

## CONTESTING TERRITORIES: The need for a balanced approach

With the conclusion of the Union Peace Conference-21<sup>st</sup> Century Panglong on 3 September 2015, it became even clearer that the path towards peace and a general union is problematic. While the conference was generally lauded as bringing all stakeholders closer together, it has further highlighted the many serious issues the government faces in creating a Federal Union that everyone can accept.

Myanmar lists 135 ethnic groups including eight major groups - the majority Burman, Shan, Karen, Chin, Karenni, Rakhine, Mon, and Kachin. With the exception of the Burman, all major groups are recognised as having state level recognition. After the failure of the government to fully institute promises made at Panglong in 1947 and in the 1948 constitution (See EBO Background Paper No.3/2016 - The 21st Century Panglong Conference) a federalism movement sprang up in 1961.

The Federalism movement saw Aung San's promise of 'If a Bamar receives one kyat, you will also receive one kyat.' as the basis of equality for every ethnic group and as such it was seen by ethnic leaders that a Burman, or Bamar, state was necessary to bring true equality to the Union. Although the federalism movement was crushed in 1962 by Ne Win, who feared that calls for federalism meant secession from the Union, ethnic leaders still see federalism envisioned through Panglong as the way forward.

While most recent calls from armed ethnic groups have seen promises of no secession, how a future federal union can be realised is a major concern. Current calls, especially by the United Nationalities Federal Council (UNFC), to reinterpret the country's current arrangement of seven states and seven regions in favour of eight states for the main ethnic nationalities and separate or nationalities states for those with mixed ethnic groups is likely to further delay the pace of progress in the peace process.

While federalism, possibly using the Indian model, is one of the main issues being debated. In a country with such a diversity of population, the fact that many ethnic states have numerous ethnic sub-groups all of whom will demand equal rights will cause further ethnic tensions. Such a problem has already been seen in recent clashes between the Palaung State Liberation Front/Ta'ang National Liberation Army (PSLF/TNLA) and the Restoration Council of Shan State/Shan State Army - South (RCSS/SSA-S) over territorial control.

The conflict between the RCSS/SSA-S and PSLF/TNLA erupted in Shan State on 27 November 2015 in Namhkam and Manton townships, near the China border. Reports from the Ta'ang claim that members of the SSA-S had crossed into their areas, which they designate as Kyaukme, Namhsan, Manton and Namkham Townships, without seeking 'permission'.<sup>1</sup>

The main problem in relation to the conflict is area of operation. As can be seen by the 2008 Constitution only two townships, Manton and Namhsan, are designated as being Palaung governed territory, however, the PSLF maintains that the Palaung should be able to control the additional two townships as the Palaung are present in the other two areas. However, this is disputed and it is believed, for example, that a large majority of the people in Namkham are Shan and Kachin with a much smaller Palaung presence.

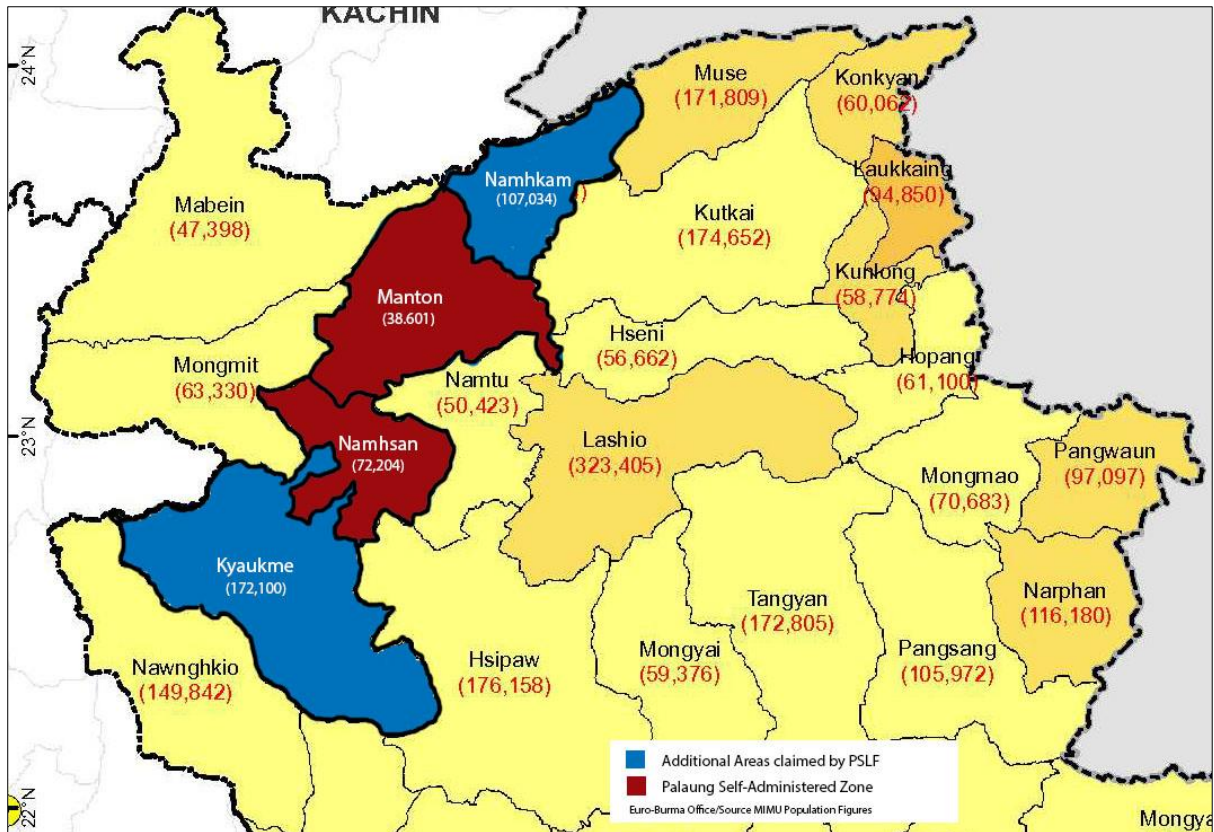
2008 Constitution recognised Self-Administered Zone (SAZ)/Division (SAD)

