷ Ibid.

⁷⁸ Taylor (2009) pp. 505-506.

⁷⁹ South (2008) p. 172.

government. Also, the National Convention had come to a close with ethnic nationality actors having been denied meaningful participation. Smith notes that “the national landscape could be described as one of ceasefires without peace.”⁸⁰

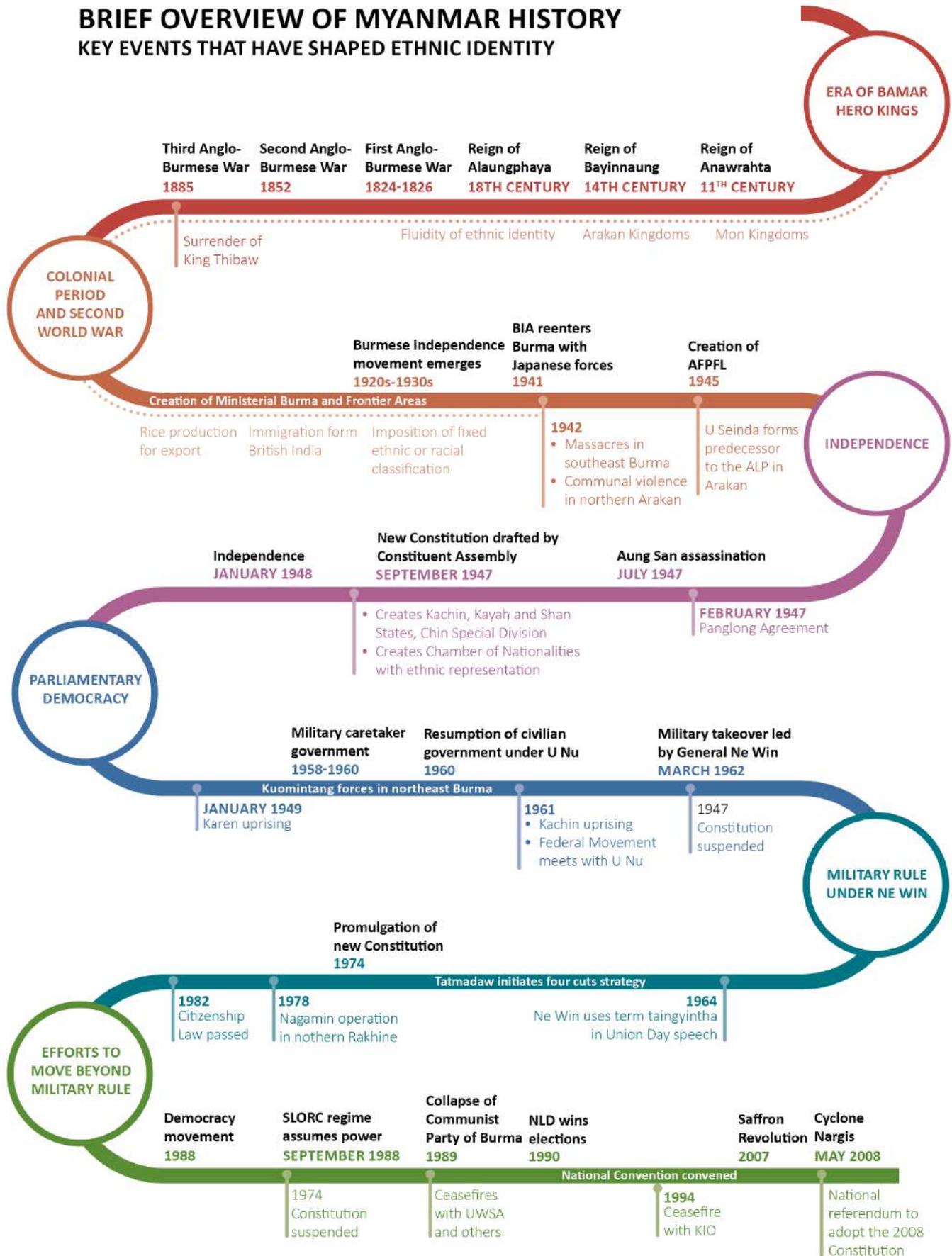
In May 2008, the Constitution was adopted through a highly contested national referendum. Opposition to the Constitution was strong, given the lack of inclusion in the drafting process and provisions that entrenched the military’s role in national politics. The referendum became further shrouded in controversy, as it took place in the days following Cyclone Nargis, described as the worst natural disaster in the country’s history with fatalities estimated at over 130,000. Despite the tragedy, the referendum went ahead. Official results showed a high level of voter turnout and widespread support for the Constitution, a result that provoked scepticism among many.

Before undertaking a closer examination of the 2008 Constitution and the peace process that subsequently emerged, we will use the next section to reflect more closely on the assumptions and narratives surrounding ethnic identity that have emerged out of Myanmar’s historical experience.

⁸⁰ Smith in South, A., & Lall, M. C. (2018) p.42.

BRIEF OVERVIEW OF MYANMAR HISTORY

KEY EVENTS THAT HAVE SHAPED ETHNIC IDENTITY



CHAPTER 2

Ethnic Identity Narratives and Their Institutionalisation

The first chapter of this report provided a brief overview of Myanmar's past up until the adoption of the 2008 Constitution. The bulk of this analysis has been drawn from existing academic study, highlighting the scholarship of some of the key authors on Myanmar's history and politics. The following chapter will build on this context and introduce a number of important narratives regarding ethnic identity that emerged over the course of consultation meetings and interviews during 2016-2018. We will explore each of these themes and go on to consider the ways that the perceptions captured in these narratives are reflected in the 2008 Constitution.

Narratives and Assumptions Surrounding Ethnic Identity

The following overview is neither meant as an exhaustive exploration of views and attitudes towards ethnic identity, nor is it meant to suggest that individuals or ethnic nationality communities share uniform views. Rather, it summarises the most common narratives encountered over the course of field visits. As such, the following section provides an opportunity to look in greater detail at the presumed correlation between population size and entitlements; the narrative surrounding the homogeneity of communities and the fixed nature of identity; the belief that communities should be stationary and tied to ethnic homelands; and the perceived threat posed by outsiders. While these themes are listed and described separately, it is important to note that each are linked and reinforce one another.

Before looking at these narratives in greater detail, it is important to also acknowledge that experiences of ethnic identity in Myanmar have emerged from multiple sources. Groups such as the Arakan, Bamar, Mon and others,

point to long-established pre-colonial histories that have shaped narratives and have been developed and refined over centuries and through the British colonial period. At the same time, through the colonial period and independence, ethno-nationalist currents within Bamar and non-Bamar communities emerged and were woven into the experience of military rule and ethnic armed struggle. Within this process, the articulation of the concept of national races, or *taingyintha*, and the practice of categorisation, have had a profound impact.

As highlighted in the Introduction and Chapter 1, it is also important to reaffirm ethnic identity as an authentic experience and a source of rich traditions that provides social ties and benefits to group members. Again, the following section, like other sections of this report, is not intended as a criticism of ethnic identity. Rather, the intention of the research team is to reflect on a number of key themes surrounding ethnic identity in Myanmar, and to consider how these themes have facilitated the use of ethnic identity in the allocation of entitlements to some while excluding and justifying discrimination against others.

Theme 1 - There is a Correlation Between Population Size and Entitlements

One common narrative in Myanmar focuses on the assumed correlation between population size and entitlements. This reflects a widely held belief that allocation of rights, protections, and benefits (as well as discrimination) should be determined by the size of one community vis-a-vis the size of another community.

While this assumed connection may appear straightforward, it is worth examining more closely. Indeed, the association between population size and entitlements reveals insights into a source of political legitimacy in Myanmar. It also provides a deeper understanding of why the focus on

categorisation and measurement continues to be so strong. Finally, the primacy of this narrative points to the power of the scarcity mindset and zero-sum-game in the Myanmar context.



At its heart, the association between population size and benefits relates to the fact that population size is seen as one of the key components needed for any ethnic group to establish political legitimacy in the Myanmar context. This reality was highlighted in an interview with an ethnic nationality leader actively engaged in the peace process who outlined the three key ingredients for political legitimacy emerging from a group's history, its control over territory, and its population size:

When we think about what groups are able to make a legitimate claim to power in Myanmar, we think about certain criteria. A group has to be able to articulate its history. It has to be associated with physical territory, and the degree that a group is able to control territory is important in Myanmar (this is why there are so many armed groups and militias and why control over natural resources is so important!). Finally, the size of a group's population is key--if a group is able to assert that they have a large population, they enjoy a higher level of political legitimacy and that can be used for leverage.⁸¹

⁸¹ Field notes, Yangon (May 2018).

The assumed connection between population size and political legitimacy provides insights into the preoccupation surrounding categorisation and measurement of ethnic groups in Myanmar. Indeed, a closer look reveals that categorisation and measurement are more than just a hangover from the British colonial period. The ability to define a group, clearly determine who are group members and who are not, and then establish an accepted narrative surrounding the group's size, are essential aspects in asserting a legitimate claim to benefits and entitlements.

Thus, while the government's Department of Immigration (DoI) maintains figures on ethnic population size, EAOs and some religious organisations also maintain population records. These alternative sources of data consistently contradict official figures, invariably depicting ethnic nationality populations as being larger than indicated by DoI records.⁸²

Furthermore, there is a tendency to try and define ethnic categories as broadly as possible in an effort to project the largest possible size. Mandy Sadan provides an example regarding the Kachin group. She notes that China's Cultural Revolution led to increased immigration into Kachin State. This, in turn, prompted ethno-nationalist elites to overcome sometimes fragile political allegiances in order to incorporate a range of different communities into the broad Kachin

⁸² Note that it is not the intention here to suggest which of the two sets of data is more accurate. There is a range of explanations that could account for government figures under-representing the population size of ethnic nationality communities. There is also a range of explanations that could account for records being maintained by ethnic nationality communities over-representing the population size of their communities. The purpose of this report is not to determine how the most accurate population size should be determined. But the arguments presented herein tend to refute the notion that it is possible to accurately measure ethnic population size, because of the fluid nature of ethnic identity.

group. In this way, Lisu people, who had been categorised as a distinct group in China, were incorporated into the Kachin group in Myanmar (an experience that will be explored further within the Kachin case study).⁸³

A listing of ethnic population size at the Kachin Cultural Museum in Myitkyina.
Photo credit: Khin Zar Naing

Indeed, authors such as Ferguson have noted that in a context ethno-nationalism, there is an inevitable pressure for small minorities to surrender their unique identities and become part of the larger group.⁸⁴ However, the trend to define groups as expansively as possible also comes with an inherent risk that sub-groups may seek to differentiate themselves from the large group. In consultation meetings, this tension was clearly illustrated through repeated comments by meeting participants who insisted that members of smaller groups were, in fact, asserting false identities that threatened to divide the larger group. At the same time, members of sub-groups often privately shared their resentment regarding pressure to abandon their distinct identities and assimilate into the larger group.⁸⁵

⁸³ Sadan, M. (2013) p. 340.

⁸⁴ Ferguson, J. M. (2015) p. 19.

⁸⁵ This was a recurrent theme that came up during meetings in multiple settings including Lashio (November 2016), Myitkyina (May 2017), Dawei and Hkamti (October 2017), and Hpa'an and Kalay (May 2018).

This complex dynamic between the perceived need for groups to be as large as possible in order to establish political legitimacy and maximise access to entitlements, the pressure to maintain group unity, and the inevitable resentment that emerges in the face of assimilation efforts is one that we will explore in greater detail through subsequent case studies.

Finally, the focus on the assumed correlation between population size and entitlements highlights the common perception that, in Myanmar, allocation of entitlements takes place in a context of scarcity in which a gain by one group necessitates a loss by another. In the context of this zero-sum game, the ability to legitimately claim benefits based on the size of one's group is of utmost importance. Group identity, and the ability of an ethnic group to project the largest possible size, becomes highly politicised. In community consultations, meeting participants repeatedly emphasized the importance of "correctly" identifying one's ethnic identity and highlighted the negative consequences of "false reporting" that would intentionally or unintentionally skew population figures. The potential inaccuracy of ethnic population figures was of utmost concern as it was seen as inevitably producing a situation in which some would unfairly gain while others would lose, precisely because entitlements are seen as based on group size.

Interestingly, while the focus on group size and entitlements tended to dominate conversations, there was also the occasional instance when individuals questioned the underlying assumption that access to benefits and privileges should be determined by group size. One representative who identified as H'mong poignantly challenged the dominant narrative:

What about if you are part of a very small ethnic community? I am H'mong and we live in very isolated, small communities. Because we are small and we have no

*armed group, it is very difficult for us to gain access to basic rights like healthcare or education. Should we not be entitled to the same rights just because there are very few of us? Do we have to abandon our history and our traditions just to receive services? At the moment, provision of social or economic development assistance is dependent on having a large group and/or having an armed group that can threaten to use force. But why should that be the way it happens? Small is also beautiful.*⁸⁶

Theme 2 - Communities Are Homogenous and Ethnic Identity is Fixed

While the preceding section highlights the assumed correlation between group size and entitlements, a further and related narrative focuses on the idea that communities are homogeneous and ethnic identity is fixed. Indeed, as is true elsewhere, communities in Myanmar are widely seen as being made up of people who share a common ethnic identity that is fixed and is passed down from one generation to the next. This is based on an essentialised understanding of ethnicity that assumes individuals, families, and communities share a single, exclusive identity that remains constant over time.⁸⁷ Indeed, while modern anthropological studies see ethnicity as a social construct, ethnicity in Myanmar is frequently described as being “in one’s blood.”⁸⁸ In interviews with ethnic nationality community members from around the country, it was frequently explained that ethnic identity was, at least in theory, determined by the identity of one’s father, and many noted the importance of children adopting their father’s ethnicity.⁸⁹

⁸⁶ Field notes, Lashio (November 2016).

⁸⁷ South, A., & Lall, M. C. (2018) pp 8-9.

⁸⁸ Field notes, Yangon (November 2016).

⁸⁹ Interestingly, the Karen community was an exception: many of those interviewed in that community rejected the idea that ethnic identity should always be determined by the identity of one’s father.

This view of communities as homogenous, and the notion of ethnic identity being fixed, is further reinforced by the categorization of ethnicity and the prominence of the 135 list of official races or *taingyintha*. The focus on fixed categorisation has been further institutionalised in the use of Citizenship Scrutiny Cards (CSCs) that, up until now, have recorded ethnic identity. While there has been talk about changing CSCs, these documents are currently the key requirement to access services and, depending on the ethnic identity recorded on the card, permit members of some groups to participate in selection of ethnic-focused representation in parliament, something that we will explore in greater detail below.

Ethnic identity



The end result is an idealised view of ethnicity as a fixed and exclusive trait that many assume is determined by the identity of one’s father. Thus, it is not uncommon to hear people speak of their own, or other, communities in very homogenous terms: “in Tedim, everyone is Zomi”,⁹⁰ or, “where I come from, outside of Bhamo, we are all Shan-ni.”⁹¹

This assumption is widely held despite people’s everyday experience of living with complex heterogeneity. Indeed, the experience of heterogeneity is acknowledged by many and shared quite readily. The existence of mixed marriages that produce “mixed-race” children is quite common and openly discussed. For instance, “My father is Kachin, but I was raised by my maternal grandmother and she was Shan. So I always feel more Shan than Kachin, even though I

⁹⁰ Field notes, Kalay (May 2018).

⁹¹ Field notes, Myitkyina (May 2017).

know that I'm supposed to identify as Kachin, like my father."⁹²

The juxtaposition of ethnicity conceived as an ascribed attribute that is fixed and static, versus the conceptualization of ethnicity being socially constructed and fluid, was reflected in the writings of Edmund Leach in his 1954 classic study *Political Systems of Highland Burma*:

*Unlike most ethnographers and social anthropologists I assume that the system of variation as we now observe it has no stability through time. What can be observed now is just a momentary configuration of a totality in a state of flux.*⁹³

While Leach challenged the notion of fixed ethnic identity over sixty years ago, the view of ethnicity as an unchanging and innate characteristic is nonetheless still firmly held today.

Theme 3 - Communities Should be Stationary and Tied to Ethnic Homelands

Many in Myanmar articulate an assumed association between territory and ethnic identity, despite the reality that ethnic diversity and in- and out-migration are common aspects of everyday life.

Communities should be stationary and tied to ethnic homelands



Laur Kiik describes this association between territory and ethnic identity with reference to the Kachin community. He notes that Kachin nationalists see the existence of Kachin State

⁹² Field notes, Lashio (November 2016).

⁹³ Leach, E. R. (1954) p. 63.

as a significant source of legitimacy. He goes on to highlight the illusion this assumption embodies for Kachin and other ethnic communities in Myanmar:

*Yet the way Kachin nationalists perceive their nation as 'owning' this territory, just like Myanmar's other so-called 'national races' are said to 'own' their respective States, contradicts with [sic] the on-the-ground reality of a deeply multi-ethnic demographic.*⁹⁴

Ethnic leaders illustrated the narrative surrounding the importance of ethnic homelands through comments as they discussed their ethno-nationalist aspirations for their group. For example, the Chair of a Literature and Culture Association shared this hope for the future:

*Our group is working to improve living standards in our traditional areas so that members of our community will go home and not have to live in [Myanmar's capital city] Yangon. Our dream is to establish an ethnic homeland where people can live in areas where their ancestors lived and they won't have to leave. They will be able to farm as we did in the past and they will speak our language.*⁹⁵

At the same time, population movement is a reality of modern-day Myanmar. Data from the 2014 census reveals that, at the time of enumeration, almost 9.4 million (out of a total population of 51.5 million) people had migrated from a prior residence. The greatest reason given for this movement had to do with employment opportunities.⁹⁶

⁹⁴ Kiik in Sadan, M. (2016) p. 210-211.

⁹⁵ Field notes, Yangon (November 2016).

⁹⁶ For more details see *The 2014 Myanmar Population and Housing Census, The Union Report, Census Report Volume 2*, 2015, published by the MOLIP's Department of Population.

Those interviewed were often alarmed by the consequences of both out-migration and in-migration. This was illustrated through interviews with members from the Mon, Shan, Naga and Kachin communities.

Interviews with members from the Mon and Shan communities illustrate common concerns regarding out-migration. In Mawlamyine, Mon community members explained that many Mon people now live in other parts of Myanmar due to insufficient job opportunities in Mon State. Likewise, members from the Shan community explained that many Shan people had migrated to Thailand in search of employment. In both instances, those interviewed expressed deep concern that out-migration was producing a situation where community members were leaving their ethnic homeland and becoming disconnected from their heritage.⁹⁷

By contrast, interviews with community members from the Kachin and Naga communities raised concerns regarding in-migration related to the presence of labour-intensive industries such as jade and gold mining. An example from the Naga community illustrates a narrative that was heard repeatedly:

There are many natural resources found in our area and this provides a good source of employment. Big companies come in because this is a place for gold mining and then they need people to work. People come from other parts of Sagaing, they come from Magway, and from Mandalay to do gold mining. It means that there are many people living in the Naga homeland that are not Naga. Then the government [the Department of Immigration] counts them as being people from this area and they say that Naga people are no longer the majority. But this is still our homeland. We have lived in these forests forever and these

⁹⁷ Field notes, Taunggyi (November 2016), and Mawlamyine (May 2018).

*other people have only come here for work.*⁹⁸

A similar narrative was shared in interviews with members of the Kachin community and will be explored in greater detail in the case study on Kachin identity.

Anxiety surrounding migration, particularly in-migration from other parts of Myanmar into areas viewed as ethnic homelands, connects with the long-standing concern surrounding Burmanisation. Beyond the imposition of a common Bamar culture, as described in Chapter 1, many have come to see Burmanisation as also involving the actual physical occupation of territory. It is anticipated that the movement of people, often assumed to be Bamar, or associated with the military, will bring demographic change that threatens the association between ethnic communities and areas that have been seen as traditional homelands.

Theme 4 - Outsiders Pose a Threat

Even in a very cursory overview of Myanmar's modern history, the deep level of anxiety and suspicion regarding groups perceived to be outsiders is apparent. Indeed, Ne Win's Burmese Way to Socialism ushered in decades of military rule while also undertaking a series of measures aimed at barricading the country off from foreign influences. Steinberg illustrates the xenophobia typical of successive military regimes in the following quote taken from the Foreign Broadcast Information Service in August 1991:

It is of great importance for weak multiracial countries like ours, that are situated between the super powers, to defend themselves from any foreign interference and influence. Therefore safeguards must be taken to exclude people who might have foreign influence, have less patriotic spirit, and lack any idea

⁹⁸ Field notes, Hkamti (October 2017).

*of preserving national dignity, from any influential positions that can determine the destiny of the country.*⁹⁹

In our own brief historical overview we have seen how this xenophobic outlook has guided certain military operations and shaped official policies in Myanmar's "polyethnic and multiethnic" context. Indeed, Myanmar's 1982 Citizenship Law clearly distinguishes between insiders and outsiders, excluding those who are not *taingyintha* from full citizenship.

Outsiders pose a threat



At the same time, the identification of insiders and outsiders often goes beyond the question of whether or not a group is *taingyintha*. As some scholars have noted, the fact that only the Bamar have historically resided entirely within the territorial boundaries of Myanmar has contributed to a perception that "while other groups might be indigenous, only the Burmans are exclusively indigenous."¹⁰⁰

Indeed, as Chapter 1 mentioned, Steinberg notes a commonly held view that emphasises the leadership role of the Bamar in the anti-colonial struggle, as well as the perception that non-Bamar communities extend across the territorial boundaries of Myanmar, connecting to communities outside the country and raising doubts about whether or not they can be trusted.¹⁰¹

While this is identified by Steinberg as a perspective held by members of the Bamar

community towards non-Bamar communities, there are additional levels of complexity surrounding this pattern of thinking that bear closer examination as similar sentiments are also reflected within ethnic nationality communities. During consultation meetings, it was not uncommon for members of one ethnic nationality group to question whether another group was genuinely *taingyintha*, suggesting that they might, in fact, be outsiders seeking an illegal route to citizenship by claiming *taingyintha* status.¹⁰² Furthermore, it was not uncommon for members of smaller ethnic communities to express deep anxiety over the prospect that their group might be eliminated from the list of official races (if it was currently on the list), or not be added to the list of official races (if it was not currently listed). In either case, omission from the list instilled a deep sense of insecurity at the prospect that they would be labelled "outsiders." They assumed the result would be that they would either have to abandon their identity (and adopt an acceptable identity) or lose their rights as citizens.

Thus, narratives around insiders and outsiders not only focus on the polyethnic nature of the state, and groups that are perceived to come from outside the country's national boundaries. Insider and outsider narratives also focus on the multiethnic nature of the state, and the perception that actors from inside the country share linkages and connections with outsiders, and this poses a potential threat. This focus produces multiple layers of anxiety with one set of fears focused on potential invasion or penetration from the outside, and a second set of fears focused on

⁹⁹ Steinberg, D. I. (2001) p. 63.

¹⁰⁰ Ferguson, J. M. (2015) p. 10.

¹⁰¹ Steinberg, D. I. (2001) p. 190.

¹⁰² While the most familiar example of this concern is undoubtedly the perceptions expressed by many in Myanmar towards the Rohingya, it should be noted that this research project did not look at the issue of Rohingya identity or perceptions towards Rohingya identity. However, the research team encountered numerous instances when this same concern ("such and such a group is not really *thaingyintha*") was expressed with regard to a wide range of ethnic groups.

the threat of disintegration emanating from internal divisions.

The preceding section outlines a set of assumptions surrounding ethnic identity in Myanmar that has evolved over time. Shaped by historical events and, at times, reinforced through legal frameworks, narratives have emerged around the correlation between population size and entitlements, the homogeneity of communities and fixed nature of ethnic identity, the idea that communities should be stationary and tied to ethnic homelands, and the threat posed by outsiders. These views and attitudes played an important role shaping developments and institutions as the country moved into the twenty-first century. In the next section, we will consider how these narratives have been integrated into Myanmar's current context. To illustrate, we will undertake a closer consideration of the 2008 Constitution.

The 2008 Constitution

From the start, the 2008 Constitution of the Republic of the Union of Myanmar was a flashpoint for controversy. While the National Convention process included a variety of ethnic armed groups, proposals from some for a federal system of union and higher levels of autonomy for ethnic states were not adopted.¹⁰³ Once drafting was complete, Aung San Suu Kyi's NLD urged its supporters to boycott the referendum. The KIO also indicated they would boycott, although they changed their stance just days prior to the event following what has been described as SPDC pressure.¹⁰⁴

The referendum itself took place on 10 May 2008, just days after Cyclone Nargis. Later that same month, it was announced that the referendum had seen a voter turnout of 98

¹⁰³ South, A. (2018). *Protecting civilians in the Kachin borderlands, Myanmar, Key threats and local responses*, p. 135.

¹⁰⁴ Duwa Mahkaw Khun Sa in Sadan, M. (2016) p. 344.

percent and that 92 percent had voted in favour of adopting the new constitution.¹⁰⁵ Within Myanmar, many doubt the official outcome of the referendum, raising issues around public perceptions regarding the legitimacy of the constitution.

Some of the greatest controversy surrounding the 2008 Constitution centres on the manner in which it establishes an ongoing role for the military in national politics. This was done through a number of provisions including the reservation of 25 percent of seats in parliament for the military, representing a de facto veto over proposed amendments to the Constitution (amendments to the Constitution require a majority of over 75 percent of votes). The role of the Tatmadaw was further cemented as key government ministries, including the Ministry of National Defence, the Ministry of Home Affairs (which oversees the police)¹⁰⁶ as well as the Ministry of Border Affairs, were identified as remaining under the control of the military. Furthermore, the defence services were guaranteed autonomy in determining military matters as the Constitution identified the role of Commander-in-Chief to be filled by a high-ranking member of the military, not by a civilian head of state.

Another source of controversy has been article 59(f), which prevents anyone with a foreign spouse or children from assuming executive office. This provision came into the spotlight as it prevented Aung San Suu Kyi from becoming President following her party's election victory in 2015. Indeed, unsuccessful

¹⁰⁵ See *Myanmar formally announces ratification of new constitution draft*, 30 May 2018, People's Daily Online

¹⁰⁶ At the time the 2008 Constitution was adopted, the Ministry of Home Affairs also oversaw the powerful General Administration Department (GAD). This changed at the end of 2018 as the NLD-led government announced the GAD would be moved out from under the Ministry of Home Affairs. At the time of writing, it is unclear how quickly this change will happen or the ultimate impact on the operations of the GAD.

attempts to amend article 59(f) became a main focus of attention prior to the first meeting of the new parliament in February 2016.

The 2008 Constitution created state/regional governments that each have legislative assemblies. However, decision-making responsibilities allocated to state/regional legislatures are limited, and fall far short of aspirations articulated by ethnic nationality representatives during the National Convention. Key functions and decision-making remain centrally controlled. As we will see in the case study on Arakanese identity, tensions between state/regional governments and the Union government in Nay Pyi Taw point to a further source of controversy surrounding the 2008 Constitution.

Views on Ethnicity within the 2008 Constitution

These very public controversies have overshadowed the ways that the 2008 Constitution has been shaped by, and has institutionalised, the above narratives regarding ethnic identity. Themes regarding the correlation between population size and entitlements, the homogeneity of communities and fixed nature of ethnic identity, the idea that communities should be stationary and tied to ethnic homelands, and the threat posed by outsiders, are all reflected in different aspects of the 2008 Constitution.

In the following section, we will take a closer look at how the above themes were incorporated into the Constitution by examining constitutional provisions related to the designation of territorial units, and arrangements for political representation. We will then go on to consider how measures that can be seen as aiming to uphold collective rights become problematic given the inherent inaccuracies surrounding the above assumptions and that the Constitution allocates entitlements based on the same assumptions.

Observers have noted that the 2008 Constitution offers increased representation for ethnic nationality groups. Smith has pointed out that constitutional provisions mean that “the ethnic landscape has become at its most diverse in national representation since independence in 1948.”¹⁰⁷ He outlines some examples of this increased representation including the retention of ethnic states from the 1974 Constitution, the creation of six Self-Administered Areas (SAAs), and the establishment of reserved seats in parliament for ethnic groups that meet certain population criteria.

Indeed, interviews with members of ethnic nationality communities revealed an often intense attachment to provisions that are perceived as providing an opportunity for increased levels of representation and autonomy. One representative of an ethnic political party reflected this in comments:

*We’ve been collecting information from members of our ethnic group living in [our state]. We are certain that there are at least two townships where our [ethnic] group makes up the majority of the population. This means that we are entitled to a Special Autonomous Zone [Self-Administered Area] and we want to see this change made in the Constitution.*¹⁰⁸

While provisions in the 2008 Constitution can be seen as offering a path to increased autonomy and political representation for ethnic nationality communities, they can also be seen as fuelling inter-group competition. Gravers noted this prospect when drafting of the 2008 Constitution was still in its early stages:

The new Constitution being prepared by SLORC intends to give local autonomy to the smaller ethnic groups living in areas dominated by the larger groups. Thus, to

¹⁰⁷ Smith in South, A., & Lall, M. C. (2018) p. 47.

¹⁰⁸ Field notes, Mandalay (May 2018).

*divide by a new ethnic classification and to rule by retaining state corporatism seems to be the strategy of SLORC.*¹⁰⁹

The potential deepening of competition and fault lines was further illustrated in comments by a community leader in Myitkyina who reflected on constitutional provisions for the allocation of National Race Affairs Ministers (NRAMs):

*I wish they had never included Article 161(c)¹¹⁰ in the Constitution. It was put there as a trap that has been set for [non-Bamar] ethnic people to make us fight with each other and distract us from focusing on real issues.*¹¹¹

To better understand the tension between these different perspectives, we will take a closer look at the provisions in the 2008 Constitution related to the designation of territorial units, and arrangements for political representation.

Designation of Territorial Units

The 2008 Constitution outlines a variety of political units in Myanmar. The largest of these are regions and ethnic states. A number of Self-Administered Areas are also identified.

Ethnic States – The 2008 Constitution retained the designation of seven ethnic states that were outlined in the 1974 Constitution promulgated under Ne Win. Ethnic states were identified based on assertions about where the highest concentrations of the main seven non-Bamar ethnic nationality communities reside. At the same time, the seven divisions, seen as predominantly – though by no means exclusively – Bamar areas were also retained

¹⁰⁹ Gravers in Tønnesson, S., & Antlöv, H. (1996) p. 241.

¹¹⁰ The article that provides for the appointment of National Race Affairs Ministers, to be explored in more detail below.

¹¹¹ Field notes, Myitkyina (May 2017).

from the 1974 Constitution and renamed “regions.”

