

THE KACHINS' DILEMMA – BECOME A BORDER GUARD FORCE OR RETURN TO WARFARE

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The Kachin Independence Organization (KIO) celebrated the 16th Anniversary of its ceasefire agreement with the Burmese military on 24 February 2010 at its Kasung Pa military base. The ceremony was a mixture of politics and culture - long speeches followed by the famous Kachin traditional *Manaw* dance. As the festivities started, the chief guest, Brigadier-General San Htun – Deputy Commander of the Northern Regional Command, was invited to the dance floor. However, prior to that, both the chief guest and the host, the Vice-Chairman of the KIO, General Gauri Zau Seng, had delivered their speeches, and, despite the festivities, neither could avoid the delicate issue that exists between them: the KIO's transformation into a Border Guard Force (BGF).



During the past 16 years, the KIO has been through a rather turbulent period in terms of their relations with the junta, which is now known as the State Peace and Development Council (SPDC), and with the Kachin populace. The regime's intransigence has been the problem from the very beginning. Although rumours have it that the KIO was forced to sign the ceasefire agreement due to pressure from China, the KIO has always insisted that it did so in order to seek a political solution. But there is little doubt that, after the ceasefire agreement was finally negotiated, the KIO's hands were tied and they had failed to get what they wanted. The KIO had sought after a political solution but the junta focused only on military issues. The regime stated that since the SLORC (the previous name of the SPDC) was merely a temporary government, any political issues should be left for the new government that would emerge together with a new constitution (Appendix I). Thus, the KIO was invited to attend the National Convention.

The KIO duly attended the National Convention as both sides agreed that the emergence of a new constitution could be a means to find a political settlement. The KIO submitted a 19-point proposal to the National Convention. It outlined how the Union of Burma could be rebuilt based on the principles of the 1947 Panglong Agreement – the agreement on which the Union was founded in the first place. For the KIO, it meant democratic rights for all citizens, political equality for all ethnic nationalities, and the rights of *internal* self-determination for all member states of the Union (Appendix II).

The SPDC not only refused to discuss the KIO's 19-point proposal at the National Convention but also threatened to break the ceasefire agreement. Major-General Ohn Myint, Commander of the Northern Regional Command, reportedly stated that, '*... [the] KIO can be driven back to the mountains*' (Kachin News Group, 20 August 2007). The same lines were repeated recently by Lieutenant-General Ye Myint, Chief of the junta's Military Affairs Security (MAS), '*...if the KIO does not abide by the latest instructions, then relations will revert to the period before the 1994 ceasefire agreement*' (Mizzima News, 22 April 2010).

In addition to threatening to break the ceasefire agreement, the SPDC also instigated local people in three townships in Kachin State, namely Bhamo, Moguang and Mohnyin, to seek separation from Kachin State since the majority of the population in these townships is not Kachin. Consequently, local leaders from these townships submitted their proposal to secede from Kachin State to the National Convention in 2007.

The regime did not officially respond to the proposal to separate from Kachin State, nor take any action with regards to the new constitution adopted in 2008. Nevertheless, the issue returned together with the Border Guard Force problem. Major-General Lun Maung, Auditor General of the SPDC, said recently that ethnic Kachins represent only 20 percent of the population in these townships, and that the rest are Shan and Burman/Myanmar. He also threatened the KIO, stating, '*We will try to convince the KIO to accept the Border Guard Force through words. If they do not listen... we have to kick them and eliminate them*' (Kachin News Group, 24 April 2010).

Since the KIO submitted its 19-point proposal, all the courtesies that existed between the SPDC and KIO seem to have disappeared. It is obvious that the two sides have different aspirations and the SPDC is not open to discussing the issue. But by the time the SPDC made its position clear by rejecting the 19-point proposal, it was too late for the KIO to return to its pre-ceasefire condition without a very heavy cost.

The Burma Army and its battalions are now in every corner of Kachin State, even in those areas previously controlled by the KIO. Together with the regime, companies from lowland Burma and abroad (especially from China) are penetrating deeper into every part of Kachin State. As a result, the forests that the Kachins had preserved for centuries are now depleted. Jade, ruby, gold and other precious stones from an area once known as the "Land of Jade" are now gone. Deforestation and the devastation of other natural resources have led to flooding and other natural disasters.

The Kachin people look to the KIO to act. In their eyes, the KIO was founded to defend the Kachins' heritage, their culture, religion, language and every other aspect of life. Since they started their armed-struggle in 1961, the KIO had been able to protect and promote a Kachin way of life. And the Kachin people, through armed-struggle, were able to prevent the degradation of their culture, religion and language from successive governments of the Union of Burma. It must be noted that the very reason that the KIO was founded was related to the Kachin people's resistance to the promulgation of Buddhism as a "state religion" in 1961 by Prime Minister U Nu.