Self-Administered Zone (SAZ)/Division (SAD)

Naga Self-Administered Zone, Sagaing Region  
 Danu Self-Administered Zone, Shan State  
 Pa-O Self-Administered Zone, Shan State  
 Palaung Self-Administered Zone, Shan State  
 Kokang Self-Administered Zone, Shan State  
 Wa Self-Administered Division, Shan State

Townships

Leshi, Lahe and Namyun  
 Ywangan and Pindaya  
 Hopong, Hsihseng and Pinlaung  
 Namhsan and Manton  
 Konkyan and Laukkai  
 Hopang, Mongma, Panwai, Nahpan, Metman  
 and Panghsang



A recent proposal put forward by the Wa at the Union Peace Conference -21<sup>st</sup> Century Panglong notes that,

Some ethnic minority groups are demanding equal rights. At the same time, some are ignoring other groups' demands. Regional hyper-nationalism goes against the Panglong spirit. It must be removed from the constitution. Every ethnicity must have equal rights. An ethnic tribe demanding rights should not depend on the agreement or the disagreement of another tribe,<sup>2</sup>

It is understandable that many of the other ethnic groups feel discriminated against and therefore would like a future federal union to provide suitable redress. It remains unclear as to what allows the creation of SAZ status. For example, it is estimated that the population of the Danu is about 100,000,

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the Palaung are approximately 250,000 and the Pa-O 560,000 with a number of each group residing outside their individual SAZs.<sup>3</sup>

The Wa proposal suggests that if an ethnic group has a population of at least 100,000, it should be designated a self-administered region, if it has 200,000 people, it should be granted a self-administered division, and if it has 300,000, it should be granted a self-administered state, not unsurprisingly the Wa have an estimated population in Myanmar of 300,000.<sup>4</sup>

As can be seen by the constitutional provisions, with the exception of the Naga, the current Self-Administered Zones have been carved out of the former Federated Shan States. The Wa's recent demand for state level recognition is based on territorial demands not only for those already in the constitution but also includes ten townships from Kengtung region, where, according to Wa National Unity Party representative U Nyi Nat, '... our 'Wa' kings died.'<sup>5</sup>

Meanwhile, Sai Htay Aung of the Shan Ni (Red Shan) also at the conference called for the creation of a Red Shan State formed with Myitkyina, Moehnyin, Bahmo, Kamti, Tamu, Kalay, Mawleik and Katha districts where Red Shan nationalities are living, pointing out that federal systems of other countries allow for the creation of new states for ethnic minorities.<sup>6</sup> The Shan Ni, estimated to have a population of 300,000, recently formed its own army, the Shan Ni National Army, '... to protect local people bullied by other armed groups.'<sup>7</sup>

Calls from these groups have caused serious consternation. Especially in Shan State which is likely to see the brunt of calls for further separation. Khun Htun Oo, chairman of the Shan Nationalities League for Democracy (SNLD) has been quoted as saying,