States and regions are represented by state or regional assemblies that resemble legislative bodies created under the 1947 Constitution. Areas of public policy that are under the control of state and regional legislatures are outlined in Schedule Two of the 2008 Constitution. These are restricted to sectors such as finance and planning; agriculture and livestock breeding; energy, electricity, mining, and forestry; and transport, communication and construction.¹¹² Notably, control over policy related to education and security are absent from sectors outlined in Schedule Two.¹¹³

A Chief Minister for each state and region is appointed by the Union level government. Tensions around appointment of Chief Ministers and jurisdiction over policy issues with implications at state/regional levels illustrate the ongoing sensitivities around aspirations for autonomy and the perceived need to maintain centralised control. This source of friction between Union level and state/regional level governments will be explored in greater detail through case studies.

Self-Administered Areas – While the creation of ethnic states with their own legislative powers, even if curtailed by various restrictions, can be seen as a form of increased ethnic representation, it did not address longstanding concerns articulated by some smaller ethnic nationality groups. These groups noted that by naming ethnic states for the largest non-Bamar communities, representation was not being granted to smaller groups that also constitute a majority in certain areas within larger ethnic states.¹¹⁴

¹¹² See Nixon, H., Joeline, C., Lynn, T., Chit Saw, K., & Arnold, M. (2013). *State and Region Governments in Myanmar*, p. 3.

¹¹³ Jolliffe, K. (2015). *Ethnic Armed Conflict and Territorial Administration in Myanmar*. Yangon, p. vi.

¹¹⁴ Taylor, R. H. (2009) p. 505.

The solution was to create six semi-autonomous areas carved out of the existing states and regions. Thus, the 2008 Constitution designated Self-Administered Areas (SAAs) for the Danu, Kokang, Pa’O, Ta’ang and Wa in Shan State, and for the Naga in Sagaing Region.¹¹⁵

SAAs are based on the identification of ethnic nationality groups that constitute a majority in two or more adjacent townships, but have not been allocated an ethnic state.¹¹⁶ A “Leading Body” made up largely of locally elected officials governs these areas. Like state/regional assemblies and the upper and lower houses of parliament in Nay Pyi Taw, the Tatmadaw appoints 25 percent of officials to these Leading Bodies. While autonomous in name, the experience and autonomy of each area varies a great deal. Out of the current six SAAs, the Wa Self-Administered Division is the territorial unit with the highest level of autonomy.

Arrangements for Political Representation

Echoing the Chamber of Nationalities created under the 1947 Constitution, the 2008 Constitution provides for the allocation of National Race Affairs Ministers, also widely referred to as ethnic affairs ministers.

National Race Affairs Ministers – Article 161(c) of the 2008 Constitution created a new system under which ethnic groups – Bamar and non-Bamar – that meet a designated population threshold in a state/region are granted representation through the allocation of a state/regional NRAMs. Under this provision, ethnic groups living outside of their respective ethnic state or region, with a population in a given state/region, which constitutes at least 0.1 percent of the country’s total population, would be given the

¹¹⁵ South, A. (2008) p. 136, and Smith in South, A., & Lall, M. C. (2018) p. 48.

¹¹⁶ Thawnmung and Yadana in South, A., & Lall, M. C. (2018) p. 118.

chance to elect their own representative at the level of state or regional legislatures.

Upon first read, the provision encompasses a level of confounding complexity that can be difficult to grasp and is best explained through illustration. For example, Ayeyawady Region has an NRAM appointed to represent the Karen community living in Ayeyawady, and another NRAM appointed to represent the Rakhine community living in Ayeyawady. The opportunity for members of the Karen and Rakhine communities to each elect an NRAM is based on the assessment that the population of their respective communities in Ayeyawady Region meets the threshold of at least 51,500 (0.1 percent of the country’s total population) or more. As Ayeyawady Region is not already associated with either group, and neither group has been allocated a Self-Administered Area within Ayeyawady Region, each group is entitled to an NRAM.

Ardeth Maung Thawnmung and Yadana outline that, following the 2015 elections, there were 29 NRAMs representing the following groups at the state/regional level: Bamar (5), Kayin (5), Chin (3), Shan (3), Rakhine (2), Lisu (2), Pa’O (2), Kachin (1), Rawang, (1), Lahu (1), Kayan (1), Mon (1), Inthar (1), Akha (1).¹¹⁷

Interviews during 2016- 2018 revealed that the current mandate and responsibilities of NRAMs are quite limited. A number of current or former NRAMs interviewed noted that they had few resources at their disposal and that their role was more one of raising concerns and advocating on behalf of their constituencies. At the same time, the potential influence of NRAMs loomed large in the minds of ethnic nationality community members. Many of those interviewed shared their concerns regarding the population figures that determine the potential for their community to receive an NRAM in given states and regions, doubting the accuracy of

¹¹⁷ Thawnmung and Yadana in South, A., & Lall, M. C. (2018) p. 131.

data maintained by the DoI. Also, identification on one's CSC was a major concern for many, as this designation determined (among other things) their ability to vote for an NRAM in their state or region.¹¹⁸

Thus, the provisions in the 2008 Constitution that designate territorial units and provide some with enhanced political representation denote an effort to outline group-specific rights in the Myanmar Constitution. At the same time, the approach assumes that groups can be clearly categorised (determining who are insiders and who are outsiders), measured, and will remain stationary. In people's everyday lived experience this is far from the truth, with the implication being that allocations produced by constitutional provisions remain highly contested.

Dilemmas Surrounding a Collective Rights Approach in the Myanmar Context

Myanmar provides an example where the tension between individual rights and collective rights, one of the great debates of modern political theory, is addressed through the 2008 Constitution. As Will Kymlicka explains, a liberal focus on individual human rights asserts that no special protections are needed if individual rights are equally applied. By contrast, a focus on collective rights acknowledges that under certain circumstances, group-specific rights are needed to "accommodate enduring cultural differences" and to give "permanent political identity or constitutional status" to ethnic or national groups.¹¹⁹ When examined through this rights-based framework, it is clear that the 2008 Constitution seeks to go beyond individual rights to create provisions for collective rights through the designation of ethnic states, the establishment of SAAs, and the appointment of NRAMs. Each of these measures can be seen as emerging out of an

effort to uphold and protect collective rights by enumerating group-specific entitlements.

The inclusion of these provisions can be understood as an effort to overcome concerns regarding national unity by aiming to produce a stronger tie to the political entity that offers the prospect of achieving these rights. As Thawnhmung and Yadana explain, "the provision of minority rights is the key to assuaging distrust of a dominant group by minority communities and strengthening the latter's identification with the nation-state."¹²⁰ However, Thawnhmung and Yadana go on to point out that the allocation of rights based on ethnic identity in the Myanmar context is problematic. Challenges emerge directly from inaccuracies embedded in the narratives outlined above. Indeed, the Constitution may include provisions that benefit certain groups based on assumptions regarding the size and geographical concentration of communities. However, the realities surrounding ethnic identity make such an approach highly controversial.

Firstly, a problem emerges around the challenge of measuring the size of an ethnic group. Indeed, measuring an ethnic group's population assumes that groups are homogenous and their identity can be described through fixed categories. But ever since the colonial authorities first tried to classify and measure ethnic identity, these efforts have been repeatedly stymied due to the reality that identity is an attribute that is not static but shifts and changes over time. As we have seen, numerous scholars on Myanmar have noted the instability of identity as illustrated in the following quote from an appendix to the 1931 census:

Some of the races or "tribes" in Burma change their language almost as often as they change their clothes. Languages are changed by conquest, by absorption, by isolation, and by the general tendency to

¹¹⁸ Field notes, Hpa'an, Kalay, Loikaw, Mawlamyine, Yangon (May 2018).

¹¹⁹ Kymlicka, W. (1995) p. 4.

¹²⁰ Thawnhmung and Yadana in South, A., & Lall, M. C. (2018) p. 115.

*adopt the language of a neighbor who is considered to belong to a more powerful, more numerous, or more advanced tribe or race.... Races are becoming more and more mixed, and the threads are more and more difficult to untangle.*¹²¹

Furthermore, the establishment of territorial boundaries based on ethnic identity assumes a level of stasis that is not borne out in people's lived experience. Indeed, census figures reveal that in-migration and out-migration is a reality of everyday life in Myanmar.

Provisions in the 2008 Constitution also reflect and reinforce the assumption that there is a correlation between population size and entitlements. The result has been an institutionalisation of competition between groups as each tries to project the necessary population numbers to secure or expand their territorial boundaries or enhance political representation. This was reflected over multiple visits to Shan State where members of one group expressed a concern that other groups sought to inflate their population size in order to maximise claim to benefits and entitlements:

*Certain groups have an unfair connection to the Department of Immigration and they use this unfair advantage to increase the number of their group.¹²² They report false numbers and this ends up being reflected on peoples' CSCs. Ultimately their aim is to establish their own ethnic state. DoI knows this and they are happy to go along because they know it creates tension between ethnic minorities.*¹²³

¹²¹ Scott, J. C. (2009) quoting Green p. 239.

¹²² As mentioned in the Introduction, the Department of Immigration oversees the collection of household registration data which, at the time of writing, constituted the main source of ethnicity data in Myanmar.

¹²³ Field notes, Taunggyi (May 2018).

Finally, the focus on allocation of entitlements based on group categories and group size, in a context of intense competition, further institutionalises narratives surrounding the threat posed by outsiders. Outsiders bring the potential of demographic change, and demographic change represents a potential threat to the current designation of territorial units and arrangements around political representation.

On the surface, the collective rights approach pursued through the 2008 Constitution can be seen as a move towards meeting the aspirations of diverse Myanmar communities to attain higher levels of self-determination. The Constitution offers the promise of community-specific benefits potentially accruing to groups that are able to assert they have met population size criteria in given geographic areas. However, this sets up a competition between groups, and the parameters of this competition are based on assumptions regarding ethnic identity that, though widely held, often do not reflect people's real-life experiences.

In the following pages we will further examine whether the provision of collective rights in the 2008 Constitution truly offers an opportunity to achieve increased representation and autonomy, or whether it in fact produces the trap referred to above by the community leader from Myitkyina that locks ethnic nationality communities in a cycle of endless competition.¹²⁴ This question will be explored in greater detail through the case studies included in this report.

However, before examining case studies, this report will return to its historical overview and consider the events that followed the adoption of the 2008 Constitution. Indeed, the transition that was launched by the 2008 Constitution has had significant implications for communities throughout Myanmar, and for engagement around ethnic identity.

¹²⁴ See quote above from interview in Myitkyina regarding Article 161(c) of the 2008 Constitution.

CHAPTER 3

Ethnic Identity Dilemmas in Myanmar's Current Context of Transition

Having undertaken a close examination of ethnic identity narratives and their institutionalisation in the 2008 Constitution, the report will next focus on events that followed the Constitution's adoption. Since then, Myanmar has undergone a rapid process of change and transition and the following chapter will look at some key aspects of that transition as they relate to ethnic identity in Myanmar. This will include an examination of the lead up to the 2010 elections and the Thein Sein presidency; the signing of the Nationwide Ceasefire Agreement; the electoral victory of the NLD and launch of the national political dialogue process; divergent thinking around models of federalism; and significant events related to ethnic identity that have unfolded outside the context of the peace process.

The Lead up to Elections in 2010 and the Thein Sein Presidency

In April 2009, following the adoption of the 2008 Constitution, the SPDC announced that all ceasefire groups and militias would transform into Border Guard Forces (BGFs) under partial control of the Tatmadaw. While the announcement was in accordance with section 338 of the new Constitution that required that "all the armed forces in the Union shall be under the command of the Defence Services," the order was seen as deeply provocative. As we will explore in greater detail in our case study on Kachin identity, the BGF announcement and the unsuccessful attempt of Kachin political parties to register in advance of the 2010 elections meant that tensions between the Tatmadaw and the KIO were high as the country went through multiparty elections.

Elections were held in November 2010. The NLD did not participate in the elections and

the military-backed Union Solidarity and Development Party (USDP) won a majority of votes with a former general, Thein Sein, becoming president in early 2011. Deep scepticism accompanied the 2010 elections and the Thein Sein presidency. The predictions of pessimists seemed to be confirmed when the ceasefire between the Tatmadaw and the KIO broke down in June 2011. Again, the circumstances surrounding the collapse of the ceasefire will be explored in greater detail in the subsequent case study on Kachin identity.

However, the new president went on to signal a notable change in Myanmar politics when he undertook several significant steps during the first months of his presidency. In August 2011, President Thein Sein both met directly with NLD leader Aung San Suu Kyi and initiated a new peace process. In a public statement, the new president invited ethnic armed groups to join peace talks aimed at putting "an end to armed insurrection to make internal peace in order to build a peaceful, developed nation."¹²⁵ By initiating a new peace process, President Thein Sein kicked off an intense series of peace talks that would eventually produce a Nationwide Ceasefire Agreement (NCA). Furthermore, in September 2011, the president announced that work on a massive hydroelectric project - the Myitsone dam, which had been agreed prior to the 2010 elections by the SPDC and the Chinese government - would be suspended in response to public pressure. Work had already started to build the dam in Kachin State, provoking concerns about lack of community consultation, environmental damage, displacement, destruction of Kachin (and Bamar) cultural heritage, and anger at what some perceived as Chinese colonialism.¹²⁶ The suspension was seen as an

¹²⁵ *Union Government offers olive branch to national race groups*, New Light of Myanmar, 19 August 2011.

¹²⁶ In an article in the Irrawaddy newspaper, dissident Aung Din said that China had "colonized Burma without shooting a gun and has sucked the life of the people of Burma with the help of the Burmese regime and its cronies. Now, they are killing the

historic first in terms of government response to public protests.

Unfortunately, the Thein Sein presidency also saw new waves of armed conflict and violence erupt in different parts of the country. Beyond the collapse of the Tatmadaw-KIO ceasefire in June 2011, the situation in the northeast further deteriorated in 2014. Fighting between the Tatmadaw and the KIO escalated, and there was a new outbreak of violence between the Tatmadaw and armed groups in northern Shan State, including the Myanmar National Democratic Alliance Army (MNDAA), the Ta'ang National Liberation Army (TNLA), and the newly formed Arakan Army (AA).

Elsewhere in the country, waves of intercommunal violence erupted. In 2012, a state of emergency was declared in Rakhine State following violence between Rakhine Buddhists and Rohingya Muslims. Riots resulted in deaths and thousands of homes were destroyed on both sides. The following year, in central Myanmar, anti-Muslim violence broke out in Meikhtila, Mandalay Region. Further violence was seen in Rakhine State during 2014 when a Rohingya village was attacked.

The Thein Sein presidency also saw the emergence of *MaBaTha*, or the Committee for the Protection of Race and Religion. This nationalist organisation, led by Buddhist clergy and laypeople, became linked with a surge in anti-Muslim hate speech and violence. In Myanmar's rapidly changing environment, the combination of *MaBaTha*'s leadership and the new availability of social media provided powerful tools for the rapid spread of Buddhist extremism and anger towards those perceived to be outsiders.¹²⁷

Irrawaddy River as well." See *Killing the Irrawaddy*, by Aung Din, 4 August 2011.

¹²⁷ *Buddhism and State Power in Myanmar* (Vol. 290, Asia Report). (2017).

But as well as the experience of renewed armed clashes and intercommunal violence, the Thein Sein presidency also saw changes that were welcomed and celebrated: areas that had been at war for decades saw peace, particularly in the country's southeast; many exiles who had lived outside the country for years were formally invited back home; media restrictions and rules surrounding freedom of assembly were relaxed; and new employment opportunities became available with the opening of the economy. At the same time, as the economy opened, offering new opportunities for foreign direct investment, issues around land ownership, labour standards, and corruption made headlines in the increasingly open media.

It was in this context of change and transition that the Thein Sein government undertook the 2014 Myanmar Population and Housing Census. As highlighted in the Introduction, the previous census had taken place in 1983 and demographic data related to a range of socio-economic indicators was badly out of date. The country was embarking on a challenging period of reform and transition in which government ministries, international donors, and private sector actors welcomed the opportunity to receive updated data that would inform development and investment endeavours. Thus, the collaborative effort between the Myanmar government and the UN was initiated in order to meet these needs.

At the same time, in the context of heightened ethnic and religious tensions, the inclusion of questions related to ethnicity and religion triggered deep sensitivities. The analysis undertaken in Chapter 2 provides insights into sensitivities surrounding ethnicity data, highlighting the provisions within the 2008 Constitution that relate to ethnic group population size and concentration. The fact that the Constitution assumes that it is possible to categorise and measure ethnic population groups provides insights into some of the underlying motivations for including

ethnic identity as part of the census enumeration. However, the ultimate use of that data to make highly political determinations, in which some would potentially benefit while others would lose out, made the collection an undertaking that would inevitably provoke intense emotion. As noted in the Introduction, anger towards the census, particularly the concept of self-identification, resulted in the non-enumeration of Muslim communities in northern Rakhine.

The Nationwide Ceasefire

Within the context of change, volatility, intercommunal tensions, and (in some places) an intensification of armed conflict, the Thein Sein government also continued to pursue the peace process initiated in 2011. The ongoing process moved beyond bilateral ceasefires to an approach that – for the first time – would span agreement between the government and multiple ethnic groups. Negotiations were seen as an opportunity to not simply achieve a cessation of hostilities that would put an end to active fighting, but as leading to a framework for political dialogue that would enable genuine resolution of long-standing conflicts. The aim was to go beyond a ceasefire and establish a path to a political settlement that would reach agreement on “fundamental issues such as power- and revenue-sharing; reform of the security sector, the judiciary and land; and community, ethnic and minority rights.”¹²⁸

On the EAO side, a Nationwide Ceasefire Coordination Team (NCCT) led negotiations. U Aung Min played the role of lead negotiator for the government. Meetings unfolded at a gruelling pace, and were continuously challenged by issues surrounding inclusion and ongoing fighting. Finally, a text was agreed and, on 15 October 2015, President Thein Sein, EAOs, and the Tatmadaw

¹²⁸ *Burma - national dialogue: armed groups, contested legitimacy and political transition*, by Harn Yawngwe, Accord issue 25, 2014, p. 49.

Commander-in-Chief, signed the NCA. On the side of the EAOs, eight ethnic armed groups, including two of the largest forces, the Karen National Union (KNU) and the Restoration Council of Shan State (RCSS) signed onto the agreement.¹²⁹ The Agreement was reached with less than a month remaining before the next national election and with the Tatmadaw insisting that the MNDAA, TNLA, and AA would not be included in the agreement until they surrendered. Also, major groups like the KIO and the UWSA did not sign.

Although it was not all-inclusive, the NCA did bring a formal cessation of hostilities between the Tatmadaw and certain ethnic armed groups. More importantly, the NCA contained language that many saw as potentially signalling a turning point in relations between the Tatmadaw and all EAOs. This included acceptance by the Tatmadaw of a reference to federalism, and acceptance by EAOs of the Tatmadaw’s Three National Causes. Thus, included in the NCA’s Basic Principles was the aim to “[e]stablish a union based on the principles of democracy and federalism in accordance with the outcomes of political dialogue and the spirit of Panglong” as well as reference to “upholding the principles of non-disintegration of the union, non-disintegration of national solidarity and perpetuation of national sovereignty.”¹³⁰ For each group, these inclusions represented key achievements.

¹²⁹ In 2015, the eight groups to sign the NCA included the KNU, the Democratic Karen Buddhist (or Benevolent) Army (DKBA), KNU-KNLA Peace Council (KNU-KNLA PC), Restoration Council of Shan State (RCSS), Chin National Front (CNF), Pa’O National Liberation Organization (PNLO), Arakan Liberation Party (ALP), and the All Burma Students’ Democratic Front (ABSDF). In 2018 the New Mon State Party (NMSP) and the Lahu Democratic Union (LDU) also joined the NCA.

¹³⁰ The full text of the Nationwide Ceasefire Agreement is available at https://peacemaker.un.org/sites/peacemaker.un.org/files/MM_151510_NCAAgreement.pdf

New National Leadership and Next Steps in the Peace Process

Following the signing of the NCA in October 2015, national elections were held in November 2015. The NLD had not participated in 2010 elections but were prepared to contest in 2015. The result was a landslide victory. In the Amyotha Hluttaw (Upper House of Parliament), the NLD saw its seats jump from 4 to 135.¹³¹ At the same time, seats held by the USDP declined from 124 to 12. Likewise, NLD seats in the Pyithu Hluttaw (Lower House of Parliament) went from 37 to 255, and USDP seats went from 218 to 30.¹³²

As was mentioned in Chapter 2, despite the significant electoral victory, Aung San Suu Kyi found herself barred from assuming the role of president due to restrictions in the Constitution. This challenge was finally overcome when her party created the role of State Counsellor for her, allowing her to become the de facto head of state and “above the President.”¹³³ The NLD’s new leadership role meant it would assume responsibility for the reform process started under the Thein Sein government, including the peace process. The signing of the NCA triggered the launch of a national political dialogue process in early 2016. This began with a Union-level gathering referred to as the twenty-first Century Panglong Peace Conference. Further political dialogue sessions were also slated to take place at the state and regional levels. Originally envisioned as a path that would allow parties to finally tackle the persistent tension in Myanmar politics between unity and ethnic diversity, the process quickly became weighed down with challenges

¹³¹ While the NLD did not participate in 2010 elections, they did participate in 2012 by-elections which provided them with an entry into parliament.

¹³² For an overview of election results, see *The fighting peacock spreads its tail: Final results graphics*, The Irrawaddy, 24 November 2015.

¹³³ See *Aung San Suu Kyi Moves Closer to Leading Myanmar*, by Wai Moe and Richard C. Paddock, The New York Times, 5 April 2016.

related to inclusion, participation, and agenda setting.

While a detailed examination of the peace process and the national dialogue process exceeds the scope of this report, it is fair to say that the process has fallen short of expectations. At least seven important armed groups have not signed, leaving well over half of the total number of ethnic armed troops in Myanmar outside the NCA.¹³⁴ Likewise, in terms of providing a mechanism for discussion of substantive issues, the national political dialogue process has made little progress. As this report will explore further through case studies, key sub-national political dialogues have been blocked from moving forward. At the same time, Union-level meetings have been unable to move beyond basic definitional issues, and have failed to address matters of key concern to ethnic nationality stakeholders.

As a result, many of those interviewed who have been directly involved in the process, as well as observers, held a relatively pessimistic view of the ability of the dialogue process to address underlying tensions and build consensus around a vision for the future. Many felt that under the NLD-led administration, progress achieved under the Thein Sein presidency has, in fact, stalled and even eroded. This was reflected in 2018 by the KNU’s move to suspend participation in the peace process,¹³⁵ and in public remarks by the commander of the RCSS.¹³⁶

¹³⁴ Note that the KIO’s army, the Kachin Independence Army (KIA), and the UWSA are seen as the largest ethnic armed groups in Myanmar, estimated to have 10-12,000 troops and over 30,000 troops respectively. The Myanmar Peace Monitor provides a helpful overview on stakeholders in the Myanmar peace process and is available at <http://mmpeacemonitor.org/stakeholders/stakeholders-overview>

¹³⁵ See *Karen National Union suspends participation in peace talks*, by Ye Mon, Frontier Myanmar, 29 October 2018.

¹³⁶ See *RCSS General Yawd Serk worries of more conflict if peace talks fail*, Myanmar Times, 23 October 2018.

In light of the focus of this report on ethnic identity, the following section will examine the aspirations surrounding federalism shared by those interviewed. As noted above, the reference to federalism being included in the NCA was seen as a tremendous achievement, as previous attempts including during the National Convention, had been rejected out of hand. For all its shortcomings, inclusion of language related to federalism in the NCA has moved the aim of ethnic nationality groups to achieve federalism onto the public agenda in Myanmar. However, what has also become clear is that the term “federalism” means different things to different people. In the following section we will consider how the ethnic identity narratives outlined in Chapter 2 have shaped outlooks regarding possible future federal models.

Federalism in Myanmar: divergent approaches to collective rights

Many questions surround the concept of federalism in Myanmar. While the term is frequently used, often in association with reference to autonomy, decentralisation, democracy, and self-determination, stakeholders in Myanmar often have very different ideas about what federalism means or, indeed, how a federal system might look different than Myanmar’s current unitary system. For the purposes of this report, we will draw on the definition of federalism outlined by South (which, in turn, is taken from A. Smith):

*‘Federalism’ refers (Alan Smith 2007) to mixed-sovereignty governance systems characterised by power-sharing between a central (federal) government, and constituent (state) governments; related (but distinct) concepts include ‘decentralisation’ and ‘regional autonomy’.*¹³⁷

A variety of Myanmar actors have put forth proposals and visions for Myanmar’s future under federalism, but proposals are far from representing a consensus view. While sharing a common focus on the importance of autonomy and self-determination, a variety of aspirations and expectations have emerged regarding possible models to be adopted in the future.

As we have noted above, a strong preference exists for collective rights, oriented around ethnic identity. In fact, debate in Myanmar does not centre on whether or not special rights and recognition should be granted to different cultural groups. Rather, the assumption is that special rights and recognition will be granted to different ethnic groups, and the debate instead centres on how to define those groups and which rights should be granted.

For example, it is widely accepted that territorial units within the country are, should be, and, under any future federal arrangement, will be determined according to ethnic population size or concentration of different ethnic groups. In conversations with meeting participants, it was widely accepted that the country would be organised around these lines. When questions arose they focused on whether current boundaries should be redrawn, and what level and types of power should be accorded to territorial units associated with different groups.

The assumption that future territorial units should be determined by ethnic population size was illustrated through proposals that emerged at a meeting of EAOs and ethnic political parties that took place in Mai Ja Yang, Kachin State, in July 2016, prior to the second Twenty-first Century Panglong Peace Conference. At this gathering, which was described by one observer as “the most comprehensive conference to determine a common position among nationality forces and political parties since independence in

¹³⁷ South, A. (2008) p. xix.

1948,”¹³⁸ meeting participants affirmed that states should be demarcated according to where ethnic nationality communities form a majority. One proposal at the meeting went further to suggest that the country’s seven regions should also be transformed, possibly with the creation of one Bamar state, and possibly with the creation of a “nationalities state” (recognizing that in some current regions in the country no single ethnic group constitutes a majority).¹³⁹

Thus, as Kyed and Gravers explain, a variety of views exist. On the one hand, it would be possible to continue along the lines of Myanmar’s current model but with the augmentation of genuine access to rights for all and authentic decentralisation. A more extreme view might move towards a reconsideration of boundaries and a move towards higher levels of autonomy, including “ethnic political and juridical institutions.” Given the ethnically mixed character of Myanmar communities, the latter approach would likely raise questions around political representation as well as the conundrum of “geographic delineations of ethnic identity.”¹⁴⁰

The logic of pursuing either approach is shaped by longstanding ethnic identity narratives in Myanmar including the presumed correlation between population size and entitlements; the narrative surrounding the homogeneity of communities and the fixed nature of identity; the belief that communities should be stationary and tied to ethnic homelands; and the perceived threat posed by outsiders. Interestingly, in meetings and interviews, the research team seldom

¹³⁸ Sai Wansai, *Constitution-Making and Peace Process Stagnation in Myanmar: Will a conditional clause help restore confidence in the 21st Century Panglong Conference?* Transnational Institute, The Netherlands, 3 September 2018.

¹³⁹ See *Structure of federal Union debated on second day of Mai Ja Yang summit*, Myanmar Times, 28 July 2016.

¹⁴⁰ Kyed and Gravers in South, A., & Lall, M. C. (2018) p. 80.

heard voices that questioned whether or not ethnicity should be used as a central organizing principle. This is despite the fact that, as demonstrated in the previous chapter, the use of ethnic identity as a principle for allocating collective rights is inherently problematic in the Myanmar context.

Ethnic Identity Beyond the Peace Process

While the peace process and resulting national political dialogue evolved under the Thein Sein presidency and first years of the NLD-led government, significant events in Myanmar have dominated media headlines and global concern, often reducing peacebuilding efforts to a faint shadow in the background. These have included a significant crisis in northern Rakhine State following clearance operations carried out by Tatmadaw forces against Rohingya communities. These actions, widely condemned by the international community, took place following attacks against security forces by the Arakan Rohingya Salvation Army (ARSA) in August 2017, and produced over 700,000 refugees fleeing to neighbouring Bangladesh.¹⁴¹

Recent years have also seen intensification in military operations carried out by the Tatmadaw against EAOs in the country’s northeast. These accelerated, with the Tatmadaw often making use of heavy weaponry, after a military alliance between brigades of the KIA, the AA, the MNDAA, and the TNLA emerged during November 2016.

Finally, doubts and concerns around the future of the peace process have intensified. These have been highlighted by the emergence of the Federal Political Negotiation and Consultative Committee (FPNCC), led by the UWSA, that has proposed an alternative path to peace outside the parameters of the current peace process. Also, as mentioned

¹⁴¹ For more details see *Report of the Independent International Fact-Finding Mission on Myanmar*, presented to the UN Human Rights Council on 24 August 2018.

above, the KNU and RCSS announced the suspension of their participation in the NCA peace process in October 2018, raising questions about the future efforts to achieve a political settlement. Furthermore, while the Tatmadaw announced a unilateral ceasefire in December 2018, fighting between the Tatmadaw and the AA began a major upswing in the final months of 2018, into 2019.

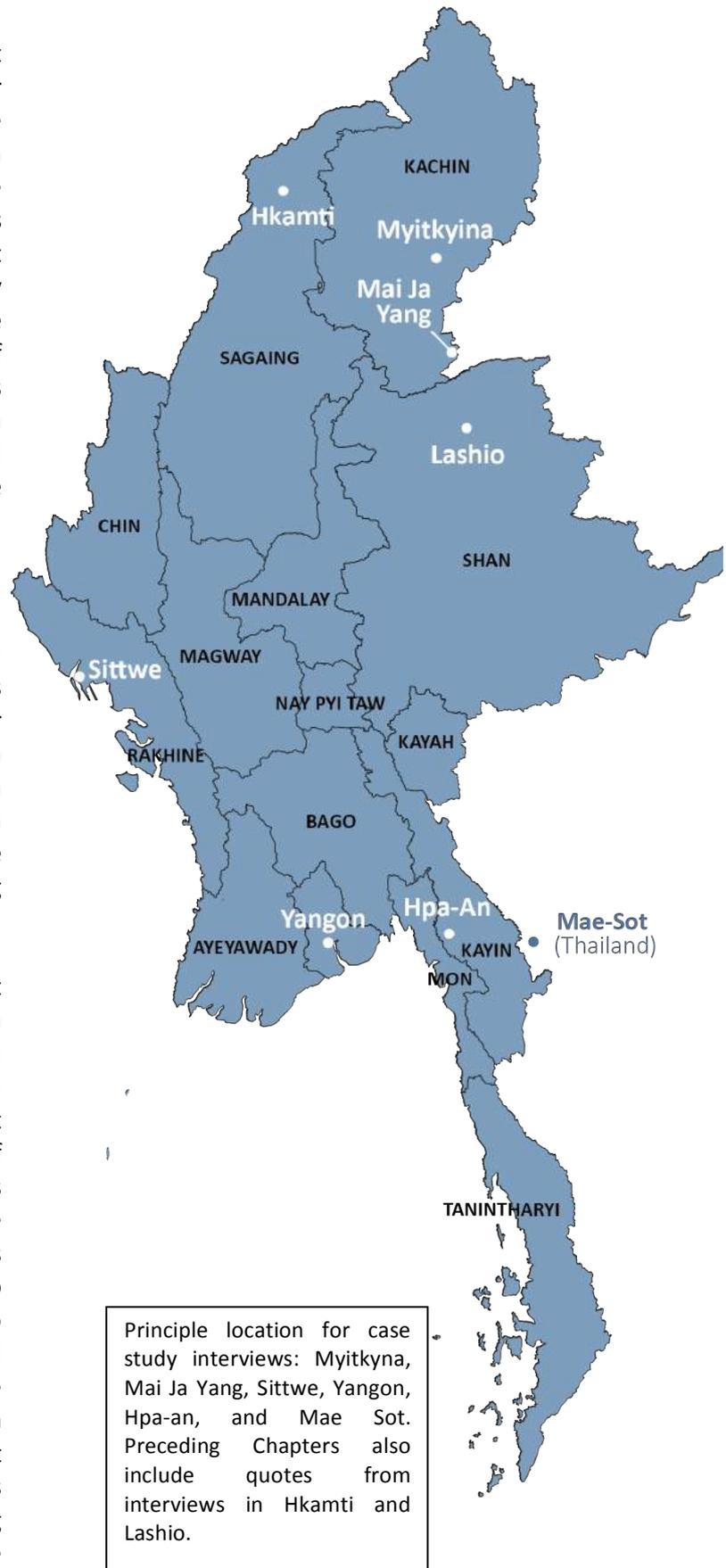
At their heart, all of these conflicts are framed around issues related to ethnic identity. These include conflicts emerging from the tension between diversity and unity, as well as deep insecurities regarding the threat posed by outsiders. In the following section we will continue to explore these issues in more detail by looking at three case studies: Kachin identity, Arakan identity, and Karen identity.