Given the KIO's seeming impotence, there is frustration within the rank and file of the Kachin Independence Army (KIA), the armed-wing of KIO. Some leaders wanted to go back to the pre-1994 status before it was too late. Unable to resolve the disputes within the decision-making body of the top leadership, the organization faced three coups in the ten year period between 1994 and 2004. But the splits did not improve the KIO's situation nor turn the clock back to 1994. They merely weakened the KIO's position and further boosted the SPDC's hand in dealing with the group.

In order to deal with the changing situation, the KIO convened a Kachin Consultative Assembly in 2002, through which they later created the Kachin Consultative Council (KCC) in 2005. The reason for this was simple. All the important decisions for the future of the Kachin people should now be made not by the KIO alone but with the people through the KCC. However, it appears that the KCC did not become as strong and as viable a decision-making body as was originally envisaged.

In addition to the formation of the KCC, the KIO also adopted a “two-pronged strategy” within the framework of the current ceasefire agreement. This “two-pronged strategy” involved preserving the current KIO’s status as an armed organization, while at the same time permitting it to engage in political change within any given situation – such as the 2010 elections. This strategy can best be described as maintaining the status quo, while seeking better alternate political options. To date, it seems to be serving the KIO well.

However, the SPDC views this strategy as a threat to its long-term policy. This may be why the SPDC is holding up the approval process for the formation of the Kachin State Progressive Party (KSPP) which intends to contest the elections in 2010. The reason the SPDC views the two-pronged strategy as a threat is that for the SPDC, the ceasefire agreements implemented starting in 1989 were not to achieve “peace” through political solutions. The ceasefires were merely tools to prevent the ethnic groups that had mutinied against the Communist Party of Burma, from joining up with the mainstream democracy movement. The strategy was to entice the leadership of the ethnic groups with business opportunities and local development projects, and gradually eliminate all the ethnic armed-groups in the country as they lost the will to engage in warfare and through attrition. If and when the situation presents itself, the SPDC will not hesitate to reverse course and eliminate the ceasefire groups by force, even if this means violating agreements that have been signed and promises that have been made.

After strengthening its position by buying modern weapons from China and other sources, completing the National Convention and holding a national referendum that adopted the new constitution, the SPDC instructed the KIO and all other ceasefire groups to transform themselves into Border Guard Forces (BGFs) or militias under the control of the Burma Army. On 28 April 2009, Lieut-Gen Ye Myint, who is assigned to conduct negotiations with the ethnic armed forces on the Border Guard Force issue, officially informed the KIO leadership about the SPDC’s Border Guard Force proposal.

Lieut-Gen Ye Myint told the KIO to transform into seven battalions of the BGF, under the command of the *Tatmadaw*, the Burma Army. Each battalion would be composed of 18 officers and 326 soldiers: the highest rank in the BGF would be a mere major and each battalion would have 3 majors, 5 captains and 10 lieutenants. The age limit for the BGF is between 18 and 50, which means that all the officers whose ranks are higher than major and senior officers older than 50 years of age will be forced to resign from the KIO. Moreover, each battalion would include at least 3% of officers from the *Tatmadaw*. These Burma Army officers would then control key positions of the BGF, including logistics.

It is curious that while the SPDC gave detailed instructions on how the BGF battalions were to be formed, the SPDC Regional Commander could not explain to the KIO how the BGF would fit into the command structure of the Burma defence forces. The KIO had wanted to know if the BGF would be a separate command like the US Coast Guard, or part of the Army or police. Neither could he respond when the KIO asked about the duties of the BGF. He had to ask Nay-pyi-daw and it took the SPDC a month to come back to the KIO with the answer.

In July 2009, the KIO officially responded to the offer by submitting a counter proposal. The KIO proposed that, *‘it would like to transform its armed-wing, the Kachin Independent Army (KIA) into the Kachin Regional Guard Force*

(KRGF) without changing its military status and without being controlled by the Burma Army'. This proposal was naturally rejected by the junta.

Again, in October 2009, the KIO submitted another proposal in which it proposed that the KIO was willing to transform itself into a 'Kachin Army [Battalion] of the Union Defense Force'. Together with this new proposal, the KIO also produced a policy paper entitled: *The Promises of Panglong (Appendix III)*.