If we give states to [these] ethnic groups, our country will face problems like Yugoslavia

Adding,

The Union of Myanmar will disappear,<sup>8</sup>

However, such a concern about what was known as the 'Balkanization' of Burma is not new. In relation to this, Teddy Buri an exiled ethnic politician speaking in 2001 at a Public Symposium on 15 December 2001, in Tokyo, Japan, said,

... Another point Mr. Suto mentioned was about the ethnic nationalities. He seems to fear the Balkanization of Burma. As a matter of fact, the military regime has always said that if it weren't for the military regime in Burma, Burma would have disintegrated and that Burma would not be what it is today. But this is pure propaganda which the military regime has been able to sell. It is a falsehood. It is all falsehood. The ethnic nationalities, as a matter of fact, joined the Union voluntarily in the first place when they signed the Panglong Agreement. And we are still committed to being a part of Burma. We are still willing to be a part of the Union of Burma, and this is why we are preparing ourselves to join the Federal Union of Burma. So I would like Mr. Suto not to be concerned about the Balkanization of Burma because of the ethnic issue.

Historian Martin Smith also mentioned the issue in his report 'Burma (Myanmar): The Time for Change',

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Tatmadaw leaders argue that the military has earned three historic responsibilities, known as 'Our Three Main Causes', as its exclusive prerogative, which allow it the right to interfere in the political process whenever it feels these duties are threatened: 'non-disintegration of the Union', 'non-disintegration of national solidarity' and the 'perpetuation of national sovereignty'. Underpinning this arbitrary right is a perception of Burma as the 'Yugoslavia of South-East Asia', and officials argue that any relaxation of security, or accession to demands that they perceive as 'separatist', will have drastic implications beyond the country's borders. 'A return to the post-independent situation could become analogous to a "Balkanization of South-East Asia"', claimed an SPDC press release in 2001.

Such claims at the time were dismissed as military propaganda. However, the current situation, which sees inter-ethnic conflict between the TNLA and RCSS and a weakening of armed ethnic unity, should cause much more concern. The Union Peace Process has given a number of ethnic groups, armed and non-armed, the opportunity to not only demand equality but also territory. While this in itself should be seen as progress, any further decision to grant territory should be done with the utmost caution.

While the greatest territorial problems are largely confined to Shan State there are also likely to be problems in Chin State.



There has been a long-running territorial dispute over Paletwa, which is claimed by both the Chin and the Rakhine. During the colonial period, Paletwa was designated as being in Rakhine State. However, during the U Nu administration, the town was reclassified as being in Chin State. The issue remains somewhat contentious. The majority of the population are Khumi Chin and there was a major demonstration when the Arakan Liberation Party (ALP) announced it was going to open a Liaison Office in the town as part of a ceasefire agreement with the Government. Both the ALP and Rakhine state government delegations made an agreement to set up a liaison office for the ALP in Paletwa during the first week of April 2012 in a move that was criticised by the local community.

According to one government employee:

We could accept it if they were a Chin political party. It is not acceptable for us to allow them to set up their office in Paletwa. It is not their territory. The authorities should have consulted the Chin State government before making a decision on this issue,<sup>9</sup>

A local village head also stated that:

The central authorities ought to have consulted local people about this issue. We are not Arakanese. We cannot accept any other national armed group in our area. The Burmese government should have consulted local Khumi people before signing an agreement,

Salai Ceu Bik Thawng, General Secretary of the Chin National Party (CNP) echoed such concerns

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I am worried that there will be clashes between Chin and Rakhine people over this issue because it is very sensitive. This problem will not be solved by democratic means and a federal system but will lead to racial problems<sup>10</sup>

Because of such protests, the office remains unopened.

A number of clashes between the Myanmar army and Kachin based Arakan Army were reported in Paletwa at the beginning of this year and the local population forced to flee. A number of Chin leaders have suggested that the Chin National Front has made it clear to the Arakan Army that should Chin civilians suffer due to Arakan Army operations then the CNF's armed wing the Chin National Army, may have little recourse other than to engage them.<sup>11</sup>

While at the moment it appears to be a minor issue, there has also been a limited clash between the Karen National Liberation Army (KNLA) and Mon National Liberation Army (MNLA) after more than 27 years of ceasefire. The clash took place in Tae Chaung Village, Yebyu Township, Tennesserim Division on 8 September. The last clash between the KNLA and MNLA was in 1988 fuelled by a land dispute over the Phaya Thonsu (Three Pagodas Pass) area, on the Thai-Myanmar border. At the time, an agreement was finally reached after the National Democratic Front, an ethnic alliance of armed groups, brokered a ceasefire.