CASE STUDIES - Introduction

The following section will take a closer look at issues surrounding ethnic identity in Myanmar through the lens of three case studies. These case studies provide an opportunity to look in more depth at Kachin identity, Arakanese identity, and Karen identity. The case studies draw on existing research to complement interviews and consultations carried out by the research team, resulting in three separate stories. Each begins with a brief summary of the rich histories and complex experiences that have shaped current perspectives on ethnic identity in the Kachin, Arakanese, and Karen communities, before exploring the research team's findings in detail.

It should be noted that issues related to ethnic identity raise sensitivities and some level of controversy in all three groups. The analysis outlined in the following case studies makes no attempt to classify groups or critique how groups engage around their own identity. Rather, the case studies reflect an array of views voiced by members of each community. These views and perspectives are used to illustrate the complexities surrounding ethnic identity in different settings.

Finally, it is also important to emphasize that the case studies do not claim to convey an exhaustive exploration of perspectives within each community, nor does the research team claim that any of the views outlined represent a unified outlook. Indeed, the contribution of the case studies is not in providing consensus perspectives. Instead, the case studies provide an opportunity to consider a range of views that are held by community members who have reflected closely on how issues related to ethnic identity have an impact on the lives and experiences of their communities. The intention of the case studies is to provide a space to share voices that are often not widely heard, and to consider the insights they provide in terms of understanding underlying challenges and alternative approaches.



CASE STUDY

The Case of Kachin Identity

In the arch formed by Myanmar's highlands, Kachin State makes up the keystone at the arch's summit. It shoulders the weight of a long international border with China, and a shorter international border with India. To its south, Kachin State borders Shan State, and Sagaing Region to its southwest.

The state's name and ethnic association refer to a complex set of ethnic identities that began to emerge in the late nineteenth century. The term "Kachin" was formalised by British colonialists as they came into contact with the variety of communities living in the borderlands of Burma, China, and India. As such, "Kachin" was used as a catch-all designation that referred to the larger Jingphaw group and its smaller clans, as well as other groups. Community leaders also found the term useful in building unity across a diverse range of communities.¹⁴²

The following case study provides an opportunity to reflect more closely on aspects of Kachin identity and history, as well as Kachin experiences with armed struggle, the ceasefire period of 1994-2011, and more recent resumption of armed conflict. In the current context, many Kachin communities live in areas that are under central government control, KIO control, or mixed authority. There has also been a sustained focus on the part of some Kachin leaders to engage in electoral politics. These experiences have shaped outlooks within the Kachin community regarding the prospects for local governance and aspirations for the future. In considering a vision of governance for the future, many of those interviewed focused on issues related to territorial boundaries and the desire to achieve autonomy and self-determination.



Women at work in Kachin state
Photo credit: Seng Aung Sein Myint

¹⁴² Sadan, M. (2013) pp. 14 - 20, 244.

Concerns and aspirations articulated by members of the Kachin community are notable in the way that they illustrate the ethnic identity narratives outlined in Chapter 2. In particular, perspectives on Kachin identity illustrate narratives surrounding the assumed correlation between population size and entitlements, the idea that communities are homogeneous and ethnic identity is fixed, the notion that communities should be stationary and tied to historic homelands, and that outsiders pose a threat.

This case study will conclude by taking a closer look at aspects of Kachin identity in the current situation of insecurity and armed conflict in which a complex interplay between push and pull factors may lead, paradoxically, to both stronger group unity and deeper group divisions.

Kachin Identity

The exact categorisation of the Kachin group is a matter of sometimes heated debate. While this case study in no way seeks to impose any form of categorisation on a community that enjoys rich diversity, the tensions and controversies surrounding efforts to classify and build unity within the Kachin group are a principal focus of this case study.

Prior to the arrival of the British, Burmese kingdoms extended from the central lowlands and claimed dominion over the Shan hills and the Kachin highlands. However, numerous authors have noted that the political authority of monarchs sitting in Toungoo, Ava, or Mandalay over the remote hills of this mountainous periphery was nominal.¹⁴³ In the area known today as Kachin State, traditional

leaders, referred to as *duwas*, from the Jingphaw community, and *sawbwas*, from the Shan community, connected with different clans and retained independent control. Authors such as South note that the tradition of local autonomy was strong and continued well into the colonial period. Indeed, it was not until the 1930s that aspects of British colonial administration extended their reach into the northern highlands.¹⁴⁴

While the state – both the central Burmese kingdoms of the lowlands, as well as the British colonial state – was limited in its ability to penetrate and control these areas, Christian missionaries and other outsiders came to know the communities living in these northern highlands and referred to them as Kachin. However, for the communities designated as Kachin the term was not widely used or loved, and the Jingphaw term *Wunpawng* was gradually adopted as an equivalent term. As Sadan recounts:

*The term Wunpawng as the equivalent of Kachin downplayed explicit reference to the dominance of the Jinghpaw lineages. Yet, as use of the term Wunpawng and other referents within the umbrella category indicate, it was nonetheless a Jinghpaw model of social relations that became authoritative...*¹⁴⁵

Authors such as Sadan and South have identified the Jingphaw as the dominant group within the broader Kachin/Wunpawng group. This is reinforced by the fact that the Jingphaw language is used as a common language within much of the Kachin community, and leadership within the Kachin

¹⁴³ Smith, M. (1991) p. 39.

¹⁴⁴ South, A. (2008) p. 18.

¹⁴⁵ Sadan, M. (2013) p. 341.

Baptist Church (KBC) and the Kachin nationalist movement has tended to be drawn from the Jingphaw community.¹⁴⁶ At different times, the term Jingphaw has also served as a stand-in for the term Kachin, but Sadan notes that

*Emphasis on the term Jingphaw as the primary equivalent of Kachin could be interpreted with too narrow an ethnographic range, unduly emphasising the Jingphaw dominance within the collective and destabilising the sometimes fragile political allegiances that Kachin ethno-nationalist elites hoped to maintain*¹⁴⁷

While classification of Kachin/Wunpawng groups remains highly contested, it is often described as including a range of about six groups. Laur Kiiik outlines these as being Jingphaw, Lhaovo (or Lawngwaw), Zaiwa, Lachid (or Lachik), Rawang, and Lisu.¹⁴⁸ In interviews and consultations, meeting participants generally agreed with the six-part classification for the Kachin group, adding a range of additional perspectives. Some expressed the view that the term Maru is often associated with the Lhaovo group, while others were of the opinion that the term Zaiwa is interchangeable with Atsi. Furthermore, the research team met with

¹⁴⁶ It should be noted that the Catholic Church and other evangelical congregations also enjoy a wide following within the Kachin community. These denominations draw members from a variety of Kachin subgroups, as well as non-Kachin people.

¹⁴⁷ Sadan, M. (2013) p. 340.

¹⁴⁸ Kiiik in Sadan, M. (2016) p. 213. Note that a variety of spellings exist for groups within the larger Kachin/Wunpawng group. For the purposes of this report, we have adopted the spellings outlined by Kiiik. However, it is common for sources to use spellings that differ from those outlined above.

individuals who self-identified as Nung-Lungmi and Ngaw Chan, and who asserted that their groups were also distinct members of the broader Wunpawng group.

As a group that was present in the territory of present-day Myanmar at the time of the first Anglo-Burman war in 1824, the Kachin/Wunpawng group is considered *taingyintha*, and therefore entitled to citizenship and associated rights. At the same time, Kachin groups live outside of Myanmar, and the Jingphaw of Myanmar are also known as *Jingpho* in China and *Singpho* in India. Furthermore, within Myanmar, Kachin communities are by no means confined to Kachin State, with significant Kachin populations living in other parts of Myanmar. In fact, the Kachin population in Shan State meets the threshold for appointment of a Kachin NRAM, or ethnic affairs minister, in Shan State.

Likewise, many non-Kachin communities are present in Kachin State. Indeed, Shan and Bamar communities living in Kachin State have been determined to reach the 0.1 percent threshold needed to receive appointment of NRAMs in the Kachin State parliament.¹⁴⁹

Data from the 2014 census reveals high levels of migration into Kachin from other parts of the country. The highest in-migration was recorded as coming from Sagaing Region, Mandalay Region, and Shan State, but Kachin State was also the principal destination for migration from Rakhine State and Yangon

¹⁴⁹ Note that NRAMs have also been appointed in Kachin State for the Lisu and Rawang communities, a highly contentious development treated in more detail below.

Region.¹⁵⁰ Many of those interviewed pointed out that migration into Kachin State from other parts of the country is a common phenomenon as the state's extractive industries provide a draw for those seeking employment.¹⁵¹ In fact, as we will see through this case study, migration and perceived changes in demographics were issues of great sensitivity and concern for many meeting participants.

Historical Background

Under British colonial administration, much of what constitutes Kachin State today was designated as the "Kachin Hills" and governed indirectly as part of the Frontier Areas. The turbulence of the Second World War extended its reach into the Kachin Hills and many Kachin fought on the British side, against the BIA, Chinese, and Japanese troops. Sadan points out that it would be a mistake to assume this reflected a deep sense of loyalty to the colonial power. Instead, she asserts that siding with the British emerged from a desire to protect homes and villages from the conflagration of violence that consumed northern Burma. Like Karen communities, members of the Kachin community were victims of atrocities committed by the BIA. The experience of the war years produced anti-Bamar sentiment within the Kachin community and shaped the development of modern, nationalist Kachin politics.¹⁵²

With the end of the war, and with Burman nationalists seeking independence from Britain, Kachin leaders took part in the 1947

Panglong Conference. Over the course of negotiations, a vision for the creation of Kachin State was articulated, including the lowland areas of Myitkyina and Bhamo. Sadan notes that defining Kachin State as including these lowland areas was significant as "it involved breaking down the ecological essentialism of Frontier Areas Administration that consigned Kachin communities to only one lived environment [the highlands]."¹⁵³ Smith points out that Myitkyina and Bhamo were ceded to Kachin State in exchange for Kachin representatives abandoning the ability to invoke the right of secession, claimed by the Karenni and Shan representatives at Panglong.¹⁵⁴

Kachin Armed Struggle

In the immediate wake of independence, the commander of the First Kachin Rifles, Naw Seng, led his troops into rebellion as part of the Karen uprising in 1949.¹⁵⁵ Naw Seng's leadership of this Kachin movement was brief, before he crossed the border into China, returning later in the 1960s to play a leadership role in the Communist Party of Burma (CPB).

Beyond the mutiny of the First Kachin Rifles, a fragile post-independence peace held in Kachin State. However, many in the Kachin community, like members of other ethnic nationality communities, found themselves disappointed and frustrated that the promise of federalism, which had led groups to sign the Panglong Agreement, was never fulfilled. Instead, they saw a steady erosion of

¹⁵⁰ See *Thematic Report on Migration and Urbanization* (Vol. 4-D, Census Report). (2016).

¹⁵¹ Field notes, Yangon (November 2016), Myitkyina (May 2017 and June 2018).

¹⁵² Sadan, M. (2013): pp. 257-8.

¹⁵³ Ibid. p. 277.

¹⁵⁴ Smith, M. (1991) p. 79.

¹⁵⁵ These events will be discussed in greater detail within the case study on Karen identity.

autonomy and moves towards greater centralisation.

Sadan notes that “throughout the 1950s, therefore, there was a build-up of social hostilities and resentments and an increasing sense of unfairness at the outcomes of independence.”¹⁵⁶ She goes on to explain that growing frustration and a sense of vulnerability was provoked by a combination of actions taken by the central government in Rangoon. These included the decision to adjust the boundary line between Kachin State and China, handing over three Kachin villages to China’s control; the prospect of road construction and displacement; and a growing sense that Kachin politicians were not able to influence developments in their own state or control the state budget.¹⁵⁷

As a result, in October of 1960, a group of Kachin students at Rangoon University formed the Kachin Independence Army (KIA). Smith describes the outlook of early KIA leaders that gave rise to the new militant underground movement:

*They were a mixed group of young people, all of whom had become progressively disillusioned with the idea that there was any prospect of political progress within the failing state structures, or that the political system was interested in the specific needs and interests of the Kachin peoples and the places they inhabited.*¹⁵⁸

The outbreak of the Kachin armed struggle came in early 1961, ushering in an extended

period of conflict from 1961 to 1994. The Kachin uprising would come to be part of what South and others have described as the “second wave” of ethnic insurgencies that emerged during the Ne Win era and involved many of the groups that had taken part in the Panglong Conference.¹⁵⁹

As was mentioned in Chapter 1, this first long period of armed conflict between the Tatmadaw and the KIO/KIA lasted until the 1990s. During this period, the KIO saw a number of difficult splits and defections. This included the departure of one unit in 1968 that joined the CPB. The group was made up of mostly non-Jingphaw Kachin and, at the time of the CPB’s disintegration and under the lead of commander Ting Ying, became the New Democratic Army-Kachin (NDA-K). Under the terms of the 1989 ceasefire agreement, the NDA-K was granted control of territory on the border with China, officially designated as Kachin State Special Region 1.¹⁶⁰

In 1991, Tatmadaw pressure resulted in the defection of a large part of the KIA’s Fourth Brigade in northern Shan State. This group went on to form the Kachin Defense Army (KDA), which also agreed a ceasefire in 1991, and was granted control of an area north of Lashio, Shan State, that was designated Shan State Special Region 5.¹⁶¹

Ceasefire

Following the upheaval surrounding the student-led demonstrations in 1988 and the NLD’s electoral win in 1990, KIO Chairman Brang Seng, called on authorities to hold a

¹⁵⁶ Sadan, M. (2013) p. 317.

¹⁵⁷ Ibid. p. 319.

¹⁵⁸ Smith in Sadan, M. (2016) p. 52.

¹⁵⁹ South, A. (2008) p. 35.

¹⁶⁰ Ibid. p. 153.

¹⁶¹ Ibid. p. 153.

National Convention to draft a new Constitution. He also outlined his vision for the future of the KIO. Smith notes that, in looking towards the future, Brang Seng urged that “the most important thing is that we become a legal party during this period of constitutional change.”¹⁶²

Through mediation efforts undertaken by Rev. Saboi Jum of the KBC in 1993 and 1994, dialogue was successful in establishing a ceasefire between the KIO and the Tatmadaw. Notably, this was the only written ceasefire document agreed during the ceasefire period of the late 1980s and early 1990s. The agreement came after more than three decades of fighting and was greeted with optimism and welcomed as a chance for peace and reform. Brang Seng would not live to provide leadership through the period of transition, as he died in 1995, the year after the signing of the ceasefire.

The Kachin ceasefire period, from 1994-2011, saw a number of significant developments – some positive and some negative. The new ceasefire environment was notable for the emergence of civil society actors. Kachin State saw the establishment of Myanmar’s first two official non-governmental organisations (NGOs), with the creation of the Metta Development Foundation in 1998 and the Shalom (Nyein) Foundation in 2000. These two organisations led new efforts to meet the needs of local communities and to engage local communities around key issues of concern. In a context where Myanmar was otherwise isolated from outside aid and international actors, the role of these local organisations was significant.¹⁶³

¹⁶² Smith in Sadan, M. (2016) p. 66.

¹⁶³ Ibid. p. 76.

At the same time, the Kachin ceasefire period is also remembered by many with a sense of regret due to a perception that KIO leaders and others used the period as an opportunity for personal enrichment rather than pushing beyond the ceasefire to a political settlement.¹⁶⁴ In terms of leadership, the KIO was plagued by power struggles following Brang Seng’s death, with rivalries undermining its direction. In February 2001, a coup was led against Brang Seng’s successor, Zau Mai. Three years later, the KIO saw a subsequent unsuccessful coup attempt in January 2004, followed a month later by the assassination of a KIO leader.¹⁶⁵

Internal struggles within the KIO were seen by many to emerge not just from generational disagreements about how best to engage with the Tatmadaw, but from competition over business opportunities.¹⁶⁶ Authors have noted that the Kachin ceasefire allowed a variety of elites the opportunity to accumulate vast sums of wealth derived from a range of commercial interests. Kevin Woods has described the ceasefire years as a period of “ceasefire development” that allowed “the allocation of private, large-scale resource concessions, and the related right (or not) to tax associated resource flows and trade,” tying Kachin areas more closely to “the Burmese military-state.”¹⁶⁷

Researchers have noted how the political economy dynamics surrounding this process of enrichment and central state expansion unfolded in Kachin State during the ceasefire

¹⁶⁴ Ibid. p. 81.

¹⁶⁵ Ibid. p. 82.

¹⁶⁶ See *Business Interests may be Behind KIA assassination*, by Naw Seng, The Irrawaddy, 5 March 2004.

¹⁶⁷ Woods in Sadan, M. (2016) p. 117.

years. However, this pattern of development has also been seen in many other parts of the country. Indeed, the extension of the central state, through the allocation of concessions for the right to carry out mining, logging, large-scale agricultural projects, plus the building of hydroelectric dams, roads, oil and gas pipelines, as well as the construction of special economic zones, all accompanied by increased militarisation, are themes that emerge in all three of the case studies examined in this report.

Beyond the acceleration of resource extraction, the Kachin ceasefire years are also remembered for the KIO's active participation in the National Convention process. Following Brang Seng's articulation of a future for the KIO as a participant within a democratic system, the KIO undertook sustained engagement in the process to draft the new Constitution. While the process would start and stop, the KIO continued to take part despite repeated frustrations and disappointments. The greatest frustration was undoubtedly the experience of the KIO putting forward a nineteen-point proposal focused on increased provisions for autonomy in ethnic nationality areas. In the wake of the proposal, the KIO came under increased pressure from the Tatmadaw, with demands to relinquish key bases along the China border, while not receiving any response to the points put forward.¹⁶⁸

Thus, the 2008 Constitution was adopted after fourteen years of ceasefire between the KIO and the Tatmadaw. The period had seen initial optimism and the emergence of new social forces through the advent of civil society organisations. The period also produced a

deep sense of frustration and resentment. While it was hoped that the ceasefire would open the door to political dialogue leading to a change in political relations with the central state and sustained peace, engagement in the National Convention process produced no results. This was compounded by the widespread perception that Kachin leaders had focused their energies on personal enrichment through collaboration with the military state around resource extraction. This experience left many in the Kachin community with a deep sense of dissatisfaction with the 1994 ceasefire – a sentiment that would only deepen in the lead up to the 2010 elections.

*A New Cycle of Conflict*¹⁶⁹

As mentioned in Chapter 3, the SPDC's announcement in April 2009 that all ceasefire groups and militias would be transformed into Border Guard Forces (BGFs) came as a shock to many. The International Crisis Group notes that the KIO's leaders had been assured that discussion regarding disarmament would happen only under the new government following elections in 2010, and it was on the basis of these assurances that the KIO had

¹⁶⁸ South, A. (2008) p. 135.

¹⁶⁹ In his chapter on *Ethnic Politics and Citizenship in History*, in South, A., & Lall, M. C. (2018) Martin Smith notes that Myanmar has seen multiple eras of government, each starting with a period of optimism around the prospects for peace. In each instance, that optimism has been followed by a renewed cycle of conflict. He notes that Myanmar's transition under the 2008 Constitution marks a fourth era of government and, as in previous eras, the period began with optimism and high expectations surrounding significant reforms. However, the transition period also ushered in a new cycle of conflict. This was especially true in Kachin and other parts of Myanmar's northeast.

participated in the 2008 referendum on the Constitution.¹⁷⁰

As Smith notes, the KIO had been unsuccessful in repairing the fractures between itself and smaller Kachin militias during the ceasefire period. As a result, the NDA-K and the KDA, along with a number of smaller militias, came under the partial control of the Tatmadaw following the BGF order.¹⁷¹

However, the largest ceasefire groups, including the United Wa State Army (UWSA), the KIO, and the Shan State Army-North (SSA-N), refused the disarm. While the SPDC eventually relaxed its orders for groups such as the UWSA and the SSA-N, the order was dramatically imposed by military force against the Myanmar National Democratic Alliance Army (MNDAA) in the Kokang region. For its part, the KIO continued to refuse the order but found itself under continual pressure as it moved towards the 2010 elections.

In the run up to the elections, a number of Kachin parties set out to register with the Union Election Commission (UEC), a step that would have furthered Brang Seng's vision of KIO reform. Three Kachin-based parties, including the Kachin State Progressive Party (KSPP) led by Dr Manam Tu Ja, who had previously served as Vice-Chairman of the KIO, attempted to register but their registration was rejected by the UEC. The 2010 elections took place with the USDP and Tatmadaw-appointed representatives together holding a clear majority in the Kachin State parliament.

¹⁷⁰ See *A Tentative Peace in Myanmar's Kachin Conflict* (Vol. 140, Asia Briefing, Issue brief). (2013) p. 6.

¹⁷¹ Smith in Sadan, M. (2016) pp. 81, 85.

Thus, while Myanmar transitioned towards its first semi-civilian government, a process that was watched with great interest by those inside and outside the country, the outlook within the Kachin community was pessimistic. Community support for the 1994 ceasefire had eroded and Smith notes that the KIO's "credential as the defender of the Kachin cause" had emerged deeply tarnished from the ceasefire period.¹⁷² KIO participation in the National Convention and attempts from the Kachin community to participate in the 2010 elections had been blocked. Woods notes that many within the Kachin community felt "politically disempowered and hopeless about the prospects of a better future."¹⁷³

Thus, as the country undertook national elections in 2010, the stage was set for resumption of active fighting between the KIO and the Tatmadaw. Indeed, by late 2010, the government had declared the 1994 ceasefire "null and void" and began using the term "insurgents" when referring to the KIO.¹⁷⁴ Ultimately, it was a small armed clash between Tatmadaw and KIA forces near a hydroelectric power project that led to a full-scale resumption of fighting in June of 2011.

Since 2011, fighting between the Tatmadaw and the KIA has lurched on, at times pausing and at times going through periods of serious escalation. Multiple rounds of peace talks have taken place, including efforts to gain KIO support for the NCA. The armed conflict has been of particular concern to neighbouring China, which has named several Special

¹⁷² Smith in Sadan, M. (2016) p. 82.

¹⁷³ Woods in Sadan, M. (2016) p. 143.

¹⁷⁴ See *A Tentative Peace in Myanmar's Kachin Conflict* (Vol. 140, Asia Briefing, Issue brief). (2013) p. 7.

Envoys to play a supporting role in the peace process.¹⁷⁵

Despite these efforts, dynamics have further deteriorated with significant acts of aggression on both sides. As pressure from the Tatmadaw increased, the KIA looked for ways to bolster its position. It did so by supporting the formation of two new ethnic armed groups: the Arakan Army (AA), and the Ta'ang National Liberation Army (TNLA). Furthermore, KIO brigades in northern Shan State joined the TNLA, the AA, and the Kokang Myanmar National Democratic Alliance Army (MNDAA) to form a loose military alliance called the Northern Alliance. The Northern Alliance announced their presence through a series of coordinated attacks that took place in northern Shan State in November 2016.

Members of the Northern Alliance went on to join a like-minded grouping of armed groups led by the UWSA, along with the National Democratic Alliance Army (NDAA, or Mongla Army), and the SSA-N. The group was formed under the name Federal Political Negotiation and Consultative Committee (FPNCC), with the aim of forging an alternative nationwide ceasefire.¹⁷⁶

The KIO/KIA's role in the Northern Alliance, along with its membership in the FPNCC, places it in firm opposition to the Tatmadaw and the NLD-led government. Through the Northern Alliance, the KIA is connected to

¹⁷⁵ For more background, see *China Does Not Have Special Interests in Supporting Myanmar's Peace Process: Official*, The Irrawaddy, 13 July 2018.

¹⁷⁶ For a more detailed analysis of the Northern Alliance and the FPNCC, see Bynum, E. (2018). *Analysis of the FPNCC/Northern Alliance and Myanmar Conflict Dynamics*, and Yun, L. (2017). *Building Peace in Myanmar: Birth of the FPNCC*.

groups such as the AA and the MNDAA against which the Tatmadaw has been bitterly opposed. Likewise, KIO participation in the FPNCC, and the FPNCC's proposal for an alternative path to achieving peace outside of the Nationwide Ceasefire Agreement and related political dialogue, undermines the NLD-led peace process.¹⁷⁷

Meanwhile, the Tatmadaw has drawn sharp criticism for its heavy-handed response to the security situation in northeastern Shan State and Kachin State, particularly its use of heavy weaponry and airstrikes, often targeted against civilian populations. Since the breakdown of the bilateral ceasefire with the KIO, it is estimated that over 100,000 civilians have been displaced, and this new cycle of conflict has caused a deep rupture in trust between civilian communities, the central government, and the Tatmadaw.¹⁷⁸

Experiences of Local Governance and Visions for the Future

Conversations with members of the Kachin community in Myitkyina, Mai Ja Yang, and Yangon provided opportunities to hear a range of perspectives regarding both current experiences of governance and aspirations for future governance arrangements. Interviews offered varied insights from communities living both within KIO-administered areas and government-controlled areas.

¹⁷⁷ However, at the time of writing, it was unclear the extent to which the KIO was fully committed to continuing to pursue an alternative to groups joining the NCA and the government-led peace process.

¹⁷⁸ See South, A. (2018). *Protecting civilians in the Kachin borderlands, Myanmar, Key threats and local responses*.

When considering Kachin perspectives regarding governance, it is important to recognise that great variations exist in terms of peoples' daily experiences. Some areas of Kachin State and northern Shan State are under the control of the central government, with the backing of the Tatmadaw. Other areas are under the control of non-state actors such as the KIO, or smaller local militias (militias that may be aligned with the KIO or other armed groups, or the Tatmadaw). The result has been described by Woods as a

*complex set of power relations in which national military and state officials hold power in arrangements that sometimes overlap or conflict with those of non-state authorities....the result is a multi-layered mosaic of political geography, rather than neatly separable territorial entities that may be categorized as 'government' or 'rebel.'*¹⁷⁹

This report will seek to distinguish between areas under the control of the KIO and those under control of the central government. However, it is important to note that the distinction is often not clear and, particularly since the 1994 ceasefire, areas of mixed control are common. This is true for members of the Kachin community living in Kachin State and northern Shan State, but it is also true for many other communities in Myanmar and will also be explored within the Karen case study.

Governance in KIO-Controlled Areas

Since the breakdown of the ceasefire in 2011, successive waves of fighting have taken place between the Tatmadaw and the KIA. As a result, territory under KIO control has shifted

¹⁷⁹ Woods in Sadan, M. (2016) p. 116.

at different times, as have the number of KIA brigades and location of brigades.¹⁸⁰ However, at the time of writing, the KIO controlled territory in central and eastern Kachin State, including areas bordering on China. The KIO also has troops in the far north of Kachin State, close to the Indian border, and controls territory in northern Shan State.

Observers have noted that the KIO is one of the most "state-like" of Myanmar's EAOs.¹⁸¹ Areas controlled by the KIO have developed a sophisticated administrative system providing important social services to local communities. Administration takes place under the Kachin Independence Council (KIC), an administrative structure that is separate from the KIO, though largely staffed by KIO officials. Administrative operations are conducted out of Laiza, located on the Kachin border with China.

The KIC carries out many of the administrative functions of a parallel government, maintaining departments of health, education, foreign relations, commerce, taxation, and construction of infrastructure.¹⁸² Since renewed fighting in 2011, administration under the KIC has also sought to meet the needs of an influx of internally displaced persons (IDPs). This has included providing health services and administering educational services for over 22,000 students.¹⁸³ Funding

¹⁸⁰ For example, see *KIA Forms 2 New Brigades*, by Nan Lwin Hnin Pwint, *The Irrawaddy*, 14 February 2018.

¹⁸¹ See South, A. (2018). *Protecting civilians in the Kachin borderlands, Myanmar, Key threats and local responses* p. 21.

¹⁸² See Jolliffe, K. (2015). *Ethnic Armed Conflict and Territorial Administration in Myanmar* p. 74.

¹⁸³ See South, A. (2018). *Protecting civilians in the Kachin borderlands, Myanmar, Key threats and local responses* p. 21.

to support the operation of public services and projects has relied on KIO involvement in natural resource extraction, cross-border trade, and donations and support from Kachin or Chinese stakeholders.¹⁸⁴

In interviews with those living in areas controlled by the KIO, many expressed appreciation for the ability to access services in their own language. They noted that KIC-administered public services had a better ability to connect with the needs of communities, though they expressed a desire to have services be available in rural areas outside of Mai Ja Yang or Laiza.¹⁸⁵

Interestingly, this perspective is reflected in the findings of the Durable Peace Programme Consortium that surveyed conflict-affected communities in Kachin State. According to survey results, more of those living in KIO-controlled areas disagreed than agreed with the statement that their community's needs were not being understood by authorities. Likewise, out of those living in government-controlled areas, more agreed than disagreed with the same statement.¹⁸⁶

On the other hand, some of those interviewed shared their mixed feelings about administration under the KIO. In terms of language, those interviewed who did not identify as Jingphaw noted that, just as the Myanmar central government only provides services in Burmese, the KIC only provides services in Jingphaw. For these individuals, living under the KIO did not facilitate access to services, as they were still expected to speak

in a language other than their mother tongue.¹⁸⁷

Some individuals also noted that, while the KIO enjoys a wide level of support and legitimacy within the Kachin community, it is seen as highly authoritarian. They expressed a desire to see the KIO undertake reforms so that it would be less authoritarian and accountable to communities under its control.¹⁸⁸

Finally, while the Tatmadaw was widely seen as illegitimate as it had taken control of territory in Kachin State by force, some of those interviewed nonetheless shared the perception that services available in government-controlled areas were better funded than those under KIO control. As a result, some of those interviewed articulated a desire for a future where governance and administration, including service delivery, would be provided through an administrative body that enjoyed a high level of local legitimacy (as the KIO does), but that is less authoritarian. They hoped that achieving peace would mean they could enjoy democratic governance and that services would have funding necessary to genuinely meet the needs of communities.¹⁸⁹

Kachin State Governance and the Experience of Electoral Politics

While governance in KIO-controlled areas of Kachin State takes place under the authority of the KIO (or under mixed authority of the KIO and the central government), much of Kachin State falls under the authority of the central government. As a result, and even in

¹⁸⁴ Ibid. p. 21.

