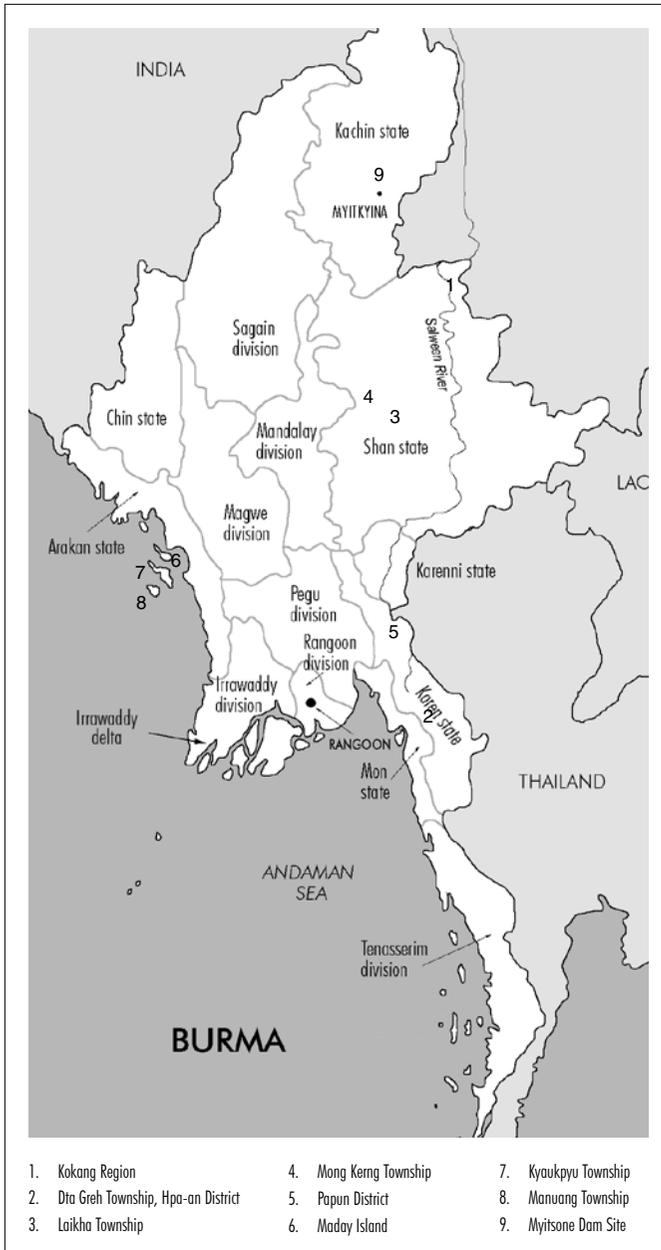


BURMA

Burma's diversity encompasses over 100 different ethnic groups. The Burmans make up an estimated 68 percent of Burma's 50 million people. Other major ethnic groups include the Shan, Karen, Rakhine, Karenni, Chin, Kachin and Mon. The country is divided into seven, mainly Burman-dominated divisions and seven ethnic states. While the majority Burmans consider themselves to be indigenous as well, this article focuses on the marginalized indigenous groups commonly referred to as "ethnic nationalities". Burma has been ruled by a succession of Burman-dominated military regimes since the popularly elected government was toppled in 1962. The regime has justified its rule, characterized by the oppression of ethnic nationalities, by claiming that the military is the only institution that can prevent Burma from disintegrating along ethnic lines. After decades of armed conflict, the military regime negotiated a series of cease-fire agreements in the early and mid-1990s. While these resulted in the establishment of special regions with some degree of administrative autonomy, the agreements also allowed the military regime to progressively expand its presence and benefit from the unchecked exploitation of natural resources in ethnic areas. In 1990, the military regime held the first general elections in 30 years. The National League for Democracy, a pro-democracy party led by Aung San Suu Kyi, won over 80% of the parliamentary seats and the United Nationalities Alliance (UNA), a coalition of 12 ethnic political parties, won 10% of the seats.¹ However, the regime refused to honor the election results and never convened the parliament.



Ethnic nationalities declare election boycott, and oppose constitution

As Burma's military regime, the State Peace and Development Council (SPDC), pushed ahead with plans to hold elections in 2010, increasing numbers of ethnic organizations declared that they would not participate in the poll. Groups that announced the boycott included the United Nationalities Alliance, the National Democratic Front,² the Kachin Independence Organization, the Kachin National Organization, the Karenni National Progressive Party and the Shan State Army – South.