Both sides have denied starting the recent conflict with Padoh Win Khine, who is in-charge of Tavoy District's KNU Liaison office saying,

Because they passed over the territory, we sent a moderator but could not negotiate. So, both sides started firing at each other from far away. However, it was not on purpose,<sup>12</sup>

According to Mon media reports, On August 24, Saw Zee Zi, secretary of the KNU's Myeik-Tavoy District, sent warning letters to village administrators in Yebyu Township stating that KNU troops would be active again in the area. The letter also stated that the KNU aimed to take back its originally controlled area.<sup>13</sup>

According to Nai Win Hla, who is in charge of New Mon State Party's Home Affair Department,

Members of the Karen National Union [KNU] came into the village . . . Two of their members came to observe our army base nearby. On their way back, two of our soldiers chased them, they fought back and a short firefight broke out,<sup>14</sup>

Local media suggested that tensions in the area have been exacerbated because ethnic Mon have begun growing rubber plants on an area claimed by the KNU in the past, but currently controlled by the MNLA.<sup>15</sup>

Nai Win Hla continued,

First, they [KNU] wanted ethnic Mon growing rubber plants in the area to get out, then they even wanted our troops to move out from these areas. We have been based in this area since before we signed the ceasefire agreement with the government [in 1995, and renewed in 2012]. But now the KNU are saying this area belongs to them, this is the dispute that caused the fight to break out.<sup>16</sup>



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According to one local source, the KNU tried to remove a Mon rubber farmer from a KNU-controlled area, the rubber farmer called the MNLA, leading to the clash.<sup>17</sup>

A meeting was held on 11 September between KNU and NMSP officials in which both sides agreed to create a liaison team made up of three representatives from each side. The team will be responsible for keeping both armed groups informed of the other's troop movements and will take charge of any future issues that may arise.<sup>18</sup>

Regardless of the reasons, territorial control has once again become a major issue and could seriously impede progress in the country. With armed ethnic group leaders seeing the ongoing Union Peace Conference as the possible culmination of a process to draw borders and create a federal union, many are now attempting to claim as much as they can often at the cost of others.

While such actions are understandable, ethnic leaders need to recognise what is reasonable in relation to territory, and balance their approach with what is good not only for their people, but also for the future of the country.

### Notes

- <sup>1</sup> 'SNDP demands release of detainees amidst Shan and Ta'ang clashes' SHAN, 7 December
- <sup>2</sup> 'Wa group proposes political autonomy for ethnic minorities' Eleven Media, 5 September 2016
- <sup>3</sup> <https://www.ethnologue.com> accessed on 5 September 2016. Union census figures remain unreleased. Ethnologue figures are based on those issued by previous governments.
- <sup>4</sup> 'Wa group proposes political autonomy for ethnic minorities' Eleven Media, 5 September 2016.
- <sup>5</sup> 'The Union Peace Conference—21st Century Panglong', Global New Light of Myanmar, 3 September 2016. The oral traditions of the Wa people say that the ancient city of Kengtung was founded by them as they were the original inhabitants of the region. See Magnus Fiskesjo, 'The Question of the Farmer's Fortress: On the Ethnoarchaeology of Fortified Settlements in the Northern part of Mainland Southeast Asia', Indo-Pacific Prehistory Association Bulletin 21, 2001 (Melaka Papers, Volume 5)
- <sup>6</sup> 'Visions for a Federal Union — UPC continues its third day session', Global New Light of Myanmar, 3 September 2016
- <sup>7</sup> Red Shan form armed organisation, BNI, 25 January 2016
- <sup>8</sup> Ibid.
- <sup>9</sup> 'Chin leaders oppose ALP's liaison office in Paletwa' Khonumthung, 12 April, 2012
- <sup>10</sup> Ibid.
- <sup>11</sup> Personal conversation with Chin leaders in May and June 2015.
- <sup>12</sup> 'KNU and NMSP clash after 27 years of ceasefire', Mon News Agency, 10 September 2016
- <sup>13</sup> Ibid.
- <sup>14</sup> 'Mon and Karen Forces Clash in Dawei District', Lawi Weng, The Irrawaddy, 9 September 2016
- <sup>15</sup> Ibid.
- <sup>16</sup> Ibid.
- <sup>17</sup> Ibid.
- <sup>18</sup> 'KNU and NMSP Reach Agreement', KIC, 12 September 2016