¹⁸⁵ Field notes, Mai Ja Yang (November 2018).

¹⁸⁶ See *Durable Peace Programme, Endline Report, Kachin, Myanmar*. (2018) p. 40.

¹⁸⁷ Field notes, Mai Ja Yang (November 2018).

¹⁸⁸ Field notes, Mai Ja Yang (November 2018).

¹⁸⁹ Field notes, Mai Ja Yang (November 2018).

areas under KIO control, many of those interviewed expressed strong feelings about the role of Kachin ethnic political parties at the state and Union levels. Echoing the aspirations articulated by late Chairman Brang Seng, meeting participants expressed a desire to see electoral politics as an avenue for pursuing Kachin interests and concerns. Given this aspiration, the refusal of the UEC to allow the KSPP to register in advance of the 2010 elections, followed by the resumption of fighting in 2011, remained a source of bitter anger and frustration.

Despite this focus on electoral politics, ethnic Kachin political parties that have successfully registered and taken part in national and local elections have, thus far, only been able to claim small victories at the polls. In 2015, Dr Manam Tu Ja again led a Kachin-based party, this time renamed the Kachin State Democratic Party (KSDP), to compete in the elections. The party was registered, but won just one seat.¹⁹⁰

In a by-election that took place in November 2018, a fierce contest unfolded between parties vying for control of Myitkyina's No. 2 constituency. The military-backed USDP, which had put forward a local candidate, won the election and came in ahead of the Kachin Democratic Party. The NLD finished the race in third place.¹⁹¹

While Kachin parties have, so far, been limited in their success, working through electoral politics remains a priority for many. Looking towards the 2020 elections, a group of ethnic

¹⁹⁰ See *State/Regional Hluttaw Results: Graphics*, The Irrawaddy, 17 November 2015.

¹⁹¹ See *Myanmar By-Election Voters Voice Disappointment in Ruling Party of Aung San Suu Kyi*, The Irrawaddy, 5 November 2018.

Kachin parties has announced their intention to merge into one united Kachin party.¹⁹² This reflects a move more broadly among Myanmar ethnic political parties to merge in advance of national elections in 2020.

Visions for the Future - territorial boundaries and aspirations for autonomy and self-determination

Interviews in Myitkyina, Mai Ja Yang, and Yangon provided an opportunity to hear a range of different visions and aspirations for the future from members of the Kachin community. These perspectives were often shaped by current experiences around governance and administration, as well as an emphasis on electoral politics. In these conversations, two major areas of focus emerged as meeting participants looked towards the future: one centred on territorial boundaries; the other centred on aspirations for autonomy and self-determination. Interestingly, comments and perspectives also reflected the ethnic identity narratives outlined in Chapter 2.

In thinking about the future, members of the Kachin community often raised the issue of territorial boundaries. Views were striking in that they tended to capture one of two contrasting perspectives.

First, a large number of those interviewed expressed deep anxiety and concern related to the issue of in- and out-migration in Kachin State. This was based on a perception that the demographic makeup of Kachin state was changing in ways that were not welcome.

¹⁹² See *Four Kachin political parties merged as 'Kachin State Party'*, by Naw Betty Han, The Myanmar Times, 14 August 2018.

These perceived trends were often summed up by the term “Burmanisation,” which many saw as being supported by the central government. They explained the trend as follows:

Poor people from other parts of the country often come to Kachin State for work because Kachin State has many natural resources and there are many jobs associated with these industries. When they come they bring their whole families with them. Because they are poor, they don't have household documents or CSCs. But the government tells them that this is okay and tells them that if they move and go work in Kachin State, they will receive identification cards. Once they are in Kachin State, they receive the documents they need. The cards say that they live in Kachin State and record their ethnicity as Bamar.

At the same time, we are Kachin and many in our communities don't have registration documents either. But sometimes people in our communities don't speak Myanmar, and the Department of Immigration won't give them the documents.

It means that now there may be more people living in Kachin State with household documents that say they are Bamar than people with documents that say they Kachin. This is an example of Burmanisation and a way that the government plays a direct role to make it happen.¹⁹³

Anxieties around in-migration and the possible demographic impact prompted some members of the Kachin community to express

a desire for the imposition of migration restrictions. For instance, several community leaders advocated for the issuing of permits to ensure that migrants who were not Kachin would only be allowed to work and reside in Kachin State for a limited period before going back to their previous places of residency.¹⁹⁴

Others voiced a second and more confident perspective. These individuals were less preoccupied with the potential decline in the relative size of the Kachin population residing in Kachin State. Instead, they asserted that the boundaries of Kachin State should be expanded, as they speculated that the border established at independence did not accurately reflect where Kachin and Shan communities live. In particular, many felt that a portion of northern Shan State should be included in an enlarged Kachin State.

Whether expressing anxiety about the prospects of a reduced Kachin State, or confidence around the prospect for expanding Kachin State, both perspectives reflected an assumption that territorial boundaries would be determined by ethnic population size and where ethnic populations live.

While concerns and aspirations coming from members of the Kachin community often reflected a preoccupation with the designation of territorial boundaries, it is important to note that this theme was not unique to the Kachin community. Concerns and aspirations around identification of political units is a topic that emerges in many different parts of the country. A recent media article highlighted the complexities that arise from the association between territorial

¹⁹³ Field notes, Myitkyina (May 2018).

¹⁹⁴ Field notes, Yangon (May 2017) and Mai Ja Yang (November 2018).

boundaries and the location of ethnic communities, given Myanmar's multi-ethnic makeup. Quoting members from the Shan-ni Nationalities Army (SNA), the article outlined how some members of the Shan-ni community aspire to establish a Shan-ni State that would include parts of Kachin State and Sagaing Region.¹⁹⁵ Obviously, such an endeavour would undoubtedly be highly contested by Kachin and other ethnic communities that feel a strong claim to the same areas. Similar aspirations, raising similar challenges, were heard by the research team in many different consultation meetings around the country.

Beyond a focus on territorial boundaries, many of those interviewed also highlighted the importance of a future in which Kachin communities enjoy greater autonomy and self-determination. Many noted that their desire for high levels of autonomy emerged from their deep sense of mistrust towards the central government. In KIO-controlled areas, meeting participants noted that they are able to access social services in a local language, and that even if the services are not as well funded, the ability to speak their own language had given them an added sense of trust. Based on this experience, they advocated for the creation of governance structures that would maximise autonomy at the local level.¹⁹⁶

Interestingly, the focus on autonomy was so strong that some even advocated that a future Myanmar should move away from subnational units based on states and regions and towards an increased number of Self-

¹⁹⁵ See *Without Territory, the Shanni Army's Difficult Path to Recognition*, by Chit Min Tun, The Irrawaddy, 8 April 2019.

¹⁹⁶ Field notes, Mai Ja Yang (November 2018).

Administered Areas (SAAs) based on ethnic populations that meet a given threshold requirement. The individuals who voiced this perspective saw it as a strategy to allow maximum autonomy for communities and areas where ethnic identity was highly concentrated. When pressed on what an arrangement like this might look like one respondent explained:

*Yes, Kachin State has a lot of ethnic diversity. So you would have one area that is Rawang-dominant, you would have some SAAs that are Zaiwa-dominant, you would have one area that is Shan-ni, and you would have areas that are Jingphaw. Each area would have a high level of autonomy and could pursue what was best for the majority ethnic group in that area. This would be done in many different areas around the country.*¹⁹⁷

Whether conversations focused on territorial boundaries or the need for greater local autonomy, meeting participants often emphasised the importance of establishing a federal system. While more detailed aspects of federalism, such as the question of how power-sharing arrangements might delimit Union-level and local-level authority, were conspicuously absent from discussions, there was a common belief that federalism would likely bring a change in territorial boundaries based on the size of ethnic populations. Furthermore, it was assumed that subnational units would enjoy higher levels of autonomy. Finally, meeting participants often explained that high levels of autonomy would result in governance and administration structures that better meet the needs of local communities.

¹⁹⁷ Field notes, Mai Ja Yang (November 2018).

An interview with a Kachin community leader provided further insight into a potential federal model that assumed allocation of entitlements based on ethnic population size, while at the same time providing rights and protections for a variety of smaller minority groups:

In the future, it will be important to know our ethnic groups, including the size of each group, because there will be a level of decentralisation between governance at the Union level, and governance at the level of states and regions. We envision some rights that will be referred to as “citizenship rights” that will cover all citizens of Myanmar. At the same time there will be “ethnic group rights” that will articulate the special rights of each of Myanmar’s major ethnic groups. These “ethnic group rights” will focus on the promotion of arts, literature, and culture, but also questions related to autonomy-- what issues will be determined at the state and regional level and what ethnic groups meet the criteria to enjoy a higher level of autonomy. It will also be important to ensure we have strong “ethnic minority rights” because there will always be very small groups in Myanmar that see themselves as distinct from Myanmar’s major ethnic groups. So we will need laws that ensure the security, livelihoods, and basic needs of these very small groups.¹⁹⁸

The above overview highlights the main themes that meeting participants shared while reflecting on aspirations for the future. Conversations were notable in the way that they illustrated the ethnic identity narratives outlined in Chapter 2.

¹⁹⁸ Field notes, Myitkyina (May 2017).

The focus on territorial boundaries and the assumption that groups with the largest population size have a legitimate claim to receiving the benefit of a dedicated subnational unit reflects the assumed correlation between population size and entitlements. The emphasis on population size also reflects a belief that groups can be clearly categorised and measured, a challenge that we will explore in greater detail in the next section of this case study.

Enthusiasm around the prospect of increasing the number of SAAs for groups that meet a threshold requirement not only reflects the focus on allocating entitlements based on population size, but also the widely-held belief that, at the local level, communities are homogeneous and ethnic identity is fixed.

Closely related to the narrative around the ethnic homogeneity of communities is the recurring concern about in- and out-migration. Indeed, support for migration controls reflects adherence to the narrative that communities should be stationary and that there is a need to put measures in place to maintain the ethnic makeup of areas identified as ethnic homelands.

Finally, conversations about migration – particularly concerns about in-migration – illustrate the common perception that outsiders pose a threat. Many of those interviewed expressed a view that outsiders were willing pawns being brought into Kachin State as part of a deliberate plan by the central government to change the state’s ethnic makeup – a concern that brings us full circle, back to the assumption that the allocation of benefits and entitlements depend on a group’s size.

It should be noted that these assumptions are not unique to the Kachin community. Indeed, readers who are familiar with other ethnic nationality communities will undoubtedly recognise the ways that these narratives are reflected in the experience of non-Kachin communities, including in the experience of Bamar communities.

Kachin Identity in a Situation of Chronic Insecurity

Since the renewal of conflict between the Tatmadaw and the KIO in 2011, Kachin identity, and issues around diversity within the Kachin group, have been sensitive topics. In a context of increased military pressure, questions around how the Kachin group is defined and its population size have become closely linked to ideas about entitlements and political legitimacy. Indeed, the highly sensitive topic of Kachin categorisation and population size flared around the 2014 the Myanmar Population and Housing Census that made reference to eleven Kachin subgroups. Many perceived this to be an attempt by the central government to proliferate the number of subgroups, in order to promote new fault lines within the group and weaken group unity.

As noted in Chapter 2, the assumed linkage between population size and the legitimacy of a group's claim to entitlements produces a tendency to define the group as broadly as possible. In a context where the group comes under significant pressure from outside sources, the impulse to solidify and strengthen the unity of the broad group becomes a defensive instinct. This strategy can be quite successful in producing a sense of shared identity. Indeed, a number of authors have noted that the collapse of the Kachin

ceasefire in 2011 produced a surge in Kachin nationalism and support for the KIO, following the disillusionment of the ceasefire period. Woods reflects on this development:

*Many Kachin people have felt in the recent fighting that the KIO, through the KIA, is finally 'standing up' to the military-government, an institution blamed for entrenched inequality and structural violence against ethnic people in Burma as a whole.*¹⁹⁹

Likewise, South has noted that the resumption of active fighting between the Tatmadaw and the KIO has produced "a surge in support for Kachin nationalism."²⁰⁰

At the same time, the imposition of group unity risks creating resentment that, ultimately, can lead to greater fragmentation. As we will explore, a complex interplay easily forms between the experience of insecurity and pressure emanating from outside sources, the push towards group unity, the pull that then arises as the result of resentment in response to assimilation efforts, and the ensuing emergence or reassertion of divisions that only deepen the initial experience of insecurity.

A number of stories follow, shared over the course of consultations with diverse stakeholders in Myitkyina, Mai Ja Yang, and Yangon, which illustrate these push-pull factors more closely.

¹⁹⁹ Woods in Sadan, M. (2016) p. 144.

²⁰⁰ See South, A. (2018). *Protecting civilians in the Kachin borderlands, Myanmar, Key threats and local responses* p. 5.

NCA Anniversary Speech by the Commander-in-Chief

In conversations with Kachin community members around issues related to Kachin identity, a speech by Tatmadaw Commander-in-Chief Min Aung Hlaing on 15 October 2016, the one-year anniversary of the signing of the NCA, was frequently mentioned. Members of the Kachin community noted one paragraph of the speech in which the Commander-in-Chief outlined the population size of ethnic communities residing in different parts of the country, starting with Kachin State:

*For example, more than 1.6 million of population are living in Kachin State with 29.2 percent of Bamar, 23.6 percent of Shan, 18.97 percent of Jaingphaw, 7 percent of Lisu, 5.5 percent of Rawam, 3.33 percent of Lawwaw, 2.89 percent of Lacheik, 1.57 percent of Zaikwa, and 8 percent of other ethnics in population ratios in line with the census enumerated in 2014.*²⁰¹

The reference to the size of different ethnic communities in Kachin State was perceived by many to be highly provocative. In addition to the lack of clarity around the origin of the population data,²⁰² the statement drew criticism for listing the Bamar as the first and largest ethnic group in Kachin State, as well as the presentation of Kachin figures by

²⁰¹ See *Greetings of Commander-in-Chief of Defence Services Senior General Min Aung Hlaing at the first anniversary of the NCA*, Global New Light of Myanmar, 15 October, 2016 (spellings of group names as in the original).

²⁰² The speech made reference to the 2014 census, but census ethnicity data had not been released at the time the speech was made and it is not clear whether the census was in fact the source.

subgroup, rather than as a whole Kachin group.

The speech was widely interpreted as an attempt by the Commander-in-Chief to challenge the association between Myanmar's northernmost state and Kachin ethnic identity by asserting that the majority living in Kachin State is actually Bamar. In a context where the allocation of rights, protections, and benefits, including the identification of ethnic states, are determined by the population size of one group relative to others, this statement was seen as potentially challenging the very existence of Kachin State.

Furthermore, many within the Kachin community found the listing of population figures by Kachin subgroups (Jingphaw, Lisu, Rawang, Lhaovo, Lachid, and Zaiwa), rather than for the Kachin group as a whole, to be highly confrontational. They noted that the population of the Bamar and Shan communities had each been given as a whole, and many interpreted the listing population figures for the separate Kachin groups as an attempt to foster division. The assumption was that emphasising subgroups threatened group unity by leaving ambiguities around the question of who is and is not Kachin.

It is important to note that the speech was made on the first anniversary of the NCA, in a context that had also seen an escalation of armed conflict, including the use of heavy weaponry. As such, the speech by the Commander-in-Chief was perceived as a different type of Tatmadaw attack that aimed to erode the legitimacy of the state's Kachin identity and foster group fragmentation.

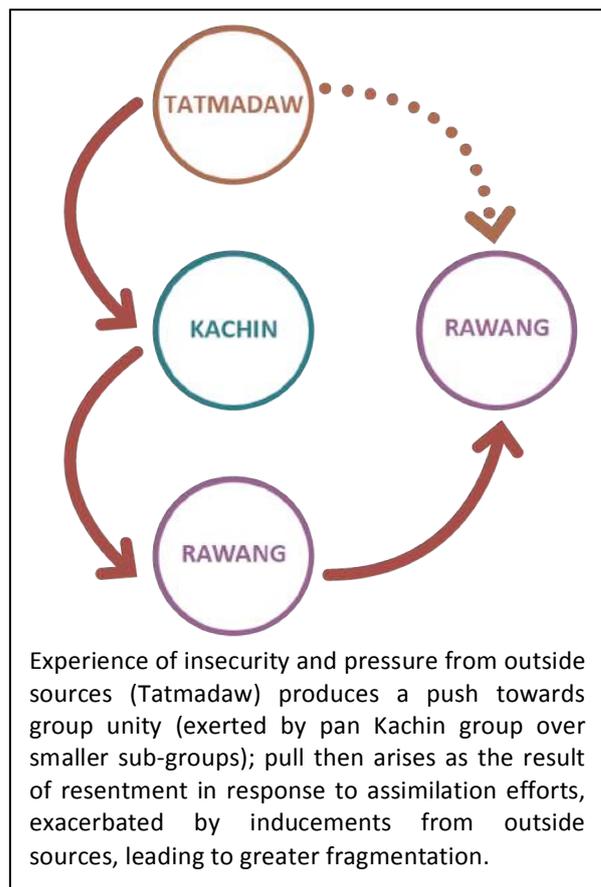
Appointment of National Race Affairs Ministers in Kachin State

As noted in Chapter 2, the 2008 Constitution provides for the appointment of National Race Affairs Ministers (NRAMs), also known as ethnic affairs ministers, in state and regional parliaments. Article 161 of the Constitution outlines that each national race with a population that meets a threshold of 0.1 percent of the country's total population living outside their respective state or region is entitled to representation through election of an NRAM.

The appointment of NRAMs in Kachin State has been an issue of deep controversy. Four ethnic ministers have been allocated for Kachin State: one each for the Bamar, Shan, Lisu, and Rawang communities respectively. Deep disagreement has arisen from the appointment of Lisu and Rawang ministers. The controversy emerges from ambiguities around the question of who is and is not Kachin.

While widely regarded as subgroups within the larger pan-Kachin group, many Lisu and Rawang have asserted their identity outside the Wungpaw/Kachin group.²⁰³ This rejection of Kachin identity has emerged out of long-held grievances around what some describe as "Jingphaw domination" and pressure to assimilate into the larger group.²⁰⁴ In this context, the appointment of the two ethnic affairs ministers is seen as implying that Lisu and Rawang communities are entitled to an additional form of representation because they constitute groups separate from the pan-

Kachin group, and because they each meet the threshold requirement in terms of population size. This appointment has drawn ire from members of the broad Kachin group, as it is seen as a move by the central government to affirm Lisu and Rawang identity as distinct from Kachin identity.



For many, this development is seen as a clear example of the central government offering an inducement to subgroups in an attempt to deepen fractures within the larger group. Interestingly, despite the assumption that the appointment of Lisu and Rawang ministers would result in the advancement of these two communities in a way that would not be available to others, very few of those interviewed were able to describe the actual responsibilities associated with the position, or articulate how the position would provide

²⁰³ Kiik in Sadan, M. (2016) p. 213.

²⁰⁴ See South, A. (2018). *Protecting civilians in the Kachin borderlands, Myanmar, Key threats and local responses* p. 17.

advantages to the Lisu and Rawang communities.

The Presence of Ethnic Militias in Kachin State

During several interviews in Myitkyina, individuals raised concerns about ethnic militias being used in military operations against KIA forces. Those interviewed noted that various Kachin subgroups had come under pressure, or received inducements to create their own militia groups, and these militias were then used to fight the KIA:

*The Tatmadaw goes to these small groups and tells them that they will provide them with uniforms, training, and the ability to control their own territory if the groups become a militia under Tatmadaw control. The groups agree and then they are under the control of the Tatmadaw. Then, the Tatmadaw will send the militias to fight the KIA. It means that there are Rawang, Lisu, Lachid, even militias that identify as Kachin, fighting against the KIA. When this happens, the divisions only grow deeper. It means that Kachin people are fighting with each other and the Tatmadaw can just stand back and watch. The situation is very sad.*²⁰⁵

Media reports from July 2015 reporting on Tatmadaw airstrikes against KIA positions in northern Kachin State provide an illustration that backs up this narrative. Tatmadaw operations in Putao against the KIA were reportedly supported by the Rebellion Resistance Force (RRF) described as “a mostly ethnic Rawang militia based in Putao.”²⁰⁶ At

²⁰⁵ Field notes, Myitkyina (May 2017).

²⁰⁶ See *Airstrikes & Clashes in Kachin State's Putao District Displace Civilians*, Kachin New Group, 20 July 2015.

the same time, media reports in April and May of 2017, regarding alleged killing of Lisu community members by the KIA, provide insights into some additional underlying drivers that could lead communities such as the Rawang and Lisu to establish militias as a defence strategy against perceived KIA aggression.²⁰⁷

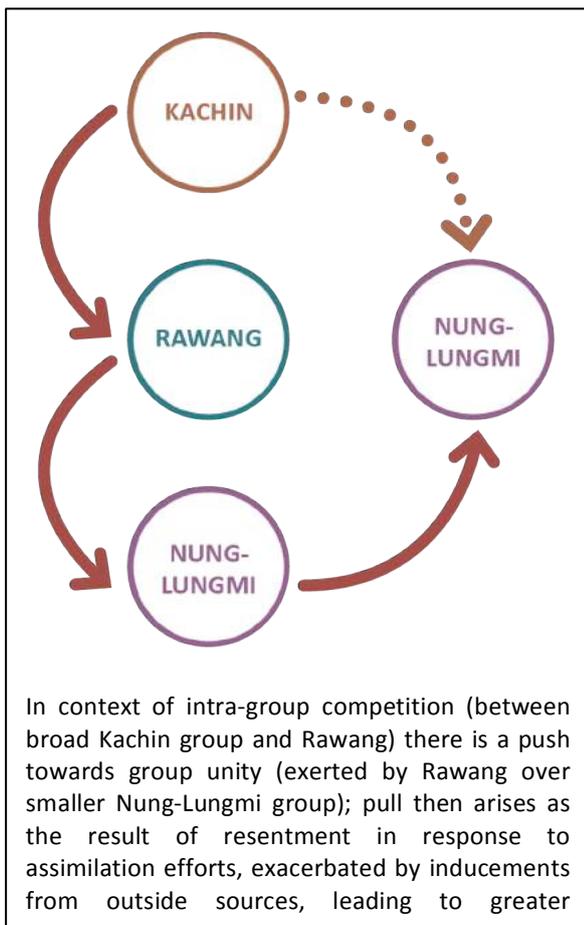
The Assertion of the Nung-Lumnni Identity

The anxiety related to potential group divisions can be seen at multiple levels. While individuals who identified as part of the pan-Kachin/Wunpawng group lamented the divisions that led subgroups such as the Rawang to articulate a distinct identity, members of the Rawang group expressed exasperation regarding the same dynamic within the Rawang group. This frustration arose in connection to members of the Nung-Lungmi group that have sought to differentiate themselves from the Rawang. This tension was illustrated in separate meetings with members of the Nung-Lungmi group and the Rawang group.

In meetings with members of Nung-Lungmi group, community leaders carefully recounted their group's history and asserted their identity as separate from the Rawang group, while at the same time articulating that they saw themselves as very much part of the

²⁰⁷ See *Lisu people protest KIA violence*, by Nyein Nyein, The Irrawaddy, 22 May 2017, and *Ethnic party accuses KIA of killing Lisu people* by Khin Oo Tha, The Irrawaddy, 28 April 2017.

larger Kachin/Wunpawng group. According to members of the Nung-Lungmi community, they had always been a distinct Kachin group, but their distinct identity had been lost during the military era, when they had been included as part of the Rawang group. They explained that, more recently, members of their group had begun to reclaim their separate Nung-Lungmi identity through activities to preserve and develop their culture, despite pressure from the Rawang group to identify as Rawang. They pointed to the appointment of the Rawang NRAM as a motivating factor for this top-down pressure and speculated that if their community was no longer classified as a part of the Rawang group, the threshold requirement for appointment of a Rawang NRAM might not be met.



At the same time, members of the Rawang group expressed deep anger towards the KIO

for its recognition of the Nung-Lungmi. Indeed, in the same way that members of the pan-Kachin group perceived the central government as legitimizing the Lisu and Rawang identities as separate from Kachin identity, members of the Rawang group expressed deep hostility towards the KIO for its recognition of the Nung-Lungmi as separate from the Rawang.

Narratives Surrounding Lisu Identity

A slightly different dynamic emerges when looking at perspectives from inside and outside the Lisu group.

While some members of the Lisu community asserted that their group identity was distinct from that of the broad Kachin/Wunpawng group, there were also members of the Lisu group who self-identified as Kachin. At the same time, some members from the pan-Kachin group suggested that perhaps the Lisu were not "real Kachin," a conclusion based on the assertion that Lisu did not share the same cultural heritage as other members of the Kachin/Wunpawng group. Some even questioned the historical roots of the Lisu group in Myanmar. They suggested that Lisu communities had not been present at the time of the first Anglo-Burman war in 1824, and thus were not *taingyintha*. The associated implication was that if a group is not *taingyintha* then they are not entitled to the benefits associated with full citizenship.

Sadan notes that an increased number of migrants came into Kachin State from China following the Cultural Revolution and that many of these were Lisu. She notes that in China, Lisu and Jingpo communities are seen

as distinct groups.²⁰⁸ Likewise, a representative from a Lisu civil society organisation in Myitkyina noted many dynamics exist that might lead people who self-identify as Lisu to see themselves as either part of, or separate from, the Kachin/Wunpawng group:

There are many differences in how others see the Lisu community, and how members of the Lisu community see themselves. Sometimes this depends on where people live. For instance, Lisu who live in Kachin State usually identify as Lisu-Kachin--they see themselves as Lisu, but they also see Lisu as being part of the larger Kachin group. At the same time, you will find that there are many Lisu living around Mandalay, and some people say that those Lisu are actually Chinese. There is a perception that they are recent illegal Chinese immigrants who have come to Myanmar. To make things go smoothly, and in order to get a CSC, they say that they are Lisu. I don't know if that's true or not, but that's what some people say. Also, the Lisu in Mandalay tend to identify as just Lisu [not as Lisu-Kachin]. So, this is why some people in the Kachin group say that the Lisu are not really part of the Kachin. They think they are actually illegal immigrants.²⁰⁹

This last narrative is one that the research team heard in reference to the Lisu, but it is significant as the same narrative can be heard outside the Kachin context with regard to groups that are viewed as outsiders. In the Myanmar context, ethnic identity, and the issue of whether an identity is deemed to be

taingyintha or not, is key. Also, some categories of ethnicity enjoy a more clear-cut claim to being *taingyintha* than others.

The above stories illustrate some of the complex push-pull factors that can shape ethnic identity. In some instances, situations of insecurity and outside pressure lead groups to define themselves in ways that maximise their population size as a strategy to bolster their political legitimacy and their claims to entitlements. However, this strategy requires a level of group unity and assimilation that can lead to resentment. In this context, a combination of pressures and incentives may lead actors to assert distinct identities.

At the same time, narratives around who is part of the group and who is not can also be used to exclude some on the basis that they are outsiders and not entitled to the same benefits.

The Focus On Group Unity - the Kachin Case and Beyond

The Kachin case provides an opportunity to explore and unpack a number of complex ideas surrounding ethnic identity in Myanmar. Interviews revealed that group size has become highly politicised, as it is seen as determining political legitimacy and the allocation of entitlements such as creation of ethnic states, designation of SAAs, and appointment of NRAMs.

Furthermore, the assumption that benefits and privileges should be allocated according to group size requires that groups can be clearly defined, categorised, and measured. However, the examination of the Kachin case reveals that, in reality, many push-pull factors mean that fixed categories remain illusory.

²⁰⁸ Sadan, M. (2013) p. 340.

²⁰⁹ Field notes, Myitkyina (May 2018).

Resentment provoked by imposed assimilation may push groups to assert their own distinct identity. At the same time, inducements such as the prospect of increased representation through appointment of NRAMs, or increased autonomy in exchange for forming a militia under Tatmadaw control, may make the assertion of a distinct identity even more attractive.

While this case study has focused on the experience of ethnic identity within the Kachin community, it should be noted that the Kachin case offers insights into a dynamic that plays out at multiple levels in Myanmar. Indeed, the perception that diversity represents a potential threat to group unity has governed relations between ethnic Bamar actors and ethnic nationality actors since independence.

Thus, while many perceive the Panglong Agreement as having affirmed the notion that a diverse group of ethnic communities could come together while maintaining a high level of autonomy and self-determination, the post-independence situation of insecurity and instability meant any genuine commitment to this concept was quickly left behind. A highly centralised and increasingly authoritarian approach was justified by the perception that diversity posed a threat – an assessment that became entrenched during the period of military rule through a narrative that depicted the country as being under siege.

The pressure to assimilate into the majority Bamar culture, or *Burmanisation*, manifests through a range of different strategies. However, efforts to enforce conformity have, actually propelled ethnic nationality communities to protect and assert their identities as distinct from the Bamar majority

via a variety of responses, including armed struggle.

Ultimately, beyond the analysis of these push-pull factors, it is important to note that these dynamics have produced decades of terrible suffering for both ethnic nationality and Bamar communities. The conflict between the central government and Kachin non-state actors remains but one out of numerous armed conflicts that has resulted in thousands of deaths, and widespread injury, displacement, and human rights violations.

CASE STUDY

The Case of Arakanese Identity

Rakhine State is located in western Myanmar, on the Indian Ocean. Images of Rakhine often depict beautiful beaches, or a view of morning mist rising over the historic temples of the ancient capital, Mrauk-U. These stand in stark contrast to more recent media images of Rakhine that depict burned villages and military checkpoints.



Sunset at Sittwe beach
Photo credit: Zabra Yu Siwa

This case study will take a closer look at perspectives from the Arakanese community – the ethnic group long associated with the land west of the Arakan/Rakhine mountains. Reflecting on the perspectives shared by meeting participants, desk research, and ongoing, grounded analysis, the case study will consider Arakanese identity, including the range of grievances that have fuelled a long experience of armed struggle, and aspirations to achieve autonomy, self-determination, and political legitimacy.