The boycott is a means of opposing the SPDC-drafted Constitution, which cements the military subjugation and Burmanization of ethnic nationalities. The “elected” Parliament is obliged to implement the charter, which was adopted through a sham referendum in May 2008.

The regime's Constitution does not promote or protect the rights of the ethnic nationalities, nor does it allow for decentralization of political and economic power. While granting very limited legislative and executive powers to local bodies, the Constitution guarantees the national Parliament and the executive branch exclusive powers to legislate and govern on critical issues such as land administration, use of natural resources, education and justice.

The Constitution also institutionalizes military control over the ethnic nationality areas. The President appoints the Minister of Border Affairs from a list provided by the Commander-in-Chief. The Commander-in-Chief also selects Defense Services personnel responsible for security and border affairs at the State and Regional level.

Ceasefire groups pressured into Border Guard Force

The constitution also requires that “all the armed forces in the Union shall be under the command of the Defense Services”. In April 2009, the junta issued an ultimatum to all ethnic ceasefire groups to incorporate their armed forces into a new Border Guard Force under the control of the SPDC Army. Despite numerous rounds of talks initiated by

senior SPDC Army officials, the larger ceasefire groups resisted or rejected the ultimatum outright.

As a result, relations between the military regime and the ethnic ceasefire groups that rejected the Border Guard Force proposal deteriorated, with the SPDC increasing its military presence in Northeastern Burma's Kachin and Shan States.

In August, the SPDC launched an all-out armed offensive against the Myanmar National Democratic Alliance Army (MNDAA), a ceasefire group in the Kokang region of Northern Shan State that rejected the Border Guard Force ultimatum, ending a 20-year ceasefire. The military operation forced around 37,000 refugees into China.³ On 30 August, the SPDC declared that, after three days of fighting, the region had "regained peace".⁴ On 8 September, the new provisional government installed by the regime in the Kokang region said that its armed forces would join the SPDC's Border Guard Force.⁵

Staunch resistance to the Border Guard Force ultimatum continued, generating concern among China and other neighbors that war was imminent. While the Kachin Independence Organization offered, as a compromise, to transform their troops into an autonomous Kachin Regional Guard Force, Burma's largest ceasefire group, the 20,000-strong United Wa State Army (UWSA), showed no sign of accepting the junta's ultimatum. The SPDC was forced to extend its 31 October deadline to the end of December.

By the end of 2009, only seven ceasefire groups had agreed to transform their armed forces into SPDC-controlled Border Guard Forces. Aside from the Democratic Karen Buddhist Army (DKBA), which is estimated to have 6,000 soldiers,⁶ the list includes only smaller ethnic ceasefire armies with a strength ranging from 200 to 1,000 troops.

Meanwhile, several ceasefire groups, including the UWSA, the National Democratic Alliance Army, the Shan State Army – North and the Kachin Independence Army mobilized and recruited additional forces in preparation for possible offensives by the SPDC Army.

The crisis continues to spark security concerns among Burma's neighbors, particularly Thailand and China. In October, a senior official in Thailand's National Security Council warned that as many as 200,000 refugees could flee into Northern Thailand if fighting broke out between the SPDC and the UWSA.⁷ In December, Chinese Vice-

President Xi Jinping pressed the SPDC for stability along the Sino-Burma border and urged the junta to resolve tensions along the border by peaceful means.⁸

A marked increase in cross-border smuggling of illegal drugs from Shan State into Thailand has been linked to the escalating tensions between the regime and the resisting ethnic ceasefire groups. In anticipation of war, some groups involved in the production of heroin have begun selling their stocks to buy weapons.⁹ Thailand, in particular, witnessed an increased drug inflow, as shown by the seizure of 2,795 pounds of heroin by authorities in Northern Thailand between October 2008 and August 2009, a 2,100 percent increase in the amount of heroin seized a year earlier.¹⁰

Military offensives in Eastern Burma worsen

Parallel to the push to incorporate the ethnic ceasefire groups' armed forces into the regime's Army, the junta intensified military operations against non-ceasefire groups in Eastern Burma.