In its proposal, which was circulated widely inside and outside Burma, the KIO recalled the reason for signing the Panglong Agreement, and what the Chin, Kachin and Shan (the three ethnic groups that signed the Panglong Agreement with General Aung San) and other ethnic groups in Burma had expected when they joined the Union of Burma as equal partners. The paper highlighted how the promises of Panglong were neglected by the successive governments of the Union of Burma, and yet how the Kachin and other ethnic groups still would like to rebuild the Union of Burma based on the *Panglong Spirit*, if not the actual agreement.

The KIO also proposed that the Union Defence Force should be re-structured based on *the promises* of Panglong. When Burma gained independence in 1948, the Union Defence Force was composed of a number of ethnic battalions – Chin, Kachin, Karen and Shan Rifles, which were created by the British during the colonial period, and units of the Burma Independent Army (BIA), created by General Aung San during the independence movement. According to the 'Let Ya - Fleming Agreement' (also known as the 'Kandy Agreement') in 1945, the Burma Defence Force was to be created from the various ethnic nationalities who became members of the Union of Burma. Although the original names of ethnic battalions were retained in the Union Defence Force, the composition of the ethnic battalions was changed by General Ne Win after he became the Army Chief, in 1954. The KIO is now proposing that the Union Defence Force revert to its original form. In this way, the KIO produced a counter proposal which went beyond the Border Guard Force issue.

The KIO and SPDC conducted a series of meetings to discuss the issue but were unable to find a solution when the first deadline passed in February 2010. The SPDC then extended the deadline until 28 April 2010 and demanded that the KIO give its answer before 22 April. Throughout the negotiation process, the KIO submitted a number of letters to Senior-General Than Shwe, the head of SPDC, to find a political solution. One such letter stated that the KIO was willing to disband its military wing if a political solution could be found through dialogue.

The KIO's General Secretary, Dr. Lahkyen La Ja, said that they have conducted at least 15 meetings since the SPDC revealed its BGF proposal in April 2009. While the KIO was conducting a series of meetings to negotiate with the SPDC and submitting letters, they also mobilized their people and brought them up to date on the situation. On the 20 April, just two days before the deadline, the KIO General Secretary Dr. La Ja and KIA Vice-Chief of Staff Brigadier-General S. Gun Maw invited a 24,000 member audience from Kachin and Shan States to Laiza, the KIO headquarters, to brief them on the latest stand-off with the SPDC on the Border Guard Force issue. Similar briefing sessions were also held in Myitkyina and other towns.

Meanwhile, a former Vice-Chairman of the KIO, Dr. Manam Tu Ja, and other leaders are seeking to form a new Kachin political party to be called the Kachin State Progressive Party (KSPP), or Jinghpaw Mungdaw Rawtjat Pati, to contest the upcoming election in 2010. The formation of the KSPP can be seen not only as part of the "two-pronged strategy" but also, perhaps, as an olive branch to the SPDC in order to find a peaceful solution.

While the KIO and the newly conceived KSPP are proffering an olive branch to the SPDC, the KIA is preparing for a worst-case scenario in the event of that the ceasefire agreement is broken by the Burma Army. The KIA may be

able to muster a 20,000 strong force and maintains a regular army of 4,000 to 5,000 troops. As tensions mount, they are providing short-term emergency military training to some local residents and former servicemen.

The junta, on the other hand, is repeating its demand that the KIO and all other ethnic ceasefire groups be transformed into a Border Guard Force. Lieut-Gen Ye Myint, the chief of Military Affairs Security, formerly known as the Military Intelligence Service, has said that ethnic armed groups would face legal actions if they fail to join the Border Guard plan by 22 April. He said they all would be declared unlawful organizations. If that is the case, the ceasefire agreement will be broken, and the fighting will resume after 16 years of peace. To date, this has not yet happened and the BGF issue seems to be in limbo.

The KIO is hopeful that peace will prevail and that negotiations on the BGF and other issues such as the integration of the KIO's civil administrative structures into the infrastructure of Kachin State will continue after the elections. The SPDC seems to be considering forming a tripartite committee – SPDC, KIO, and the local Kachin community – to discuss these matters.

WHAT'S NEXT?

Commenting on the prospect of the ceasefire's collapse, the KIO's Joint General Secretary, Colonel Seng Wah, is reported as saying that, *"it will not be good for us, for them, and for the people"*.

If fighting resumes in Kachin State, the consequences will be huge. There will be many casualties, including innocent women and children. Using similar tactics to those already in use in Karen State, there will be widespread destruction of resources, forced displacement, human rights abuses, indiscriminate attacks on civilians in villages and towns, hills and valleys. In addition, there will be a massive influx of refugees across the Sino-Burma border, adding to regional instability.