Additionally, this case study will examine the role of foreign direct investment in large-scale development projects taking place in Rakhine State. Following a consideration of the income generation opportunities associated with these projects and the need to maintain stability and security through increased militarisation, we will take a new look at the root causes of conflict in Rakhine State, particularly events that unfolded during 2017.

In keeping with the naming practice outlined in the Introduction, this case study will refer to “Rakhine State,” in observance of the name change instituted by the Myanmar government in 1989. At the same time, those interviewed expressed a desire for the term “Arakanese” to be used when talking about the ethnic group that is associated with the descendants of the Arakan kingdom, and this will be the term that is used to discuss the views and perspectives from the Arakanese community.

Arakanese Identity

In earlier chapters, and through our examination of Kachin identity, this report has already noted the fluid and inherently unstable nature of ethnic classification. In the same way that this report did not impose any set classification when examining identity within the Kachin group, it will not assert any definitive categorisation among groups from Rakhine State. However, it is widely acknowledged that Rakhine ethnic groups include the Arakanese (also assumed to be the largest group), as well as the Mro, the Khami,

the Kaman, the Dainet, the Maramagyi, and the Thet.²¹⁰

In interviews, one meeting participant offered his perspective on classification within the Rakhine group:

Really, when we use the term “Arakanese” we only mean the Arakanese group. We all know that there are a number of other groups that have also been present in the same territory as the Arakanese for a long time, so they are also seen as being Rakhine and they are considered taingyintha. But they are not Arakanese. The Arakanese are Buddhists, they identify as having a connection to the rich historical civilization that was once found in the territory that is now Rakhine State, many will speak Arakanese, and know the literature of the ancient kingdom. The other smaller groups are different. They come from the same area, but do not share the same heritage. One group [the Kaman] is Muslim, and there are some in the other groups that practice animism.²¹¹

Historical Background

As noted in Chapter 1, the region known today as Rakhine State once formed the centre of the expansive and prosperous Arakan kingdom. The kingdom was protected by a barrier of hills and mountains that allowed it to develop with an orientation towards the Indian Ocean. Arakan enjoyed strong naval

²¹⁰ The classification of groups within the larger Rakhine group and spelling of names is derived both from published sources, such as *Myanmar: The Politics of Rakhine State* (Vol. 261, Asia Report). (2014), and interviews with members of the Arakanese community in Yangon and Sittwe (November 2016 and December 2018).

²¹¹ Field notes, Sittwe (December 2018).

capabilities, allowing it to play a dominant role in trade across the Bay of Bengal.

Toward the end of the 18th-century, King Bodawpaya launched a campaign against the Arakan kingdom, with the Arakan capital being occupied in 1784. Burmese occupation generated deep resentment on the part of the Arakanese, and grievances that date back to the 18th-century are still felt today. Tens of thousands of people were forcibly taken from Arakan to labour in other parts of the Burmese kingdom, and the revered Maha Muni Buddha image was confiscated and moved to the Burmese capital. By the end of the 18th-century, refugees had fled Arakan into British-held Bengal and began to form an Arakanese insurgency movement.²¹²

Burmese occupation of Arakan was relatively short-lived, as Arakan was ceded to Britain along with Tenasserim at the end of the first Anglo-Burman war. Following the second Anglo-Burman war in 1853, as the British pushed their control of Burma further north, Arakan and Tenasserim would be joined with the Irrawaddy Delta, including Rangoon, and Pegu, as well as Mon, to form Lower Burma. Thus, Arakan came under British rule much earlier than the Kachin Hills and, after the third Anglo-Burman war, was governed as part of Ministerial Burma, not as part of the Frontier Areas.

A Muslim population was already present in Arakan prior to the arrival of the British.²¹³ At the same time, Arakan was incorporated into British India following the first Anglo-Burman war, and borders between Arakan and Bengal remained porous. Migration from British

²¹² Myint-U, T. (2001) p. 18.

²¹³ *Ibid.* p. 14.

India, particularly by Muslims from Bengal, increased under colonial rule, as labour was needed for economic development.²¹⁴ As in other parts of Burma, this influx produced resentment among local populations. Burma had already seen anti-Indian riots in 1930 and 1938, and, as was recounted in Chapter 1, violence between Buddhists and Muslims living in Arakan would erupt in the north of the state during the Second World War.

During the war, there was Arakanese support for both the Japanese and the BIA during the Second World War, and for the independence movement being led by Bamar nationalists. Indeed, some Arakanese leaders joined Burmese political parties working towards independence.²¹⁵ This included U Aung Zan Wai, a prominent member of the AFPFL and advisor to Aung San. At the same time, other Arakanese leaders began to organise a nationalist Arakanese movement. In 1938, Arakanese members of parliament formed the Arakan National Congress. Soon afterwards, the renowned monk U Seinda established what would come to be an armed nationalist organisation known as the Arakan Liberation Party (ALP).

Following the violent war years, Rakhine found itself home to competing communist factions, as well as both Arakanese and Muslim separatist movements. Despite the upheaval facing Burma's westernmost region, Arakan was not included in the Panglong conference of 1947 as it, like Karen and Mon areas, had been administered under Ministerial Burma, and the meetings in Panglong focused on building unity with regions that had been administered as

Frontier Areas.²¹⁶ In fact, it would not be until the promulgation of the 1974 Constitution, under General Ne Win, that the ethnic state of Arakan was created.

Arakanese Armed Struggle

Arakanese community leaders interviewed during 2017 and 2018 took pains to emphasise the fact that the Arakanese struggle for autonomy and self-determination predates the creation of U Seinda's ALP, and, in fact, dates back to before British colonisation. As mentioned above, this narrative is substantiated by historians such as Thant Myint-U who trace the earliest days of an Arakanese insurgency back to the period following 1795, when refugees fled from the repression of Burmese rule.²¹⁷ Those interviewed emphasised that not only has armed struggle been a consistent theme in Arakanese history since the end of the 18th-century, but the aim of achieving Arakanese autonomy has been a longstanding objective.²¹⁸

The situation in Arakan following the Second World War provides an illustration of the larger post-war chaos that gripped the whole country, with different factions of the Communist Party, nationalist Arakanese forces, and a Muslim Mujahid Party all emerging onto the scene. Over the coming decades, the CPB would continue its fight in Arakan, with more than 1,000 active troops. Eventually, the CPB leadership in Arakan surrendered as part of a wider amnesty during

²¹⁴ See *Rakhine State Needs Assessment*. (2015) p. 2.

²¹⁵ Smith, M. (1991) p. 53.

²¹⁶ While Arakan, like other parts of Ministerial Burma, was not included in discussions at Panglong, U Aung Zan Wai was one of the lead negotiators for the AFPFL at Panglong.

²¹⁷ Myint-U, T. (2006) p. 18.

²¹⁸ Field notes, Sittwe (December 2018).

the 1980s. At the same time, the ALP, lacking the ability to hold local territory militarily, would move to bases with the KNU in the country's east.²¹⁹

While based with the KNU in eastern Myanmar, the ALP further developed its focus on achieving autonomy and self-determination. Like other EAOs, it began to associate the struggle for self-determination and the establishment of federalism with the fight for democracy. One former ALP member explained that the combined focus on federalism and democracy came to be seen as a strategy for overthrowing military rule.²²⁰ At the same time, the ALP was never able to establish control over physical territory or to be physically present to fight in Rakhine State. As such, it remained an armed group without territory.

In addition to the on-going struggle of the ALP, other political movements and armed groups worked to carry out an insurgency in Rakhine State. During the 1990s, the most prominent of these were the National United Party of Arakan (NUPA) and its armed wing, the Arakan Army (AA). NUPA-AA is believed to have established its general headquarters in Parva, Mizoram, in Northeast India. Like the ALP, the NUPA and AA maintained close connections with the KNU. However, this first iteration of the AA collapsed when Indian forces killed its leadership in a military operation during 1998.²²¹

²¹⁹ Smith, M. (1991) pp. 239-40.

²²⁰ Field notes, Sittwe (December 2018).

²²¹ For more details, see the website of the All Arakan Students & Youths Congress, available at <https://www.aasyc.info/history-geography/#.XHAtAJNKhQZ>

Ceasefire And A New Cycle of Conflict

In 2012, the ALP joined a number of other EAOs, including the KNU, in signing a bilateral ceasefire agreement with the Tatmadaw. The ALP would go on to become one of the original eight armed groups that signed the NCA in 2015.

Becoming an NCA signatory provided the ALP with a new source of legitimacy and an opportunity to participate directly in the peace process. However, participation within the peace process did not come without challenges. Following the first session of the 21st Century Panglong Peace Conference in early 2016, the ALP began working to convene Rakhine State-level community consultations, as foreseen in the framework for post-NCA dialogue process.²²² The central government and Tatmadaw provoked deep frustration among stakeholders from Rakhine State when they denied permission to proceed, citing security concerns—although several other NCA signatories had been allowed to proceed with their own community consultations. The inability to move forward on the initiative eventually led the leadership of the ALP to abandon their attempts to convene the session in 2018, with a sense of frustration.²²³

While the ALP made the transition from being an insurgent group to being a participant in the peace process, a new Arakanese armed group emerged onto the Myanmar stage.

²²² See *Myanmar's stalled peace process*, by Ashley South, Asia Dialogue, 3 April 2019.

²²³ See *Rakhine State moves ahead with preparations for national dialogue*, by Narinjara, Myanmar Peace Monitor, 15 February 2017, and *Rakhine Leaders Abolish Political Dialogue Panel, Citing Govt Interference*, by Lawi Weng, The Irrawaddy, 21 March 2018.

Following Cyclone Nargis, Arakanese students founded the second iteration of the AA in 2009.²²⁴ As mentioned within the Kachin case study, the KIA provided training for the new group, and the AA first fought alongside the KIA and other members of the Northern Alliance in Kachin State and northern Shan State. Reports indicate that the AA began the process of establishing bases in southern Chin State during 2014, sparking frequent clashes with the Myanmar military.²²⁵

In December 2018, the Tatmadaw announced a unilateral ceasefire, excluding the area of the country under its Western Command in Rakhine State, allowing operations against the AA to continue. In early January 2019, the AA carried out attacks against police outposts in northern Rakhine, prompting a significant upsurge in hostilities. The fighting prompted a new wave of casualties and displacement in Kyauktaw, Minbya, Mrauk-U, Ponnagyun, and Rathedaung townships in Rakhine State, as well as southern Chin State.

Grievances that Fuel Renewed Armed Struggle

In interviews, many meeting participants emphasised a range of different grievances experienced by the Arakanese community. They often summed these grievances up as being manifestations of “Bamar oppression,” and attributed the renewal of Arakanese armed struggle to a range of different injustices experienced over generations.²²⁶ When reflecting on this experience, a number of common themes emerged including narratives surrounding long-held historical

²²⁴ Field notes, Sittwe (December 2018).

²²⁵ See *A New Dimension of Violence in Myanmar’s Rakhine State* (Vol. 154, Asia Briefing, Issue brief). (2019) p. 5.

²²⁶ Field notes, Sittwe (December 2018).

grievances, economic exclusion, discrimination, and current tensions between the Rakhine State parliament and the central government.

In terms of historical grievances, Arakanese meeting participants frequently grounded comments and analysis in a reflection on the cultural achievements and reach of the Arakan kingdom, followed by deep resentment regarding the conquest under King Bodawpaya. As one meeting participant noted,

*We had a very ancient kingdom and a rich culture. But we also have a long history and experience of fighting that started with the invasion of the Bamar. We have been fighting ever since then--first the Bamar, then the British, and now again the Bamar as we fight the Tatmadaw.*²²⁷

Beyond historical grievances, many meeting participants focused on the reality that, measured by any number of different indicators, Rakhine State is one of the most impoverished areas of the country. A 2015 needs assessment carried out by the Center for Diversity and National Harmony has pointed out that the widespread experience of poverty has producing a “deep rooted feeling of economic exclusion” among many from Rakhine State.²²⁸

Indeed, while much of northern Rakhine remained unenumerated during the 2014 census,²²⁹ figures for the rest of the state

²²⁷ Field notes, Sittwe (December 2018).

²²⁸ See *Rakhine State Needs Assessment*. (2015) pp 5-6.

²²⁹ See Introduction and Chapter 3 of this report for a more in-depth discussion of the 2014 census and non-enumeration in Rakhine State.

reveal that living conditions in Rakhine State lag substantially behind conditions in the rest of the country. For instance, in Rakhine State only 12.8 percent of enumerated households use electricity as their main source of energy for lighting; by contrast, the figure at the Union level is 32.4 percent. Likewise, 88.9 percent of enumerated households in Rakhine State use firewood as their main source of energy for cooking, versus 69.2 percent of at the Union level. In terms of drinking water, only 37.8 percent of enumerated households in Rakhine State use an improved water source as the main source of drinking water, whereas the Union level average is 69.5 percent. Finally, only 31.8 percent of enumerated households have toilets that are classified as improved sanitation facilities, compared to the Union-level average of 74.3 percent.²³⁰

During consultations held in Sittwe, meeting participants noted that the lack of employment opportunities in Rakhine State has led many from the Arakanese community to migrate to other parts of the country. In one interview, a member of the Arakanese community reflected on the intense discrimination faced by Arakanese migrants and noted that experience has motivated some to take part in armed struggle:

In Yangon, discrimination towards Arakanese workers exists. Arakanese are perceived as troublemakers and there are many cases where employment is denied simply because of being an Arakanese. This is one of the reasons why we hear

²³⁰ See *The 2014 Myanmar Population and Housing Census, Figures at a Glance*, Department of Population, Ministry of Labour, Immigration and Population, with technical assistance from UNFPA, May 2015.

*many young people are willing to return to Rakhine State and fight with the AA.*²³¹

In addition to the experience of economic exclusion, meeting participants expressed the view that the central government has failed to consult or include Arakanese communities in economic planning. They attribute this to the fact that Bamar civil servants (often former military officers) dominate the government's General Administration Department (GAD), and that state-level cabinet ministers are also Bamar. They noted that it is these government officials that are tasked with imposing policies generated in Nay Pyi Taw, using a top-down approach that does not allow for community input.

Also, just as was observed in Kachin State, many meeting participants noted that the central government has been actively granting concessions for investors to carry out a range of different development projects in Rakhine State. They were quick to point out that this has taken place without community consultation, and that it is anticipated that tax revenues and profits from development projects will benefit elites elsewhere in the country. One meeting participant summed up the situation succinctly:

Decades of influence, control and manipulation by the Burmese government have created instability and unrest in Rakhine. We have rich natural resources, local agricultural and fishery products, beaches for tourism, the ancient capital Mrauk-U, and the gas reserve in Kyauk Phyu. However only the elites coming from central Myanmar benefit from these. Rakhine is very poor and not able

²³¹ Field notes, Sittwe (December 2018).

*to develop because of too much centralisation.*²³²

Finally, those interviewed noted that tensions between the Rakhine State parliament and the central government have intensified resentment within the Arakanese community, bolstering support for renewed Arakanese armed struggle. These tensions will be explored in greater detail as we examine Arakanese perspectives on local governance and visions for the future.

The Experience of Rohingya in Rakhine State

The preceding pages have provided a brief overview of key historical experiences identified by Arakanese meeting participants, including narratives surrounding the many grievances that led armed struggle in the past and in the present-day. While these events have shaped narratives within the Arakanese community, it is important to note that a large Muslim community has also lived in Rakhine State. Segments of that community have engaged in a long-standing struggle to gain recognition for their own right to self-determination and citizenship. They have faced discrimination, repeated waves of violence, and displacement.

Indeed, although the Kaman Muslim group is considered part of the broad Rakhine ethnic group, with roots and histories that date back to the Arakan kingdom, sensitivities arise surrounding the Muslim community that has been present in northern Rakhine State and that self-identifies as Rohingya. Note that, in general, most meeting participants from the Arakanese community (as well as meeting participants from other communities in

²³² Field notes, Sittwe (December 2018).

Myanmar) do not use the term Rohingya. This arises from a concern that using the name Rohingya strengthens the group's claim to citizenship rights. Furthermore, Rohingya is not a term that is officially recognised by the government of Myanmar. However, in keeping with this report's commitment to the principles of self-determination and self-identification, we will refer to non-Kaman Muslims from Rakhine State as Rohingya.

The Rohingya are often associated with waves of immigration that took place under the British as well as more recent immigration. It is precisely the question of when and how members of the Rohingya community arrived in Myanmar that has proven deeply controversial. There is deep disagreement about whether or not this ethnic category should be considered *taingyintha*, and, in turn, whether or not the Rohingya are entitled to citizenship, and the rights, protections, and privileges associated with citizenship.

Again, the principle focus of this case study comes from the perspectives of stakeholders from the Arakanese community.²³³ However, in considering events that have taken place in Rakhine State and their impact on Arakanese communities, it is essential to note the repeated waves of persecution and insecurity that Rohingya communities have had to navigate. These have included the *Nagamin* operation mentioned in Chapter 1, as well multiple instances of intercommunal violence outlined in Chapter 3. Outbreaks of violence have resulted in deaths, gender-based

²³³ For a more in-depth analysis of perspectives from the Rohingya community, readers should consult *The Rohingyas*, by Azeem Ibrahim and *The Rohingyas: A Short Account of their History and Culture*, by Dr. Abdul Karim.

violence, and significant destruction and displacement.

In 2016, Myanmar saw the emergence of the Arakan Rohingya Salvation Army (ARSA).²³⁴ A year later, in August 2017, ARSA attacks on police security posts provoked a heavy-handed response from the military and police. Security forces carried out clearance operations reminiscent of the “four cuts” strategy imposed against ethnic nationality communities in other parts of Myanmar, burning villages, destroying crops, and carrying out widespread human rights violations.²³⁵

As the result of Tatmadaw clearance operations, it is estimated that over 720,000²³⁶ Rohingya refugees crossed the border into Bangladesh. This report will not undertake an in-depth examination of events related to clearance operations that took place in northern Rakhine during 2017.²³⁷ However, the final section of this case study will take a closer look at the complex environment in which those events unfolded, and it is important to acknowledge the incidents as we consider the broader context that has shaped the lives of those from the Arakanese community.

²³⁴ See *Myanmar: A New Muslim Insurgency in Rakhine State* (Vol. 283, Asia Report). (2016).

²³⁵ For example see *Burma: Methodical Massacre at Rohingya Village, Hundreds Killed, Raped in Tula Toli*, Human Rights Watch, 19 December 2017.

²³⁶ The UN Refugee Agency (UNHCR) estimates that by August 2018 over 723,000 Rohingya refugees had fled to Bangladesh.

²³⁷ For a more detailed look at alleged human rights violations committed by the military and security forces in Rakhine and other parts of Myanmar, readers should consult *The UN Independent International Fact-Finding Mission on Myanmar*, 27 August 2018.

Experiences of Local Governance and Visions for the Future

When considering the experience of local governance, the Arakanese case offers an opportunity to explore issues that differ from those presented in the Kachin and Karen cases. Neither of the two main Arakanese armed groups – the ALP or the AA – control territory or run public administration systems. This contrasts with the experience of the main armed group associated with the Kachin community (the KIO), and the main armed group associated with the Karen community (the KNU), and means there is no current experience of governance under an Arakanese ethnic armed group.

However, the Arakan National Party (ANP) has seen a high level of electoral success, with the majority of seats in the Rakhine State parliament since 2015. As a result, the Arakanese case provides an opportunity to explore the opportunities and challenges surrounding the experience of local state governance in a context where an ethnic political party is in the majority in the state parliament.

Rakhine State Governance and the Experience of Electoral Politics

The ANP was formed in March 2014 through a merger between the Arakan League for Democracy (ALD) and the Rakhine Nationalities Development Party (RNDP). The new party enjoyed a high level of support, producing the election victory in November 2015. In fact, the ANP was the most successful ethnic political party in Myanmar, winning 62 percent of the electable seats in the Rakhine State parliament, the highest percentage of any ethnic political party running at the state

or regional level. At the Union level, the ANP won only two seats fewer than the military-backed USDP in the Amyotha Hluttaw (upper house of parliament), and the same number of seats as the Shan Nationalities League for Democracy (SNLD) in the Pyithu Hluttaw (lower house of parliament).²³⁸ However, the ANP found that their strong electoral showing did not automatically translate into the ability to determine key developments in Rakhine State.

Relations between the NLD-led government in Nay Pyi Taw and the ANP-led state legislature got off to a rocky start when the central government rejected the ANP's proposal to select the Chief Minister for Rakhine State.²³⁹ The choice by the Union government was in line with provisions in the 2008 Constitution that leave the appointment of state and regional state ministers up to the President. However, following elections in 2010, the Thein Sein administration demonstrated a degree of sensitivity on this issue, consulting the Rakhine State legislature (then headed by one of the ANP's predecessors, the RNDP) on the appointment.²⁴⁰ As a result, there was an expectation that some opening would exist for the ANP to influence the Chief Minister decision following the 2015 election.

The rejection of the ANP's request and unilateral appointment of the NLD's U Nyi Pu as Chief Minister provoked deep resentment within the ANP and the broader Arakanese

community. Despite the fact that U Nyi Pu is ethnic Rakhine, his non-affiliation with the ANP was seen as a demonstration of disrespect by the NLD towards the winning party. This only intensified when, despite holding the majority in parliament, no ANP representatives were included in the Chief Minister's cabinet. In an interview, a civil society representative with long experience working in Rakhine noted that this decision reflected a surprising level of rigidity on the part of the NLD as they assumed their new leadership role.²⁴¹

One meeting participant shared his perspective on the situation in the state parliament:

*Self-determination does not mean secession, it means being able to do things like name your own Chief Minister - that is genuine democracy, it is not secession, and that's what the Arakanese people have always wanted.*²⁴²

Beyond these tensions in the state parliament between the ANP and the NLD, events in early 2018 provoked deep anger in the Arakanese community towards the central government. First, Dr Aye Maung, a popular political leader, was arrested on charges of unlawful association and high treason after having made a speech that encouraged Arakanese to pursue greater sovereignty through armed struggle.²⁴³ The speech was made as part of events commemorating the fall of the Arakan

²³⁸ See *State/Regional Hluttaw Results: Graphics in The Irrawaddy*, 17 November 2015.

²³⁹ Note that a similar experience unfolded in Shan State, where the SNLD won more seats than the NLD in the state legislature.

²⁴⁰ *A New Dimension of Violence in Myanmar's Rakhine State* (Vol. 154, Asia Briefing, Issue brief). (2019) p.6.

²⁴¹ Field notes, Yangon (December 2018).

²⁴² Field notes, Sittwe (December 2018).

²⁴³ Note that in March 2019, Dr Aye Maung and author Wai Hin Aung were sentenced to twenty years in prison for high treason. See *Aye Maung, Wai Hin Aung handed 20-year sentences for high treason*, by Ye Mon, *Frontier Myanmar*, 19 March 2019.

kingdom, and was followed by an event that had been planned to take place in Mrauk-U. Authorities from the General Administration Department rescinded the permit for the event in Mrauk-U, and nine people died in resulting clashes between protestors and police.²⁴⁴

The arrest of Dr Aye Maung and subsequent deadly clash reinforced grievances within the Arakanese community regarding the lack of accountability for local government administration and the police. Those interviewed shared the view that this was the product of Myanmar's highly centralised system, in which the GAD and police have both been under the control of the military-run Department of Home Affairs in Nay Pyi Taw.²⁴⁵ One meeting participant described the events this way:

*Everything that happened represents an abuse of power by the central authorities--the Union government, the police, the GAD--against a minority ethnic group.*²⁴⁶

While a number of flashpoints of tension have erupted between the Union-level NLD-led government and the state-level ANP-led parliament, there have been some notable instances in which the ANP has been successful in using its position in parliament to push for small victories. In one case, the ANP

²⁴⁴ See *Rakhine political leader Dr Aye Maung arrested in Sittwe after Mrauk-U violence*, by Nyan Hlaing Lynn, Frontier, 18 January 2018.

²⁴⁵ Note that at the end of 2018 the NLD-led government initiated a process to move the GAD from being under the control of the Department of Home Affairs. At the time of writing this change is still in process and it is unclear what impact the change will have.

²⁴⁶ Field notes, Sittwe (December 2019).

took a leadership role in the impeachment of an NLD-appointed member of the Rakhine State cabinet who was forced to resign. The resignation of the NLD-appointed Minister for Planning and Finance, U Min Aung, came after he submitted a draft budget for the 2018-19 fiscal year without consulting state-level parliamentarians. Following complaints by nearly two-thirds of state legislators, the ANP Speaker of Parliament set up a committee to investigate, resulting in the dismissal of the minister.²⁴⁷ One of the members of the investigation panel was quoted as saying:

*They [the central government] should note that they cannot do whatever they want without discussing with the [state] parliament. We lawmakers need to know about the development projects to be more effective, as we know more about the needs of people we are representing and we are dealing with people on the ground... Rakhine is different from other states. In other states, the ruling government can do as they wish because parliament is dominated by the NLD....*²⁴⁸

Later in 2018, the ANP used its platform at the third session of the 21st Century Panglong Peace Conference to criticise elements of government policy towards Rakhine State. The Vice-Chair of the ANP did not mince words, highlighting the experience of uneven development and what she described as "heavy-handed control and poor administration," before going on to emphasise the poverty and armed conflict being faced by

²⁴⁷ See *A Bitter Budget Battle in Rakhine State Drags On*, by Moe Myint, The Irrawaddy, 21 March 2018.

²⁴⁸ See *Rakhine minister sacked for not performing duties*, by Ei Ei Toe Lwin, Myanmar Times, 3 January 2018.

many states and regions.²⁴⁹ The statement generated a strong reaction from those who felt that the criticism had gone too far. At the same time, it was successful in drawing attention to the perspectives that many Arakanese hold regarding governance by the central government.

Visions for the Future - self-determination, autonomy, and political legitimacy

The preceding pages have outlined a range of grievances and frustrations raised by meeting participants from the Arakanese community. These have included the historical subjugation of the Arakan kingdom during the era of the Konbaung dynasty; the experience of economic exclusion; the blocking of ALP efforts to convene a Rakhine political dialogue by the central government and the Tatmadaw; the limitations placed on the ANP despite its majority in the state parliament; and ongoing restrictions and perceived injustice as a result of centralised and militarised control of institutions such as the GAD and the police.

Together, these experiences have contributed to a strong sense among many within the Arakanese community that they lack the ability to control and determine important aspects of their own lives. In discussions, this narrative is often articulated in highly ethnicised terms, as injustices are frequently described as being carried out by the Bamar majority's use of different tools of state control.

Given this context, it is not surprising that, when sharing their visions for the future, meeting participants from the Arakanese

²⁴⁹ See ANP Vice Chair delivers address at 21st Century Panglong 3rd Session, The Global New Light of Myanmar, 12 July 2018.

community focused on the importance of autonomy and self-determination. Furthermore, those interviewed frequently emphasised that the best path to achieving autonomy and self-determination would be the adoption of federalism.

When reflecting further on what a future under a federal system would look like, stakeholders from the Arakanese community emphasised the need for public policy to be developed at the state level and saw this as the best avenue to genuinely address the socioeconomic hardships experienced in Rakhine State. Also, those interviewed advocated resource sharing and local control of income from economic development projects as strategies that could lift communities in Rakhine State out of poverty. Reflecting on the future, one meeting participant explained:

*In the future, we expect more power sharing. The central government would retain power on defence, military, and foreign policy, but the rest would be deferred to the state level so that it [each state] will be able to manage its own resources and boost its legislative capacity. There should be more devolution of powers, less centralisation. Current power-sharing arrangements in the Constitution are very limiting.*²⁵⁰

Finally, meeting participants frequently emphasised the importance of the groups representing the Arakanese community being treated with respect by the central government. Indeed, the focus on autonomy and self-determination was often portrayed as being an issue of respect, and it was often

²⁵⁰ Field notes, Sittwe (November 2018).

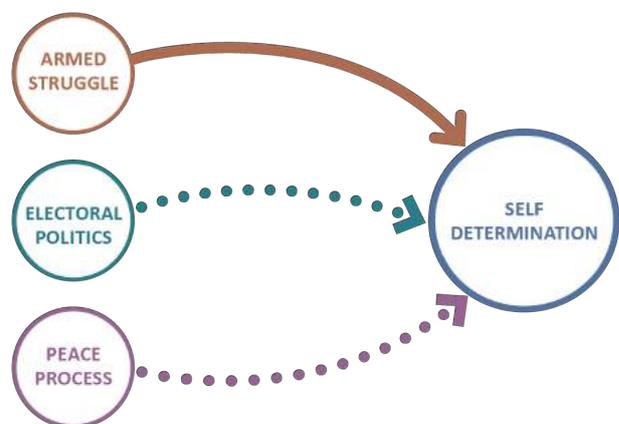
concluded that constraints facing the ALP in the peace process, or the ANP in the state parliament, were a manifestation of disrespect.

Furthermore, the need for respect was often described interchangeably with the importance of political legitimacy, and conversations about political legitimacy often led meeting participants to note the perceived connection between political legitimacy and territory. One community leader pointed out that being able to return to Rakhine State and control territory has been a long-held objective of multiple Arakanese armed groups, but that none up until this point had been successful. He went on to explain that current efforts by the AA to gain control over territory in Rakhine State²⁵¹ are seen as an essential prerequisite to gaining recognition and political legitimacy – not in the eyes of the Arakanese community (recent media articles have asserted that support for the AA within the Arakanese community is already strong),²⁵² but from the wider Myanmar community:

If the AA is able to control territory, the Tatmadaw, NLD, and other actors associated with the central government and the majority Bamar community will have to recognise that the AA is a legitimate actor fighting on the behalf of

*the Arakanese people. Once you control territory, you cannot be ignored. The Tatmadaw will have to allow the AA into the peace process and listen to the voices of the Arakanese community.*²⁵³

This association between territory and political legitimacy echoes the criteria for political legitimacy outlined in Chapter 2 – beyond a group’s population size, the other key elements associated with political legitimacy were the ability of a group to articulate a historical narrative (also an important focus within the Arakanese group), and its association with physical territory. When thinking about the future, many of those interviewed asserted that the ability of the AA (or any other Arakanese armed group) to control territory was a necessary ingredient to produce the legitimacy needed to join a wider national conversation.²⁵⁴



Finally, a number of community leaders noted that the achievement of autonomy and self-determination, as well as respect and political legitimacy, are goals that are being pursued simultaneously through three different paths: electoral politics, participation in the peace process, and armed struggle. However, they

²⁵¹ Note that at peace talks between the government’s National Reconciliation and Peace Centre (NRPC) and the AA in March 2019, a representative of the political wing of the AA, the United League of Arakan (ULA), stated that the establishment of a base in Rakhine State was a goal of the AA. For more details see *Govt, eight armed groups at loggerheads over AA base*, by Htoo Thant, Myanmar Times, 22 March 2019.

²⁵² For example, see *Analysis: Arakan Army - A Powerful New Threat to the Tatmadaw*, The Irrawaddy, 8 January 2019.

²⁵³ Field notes, Sittwe (August 2018).