In early June, SPDC Army and DKBA joint forces launched a series of offensives against the Karen National Union (KNU) and its military arm, the Karen National Liberation Army, in Southern Karen State. An estimated 6,400 Karen civilians fled into Thailand.¹¹ Refugees included around 3,500 internally displaced persons, mostly women and children, from the Ler Per Her camp in Dta Greh Township, Hpa-an District.¹²

Between 27 July and 1 August, the SPDC Army launched a military offensive against civilian populations in Shan State in retaliation for the killing of 11 soldiers by the Shan State Army-South on 15 July. SPDC Army troops forced an estimated 10,000 people in 39 villages in Laikha Township and parts of Mong Kerng Township in Central Shan State out of their villages and burned more than 500 homes.¹³ It was the single largest forced displacement in Shan State since 1998 when the military regime uprooted over 300,000 local villagers.

The regime's ongoing military campaign against ethnic nationalities in Eastern Burma has resulted in the destruction or forced relocation of 120 villages and the displacement of at least 75,000 people be-

tween August 2008 and July 2009. Since 1996, the regime's offensive has destroyed over 3,500 villages and displaced over 470,000 people.¹⁴

The SPDC's protracted and well-documented practice of forced displacement, torture, extra-judicial killings and rape of ethnic nationality civilians was highlighted by the United Nations through a Human Rights Council resolution in March and a General Assembly resolution in December.¹⁵ The regime's increasing violations of human rights and humanitarian law, despite almost 20 years of similar condemnation by UN bodies, prompted calls for the UN Security Council to make SPDC leaders accountable for their crimes.¹⁶ In May, the former UN Special Rapporteur on human rights in Burma, Paulo Sergio Pinheiro, called on the UN Security Council to request the UN Secretary-General to establish a Commission of Inquiry into war crimes and crimes against humanity in Burma as a preliminary step towards a referral to the International Criminal Court (ICC).¹⁷

Food insecurity remains acute

In January, the Food and Agriculture Organization (FAO) and the World Food Program (WFP) revealed that five million people in Burma were in need of food assistance.¹⁸ Food shortages were particularly severe in Karen, Northern Arakan, Northern and Eastern Shan and Chin States. The crisis was exacerbated by the regime's orders to farmers to grow cash crops such as tea and *jatropha*, as well as arbitrary land confiscations for this purpose.¹⁹

In September, it was reported that tens of thousands of civilians in Northern Shan State were experiencing food shortages because the SPDC Army offensive against the MNDAA had forced international agencies to suspend aid projects in the Kokang region.²⁰ Reports also emerged that 7,000 Karen in Papun District were facing an acute food shortage due to continued SPDC Army operations in the area.²¹

In October, reports indicated that the ongoing rat plague in Chin State, which was causing widespread crop destruction and food shortages, had also spread to areas of Kachin and Arakan States.²²

While international attention was mainly focused on post-cyclone Nargis recovery in the Irrawaddy delta, dire humanitarian needs in

areas inhabited by ethnic nationalities persisted. The SPDC worsened the situation by blocking relief efforts on the part of international aid agencies. The WFP admitted it could not get enough food aid to Arakan and Chin States because of travel restrictions imposed by the SPDC.

Energy projects affect local communities

The SPDC's eagerness to exploit Burma's natural resources for its own profit, coupled with China's hunger for energy, continued to have serious consequences for many communities living in ethnic nationality regions.

In early November, China National Petroleum Company announced the start of the construction of a crude oil port and pipeline on Maday Island, off the coast of Arakan State. The construction marked the first phase of the 771 km pipeline project which, upon completion in 2013, will channel approx. 85% of China's energy imports from Africa and the Middle East, bypassing the Malacca Strait. The pipeline, cutting across Burma, will pass through Arakan State, Magwe and Mandalay Divisions and Shan State, entering China's Yunnan Province.

Land confiscations in the pipeline area have already been documented. In November and December, SPDC authorities in Kyaukpyu and Manaung Townships in Arakan State seized over 10 acres of land, 150 traditional hand-dug oil wells and a refinery from local villagers. The regime refused to compensate local villagers and told them that the land would be leased to the China National Offshore Oil Corporation for oil exploration.²³

Meanwhile, the SPDC continued its push for hydroelectric energy, regardless of the human and environmental costs to local populations.

On 21 December, the SPDC inaugurated the construction of the Myitsone dam on the Irrawaddy River in Lahpe, 22 miles north of Myitkyina, Kachin State. The Myitsone dam is the first of seven hydro-power projects being built by China's state-owned China Power Investment Corporation and the SPDC in Mali Hka River, N'Mai Hka

River and Irrawaddy River in Kachin State. When completed, the 152-meter high dam will generate an estimated 3,600 megawatts of electricity, most of which will be sold to China, earning the military regime an estimated US\$500 million per year.