²⁵⁴ Field notes, Sittwe (August 2018).

also noted that efforts to work through the peace process and electoral politics have run into roadblocks, making the strategy of armed struggle all the more compelling.²⁵⁵

Expanding the Narrative Surrounding the Crisis in Rakhine

The preceding sections of this case study have outlined key aspects of the current Arakanese experience as shared by meeting participants through consultations and interviews during 2017 and 2018. Beyond these reflections, meeting participants also shared views on the events of 2017 that produced a mass outflow of refugees to Bangladesh. The last section of this case study will take a new look at those events, with views and analysis shared by members of the Arakanese community as our departure point. This re-examination of those tragic events offers the opportunity to broaden the narrative from a singular focus on the serious human rights violations and atrocities committed against the Rohingya, to one that includes underlying economic, political, and security concerns that have been often omitted as the result of a simplified narrative focused on ethnic and religious conflict.

In expanding the boundaries surrounding the dominant account of events in 2017, it is not the intention of the research team to minimise the gravity of violations committed by security forces against Rohingya communities. Observers such as Selth have pointed out that actions carried out following the ARSA attacks emerged out of deep-held and widespread animosity towards the Rohingya community. He points out that the Tatmadaw's senior leadership has long seen a

need to address the presence of inhabitants who they view as “not native”, and that assuming the role as “the defenders of the country’s majority Buddhist culture” provided a helpful justification for clearance operations.²⁵⁶ However, Arakanese meeting participants emphasised that additional factors, beyond pervasive anti-Rohingya sentiment, served to intensify the 2017 clearance operations.

To broaden our field of view, this report will focus on two related factors that were repeatedly highlighted through interviews and consultations. First, we will consider recent developments around large-scale economic development projects in Rakhine State. Second, we will look at increased militarisation in the state.

Large-scale Economic Development in Rakhine State

A closer look at Rakhine State reveals a complex backdrop of economic interests and geopolitics. Despite the fact that Rakhine is one of the poorest and least developed regions in Myanmar, it is a major focus of investment from a variety of foreign actors. Stakeholders from the Arakanese community and observers have noted that in order to truly understand the complexities surrounding the events of 2017 and the current security situation in Rakhine state, it is necessary to examine large-scale economic development activities in the state.

In terms of foreign direct investment, both China and India have recently launched significant large-scale development initiatives in Rakhine State. Through its Belt and Road

²⁵⁵ Field notes, Sittwe (December 2018).

²⁵⁶ See Selth, A. (2018). *Myanmar's Armed Forces and the Rohingya Crisis*. p. 16.

Initiative (BRI), China aims to vastly increase the infrastructure and networks supporting trade flows between China, Europe, Africa, and other parts of Asia. Within this plan, Rakhine State represents an important strategic node. Likewise, India's Kaladan-Multi-Modal Transport Project focuses on promoting transportation across the Bay of Bengal to India's northeast.

Within China's BRI, Myanmar holds a unique position, as it finds itself at the intersection of initiatives linking the Middle East, Europe, Africa, South Asia, and Southeast Asia with China's landlocked southwest border of Yunnan. With a long stretch of coastline, Rakhine State is seen as having particular geostrategic importance within BRI plans. Several large-scale infrastructure projects are located, or originate, in Rakhine State and represent key aspects of the initiative. These included the China-Myanmar Oil and Gas Pipeline, the Kyauk Phyu Special Economic Zone, and the Chinese-Myanmar Economic Corridor.

The China-Myanmar Oil and Gas Pipeline serves as a conduit for both gas reserves found off the coast of Rakhine and crude oil from the Middle East to reach Yunnan in southwest China. In Yunnan, the raw materials provided via the pipeline play a vital role in supplying a newly constructed petrochemical facility located outside the Yunnan capital of Kunming. One observer noted that the petrochemical plant, in operation since April 2017, represents the largest single economic project in Yunnan and the facility's success depends on a steady supply of energy resources, particularly crude oil, via the

pipeline from Rakhine.²⁵⁷ This transportation corridor is also of geopolitical significance, as it facilitates the ability of China to access vital energy resources without having to rely on shipping through the Strait of Malacca. Without the overland pipeline via Rakhine, the Strait of Malacca is the shortest route for shipping to China from Africa and the Middle East. However, observers have pointed out that China would like to avoid having to rely solely on transportation via the chokepoint of the Strait. Geostrategic considerations have likely led China to seek out the alternative route; analysts note that the Strait could potentially be obstructed by a naval blockade, and piracy is also an issue.²⁵⁸

For Myanmar, revenue associated with the pipeline is linked with the quantity of oil to be transported plus an annual fee of USD13.81 million. Given the pipeline's capacity (estimated to be able to transport just under 0.5 percent of global oil demand), potential annual income to the Myanmar government is substantial.²⁵⁹

In addition to Rakhine State serving as the gateway for transportation of natural gas and crude oil to China's southwest, China and Myanmar have also agreed on construction of a Special Economic Zone (SEZ) including an

²⁵⁷ See *Once controversial oil refinery to open in Yunnan this month*, by Patrick Scally, Go Kunming, 5 June 2017.

²⁵⁸ See *The Geopolitics of Rakhine*, by Annabell Heugas, Mizzima, 6 November 2017, and *Securing the Energy Supply: China's "Malacca Dilemma"*, by Matthew Caesar-Gordon, E-International Relations, 26 February 2016.

²⁵⁹ See *This China-Myanmar oil pipeline will change the global oil market*, by Dave Forest, Business Insider, 5 February 2015, and *Shwe gas field and pipeline, Myanmar*, Environmental Justice Atlas, available at <https://ejatlas.org/conflict/shwe-gas-field-and-pipeline>

industrial park and deep-sea port in Kyauk Phyu, Rakhine State. Following an agreement reached in November 2018, phased work on the deep-sea port was set to begin. The deep-sea port will form part of China's access to a strategic port network known as the "String of Pearls." Alongside the China-Myanmar Oil and Gas pipeline, it is predicted that the Kyauk Phyu project will generate further billions in annual GDP growth for Myanmar and significant tax revenue for the Myanmar government.²⁶⁰

In November 2017, as part of China's wider BRI, China and Myanmar announced plans to establish the Chinese-Myanmar Economic Corridor (CMEC). The corridor lays out a plan for construction of roads and a high-speed railway to connect Kunming with Mandalay, Yangon, and Kyauk Phyu. It also anticipates greater connectivity through economic integration. A memorandum of understanding paving the way for CMEC-associated projects to move forward was signed in September 2018. It is estimated that the initiatives will result in tens of billions of dollars worth of Chinese investment in Myanmar.²⁶¹

Not to be left behind, India has also secured the right to undertake a major infrastructure project through construction of the Kaladan

²⁶⁰ See *Myanmar negotiating with Chinese consortium on deep-sea port project in western state*, Xinhua, 8 July 2018, *Myanmar agrees smaller deal for China-backed port after 'debt-trap' concern*, by Thu Thu Aung, Simon Lewis, Reuters, 8 November 2018, and *String of Pearls – The world is worried about China's military ambitions*, Belt & Road News, 21 January 2019.

²⁶¹ See *The grand plan for the China-Myanmar Economic Corridor*, by Clare Hammond, Frontier Myanmar, 26 September 2018, and *Gov't Signs MoU with Beijing to Build China-Myanmar Economic Corridor*, by Nan Lwin, in *The Irrawaddy*, 13 September, 2018.

Multimodal Transportation project. The project involves building a network of waterway and highway linkages that will connect shipping transportation from Kolkata, India, across the Bay of Bengal, through Rakhine and Chin States, and into southern Mizoram State in India's northeast. The project is part of India's "Act East Policy" which, in an effort to balance China's growing role, seeks to build close ties between India and other countries in Southeast Asia. Furthermore, India has also matched China's investment in the Kyaukpyu SEZ by backing an additional SEZ in Sittwe, just north of Kyauk Phyu, and connected to the Kaladan Multimodal project.²⁶²

In addition to high-profile megaprojects being carried out jointly between the central government and neighbouring countries, the central government has launched a variety of smaller initiatives aimed at boosting investment from outside sources. In November 2017, the NLD-appointed Rakhine State Minister for Planning and Finance, U Kyaw Aye Thein (successor to impeached minister U Min Aung), invited investors to a briefing on investment opportunities in Rakhine State, including the Kanyin Chaung economic zone being developed in Maungdaw, close to the Myanmar border with Bangladesh.²⁶³ Similarly, State Counsellor

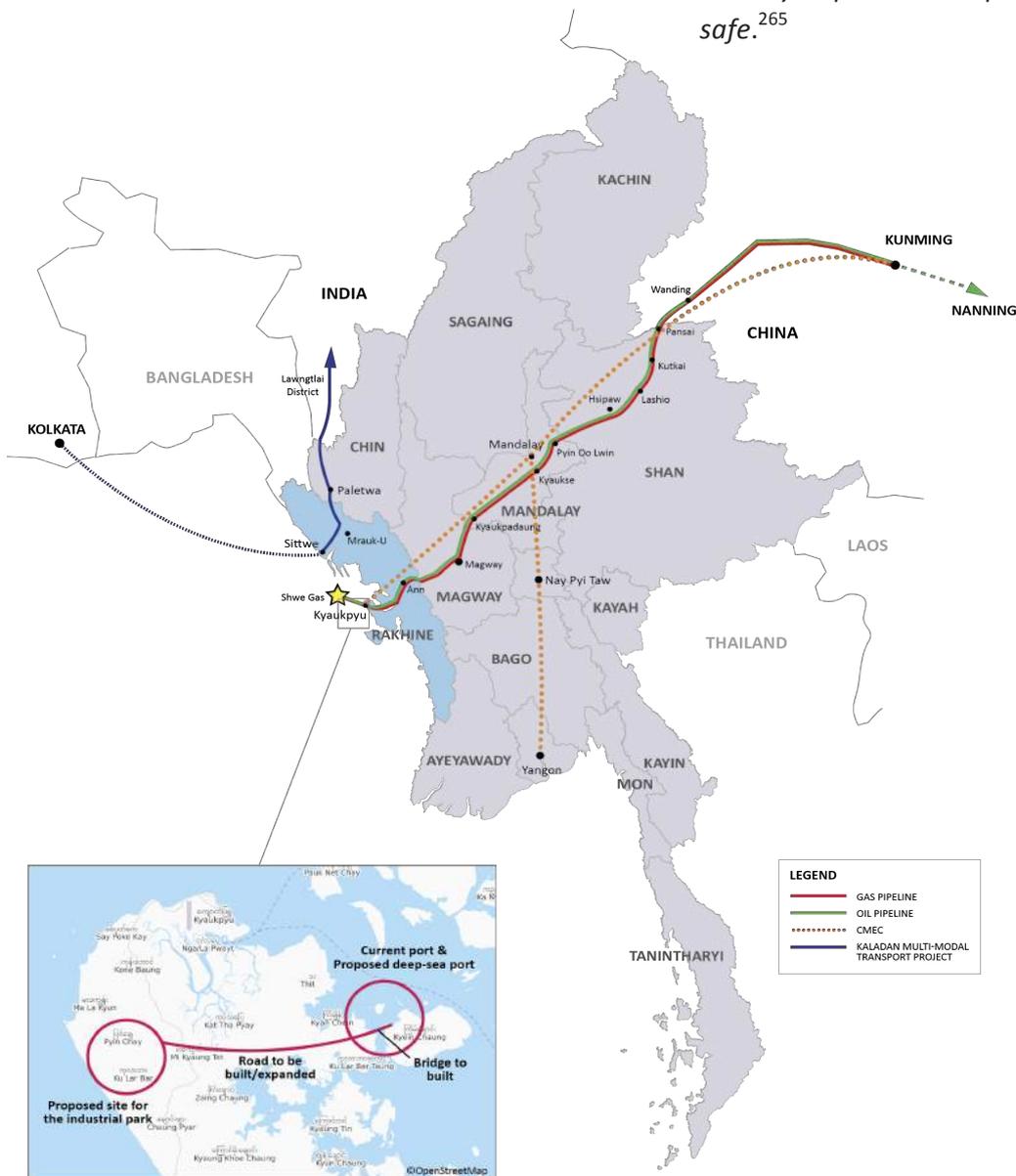
²⁶² See *Mizoram-Myanmar Kaladan road*, by Pratim Ranjan Bose, *The Hindu Business Line*, 17 April 2018, *Why India Isn't Really 'Acting East' in Myanmar*, by Jonathan Tai, *The Diplomat*, 15 July 2017, *Myanmar, India Appoint Operator for Sittwe Port Project*, by Nan Lwin, *The Irrawaddy*, 26 October 2018, and *India planning to set up SEZ in Myanmar's Sittwe*, by Dipanjan Roy Chaudhury, *The Economic Times*, 2 August 2016.

²⁶³ See *Investment opportunities emerge in Kanyin Chaung economic zone*, by Chan Mya Htwe, *Myanmar Times*, 3 November 2017, and *Maungdaw*

Daw Aung San Suu Kyi spoke with investors at the Rakhine State Investment Fair held in February 2019. The event served to highlight projects in Sittwe and Mrauk-U in northern Rakhine, as well as Ngapali and Man Aung Island further south.²⁶⁴ Both events were framed as opportunities to bring economic growth to Rakhine.

However, one Rakhine observer noted that:

*Without reforms on resource sharing, the greatest benefits from economic development and investments will go to benefit Nay Pyi Taw. Also, there will be significant implications because in the current context, high levels of militarisation will be needed to provide security required to keep investments safe.*²⁶⁵



Kanyinchaung economic zone to receive upgrade: Rakhine Chief, Eleven Myanmar, 15 February 2019.

²⁶⁴ See Daw Aung San Suu Kyi *Pitches Investors on Rakhine State*, by Nan Lwin, *The Irrawaddy*, 22 February 2019.

²⁶⁵ Field notes, Sittwe (December 2018).

This brief overview outlines only some of the biggest projects and investment initiatives underway. Some of these projects are based entirely in Rakhine State. Others only run partially through the state, but depend on the access that Rakhine provides to the Indian Ocean and the rest of the world.

The projects represent a tremendous investment on the part of foreign commercial interests, and a significant source of current and future revenue for Myanmar business interests and the Myanmar government. As such, Rakhine State has come to occupy a place of strategic importance for actors both outside and inside Myanmar. In this environment, the safety of these investments and anticipated revenue depends on security and stability in Rakhine State, as well as other parts of Myanmar

Increased Militarisation in Rakhine State

In light of concerns regarding security, a number of those interviewed noted that Rakhine State has seen a significant increase in deployment of Tatmadaw troops. Meeting participants frequently shared observations about the increased number of military bases and patrols in their own communities, particularly in northern Rakhine.²⁶⁶

A study by Security Force Monitor tracked deployment of Tatmadaw units to Rakhine State during the period of 2015-2018. Their findings confirm observations by meeting participants. Using open source data, the report documents a substantial increase in Tatmadaw battalions and command centres in the townships of northern Rakhine. According to the report, during the three-year

²⁶⁶ Field notes, Sittwe (August 2018).

period, Sittwe and Kyaukphyu each saw increased deployment of two Tatmadaw units; Mrauk-U and Minbya, which had not previously hosted units, each saw an increase of five units; Kyauktaw, which had not previously hosted units, saw an increase of seven units; Maungdaw and Buthidaung, which had previously hosted 22 units and 19 units respectively, each saw an increase of seven units.²⁶⁷

While the Tatmadaw often portrays increased militarisation in northern Rakhine State as motivated by concern about the threat posed by ARSA and Muslim extremism, those interviewed were sceptical of this explanation. Instead, they pointed to AA aspirations to establish bases and territorial control in Rakhine State as prompting the increased Tatmadaw deployment. They noted that, geographically, northern Rakhine is a strategic entry points for the AA. Those interviewed were of the view that it is, in fact, the AA that is perceived as the primary security threat, particularly in light of large-scale investment and development projects that are planned or underway in Rakhine. They noted that the AA is well equipped with arms supplied from a variety of sources, and that AA recruitment has been highly successful, observations that have been supported through media coverage.²⁶⁸ Given these factors, meeting participants concluded that the central government and the Tatmadaw see the AA, and its aspiration to control territory, as the greatest security risk in northern Rakhine. One Arakanese community leader noted:

²⁶⁷ See *The structure and operations of the Myanmar Army in Rakhine State: A review of open source evidence*. (2018).

²⁶⁸ See *Analysis: Arakan Army - A Powerful New Threat to the Tatmadaw*, The Irrawaddy, 9 January 2019.

*Instability could happen across Rakhine State, but never in areas where large-scale investments are. The government will make sure these areas are protected. But to do so means being able to keep the AA from gaining ground. This requires a big military presence.*²⁶⁹

Taking a New Look at the Events of 2017

Over the course of informal conversations, a number of meeting participants expressed the view that the events of 2017 – which focused attention inside and outside the country on the perceived threat of violent Islamic extremism taking root in Myanmar, and the disproportional response of the Tatmadaw that followed ARSA attacks – were in fact a diversion that directed scrutiny away from other dynamics taking place in Rakhine State.

According to the analysis of those interviewed, this diversion functioned by creating a sense of heightened fear and anxiety among those living in Rakhine State and in Myanmar more broadly. This fear and anxiety centred on the potential threat posed by outsiders – the outsiders being both members of the Rohingya community (who are widely perceived as being illegal immigrants from Bangladesh), and radical Islamic forces from outside the region who were said to be supporting ARSA.

Meeting participants pointed out that, in this context of heightened insecurity, increased deployment of Tatmadaw forces was justified by claims that it was a protective measure. As a result, the Tatmadaw substantially increased its presence in an area of the country where

significant economic development projects were either planned or taking place, and where renewed armed struggle with the AA had emerged as a major threat to those projects.

Furthermore, those interviewed were of the opinion that the ARSA attacks provided an opportunity for authorities to use perceived threats from outside to try to forge unity and fuel a sense of patriotism towards the Union of Myanmar. This was a key priority within the Tatmadaw as support within the Arakanese community for armed struggle and the AA was on the rise. Interviewees felt that the Tatmadaw had hoped the crisis would create an upsurge of loyalty within the Arakanese community and slow the AA's rate of recruitment. One meeting participant summarised the situation:

*Remember that the military clearance in northern Rakhine against ARSA happened when the AA was also fighting the Tatmadaw at the border of northern Rakhine. The Tatmadaw was losing the battle against the AA and needed further deployment of soldiers. The clearance operations were in fact a strategy to prevent AA from infiltrating Rakhine state. ARSA and the Rohingya were a convenient excuse to build up Tatmadaw forces and prevent reinforcements to the AA inside Rakhine.*²⁷⁰

According to some meeting participants, then, there had been a deliberate strategy to foster anxiety within the Arakanese community about the threat posed by the Rohingya community and ARSA. They noted that this was a strategy that has been employed

²⁶⁹ Field Notes, Sittwe (December 2018).

²⁷⁰ Field Notes, Sittwe (December 2018).

frequently during Myanmar's history, highlighting instances when General Ne Win used the same approach as he undertook military operations against ethnic nationality forces. Indeed, the events of 2017 provide a vivid illustration of how a focus on ethnic categories and the narrative that outsiders pose a threat can be manipulated for political purposes.

Thus, some meeting participants believed that the events of 2017 played to the Tatmadaw's aims of reviving the siege mentality, diverting community support for the AA, and directing attention of domestic stakeholders away from other developments in Rakhine State. Participants further noted that the approach of the international community to frame the events of 2017 in terms of a human rights crisis had vastly oversimplified complexities. They lamented that international actors had adopted this overly simplistic perspective while failing to incorporate an understanding of broader dynamics. As a result, most international media coverage and engagement by international actors saw the events of 2017 as a unidimensional story about mass atrocity crimes, humanitarian crisis, and the need for accountability. Analysis from the international level included little mention of the aspirations within the Arakanese community for increased autonomy, self-determination, and political legitimacy, the large-scale economic development projects planned or underway in northern Rakhine, or the fact that increased militarisation has served a dual purpose of both carrying out anti-Rohingya clearance operations and opposing AA efforts to gain a foothold in Rakhine State.

Also, some meeting participants regretted that the overly simplified view of events

produced a polarised environment that left little space for actors within Rakhine to acknowledge or share stories about positive linkages and relationships between Arakanese and Rohingya communities. They pointed out that, like any other community, the Arakanese community is not monolithic and great variation exists in terms of attitudes and relationships with Rohingya neighbours. Sadly, this diversity of views has been lost in media reports that painted all Arakanese as harbouring deep hatred towards their Rohingya neighbours.

Engaging Complex Root Causes

In the wake of the deadly clearance operations in 2017, many observers have emphasised the need to move beyond a focus on symptoms to a deeper understanding and response to root causes.²⁷¹ Likewise, some meeting participants from the Arakanese community emphasised the importance of developing an analysis that goes beyond understanding the situation of Rakhine today solely as a human rights crisis. They urged that actors from inside and outside the country find ways to expand the narrative to encompass additional aspects of complexity.

Those interviewed highlighted the need for perspectives of the Arakanese community, including long-held grievances towards the central state, and aspirations for autonomy, self-determination, and political legitimacy to be carefully considered.

Furthermore, they emphasised that any analysis should examine the ways that central

²⁷¹ For example, see *Breaking the deadlock in Rakhine*, by Myo Sann Aung, Frontier Myanmar, 11 February 2019.

government and Tatmadaw priorities stand in opposition to the aspirations of many within the Arakanese community. On the side of the central government and the Tatmadaw, main priorities were seen as maximising income (as well as rents) associated with large-scale economic development projects, providing revenue needed to meet a variety of centrally-determined priorities. The Arakanese community identified different priorities: the need to improve living standards, the importance of shifting towards governance structures that are responsive and accountable to local communities, and the need for state leaders to control the state budget. They noted that these opposing aspirations have pitted the central government and the Tatmadaw, with their focus on maintaining the stability and security necessary to attract foreign investment, against Arakanese actors that are pursuing appropriate local development, autonomy, self-determination, and political legitimacy.

In this complex context, meeting participants stressed that the Rakhine State narrative needs to move beyond an overly simplistic focus on ethnic and religious identity (and what it means to be *taingyintha*). Instead, it needs to be broadened to include significant dynamics related to large-scale economic development, and militarisation in the face of security threats. They acknowledged that while ultranationalist sentiment against Muslim communities in Rakhine (and other parts of the country) has deepened since intercommunal riots that took place in Rakhine during 2012, a diversity of perspectives still exists within the Arakanese community. Meeting participants emphasised that positive relationship between the Arakanese and Rohingya do continue, and these relationships need to be incorporated as

part of the more nuanced narrative on Rakhine State.

Those interviewed explained that only by greatly expanding the narrative surrounding events in Rakhine State, would it be possible to genuinely understand the clearance operations that took place in 2017 and to begin to address their complex root causes. They noted that without a thorough examination that engages those root causes, achieving a long-term resolution would remain elusive.

CASE STUDY

The Case of Karen Identity

The Karen community is associated with a variety of locations and topographies in southeast Myanmar. These include the densely forested and remote hills that extend along the border between Myanmar and Thailand, all the way to the lowlands of the Ayeyawady Delta. Karen communities are associated with present day Kayin State, but are also associated with Mon State and Ayeyawady, eastern Bago, Tanintharyi, and Yangon Regions. There are also many Karen living in Shan State, and in northwest Thailand.



Karen state – Mae Sot boarder
Photo credit: Zabra Yu Siwa

Karen, like the term Kachin, is an exonym applied to a number of related groups. In 1989, the military government changed the official name of the ethnic group and the state from Karen to “Kayin” – a term that is rejected by many within the community. In keeping with the practice used thus far, and out of respect for the principles of self-identification

and self-determination this report will use the term “Karen” in reference to the people. When considering events that took place prior to 1989, this report will refer to Karen State, and to Kayin State when making reference to the geographical unit since 1989.

The following case study provides an opportunity to consider perspectives from members of the Karen community living in Hpa’an, Mae Sot, and Yangon. Following a brief overview of Karen identity, this case study will take a closer look at key historical experiences from the Karen community including the many years of armed struggle led by the KNU, the emergence of the DKBA, and the more recent experience of participating in the Myanmar peace process and becoming an NCA signatory. Resting on the foundation of this historical background, the case study will look more closely at governance experiences in Myanmar’s southeast and consider how these have informed aspirations for the future, including a desire to achieve equality, protection, autonomy and self-determination. Finally, we will conclude by considering a number of key opportunities and challenges that have arisen as a result of Karen participation in the peace process, particularly as they relate to Karen ethnic identity.

Karen Identity

In the context of this report, Karen ethnic identity is of particular interest as it challenges one of the themes outlined in Chapter 2. An examination of perspectives from the Karen community reveals that the assumption that communities are homogeneous and identity is fixed is a deeply flawed supposition. Instead, the Karen case demonstrates that Myanmar communities are often remarkably heterogeneous and that ethnic identity remains highly fluid.

It is true that some Karen communities live in small, fairly homogeneous villages in the hills. Some live in remote, forested and

mountainous areas – which are often highly conflict-affected – and tend to practice forms of subsistence livelihoods. However, many Karen are scattered and mixed with communities of other identities and located in a wide range of different geographical settings. Thus, Karen communities in the Ayeyawady Delta and other lowland areas have long been integrated into the broader Myanmar society. Furthermore, while Kayin State is associated with the Karen community, it is estimated that only a relatively small percentage of the Karen community lives within Kayin State.²⁷² Thus, the situation of Karen communities varies widely and many have the experience of living in heterogeneous settings. Many meeting participants noted this reality as they reflected on their own life experiences:

*Yes, I come from Toungoo in Bago Region. This is really the heart of the Karen people, but Karen people live everywhere. Some Karen live up in the mountains, others live in the Delta and are neighbours with Bamar people. Maybe [some] Karen people don't even speak Karen – they speak Bamar, just like their neighbours. But they are still Karen.*²⁷³

The Karen case also illustrates the way that ethnic identity remains fluid and can change over time depending on social, political, or economic circumstances. This was demonstrated most clearly when meeting participants reflected on the emergence of Karenni and Pa'O identities. In the Karenni case, meeting participants explained that the Kayah, Kayan, Kayaw, Kawyaw, Geba, Paku, and Yintale groups (mostly located to the north, in Kayah State) used to be part of the wider Karen family but they acknowledged that this identity has now shifted. This is reflected in writing on the Karenni group, which notes that over time these groups took on aspects of the Shan *Sawbwa* political

²⁷² See South, A. (2011). *Burma's Longest War, Anatomy of the Karen Conflict* p. 10.

²⁷³ Field notes, Mae Sot (December 2018).

system, making them distinct from other Karen groups to the south. The result was the emergence of the Karenni political identity, which was recognised by the British during the colonial period, and received designation as a distinct state under the 1947 Constitution (the name was then changed to Kayah State in 1951, a move that, to this day, provokes deep resentment among many from the Karenni community).²⁷⁴

The evolution of a distinct Karenni identity, as well as Pa'O identity, was widely acknowledged in conversations with meeting participants in Hpa'an, Mae Sot, and Yangon:

*Oh yes, we share many things with the Karenni and the Pa'O - actually, we all come from the same group. But now the groups in Karenni State, and the Pa'O in Shan State, they have their own identity because there are important ways that they are different. This is not a problem and is widely accepted.*²⁷⁵

In terms of language, there are a number of related Karenic languages and dialects. Among perhaps a dozen Karen dialects, the most common are Sgaw and Pwo. Sgaw is generally associated with Christian communities and upland animists. Pwo tends to be associated with lowland Buddhist communities. However, there are many exceptions to this generalisation.

Furthermore, while it is often assumed that most Karen are Christian, this is a misconception. Authors such as South have pointed out that Sgaw-Christian identity has played a central role in the Karen nationalist movement, and Karen elites have mostly been

²⁷⁴ See Kramer, T., Russell, O., & Smith, M. (2018). *From War to Peace in Kayah (Karenni) State, A Land at the Crossroads in Myanmar* pp. 12-16.

²⁷⁵ Field notes, Hpa'an (May 2018) and Yangon (December 2018). Note that the views about the distinction between Karen, Karenni, and Pa'O identities were widely shared, however, disagreement existed about exact group classification.

Sgaw Christians, who historically have enjoyed better access to education and other resources through close relationships with Christian missionaries. However, the foot soldiers within the Karen National Liberation Army (KNLA) have tended to be Buddhist-Pwo.²⁷⁶ Indeed, Buddhists, as well as a significant number of animists, are thought to constitute a majority of the Karen community.²⁷⁷

This brief overview highlights some key aspects of Karen identity including the way that the Karen experience challenges the assumption that communities are homogeneous and ethnic identity is fixed. It also reveals sources of diversity within the Karen community emanating from language and religious affiliation.

Historical Background

According to South, a self-conscious Karen national identity began to emerge in the nineteenth century among Christian elites with close connections to Christian missionaries. This was supported through publication of the Karen-language *Morning Star* newspaper in 1842 and, forty years later, the formation of the Karen National Association (KNA).²⁷⁸

Historians note that, from the perspective of the Bamar majority, Karen elites were disproportionately privileged under colonial rule. They were favoured for a range of administrative positions in the colonial bureaucracy including within the army, the police, and in the field of education.²⁷⁹ By the 1920s-30s, a growing sense of resentment

²⁷⁶ See South, A. (2011). *Burma's Longest War, Anatomy of the Karen Conflict* p. 10.

²⁷⁷ See Jolliffe, K. (2016). *Ceasefires, Governance and Development; The Karen National Union in Times of Change* (Vol. 16, Policy Dialogue Brief Series) p. 2.

²⁷⁸ South, A. (2007) p. 58.

²⁷⁹ Gravers in Tønnesson, S., & Antlöv, H. (1996) p. 243.

towards the Karen had emerged within the Bamar nationalist movement.²⁸⁰

Efforts to strengthen a pan-Karen identity intensified prior to the Second World War, with the KNA successfully advocating for Karen representation as part of reforms to the parliament for Ministerial Burma. Also, in 1928, a prominent Karen, Dr San C. Po, made a proposal for creation of an autonomous Karen area. However, as noted in Chapter 1, the Second World War saw Bamar resentment towards the Karen play out with tragic consequences when the newly formed BIA re-entered Burma committing mass atrocity crimes against Karen communities in the southeast. Gravers notes that:

*Christian and Animist Sgaw as well as Pwo Karens were killed, and this ethnic violence became deeply ingrained in the historic memories of future Karen generations. To the majority of the Karen the atrocities confirmed the reasoning behind Karen autonomy as a nation as opposed to the Burman nation.*²⁸¹

At the close of the war, vague assurances from the British that autonomy for groups such as the Karen and the Kachin would be protected fell by the wayside. In the case of the Karen, Gravers points out that they “had remained loyal to the British during the Japanese occupation. In all, the Karen had reason to believe that they qualified for a particular attention from their retiring masters.”²⁸² However, these plans were abandoned as Aung San and his nationalist colleagues pushed for a faster move towards independence. This was cause for deep concern among Karen leaders, who travelled to London in 1946 to argue their case, but with no effect. Thus, Burma moved towards independence under predominantly Bamar leadership, with the Karen and other ethnic nationality communities often feeling

²⁸⁰ South, A. (2008) p. 12.

²⁸¹ Gravers in Tønnesson, S., & Antlöv, H. (1996) p. 247.

²⁸² *Ibid.* p. 243.

alienated from the emerging post-colonial state.

The Karen National Union (KNU) was formed in February 1947, bringing together a range of different Karen social, political, and religious groups, including both Baptist and Buddhist wings of the KNA, and youth groups. Joliffe notes that the KNU followed the KNA in giving voice to the desire for an independent Karen state within a larger federation. This objective was pursued in the post-war period as “Karen leaders had become increasingly concerned that they would be subsumed under a Bamar-dominated independent Burma and would be oppressed.”²⁸³

The founding of the KNU coincided with the meetings between Aung San and ethnic nationality groups at Panglong. While Karen representatives were invited to attend Panglong as observers, the final agreement did not cover the Karen. Following the signing of the Panglong Agreement, the KNU boycotted the Constituent Assembly tasked with drawing up the new Constitution. As a result, a new independent Burma was born in 1948 without a Karen State. It would require another four years until the boundaries of a new Karen State were established, and the final result was much smaller than that of original Karen aspirations, which would have included parts of present-day Bago, Ayeyawady, and Tanintharyi regions.²⁸⁴ However, by the time Karen State was created in 1952, the KNU had already launched a rebellion that would extend through the remainder of the 20th-century and beyond.

Karen Armed Struggle

Through the late months of 1948 tensions deepened between the KNU and the newly independent government led by Prime

²⁸³ See Joliffe, K. (2016). *Ceasefires, Governance and Development; The Karen National Union in Times of Change* (Vol. 16, Policy Dialogue Brief Series) p. 4.

²⁸⁴ Smith, M. (1991): pp. 82-86, and South, A. (2008) p. 26.

Minister U Nu. The year ended with a brutal attack by a government militia against a group of Karen worshipers on Christmas Eve in Mergui district, Tenasserim Division. It was reported that 80 congregants were killed during the church attack and another 200 killed in other local villages. In January 1949, a subsequent attack on Karen civilians killed 150 in Taikkyi Township, north of Rangoon. The prospect of outright armed conflict seemed imminent.

In January 1949, the forced resignation of General Smith Dun, a Karen, from the position as Chief-of-Staff of the new Burma army, signalled the final rupture. Smith Dun's ousting brought with it the defection of Karen army and police units, as well as Naw Seng's First Kachin Rifles. It also marked the rise of General Ne Win (a Bamar and one of the legendary Thirty Comrades who had worked alongside General Aung San with the Japanese during the Second World War). General Ne Win was promoted to the position of Chief-of-Staff in the place of General Smith Dun. On 31 January 1949, the KNU's armed wing, the Karen National Defence Organisation (KNDO, later to become the Karen National Liberation Army, or KNLA), went underground, beginning a three-month siege of a suburb north of Rangoon called Insein. This marked the beginning of the Karen insurgency.²⁸⁵

The outbreak of the Karen rebellion coincided with an expanded insurgency led by various factions of the Communist Party of Burma (CPB), fighting by Muslim insurgents in northern Arakan, and the incursion of Kuomintang (KMT) forces from China into Shan State. It was a time of tremendous chaos and instability. The KNU would come to quickly and briefly hold Insein, only nine miles north of Rangoon, as well as Mandalay and Toungoo. In April 1949, Toungoo was declared the capital of an independent Karen State, known as *Kawthoolei*.

²⁸⁵ Among KNU-supporting communities, 31 January is celebrated as “Karen Revolution Day.”

Following the outbreak of the Karen rebellion, the KNU suffered a number of setbacks. One was the assassination of the charismatic KNU Chairman, Saw Ba U Gyi, on 12 August 1950.²⁸⁶ Over the coming decade, the Tatmadaw would recapture territory previously claimed by insurgent groups. For the KNLA this meant being pushed out of the Irrawaddy Delta and the Pegu Yoma towards the Thai-Burma border. The Tatmadaw went on to implement the brutal – and quite effective – “Four Cuts” counter-insurgent strategy, as it sought to eliminate all forms of civilian support to EAOs. Starting in the 1970s, hundreds of thousands of people were forced to flee over the next three decades, with profoundly negative humanitarian impacts on Karen civilian communities.²⁸⁷ FN

During the 1960s and the 1970s, General Bo Mya emerged as the leader of the KNU. South describes Bo Mya as an ardent anti-communist Christian who, with other leaders, worked to

*promote a simplified pan-Karen identity (in terms of dress, dialect and custom), derived primarily from the practices of the dominant Sgaw sub-group, and often at the expense of cultural and linguistic diversity.*²⁸⁸

South notes that this development most likely arose due to a lack of strategic foresight rather than a deliberate plan, but the result produced resentment within the rank and file of the KNLA, who tended to be Buddhist-Pwo. The perception of elite KNU leaders making huge profits off of cross-border trade with Thailand was also a source of bitterness among soldiers on the front lines who did not enjoy the same benefits.²⁸⁹

The Emergence of the DKBA

²⁸⁶ Observed as “Martyrs’ Day” in KNU areas.

²⁸⁷ South, A. (2008) pp. 77-113.

²⁸⁸ Ibid. p. 38.

²⁸⁹ Ibid. pp. 38-40.

In 1994, the KNU experienced a serious crisis with the defection of Buddhist Karen soldiers from the KNLA to form the Democratic Karen Buddhist²⁹⁰ Army (DKBA). The split came after long frustration among predominantly Pwo soldiers under the predominantly elite Christian Sgaw leadership of the KNU.²⁹¹ The depth of the division was felt the following year when DKBA forces and the Tatmadaw overran the KNU’s headquarters at Manerplaw, as well as other KNU bases along the Thai-Myanmar border.

The fall of the KNU’s Manerplaw headquarters, and the experience of Karen fighting Karen, highlighted the reality of deep divisions within the Karen community. The KNU found its authority greatly diminished and a number of splinter groups formed over the next fifteen years including the Karen Peace Force (KPF), the P’doh Aung San Group, the KNU/KNLA Peace Council, and various small militias.²⁹² Instability among Karen armed groups was exacerbated following the 2009 order by the Tatmadaw for EAOs to transform into BGFs. Some armed groups that had established ceasefire agreements with the Tatmadaw made the transition. One splinter group within the DKBA refused to make the transition and realigned with the KNU.²⁹³

Ceasefire and Joining the NCA

Finally, after over sixty years of armed conflict, the KNU entered into peace talks with the Tatmadaw following outreach and engagement initiated by the Thein Sein government. The result produced a preliminary bilateral ceasefire agreement in January 2012. In October 2015, the KNU would become a signatory to the NCA between the government and eight EAOs.

²⁹⁰ Note that the Democratic Karen Buddhist Army would later become the Democratic Karen Benevolent Army.

²⁹¹ South, A. (2008) p. 57.

²⁹² See *Karen Unity Building Initiatives - Towards Sustainable Peace in Myanmar*. (2016) p. 10.

²⁹³ Ibid. p. 11.

Beyond the KNU, other Karen armed groups to sign the NCA in 2015 included the DKBA and the KNU-KNLA Peace Council.²⁹⁴

The NCA established a cessation of hostilities. However, it also included provisions that recognised the unique role that many Myanmar EAOs play in terms of local governance and delivery of services. While efforts to reach a comprehensive political settlement continue, interim arrangements were outlined acknowledging that many EAOs in Myanmar enjoy a high level of political legitimacy, exert authority, and deliver services in areas that remain outside the reach of the central government. At the same time, as was true during the Kachin ceasefire, complexities have arisen as the authority of the KNU often overlaps with that of the central government and the Tatmadaw in areas of mixed administration.²⁹⁵ These complexities will be explored further in the following section.

Experiences of Local Governance and Visions for the Future

Karen communities have long experienced a situation in which towns and roads in lowland areas have been under the control of the central government and the Tatmadaw, but the reach of these actors has not extended into more remote communities.²⁹⁶ Instead, in the highlands and borderlands, the KNU (like the KIO) has taken on a quasi-state role, exerting governance functions and delivering a wide range of services.

Since the signing of bilateral ceasefires, and then the NCA, the central government has expanded state authority into more remote

²⁹⁴ Note that this case study will focus on the experience of the KNU in the peace process as it was not possible to undertake consultations in areas controlled by the DKBA or other Karen armed groups.

²⁹⁵ See South, A., Schroeder, T., Jolliffe, K., Chan Non, M., Shine, S., Kempel, S., Schroeder, A., Shee Mu, N. (2018). *Between Ceasefires and Federalism: Exploring Interim Arrangements in the Myanmar Peace Process* p. 6.

²⁹⁶ Ibid. p.6.

areas. Despite this expansion, the KNU has continued to play a leading role in service provision and governance. Particularly in communities that were previously victims of the Tatmadaw's brutal Four Cuts campaign, the KNU remains the primary governance actor.²⁹⁷ Furthermore, while the KNU today retains exclusive control over relatively small areas of territory, there are many areas where the authority of the Tatmadaw and the KNU overlap.²⁹⁸

KNU Governance

Like the KIO, the KNU provides independent administration and governance, and delivers a range of services for conflict-affected communities living in southeast Myanmar. KNU-held territory is much reduced from the large swathes of territory or "liberated zones" which existed following the outbreak of the Karen rebellion in 1949. However, it currently covers parts of Kayin and Mon States, and parts of eastern Bago and Tanintharyi Regions.²⁹⁹ KNU administration is organised around seven districts that each correspond to the KNLA brigade active in that area.

Within these seven districts (the boundaries of which have changed over time and have never been officially demarcated) there are areas controlled exclusively by the KNU (previously referred to by the Tatmadaw as "black areas"). Other areas (previously referred to by the Tatmadaw as "brown areas") have long been under mixed KNU and Tatmadaw control. In these mixed administration areas, villagers pay tax to and receive some services from both government/Tatmadaw and the KNU/KNLA, and sometimes other armed groups such as the DKBA.³⁰⁰

²⁹⁷ Ibid. p. 40.

²⁹⁸ See Jolliffe, K. (2015). *Ethnic Armed Conflict and Territorial Administration in Myanmar* p. ix.

²⁹⁹ Ibid. p. viii.

³⁰⁰ See Jolliffe, K. (2016). *Ceasefires, Governance and Development; The Karen National Union in Times of Change* (Vol. 16, Policy Dialogue Brief Series) p. 10.

In an extensive study of governance dynamics under the KNU, Jolliffe outlines the range of tasks performed through KNU administrative structures:

*Among other functions, the KNU governance system collects formally registered taxes; provides a basic justice system with a police force; registers, regulates, and provides ownership titles for agricultural land; regulates and manages forests and other forms of land; and provides basic social services including education and primary healthcare.*³⁰¹

As outlined above, the NCA acknowledges the role that some of the largest signatory EAOs play in these areas. As a result, the role of the KNU in providing governance and local administration has been preserved while parties work towards a long-term political settlement.

Before going on to consider aspirations for the future emerging from Karen experiences of governance under the KNU, central government, and mixed administration, the existence of a number of Karen political parties should be noted. During 2010 elections, Karen parties only won a small number of seats, and this number declined further following elections in 2015. Looking towards the 2020 elections, a number of Karen political parties have merged with the aspiration to capture a higher number of votes. However, for both the Kachin and the Karen communities, and in contrast to the Arakanese community, ethnic political parties have not yet achieved the electoral success needed to exercise a governance role.

Visions for the Future - Aspirations for Equality, Protection, Autonomy and Self-Determination

³⁰¹ Ibid. p. 3.

Interviews in Hpa'an, Mae Sot, and Yangon provided an opportunity for members of the research team to meet with a variety of stakeholders from within the Karen community, and to invite views and perspectives on current experiences of governance and aspirations for the future. Individuals with close connections to the KNU, as well as journalists and those engaged in humanitarian assistance, shared a range of perspectives regarding their own vision for the future and aspirations from within the Karen community. Over the course of the interviews, themes emerged that reflected similarities with those shared by stakeholders from the Kachin and Arakanese communities. Other themes reflected important differences.

As was reflected in conversations with Kachin and Arakanese meeting participants, when considering the future, meeting participants from the Karen community often emphasised their desire to see equality and protection for all, as well as autonomy and accountability. These elements were often highlighted as crucial ingredients in the pursuit of self-determination, an aspiration that was voiced with particular force in connection to determination of land use. Finally, federalism was often described as the mechanism that would best promote this vision of the future.

In terms of equality and protection, a number of meeting participants noted the experience of living in heterogeneous communities, and emphasised that their vision of the future extended beyond protecting the rights of the Karen community. Indeed, one senior member of the KNU Central Executive Committee highlighted the importance of protecting the rights of *all* communities:

We have fought for many, many years to establish a genuine democratic federal union. Our aspiration is not just to achieve federalism for the protection of the rights of Karen people--we want benefits for all people in Myanmar. Maybe this comes out of the fact that the Karen community is

*spread everywhere. There are Karen communities living in the Delta, and they are Karen even if they don't speak the Karen language. There are also many differences between different parts of the Karen community and we need to work to protect all of them. But we also want other groups in Burma to live without discrimination. So for us, when we say we want to establish federalism, it isn't just because we think federalism will be good for the Karen – federalism will provide a path where we can make sure that everyone is treated equally.*³⁰²

Another community leader further developed this theme of equality and protection for all. He noted that having equal rights and protection was something that Karen people should enjoy no matter where they live in Myanmar, just as the KNU has the responsibility to protect and work on behalf of all communities living under KNU governance structures, even if they are not Karen.

*Right now, the KNU administers areas that are very mixed – in areas controlled by our KNU brigades there are Karen people but there are also Bamar people, Pa'O people, Mon people, Dawei people (yes, Dawei are a type of Bamar but they are different from Bamar people, they have their own distinct identity and speak their own language). It is the responsibility of the KNU to protect all of them, not just Karen people – we are not asking for rights just for Karen people, because we live in mixed communities.*³⁰³

Beyond equality and protections for all, meeting participants often highlighted the importance of achieving autonomy. They noted that autonomy was not the same as decentralisation, because decentralisation still implies a hierarchy in which the most important powers reside at the centre. A number of individuals believed that the key to

strengthening and protecting genuine local autonomy was to ensure that all states and regions in Myanmar have their own constitutions. They explained that this would provide a mechanism to ensure that substantial powers and authority would be held at a more local level.

As part of establishing a future that includes state and regional constitutions, a number of those interviewed highlighted the importance of maintaining and building on the governance and administration systems already established under EAOs. Not only were these seen as valuable in terms of efficacy of service delivery, but they also emphasised the value of these systems in terms of their accountability to local communities. Noting the importance of interim arrangements in the current context, one meeting participant underlined the KNU's current key role in the areas of governance and administration:

*We need to look at existing armed group administrative structures--they provide important services, for instance mother tongue education is very strong. Right now in KNU-controlled areas, the KNU provides education, health services, and the justice system, [and] they ensure that customary land practices are followed. They are trusted by the community and they are seen as accountable. This is valuable and should not be thrown away.*³⁰⁴

Reflecting the focus on equality, protection, autonomy, and accountability, all meeting participants emphasised the importance of achieving self-determination. This broad concept was often raised in relation to the need for communities to be directly involved in decision making related to land use. As one Karen community leader explained, "Being able to control your land according to your own farming practices is a form of self-determination".³⁰⁵

³⁰² Field notes, Mae Sot (December 2018).

³⁰³ Field notes, Mae Sot (December 2018).

³⁰⁴ Field notes, Mae Sot (December 2018).

³⁰⁵ Field notes, Mae Sot (December 2018).

Finally, many meeting participants focused on the adoption of federalism as a key tool for achieving future goals. When pressed for a more detailed view on why establishment of a future federal system was so important, several Karen community leaders noted that, unlike conversations around federalism within the Kachin community, Karen aspirations placed less emphasis on the boundaries of political units. They conceded that in the past there might have been a focus around establishing the boundaries of an expanded Karen homeland or state (*Kawthoolei*). However, they explained that, given the fact that Karen people live in such diverse areas of the country, this aspiration was no longer viewed as realistic.

Instead, they felt that what was really important was to establish a suitable form of governance that ensured equality and protection for all:

When we think about democratic federalism, our focus is on equality and making sure that everyone is treated equally and protected equally. We do not focus as much on the territories of the Karen state because Karen people live everywhere and they live very much integrated with other communities. We can't claim to extend Karen state into the Delta, even though many Karen people live there--that wouldn't be realistic. But we do want to make sure that Karen people living in the Delta are protected and treated equally, just like a Bamar person living in Karen State needs to be protected and treated equally.³⁰⁶

Thus, conversations with members of the Karen community regarding current experiences of local governance under the NCA provided an entry point for reflecting on an array of aspirations for the future. These included guarantees of equality and

³⁰⁶ Field notes, Mae Sot (December 2018).

protection for all, the importance of autonomy, and accountability, particularly in relation to natural resources and land. Self-determination was repeatedly emphasised and democratic federalism seen as a route to achieving these goals.

Interestingly, a number of meeting participants emphasised that a future federal system should ensure the right to self-determination for all communities, regardless of ethnic identity. This was articulated as a future aspiration that was seen as being as important for Bamar communities as it was for Karen communities.

Finally, reflections on the current experience of local governance and administration within the Karen community highlight an additional component to the concept of legitimacy outlined in Chapter 2 of this report. Participants noted that the legitimate authority of an armed group was not necessarily assessed in terms of its ability to control or expand territory, but through its ability to deliver services to local communities. One aspect of service delivery that was of particular importance was the ability to access services in one's mother tongue. This, along with meeting the needs of communities, was seen as an essential requirement needed to build trust and establish accountability.

Opportunities and Challenges Emerging from Participation in the Peace Process

Since the 2012 ceasefire and the signing of the NCA, conflict-affected communities living in areas of KNU control or mixed authority have benefited from greater security, increased freedom of movement, and improved delivery of services.³⁰⁷ More work is needed to achieve a political settlement, and many of those

³⁰⁷ See South, A., Schroeder, T., Jolliffe, K., Chan Non, M., Shine, S., Kempel, S., Schroeder, A., Shee Mu, N. (2018). *Between Ceasefires and Federalism: Exploring Interim Arrangements in the Myanmar Peace Process* p. 37.

interviewed noted that the ceasefire has not put a stop to periodic skirmishes between the Tatmadaw and Karen armed groups. However, the cessation of active hostilities has allowed enough stability for some communities to return home and begin new lives.

These developments have brought with them new opportunities. Increased space now exists for members of the Karen community to engage around issues of group diversity and inclusion. Furthermore, new efforts to build increased cohesion across ethnic and religious differences have been complemented by new ways of thinking about ethnic identity and self-determination.

Participation in the peace process has also brought increased interactions with the central government. This increased engagement has opened the door to new peacebuilding and development activities for some communities. It has also seen an increase in penetration by government and corporate interests eager to access communities and territory that, until recent years, were inaccessible. For some stakeholders within the Karen community, new engagement with the central government has come to be seen as a threat to the long-held priorities underpinning the Karen struggle, particularly as relates to autonomy and control over land use.

The following section will consider these opportunities and challenges in more depth. We will explore the opportunities related to new engagement around group diversity and expanded views on self-determination. We will also consider the tensions and challenges that Karen actors have had to navigate as a result of that participation in the peace process.

Opportunities: The Space to Embrace Diversity and Genuine Inclusion

Many of those interviewed noted that ethnic and religious diversity is a reality within the

Karen community, as it is within other Myanmar ethnic communities. They observed that in the past, in a context of armed conflict and insecurity, outsiders exploited diversity to produce painful divisions. However, they felt the distressing experience of the 1990s – particularly, the split between the KNU and the DKBA – forced Karen leaders to reconsider approaches to Karen unity building. A number of meeting participants pointed out that, in a situation of greater security and stability following the 2012 ceasefire and the NCA, it has been possible to adopt new approaches to build cohesion within the Karen community. These initiatives have sought to go beyond assimilation, instead embracing an acceptance of diversity and undertaking efforts to build genuine inclusion.

Reflecting on the past, meeting participants noted that decades of armed struggle meant that many paid a heavy price in terms of loss of life, injury, displacement, and trauma, including painful divisions. Community leaders from a variety of backgrounds spoke at length about the experience of division and the emergence of factions and splinter groups within the Karen armed struggle. As one leader from the KNU shared:

During the history of our armed struggle, we [the Karen community] have had the experience of facing big divisions, particularly when the DKBA emerged. This was very difficult and painful. It happened because the Tatmadaw was able to come in and tell some Karen that they should make their own armed group because they were Buddhist. It also happened because the KNU leadership made many mistakes. We had a lot to learn from that experience and now we are better at including everyone regardless of differences. When problems start to arise because of differences--different political views, different religious backgrounds, different experiences--we always remind ourselves that nobody wants to go back

*to the way it was when DKBA was fighting against the KNLA.*³⁰⁸

Building on reflections regarding past divisions between Christian-Sgaw elites and Buddhist-Pwo rank and file, many of those interviewed also emphasised the present-day reality of diversity within the Karen community, noting that Karen people live in very different geographical locations, they practice different religions, and they express their Karen identity in different ways. Indeed, one community leader shared insights from her own efforts to raise awareness about diversity within the Karen community by using Pwo Karen language in public forums:

Yes, for a long time people in the KNU only spoke Sgaw and I was expected to speak Sgaw too. At one point I started speaking Pwo so that other Pwo in the group could understand. At first, I was told not to do it, but I said, "No, my language is important too." Then they relaxed and realised there was no problem with using both Sgaw and Pwo language in our meetings. Now people ask me to write in Pwo so that Pwo people can be included--we all agree that's a better way to do it.

At the same time, a number of Karen community leaders observed that the more recent period of relative security has provided space for KNU and Karen civil society organisations to openly engage community members on the topics of diversity and unity. Unity-building initiatives predate the 2012 ceasefire as initial steps were taken following the KNU-DKBA split. The KNU held its first Karen National Unity Seminar in 1999. During the subsequent fifteen years multiple unity building seminars were held, "creating a space for individuals from diverse background to come together, celebrate their ethnic identity and discuss the future."³⁰⁹

³⁰⁸ Field notes, Mae Sot (December 2018).

³⁰⁹ See *Karen Unity Building Initiatives - Towards Sustainable Peace in Myanmar*. (2016) p. 13.

Resting on the foundation laid by the original unity-building seminars, a series of Karen Affairs Seminars were convened as the KNU and other EAOs began dialogue with the government following the 2010 elections. These meetings also sought to bring a wide variety of Karen organisations and people together to share perspectives on common concerns. Meeting records note that the seminars sought to bring a diverse group of Karen together to *embrace their diversities as strength rather than weaknesses for the journey towards sustainable peace and development.*³¹⁰

This unity-building initiative went on to evolve into the establishment of the Karen Unity and Peace Committee (KUPC). The KUPC was developed in 2013, following the 2012 signing of the ceasefire between the central government and the KNU. In terms of participation, the KUPC has been described as including *all the Karen political parties, the major Karen armed groups, civil societal groups, and bodies representing Karen from across different areas.*³¹¹

One of the founding members of the KUPC explained that the KUPC was created out of a desire to ensure that all members of the Karen community would have a good understanding of the emerging ceasefire. She explained that Karen leaders recognised that this task would require building connections across the wide diversity within the Karen community.³¹² An official from the KNU also highlighted that the KUPC, and conferences convened by the KUPC, play a role in supporting members of the Karen community to come together to build a shared vision for the future.³¹³

These unity-building initiatives, emerging out of the experience of increased security

³¹⁰ Ibid. p. 14.

³¹¹ Thawnhmung and Yadana in South, A., & Lall, M. C. (2018) p. 122.

³¹² Field notes, Yangon (December 2018).

³¹³ Field notes, Mae Sot (December 2018).

following the 2012 ceasefire and participation in the NCA, stand in contrast to experiences outlined in the Kachin case study. By contrast, Kachin communities have seen a deterioration of security as the result of active fighting since 2011, including use of heavy weaponry. On the one hand, as noted in the Kachin case study, resumed fighting between the Tatmadaw and the KIO has been described as producing increased unity in the face of a perceived external threat. At the same time, members of the Kachin community also acknowledged that, in a situation of sustained insecurity, Kachin communities find themselves facing divisions. This reality that was captured in the comments by one civil society leader in Myitkyina:

*In a context of armed conflict, internal divisions emerge--there are rivalries, competition, and there are different leaders. The combination of all this pressure means that divisions emerge easily.*³¹⁴

In a subsequent conversation, an elder within the Kachin community shared her views on why it is so difficult to embrace diversity in the current situation of armed conflict facing Kachin communities:

*Without peace, we cannot embrace our diversity because the way people identify has implications. We live with conflict, insecurity and poverty. In this context groups will always look for whatever opportunity they can grab in order to break away and improve their lives. So it means that diversity becomes a threat and a potential source of weakness.*³¹⁵

This comparison between the Karen and Kachin communities reveals that, while by no means a guaranteed panacea, reduced armed conflict and participation in a ceasefire has provided Karen communities with space to explore diversity and inclusion with a view to

building unity and cohesion across differences.

Opportunities: New Ways of Thinking About Ethnicity and Self-Determination

Beyond new ways of engaging around diversity and the importance of ensuring that efforts to achieve unity and inclusion avoid the imposition of assimilation, interviews with Karen community leaders revealed views and aspirations regarding future political arrangements that stood in contrast to perspectives shared by members of other ethnic groups. As was illustrated in preceding sections, a number of meeting participants emphasised that principles such as equality, protection for all, autonomy, and accountability were outcomes that they sought for everyone living in Myanmar, not just for members of the Karen community.

Furthermore, while Kachin stakeholders often focused on the issue of affirming or expanding the boundaries of territory associated with the Kachin community (an aspiration that was assumed to be tied to population size), Karen stakeholders tended to place greater emphasis on the principle of self-determination for all. When it came to issues such as land-grabbing, stakeholders from the Karen community went so far as to note that Bamar communities often came under the same threats as Karen communities. As part of a focus on equality and protection for all, a number of Karen community leaders argued that fundamental rights should be guaranteed to Bamar communities just as they should be guaranteed to Karen communities.

Another interesting contrast emerged when talking with members of the Karen community about their perceptions regarding the appointment of ethnic affairs ministers, or national races affairs ministers (NRAMs). While the appointment of NRAMs provoked deep concern and controversy in the Kachin community (emerging from the perception that some communities were receiving a

³¹⁴ Field notes, Myitkyina (May 2018).

³¹⁵ Field notes, Myitkyina (May 2018).

higher level of representation than others), the view was quite different among community leaders in the Karen community. Several Karen community leaders expressed marked indifference regarding the appointment of NRAMs, owing to the fact that the added level of representation was not of great importance to them. One KNU leader noted:

*Voting for an ethnic affairs minister is only important if you think that they can do something for you and you need extra protection. I am Karen, but I have a high level of education, I have spent time outside the country, I don't need the extra protection. So whether or not I have an ethnic affairs minister to represent me is not very important. I am Karen, but I don't need to use my Karen identity to try and get extra protection because I already feel secure. So the real question is not whether Karen people are represented by an ethnic affairs minister; it's how do we make everyone feels secure and safe?*³¹⁶

This was further reinforced in a subsequent conversation:

*For other groups in Burma it may be important to know their population size because they want to use the provisions in the 2008 Constitution – maybe they want to try and get an special administrative zone, or they want an ethnic affairs minister. But they try to get these things because they feel oppressed in some way. If we move towards a situation where groups all feel secure and protected, then they won't need to try and get these things.*³¹⁷

These perspectives were markedly different from those expressed among Kachin community members where the primary focus was on the need to maximise entitlements in

the context of a competitive, zero-sum game. By contrast, comments from Karen stakeholders reflected a rejection of the zero-sum game and desire to expand rights, benefits, and entitlements for all.

At their heart, comments from many within the Karen community reflected a dismissal of the provisions in the 2008 Constitution. Rather than seeing provisions for establishment of SAAs or appointment of NRAMs as key benefits worth pursuing, some Karen community leaders regarded these provisions as providing nominal benefits that served as diversions in contexts where stakeholders, faced with insecurity, were searching for a source of added protection.

Of course, to suggest that the above views represent a consensus within the Karen communities would be a gross oversimplification. There were certainly voices within the Karen community that advocated for the expansion of the Karen State boundaries. Likewise, there were Karen stakeholders who shared their experience of coming from remote areas in the hills where communities shared a distinct Karen identity and interaction with non-Karen communities or individuals were rare. For these individuals, aspirations for the future were focused more on the wellbeing of what they saw as largely homogeneous Karen communities. Finally, in reflecting on provisions within the 2008 Constitution, one Karen community leader noted that creation of NRAM positions was “better than nothing” and should be preserved.³¹⁸

Likewise, members of the Kachin community expressed a wide range of views. There were those who felt deep resentment towards provisions in the 2008 Constitution that they argued were dangerously divisive. This perspective was reflected in the remarks by one Kachin community member outlined in Chapter 2, who described provisions for

³¹⁶ Field notes, Mae Sot (November 2018).

³¹⁷ Field notes, Mae Sot (November 2018).

³¹⁸ Field notes, Mae Sot (December 2018).

allocation of NRAMs as being a “trap” that ensured ethnic nationality communities would fight each other and be distracted from what he described as “real issues.”³¹⁹

Overall, however, interviews with Karen stakeholders revealed a vision for the future that was notable in terms of its commitment to work towards self-determination for all, regardless of ethnic identity. Furthermore, a number of Karen leaders openly rejected the pursuit of special rights and entitlements under the 2008 Constitution, seeing them as distractions that divert attention away from the fundamental need of achieving equality, protection, and autonomy for all. Whether intentional or not, the rejection of entitlements provided under the 2008 Constitution amounts to a rejection of the zero-sum game framework of Myanmar politics in which ethnic identity is used to spur competition between different groups.

Challenges: Reconciling Different Views on Engagement in the Peace Process

The Karen experience offers insights on possible new and different approaches to engagement around ethnic identity, diversity, and self-determination. At the same time, members of the Karen community also pointed out that participation in the peace process as currently constituted has brought significant challenges. In interviews, some Karen stakeholders questioned whether it is actually possible to participate in the peace process while continuing to work towards genuine autonomy and self-determination.³²⁰

In order to explore these questions in more detail, this case study will conclude by looking more closely at divergent perspectives within the KNU and the Karen community regarding participation in the peace process, particularly as these relate to questions around land use.

Over recent years, leadership in the KNU has had to balance multiple priorities including

³¹⁹ See Chapter 2 of this report.

³²⁰ Field notes, Mae Sot (December 2018).

the need to maintain political legitimacy with local communities, its ability to deliver services, and achieving recognition from the central government and members of the international community.³²¹ The result has been that some KNU leaders have advocated that peacebuilding and development, requiring cooperation with the central government, are priorities for Karen communities. Other KNU leaders have challenged this perspective, viewing cooperation with deep scepticism and emphasising that a substantive political settlement leading to establishment of a federal system needs to come first.³²² This underlying tension persisted through the signing of the NCA in 2015, which some saw as taking place without proper consultation.