These dams have a disastrous impact on local communities. On 5 August, SPDC officials told residents that over 60 villages would be relocated from the Myitsone dam project area.²⁴ On 21 December, the SPDC ordered another 500 households residing near the dam site to relocate.²⁵ The construction is likely to displace about 15,000 people.

The regime did not carry out any environmental assessment of the Myitsone hydropower project and failed to consult affected communities. Local communities have repeatedly protested against the project. Despite the risks of arrest, villagers held mass prayer vigils along the river banks and in churches up- and downstream. Students and local activists also expressed their opposition to the project through posters, open letters and graffiti campaigns. ○

Notes and references

- 1 The United Nationalities Alliance comprises the Shan National League for Democracy (SNLD), the Arakan League for Democracy (ALD), and six other political parties (Chin National League for Democracy, Kachin State National Congress for Democracy, Karen National Congress for Democracy, Kayah State all Nationalities League for Democracy, Mon National Democratic Front and Zomi National Congress)
- 2 The National Democratic Front (NDF) is an umbrella group comprising nine ethnic opposition groups: Arakan Liberation Party, Chin National Front, Lahu Democratic Front, Pa-laung State Liberation Front, Pa-O People Liberation Organization, Wa National Organization, News Mon State Party, Kayan New Land Party and Karen National Union.
- 3 *Xinhua*, 31 August 2009, China resolves issue with Sino-Myanmar border inhabitants.
- 4 *Associated Press*, 30 August 2009, Myanmar says 26 forces, 8 rebels killed at border.
- 5 *Xinhua*, 11 September 2009, Kokang group ready to participate in 2010 Myanmar vote.
- 6 *Irrawaddy*, 18 June 2009, DKBA: Burma's second largest non-state armed group?
- 7 *Irrawaddy*, 9 October 2009, Defeating the Wa would Win Wide Applause.
- 8 *Irrawaddy*, 21 December 2009, China Tells Than Shwe it Wants 'Stability, National Reconciliation'.

- 9 *Agence France- Presse*, 26 November 2009, Myanmar rebels cashing in illegal drugs stocks: UN.
- 10 *New York Times*, 30 September 2009, Crackdown Spurs a Heroin Clearance Sale in Southeast Asia.
- 11 *Democratic Voice of Burma*, 10 June 2009, UN staff sent to assess Karen refugees.
- 12 *UN General Assembly*, 64th session, Report of the Special Rapporteur on the situation of human rights in Myanmar, 24 August 2009, UN Doc A/64/318, Para 58.
- 13 *UN General Assembly*, 64th session, Report of the Special Rapporteur on the situation of human rights in Myanmar, 24 August 2009, UN Doc A/64/318, Para 60.
- 14 *Thailand Burma Border Consortium*, October 2009, Protracted Displacement and Militarization in Eastern Burma - 2009 Survey.
- 15 *UN General Assembly*, 64th session, Situation of human rights in Myanmar, Res. 64/238, 24 December 2009.
- 16 *Human Rights Council*, 10th session, Situation of human rights in Myanmar, Res. 10/27, 27 March 2009.
- 17 *New York Times*, 27 May 2009, End Burma's System of Impunity, by Paulo Sergio Pinheiro.
- 18 See *International Human Rights Clinic at Harvard Law School*, May 2009, Crimes in Burma; *Altsean-Burma, International Federation of Human Rights, Burma Lawyers' Council*, August 2009, International Crimes Committed in Burma: the urgent need for a Commission of Inquiry.
- 19 *UN General Assembly*, 64th session, Report of the Special Rapporteur on the situation of human rights in Myanmar, 24 August 2009, UN Doc A/64/318, Para 89-90.
- 20 *Irrawaddy*, 16 September 2009, Food Shortages Reported in Laogai.
- 21 *Karen Information Center*, 15 September 2009, Food shortage stares 7,000 Karen in the face.
- 22 *Mizzima News*, 16 October 2009, Mice menace causes food scarcity in Arakan State; *Kachin News Group*, 19 October 2009, No relief for famine hit Kachin hills yet.
- 23 *Kaladan News*, 19 November 2009, Land and traditional hand-dug oil wells seized in Kyaukpriu Township; *Narinjara News*, 21 December 2009, Traditional oil wells seized for Asia World Company.
- 24 *Kachin News Group*, 24 August 2009, Irrawaddy hydropower project to displace many Kachin villagers.
- 25 *Kachin News Group*, 24 December 2009, First 500 households await relocation from Irrawaddy dam site.

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