For areas under mixed KNU-Tatmadaw administration, the signing of the NCA brought rapid changes. In these areas, the central government quickly expanded its role in communities through service delivery and development projects. At the same time, the ceasefire has allowed the KNU to engage more openly with civilians, and new, cooperative relationships between the KNU and other Karen armed groups have emerged. Indeed, it was this new space for civilian activities that allowed initiatives such as the KUPC to emerge. However, in more remote areas of northeast Kayin State, leaders in districts under full KNU authority (areas that have never been under control of the central government) have rejected overtures from the central government to collaborate.³²³

The result has been a strain between different perspectives within the KNU. While some KNU leaders have advocated continuing with the combined approach of cooperation, development, and peacebuilding, others have

³²¹ South, A. (2017). “Hybrid Governance” and the Politics of Legitimacy in the Myanmar Peace Process.

³²² See Jolliffe, K. (2016). *Ceasefires, Governance and Development; The Karen National Union in Times of Change* (Vol. 16, Policy Dialogue Brief Series) p. 12.

³²³ *Ibid.* p. 13-17.

expressed doubts and have prioritised guarding authority over land, resources, as well as protecting what they see as traditional Karen lifestyle and heritage.³²⁴ Tensions between these perspectives came to a head in October 2018, when the KNU announced that they would suspend participation in the NCA process in order to could reach a higher level of internal consensus.³²⁵

Beyond highlighting the tension between these two different approaches, those interviewed noted that there have been periodic outbreaks of armed conflict between the KNLA and the Tatmadaw since the signing of the NCA. They attributed these confrontations to the fact that authority over territory remains contested.

An official from the KNU reflected on the complexity of the situation for the KNU as an NCA signatory. He noted that in the current context, the KNU finds itself facing internal strains while also having to navigate external ambiguities around territorial control. He concluded that the result produces layers of uncertainty about how land can be used and where authority for decisionmaking lies:

We have a lot of challenges around land issues right now. There are areas that are controlled by the KNU, but because there is now a ceasefire agreement the government thinks it now has the right to sell land-use certificates in these areas. They want to sell the certificates because this will generate a lot of income from foreign companies who want to mine or build roads in these areas. These are areas that have never been exploited before--places where the minerals are still in the ground, and transportation has never been possible. So the land is very valuable and this means a new

opportunity for Nay Pyi Taw to make money.

So land-use certificates are being sold without consulting with the KNU and without any consultation with the local communities. In Nay Pyi Taw they say, "we have a ceasefire so now this area can be developed," and they sell the certificate. Then a foreign company shows up to start digging and the KNU knows nothing about it. The KNU stops the construction from going forward and then the Tatmadaw is brought in. That means for sure there will be fighting.

So these things are happening right now and in the meantime the peace process is not making any progress. We agreed to sign the NCA and participate in the peace process so that we could engage in a political dialogue process and move towards federalism and autonomy. Under federalism, these things wouldn't happen because local communities would have a say in how their land is used and who benefits. But the peace process is stuck and not moving forward. So does that mean that we give up everything while we wait for the peace process to start again? If so, why did we fight for so many years?³²⁶

Indeed, the narrative surrounding conflict over land use came up repeatedly in interviews with members of the Karen community, particularly regarding the implementation of the "Vacant Fallow and Virgin Lands Management Law".³²⁷ One Karen community leader explained that Karen agricultural practices make use of shifting cultivation that allows land to lie fallow for a period of years. They noted that application of

³²⁴ Ibid. p. 19.

³²⁵ See *Analysis: Why Did the KNU Temporarily Leave Peace Talks?* by Nyein Nyein, The Irrawaddy, 29 October 2018.

³²⁶ Field notes, Mae Sot (December 2018).

³²⁷ For more background information on conflicts emerging around implementation of the 2012 Vacant, Fallow and Virgin Lands Management Law, see: <https://www.tni.org/en/article/a-declaration-of-war-on-us>

the law would mean that observing this traditional practice would leave Karen communities open to losing control of their land:

*Right now, we are experiencing a lot of issues related to ownership and use of land. We have customary land practices that allow farmland to lie fallow for a period of time and we've always had a system where a community, under the leadership of a chief or a headman, decides together what plots will be farmed and what land will be allowed to lie fallow. Now the central government is telling communities that they don't actually own the land because they're not using it. They are using it, they're just using it responsibly, which means allowing periods when it's not cultivated. The local communities understand this. They are the ones who should make decisions about how the land is used, not the government in Nay Pyi Taw.*³²⁸

Furthermore, they noted that the high level of displacement for communities in Myanmar's southeast meant that it was not uncommon for internally displaced persons (IDPs) to return home and find their land already claimed and occupied for commercial use.³²⁹

This common experience has recently been highlighted in the media. Numerous stories have outlined how, as part of Myanmar's current transition process, demand for land has substantially increased. Foreign investors have sought land for a range of commercial activities including rubber and palm oil plantations, road construction, and mining. The current central government system of land administration is not coordinated with the peace process. The government has thus claimed the exclusive right to grant land-use certificates, generating an important source of income to the central government. This has proven particularly problematic in instances

³²⁸ Field notes, Mae Sot (December 2018).

³²⁹ Field notes, Mae Sot (December 2018).

where ethnic community farmers, practicing customary land use, have found their claim over agricultural lands ignored by the central government. It has also been an issue of extreme concern for IDPs forced to leave their homes for a period of months or years.³³⁰

A recent article by the Transnational Institute illustrates the challenge facing the KNU in terms of its participation in the peace process and its support for stronger protections around land rights:

*Efforts by the KNU to include these principles [ethnic customary and communal right to land, as well as the right to land for IDPs and refugees] in the country's faltering peace process have not been successful, as these were opposed by representatives from the Myanmar armed forces (Tatmadaw) and not vocally supported by representatives of the NLD. The KNU has recently withdrawn from all formal meetings in the peace process due to the lack of progress in the talks.*³³¹

The thorny issues of how land use is determined, how communities are engaged in decisionmaking, and how these decisions relate to the peace process and efforts to achieve self-determination are common to all three case studies examined in this report. Given the fundamental importance of land tenure to agricultural practices and livelihoods for Myanmar communities, it is reasonable to expect that these issues will remain a central focus both inside and outside the context of the peace process.

Furthermore, in instances when ethnic nationality actors engage the central government and the Tatmadaw across the

³³⁰ For example see *After Decades of Conflict, Land Deadline Looms for Myanmar Villagers*, VOA, 26 February 2019.

³³¹ See "A Declaration of War on Us": *The 2018 VFV Law Amendment and its Impact on Ethnic Nationalities*, A Commentary by TNI, Transnational Institute, 13 December 2019.

negotiating table rather than on the battlefield, there will be a need to carefully navigate tensions between what have so far been cast as competing priorities: a focus on peacebuilding that brings an end to armed conflict but entails increased cooperation with the central government, or the achievement of a political settlement that meets long-held aspirations for self-determination and autonomy. While this case study has examined these issues as challenges facing the KNU and the Karen community, the dichotomy between collaborating with the central government or holding firm on first achieving a political settlement need not be seen as irreconcilable. As one Karen leader noted, there is a need to move away from seeing these perspectives as being necessarily in opposition to each other and instead explore approaches that could pursue aspects of both priorities simultaneously.³³²

Beyond Ethnicity

This brief examination of views and perspectives from the Karen community provides insights into a range of aspirations and experiences. Since 1949, much of the Karen community has experienced an extended period of insecurity and military pressure, culminating in the painful experience of divisions between different segments of the community. Yet greater stability and security over recent years have provided an opportunity to engage around aspects of group diversity and to undertake initiatives aimed at building linkages across different segments of the Karen community.

This case study also provides an opportunity to consider voices within the Karen community that have articulated new ways of thinking about connection between ethnic identity and self-determination. Many of those interviewed expressed the desire to work towards a future federal framework that would ensure equality, protection, autonomy

³³² Field notes, Yangon (2018).

and accountability for all, regardless of their ethnic identity. Indeed, the comments of Karen leaders reflect not only a criticism of how the 2008 Constitution creates divisions and instils competition between different ethnic nationality communities, but also a rejection of the zero-sum approach to Myanmar politics that has hitherto required groups to assert their group size to gain special rights and entitlements.

At the same time, participation in the peace process has required that the KNU wrestle with complex issues surrounding engagement with the central government. It has also given rise to tension between divergent views regarding peacebuilding, cooperation with the central government, and prioritisation of a political settlement. While some Karen leaders have prioritised the need for peacebuilding and engagement in a context where they perceive an urgent need for communities to access development support, other Karen leaders have prioritised the need to arrive at a political settlement and preserve control over land and traditional practices, including traditional approaches to land tenure.³³³

Observers have expressed concern regarding tensions that have dogged the KNU arising from these seemingly opposed views around priorities and approaches. At the same time, it is important to note that these tensions exemplify exactly the types of pulls and strain that are evident in any modern political process.

In the context of this research project, what is significant about these divergent views is not so much what they are about, as what they are not about: debates within the KNU do not centre on the issue of ethnic identity, what it means to be Karen, or aspirations to maximise entitlements for the Karen community. Instead, debates focus on fundamental questions regarding the best approach for

³³³ See Jolliffe, K. (2016). *Ceasefires, Governance and Development; The Karen National Union in Times of Change* (Vol. 16, Policy Dialogue Brief Series) p. 19.

bringing long-term, sustainable peace and development to conflict affected communities. The debate centres on questions of political strategy and how best to achieve a set of ends. Furthermore, some Karen leaders have articulated that these ends are not only being pursued on the behalf of members of the Karen community, but on behalf of all communities in Myanmar. As such, current tensions within the KNU are notable as they exemplify a type of Myanmar politics that has moved beyond ethnicity.

CONCLUSION

The preceding chapters and case studies provide an opportunity to re-examine the experience of ethnic identity in Myanmar. Initial chapters review key aspects of Myanmar history with a focus on developments and events that have, over time, shaped the current relationship of the central government, including the Tatmadaw, with ethnic nationality communities, and the relationship between Myanmar ethnic communities. This includes key events such as colonialism and structural changes associated with colonial administration, the bitter experiences of the Second World War, efforts to forge unity across diversity, the siege mentality of the Cold War years, the mixed experiences associated with ceasefires, and more recent experiences associated with the peace process and electoral politics.

The brief review of historical developments outlined in this report also provides an opportunity to consider the emergence of key concepts such as who is and is not *taingyintha* and, as such, who is or is not entitled to citizenship, and does or does not belong. Our brief reflection on Myanmar history also provides the opportunity to understand the experience of Burmanisation and how pressures towards assimilation more broadly have come into conflict with the longstanding desire of many different communities to achieve self-determination.

Chapter 2 reflects more closely on ethnic identity narratives, examining the underlying assumptions on which they are based. This analysis challenges the underlying assumptions and notes the ways that ethnic identity narratives often differ from people's everyday lived experience. Furthermore, Chapter 2 explores the way that ethnic identity narratives have been institutionalised in the 2008 Constitution.

Themes and concepts that were highlighted in the initial chapters are further explored

through case studies associated with Kachin, Arakanese, and Karen identity. These case studies provide an opportunity to delve more deeply into the historical experiences of each community while also considering how ethnic identity shapes present-day realities for each of the three communities. Case studies also offer insights into differences in the application of ethnic identity narratives, and a view of efforts by some to challenge and move beyond ethnic identity narratives.

To conclude the report, we will reflect back on key themes in order to highlight a number of areas for further work and engagement. Indeed, this re-examination of ethnic identity in the Myanmar context provides an important opportunity to consider not just the many challenges that communities face, but also possible strategies and approaches available to engage the challenges. The ultimate aim must be a transformation of the experience of ethnicity from being a tool for categorisation and discrimination, to instead being an experience of daily life that contributes to a rich and vibrant Myanmar society.

With this aim in mind, the concluding section of this report will focus on the importance of seeking out and supporting initiatives aimed at building unity by embracing diversity; re-examining and challenging existing ethnic identity narratives, including their institutionalisation in the 2008 Constitution; actively working to build trust through measures that recognise political legitimacy and support efforts by local communities to exercise autonomy and self-determination; and leading efforts to rethink the concept of *taingyintha* while supporting a variety of actors to engage with complexity.

Building Unity by Embracing Diversity

Looking back at the challenges outlined in this report, the importance of developing new and different ways of engaging around unity and diversity in the Myanmar context stands out.

As many scholars have noted, Myanmar has wrestled with national unity, and resulting distrust and conflict, since independence.³³⁴ Ultimately, in order to build a cohesive, tolerant society and a truly lasting peace, a new approach to unity that truly embraces Myanmar's distinct diversity is necessary.

This report highlights that ethnic diversity has consistently been portrayed as representing a threat to unity. In fact, military actors in Myanmar have long invoked the spectre of national disintegration as a result of secessionist aspirations from ethnic nationality communities as justification for authoritarian rule. In response to this perceived threat, central authorities have used a range of measures to impose unity through assimilation. Ethnic nationality communities have long pointed to the experience of Burmanisation and the many pressures that have been applied to suppress diversity in favour of one unified Bamar identity. A deeper look reveals that the practice of assimilation has also been imposed within ethnic nationality communities as ethnic nationality leaders have sought to suppress their own group diversity in favour of strong group unity.

Regardless of the context in which assimilation strategies have been applied, many of those interviewed repeatedly noted that using assimilation as a strategy to build unity has not just failed, but actually backfired—as it inevitably provokes deep resentment that further fuels the desire to assert a distinct identity. This was true in discussions with ethnic nationality community leaders as they reflected on their own experience of Burmanisation. It was also true for stakeholders from smaller communities as they reflected on sources of pressure to give up their distinct identity and assimilate into a larger non-Bamar group.

The Karen case study provides insights into the importance of going beyond imposed assimilation to adopt a unity-building approach that embraces diversity and inclusion. The work of the Karen Unity Peace Committee demonstrates that, particularly in a situation of greater security and stability, communities have an opportunity to build greater cohesion. While acknowledging that the central government, Tatmadaw, and Karen actors still have a long path ahead to arrive at a political settlement and sustainable peace, Karen leaders noted that the signing of the bilateral ceasefire in 2012, followed by signing of the NCA in 2015, provided a valuable opening to strengthen unity-building efforts while engaging around diversity. Following painful experiences of division in the past, this opportunity offered the space to go beyond assimilation, explore diversity, and build genuine inclusion.

By contrast, the Kachin case study reveals a very different situation. In a context of chronic insecurity there has been a push towards strong group unity. With pressure and military offensives by the Tatmadaw ongoing, many within the Kachin group have embraced this articulation of strong group unity. At the same time, resentment towards assimilation efforts has led some groups to articulate distinct identities.

This analysis points to an important peace dividend available to ethnic nationality communities, even in a situation where deep dissatisfaction exists around the peace process. **Ethnic nationality actors need to persist in their efforts to arrive at and maintain a cessation of hostilities, as the associated benefits provide a valuable space in which to build group unity. Furthermore, Myanmar actors from Bamar and non-Bamar communities and those who support them must seek out opportunities to explore and embrace diversity as a central approach to building unity at different levels.**

³³⁴ Taylor, R. H. (1979).

The Karen case study also reveals that engagement around diversity needs to inform visions of autonomy and self-determination for the future. While interviews with members from ethnic nationality communities frequently highlight the desire for heightened autonomy based on the assumption that communities are homogeneous and ethnically concentrated, discussions with members of the Karen community challenged this assumption. At the same time, a number of leaders from Karen and Kachin communities offered outlooks on autonomy and self-determination that were not tied to ethnic identity. Indeed, any process that moves away from assimilation and embraces diversity will inevitably challenge assumptions regarding the homogeneous nature of communities. **As part of challenging the assumption that communities are homogeneous and ethnic identity is fixed, Myanmar stakeholders must consider models of increased autonomy and self-determination that are built around the lived experience of diversity within local communities.**

Developing new approaches to unity-building, and an articulation of a future vision of autonomy and self-determination that accept the heterogeneity of local communities, also has implications for Myanmar electoral politics. Ethnic political parties have long been seen as an alternative to armed struggle and a means to represent and advocate for ethnic nationality concerns. However, ethnic political parties that cast themselves as articulating the views and desires of their targeted ethnic nationality community are rooted in assumptions regarding the homogeneous nature of ethnic nationality communities. **While offering an important alternative to armed conflict, ethnic political parties must consider the degree to which their political platforms are tied solely to the needs of a single ethnic nationality community, and whether they have the ability to represent and speak on behalf of local communities that include a diversity of identities, needs, and perspectives.**

Challenging Ethnic Identity Narratives

Preceding pages of this report illustrate the need for Myanmar communities to re-engage around ethnic identity narratives. The narratives identified in Chapter 2 include the assumed correlation between population size and entitlements, the belief that identity is fixed and communities are homogeneous, the desire for communities to remain stationary and tied to ethnic homelands, and the concern that outsiders pose a threat. These narratives, as well as the inaccurate assumptions upon which they are based, and the challenges they pose are reflected through different aspects of the three case studies. Indeed, a key to building unity by embracing diversity – while avoiding traps like essentialising groups and group size – is to challenge and deconstruct the ethnic identity narratives that are widely accepted by so many.

The assumed correlation between population size and entitlements emerges as a recurring theme within the Kachin case study. Many of those interviewed within the Kachin community and elsewhere articulated a belief that access to privileges and benefits – such as the designation of territorial boundaries – would be determined by the size of one’s group. This was reflected in both anxiety regarding the future viability of Kachin state, and, for some, aspirations to expand the boundaries of Kachin State. Interviews with Kachin stakeholders also revealed the closely-related belief that allocation of entitlements takes place in the context of a zero-sum game in which a gain for one group necessarily means a loss for another group. Finally, the role that group size is assumed to play in determining access to benefits provides insights into the focus within the Kachin group, and elsewhere, surrounding categorisation and measurement.

However, interviews with Kachin community leaders also revealed divergent views. The research team heard from stakeholders within

the Kachin community who were eager to challenge the assumed connection between group population size and entitlements. This was illustrated during a meeting in Myitkyina with a leader from a local literature and culture association, who questioned the fundamental assumption that group size should determine access to entitlements:

*I know that our group is not very big, but that does not mean that we deserve less than anybody else. We have fought for ethnic nationality people to be equal to the Bamar for so long, but even in our own community we don't ask why one group gets more, just because they are large in size. If what we want is equality, then why aren't we all treated equally, regardless of how many are in our group? The idea that some of us get more because there are more of us means we spend all our time worrying about numbers, but if we are all equal then that wouldn't matter.*³³⁵

Thus, while the assumed connection between group population size and entitlements was a recurring theme in the Kachin case study, interviews with members from the Kachin community also demonstrate that the narrative is not universally accepted. A variety of views exist and there are actors who are eager to re-examine and challenge common assumptions. **Actors who are supporting community peacebuilding efforts need to seek out and collaborate with community leaders who are actively upholding the rights of minorities, giving voice to alternative perspectives, and challenging the assumed correlation between population size and entitlements.**

The assumption that identity is fixed and communities are homogeneous was repeatedly challenged during conversations with individuals from the Karen community. In these interviews, stakeholders were quick to

point out that many Karen communities are not homogeneous, as members of the Karen community often live in highly integrated and mixed communities with neighbours who are Bamar or from other ethnic nationality groups. In fact, the experience of mixed households where the ethnic identity of family members differs was commonly reported in consultation meetings throughout the country. Furthermore, the Karen case, and more recent distinctions around Karenni and Pa'O identity, illustrates the fluid nature of ethnic identity and the potential for significant changes to occur, even in the space of only a few decades. **Ethnic nationality actors, whether they be civil society organisations, political parties, or EAOs, need to engage in reflection on the reality of diversity within their own group and the ways that ethnic identity remains fluid over time.**

While the desire to establish and maintain ethnic homeland areas is often articulated by ethnic nationality communities, particularly in response to high levels of central government control and authority, the Kachin case study highlights the way that the dynamic nature of communities represents an inherent challenge to this aspiration. This is true for individuals who self-identify as Kachin and migrate out of Kachin State, as well as non-Kachin individuals who migrate into Kachin State. Observations and anecdotes shared through consultation meetings regarding migration are confirmed by an examination of migration data, which identifies migration as a common experience in many different areas of Myanmar.

The fact that in- and out-migration produces deep anxiety points to the need to engage more closely around the underlying sources of concern. This is especially true as new opportunities and pressures that lead to migration are only likely to accelerate as a result of Myanmar's current transition process. At its heart, concerns associated with migration relate to the assumed connection between group population size and allocation of entitlements and benefits. As long as

³³⁵ Field notes, Myitkyina (May 2017).

groups perceive a need to demonstrate that they meet a population threshold in concentrated areas, demographic change associated with migration will remain a highly sensitive issue in the Myanmar context. This sensitivity only reinforces the need, outlined above, for a greater focus on support to community leaders who are actively engaged in efforts to challenge the assumption that entitlements should be allocated on the basis of group population size. **Furthermore, actors working at the community level, whether they be connected with government, Myanmar civil society, EAOs, or international agencies, need to undertake awareness-raising efforts to develop a deeper understanding of the drivers that lead individuals to migrate, as well as the importance of ensuring protection and rights for migrant communities, regardless of their ethnic identity.**

Finally, concerns around migration are closely related to the widely-shared narrative that outsiders pose a threat. Whether looking at the case of Kachin identity or of Arakanese identity, it is evident that this common perception is connected and reinforced by other ethnic identity narratives, particularly the belief that there is a correlation between a group's population size and allocation of entitlements.

A closer look at events in Rakhine during 2017 reveals that in circumstances where communities already struggle with a sense of exclusion and insecurity, fear and anxiety can be used to reinforce the perception that those considered outsiders constitute a threat. In such a situation, fear and anxiety can be easily transformed into animosity towards those do not conform to acceptable ethnic and religious categories. This is of course heightened if, as in the Rakhine case, groups like the Rohingya are categorised under existing legal frameworks as outsiders. Such social and/or legal manipulation can serve a variety of purposes – some related to economic development priorities, some

related to military and security concerns. A step back from the Arakanese case reveals that, since independence, the fear of outsiders has been evoked repeatedly by both the central government and ethnic communities and applied towards other groups that have not met the criteria for being *taingyintha*.

Challenging the narrative around the perceived threat posed by outsiders requires that those engaged in community development efforts, whether operating under the auspices of the central government, Myanmar civil society, or international agencies, address the experiences of insecurity and exclusion. Addressing the anxieties facing communities, particularly in a situation of transition, and building a deeper sense of inclusion will minimise the utility of this ethnic identity narrative as a strategy to manipulate and direct public discourse.

Ultimately, there is a need to re-examine the 2008 Constitution and consider how it has institutionalised and reinforced unhelpful ethnic identity narratives. Some of the provisions in the 2008 Constitution, including the designation of Self-Administered Zones and the allocation of National Race Affairs Ministers, are widely seen as efforts to increase autonomy and ethnic representation. However, the analysis in this report highlights that, at their heart, these constitutional provisions are based on unhelpful ethnic identity narratives that emerge from inaccurate assumptions regarding the everyday experience of ethnic identity in Myanmar.

While some ethnic nationality leaders have advocated for these provisions, interviews demonstrate that actors hold a diversity of views. Some community leaders feel the measures are “better than nothing.” Others are quick to note the problematic connection between constitutional provisions, contested ethnic categories, and group size. In

discussions with members from the Karen and Kachin community, some openly rejected the pursuit of special entitlements under the 2008 Constitution, which they saw as distracting attention away from the more fundamental need to achieve equality, protection, and self-determination for all.

As part of re-engaging ethnic identity narratives, ethnic nationality communities and those who support them will need to revisit and challenge these aspects of the 2008 Constitution. Indeed, a number of ethnic nationality leaders noted that letting go of constitutional provisions that currently fuel tremendous competition and tension would offer the opportunity to focus on achieving higher levels of security and protection for all.

Trust-Building, Political Legitimacy and Openings for Autonomy and Self-Determination

The need to undertake trust-building emerges repeatedly in the preceding chapters and case studies. This report's emphasis on historical context highlights the many ways that trust between ethnic nationality communities and Bamar political leaders has been repeatedly broken, producing grievances on all sides. Ultimately, a commitment to long-term reconciliation efforts will be needed to build mutual understanding and to provide a path to repair deep fractures.

In considering different approaches to building trust, the preceding analysis suggests that a closer examination of political legitimacy is a priority. Case studies highlight that political legitimacy comes from multiple sources and there is a need to challenge the assumption that political legitimacy is conferred solely on the basis of group size or the ability to control territory. Indeed, the preceding analysis has noted that political legitimacy based on group size or the ability to control territory only serves to deepen inter-group competition and armed conflict.

Instead, there is a need to broaden ideas around political legitimacy to include considerations such as the ability of local actors – whether under the authority of the central government or not – to carry out service delivery and meet the needs of local communities with a significant level of mutual trust and respect. As illustrated in the Kachin and Karen case studies, the role that EAOs have come to play has conferred them with heightened political legitimacy within their respective communities. The role of these trusted actors, and the level of political legitimacy that arises out of this role, needs to be recognised. **As Myanmar continues on a path towards long-term transition and reform, the central government and Tatmadaw must be prepared to collaborate with EAOs to develop interim arrangements that acknowledge the role of EAOs in the areas of local administration and service delivery, and the associated legitimacy and respect they command.**

Furthermore, the need to develop a shared understanding of the role that many EAOs play in the area of local administration and service delivery highlights the connections between political legitimacy, trust-building, and the experience of genuine local autonomy and self-determination. Indeed, the case of Arakanese identity illustrates that when obstacles block ethnic nationality communities as they pursue autonomy and self-determination through the peace process or electoral politics, these obstacles can push ethnic nationality actors towards the more extreme option of armed struggle. **Even under the limitations of the current 2008 Constitution, it is imperative that the Myanmar central government seeks out avenues that allow communities to engage in the genuine exercise of local autonomy and self-determination.**

Rethinking the Concept of Taingyintha and Engaging with Complexity

The analysis and perspectives raised through the preceding chapters and case studies point to the need for Myanmar actors to re-examine assumptions about who does and does not belong, in order to build a peaceful and cohesive society that is able to building unity by embracing diversity. At its heart, this will require a new look at the *taingyintha* concept that came to prominence during the Ne Win era.

Ultimately, a deeper consideration of ethnic identity narratives offers one possible entry point to undertake such a re-examination, as the current articulation of what it means to be *taingyintha* is intrinsically connected to all four of the ethnic identity narratives outlined in this report. A process that engages and challenges ideas around group size and entitlements, the notion that ethnic communities are homogenous and identity is fixed, the desire to see stationary ethnic communities tied to homelands, and the belief that outsiders pose a threat, would offer the opportunity to also challenge the practice of determining who does and does not belong on the basis of arbitrary categories tied to one moment in Myanmar's historical past.

The focus on the concept of who is and is not *taingyintha* emerged from the period of military rule and was used as a strategy to try to build unity in the face of diversity, and in a context where outside forces were perceived as posing serious security threats. As Myanmar undergoes its current process of transition and assumes a new role on the global stage, there is an urgent need for Myanmar actors to reconsider definitions and perceptions around “insiders” and “outsiders.” Furthermore, in this new era it is essential for Myanmar actors to challenge and reject instances when ethnicity is used as a tool to achieve political ends.

To work towards these goals, and as noted above, a variety of actors including the Myanmar government, donors, Myanmar civil society, and international agencies need to work collaboratively with local communities to ensure that everyday experiences of insecurity and exclusion are addressed and transformed. Furthermore, support is needed to create opportunities and spaces where Myanmar communities can engage across differences and celebrate diversity. Ultimately, this work must be undertaken to inoculate communities from forces that will inevitably seek to manipulate differences for political purposes.

Finally, the project of moving beyond Ne Win's concept of *taingyintha* also highlights the need for actors both inside and outside the country to seek out and engage with complexity. There is an urgent need to go beyond a superficial understanding of the present moment, and to explore the many ways that present-day conflicts are rooted in the complexities of the past.

Donor funding is needed to support a range of Myanmar initiatives that engage a broad range of community leaders to reflect upon and engage on the many complexities surrounding ethnic identity. Safe spaces need to be provided for these complex and sensitive issues to be explored jointly by a wide variety of Myanmar stakeholders.

Likewise, international actors – whether they be attached to international media outlets, international governmental or non-governmental organisations, or corporate interests – must develop a deeper understanding of the complex environment in which they are operating. **Engagement by outside actors must be informed by careful exploration of complex local dynamics, and must thoughtfully strive to avoid reinforcing exclusionary narratives.**

The purpose of this report has been to re-examine the experience of ethnicity from the

perspective of diverse Myanmar stakeholders. The urgency underlying this project lies in the fact that Myanmar has experienced decades of armed conflict oriented around ethnic identity. The recent clearance operation against the Rohingyas is only one extreme chapter in a much longer tragic history of exclusion, violence and discrimination, as this report has endeavoured to show. Over generations, a multitude of ethnic-based conflicts in Myanmar have produced tragic consequences in terms of death, displacement, sexual violence, and unnecessary exposure to disease for communities on all sides. Beyond these brutal consequences, ethnic identity narratives, and beliefs about who does and does not belong, have created systems and structures that institutionalise the allocation of benefits and privileges to some, while others face discrimination and limited opportunities, entrenching inter-communal competition and resentment.



Young people playing at Sittwe Beach
Photo credit: Zabra Yu Siwa

Only by delving into the experiences and perspectives of diverse communities is it possible to identify the many forces that have shaped the central role of ethnic identity in Myanmar. This report highlights the need to support initiatives that build unity and embrace diversity, to re-examine and challenge existing ethnic identity narratives, to build trust through measures that recognise

political legitimacy, autonomy and self-determination, and to rethink the concept of *taingyinta* while engaging with complexity. These strategies and approaches offer the opportunity to challenge and deconstruct current assumptions and concepts associated with ethnic identity. As such, these efforts represent only the first steps on a long, but necessary, road to forge new outlooks and sentiments regarding Myanmar's rich diversity. Indeed, the route to sustainable peace in Myanmar depends on being able to challenge and discard perspectives that see diversity as a threat and ethnic identity as a tool mobilising inter-group competition over what are perceived to be scarce resources in a zero-sum game. Instead, there is a need to re-engage with ethnic identity as an aspect of life that contributes to a rich and vibrant modern Myanmar society.

While the pages of this report have focused on the challenges and opportunities facing Myanmar, it should be acknowledged that there is a need for similar engagement to take place in many settings around the world. During the first decades of the twenty-first century, countless instances have emerged in which narratives surrounding the perceived threat of diversity have produced fault lines between communities and nation states. Ultimately, there is a need for stakeholders globally to mobilise and challenge instances when differences are manipulated for social, political, or economic ends. As Myanmar grapples with the needs and prospects emerging from its own transition process, it will have valuable lessons to offer the wider global community.

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