As one top KIO leader, who wanted to remain anonymous, told the EBO Research Team, the KIO can continue guerrilla warfare for another fifty years, *"...but it is not what we want. We want to solve our country's problems through peaceful means. That's why we signed the ceasefire agreement despite of all the criticism that we endured for all these years"*. The KIO, in fact, has been criticised for its ceasefire agreement with the regime by both ethnic groups and democracy forces. First, the KIO was expelled from the National Democratic Front (NDF), the largest alliance of ethnic armed groups in Burma, and then from the Democratic Alliance of Burma (DAB), jointly formed by ethnic groups and pro-democracy forces. Most of the exile-Burmese media have also mocked them.

The international community did not extend any assistance to the KIO. They were provided with neither financial assistance nor technical expertise, even when they engaged in talks with the regime. In order to rebuild a normal life after fifty years of war, the KIO needed financial and technical assistance when they signed the ceasefire agreement in 1994. However, no such assistance came from the international community, neither from the UN, the US, the EU nor regime friendly China or Japan. Currently, as it is facing a stand-off with the SPDC, the KIO needs at least diplomatic intervention from the international community, especially from neighbouring countries.

China, India and the ASEAN countries have always said that their main concern is stability in the region. Now, as the SPDC is threatening to break the ceasefire agreement, the stability that they are so much concerned about is on the brink of collapse. In such a situation, they should do something, at least by sending a diplomatic mission to Nay-pyi-daw to tell Senior-General Than Shwe that he is pursuing the wrong policy. And the United Nations should also do the same.

The KIO is trying its best to halt the stand-off. As mentioned above, the former KIO Vice-Chairman and his team have registered a new political party to contest the coming elections. This is a peaceful overture, but the SPDC seems to not be listening.

Recent events in the country, especially a number of bomb blasts in Kachin State and Rangoon, suggest that all is not stable as the country moves toward the general elections. Many see the bombings (engineered by the regime) as a pretext to postponing the elections and launching an offensive against those ethnic forces that are not prepared to relinquish their rights to some form of self-determination and cultural heritage.

If the regime is serious about the elections it should refrain from further pressuring the KIO to transform. Failure to act accordingly can only result in sending the Kachins and the other ethnic forces back to the jungle to fight for another fifty years.

But the future does not bode well. The recent SPDC purchase of more aircraft and artillery seem to suggest that it is still intent on a military solution to the ethnic 'problem' along the lines of the Sri Lankan model. If this is the case, there will definitely be fighting after the elections, even if nothing happens before then.

The fighting will also spread across the country, not just on the China border. This is because the KIO has taken out an insurance policy by entering into an agreement with other ethnic forces with ceasefires as well as those without ceasefires, to seek a political solution. But the underlying understanding is that if the SPDC refuses to negotiate and undertakes a military solution, the ethnic forces will assist each other in 'every way'.

The UN, China, India, ASEAN, Japan, EU and others should be concerned. The KIO has shown that political negotiations are possible and that it is willing to work with the SPDC to rebuild the Union of Burma. The other ethnic forces have also agreed that they should seek a political solution before and after the elections. But if the SPDC persists on a military solution, instability will spread across the region. Hundreds of thousands of refugees will flee across the borders and Bangladesh, India, China, Laos and Thailand, will be affected.

APPENDIX - I

BILATERAL AGREEMENT BETWEEN THE SLORC AND THE KIO

1. The SLORC and the KIO delegations have been working together for peace and national reconsolidation in the areas of the Northern Command (Kachin State) and the North Eastern Regional Command (Northern Shan State). As a result of this earnest endeavour, a bilateral ceasefire agreement was reached in 1993 at the fifth negotiation session in Myitkyina, the capital of the Kachin State.
2. The agreement was made possible on the following common grounds:
 - a) Peace by means of a ceasefire process in Kachin State and Northern Shan State, which is adjacent to Kachin State,
 - b) General development and economic sustainability in the areas mentioned in 2 (a), and
 - c) The achievement of internal peace all over the Union of Myanmar.
3. According to the “oral agreement” reached at the fifth negotiation session in Myitkyina on 27 September 1993, a ceasefire should be in place (in the afore-mentioned areas) by 21 October 1993 so that (the KIO) can legally participate in the drafting of the new constitution of the Union of Myanmar. This statement reaffirms the 1993 oral agreement.
4. The following bilateral agreements emerged from several subsequent meetings between the two delegations:
 - a) The KIO Headquarters, brigades, regiments, battalions, and companies shall be positioned in places as described in the Appendix A.¹
 - b) The following places are designated “liaison points”:
 - 1) Headquarters: Regiment (1/251/253/254/255/), Lajayan *khama* (J-280707)²
 - 2) Regiment 3: Garayan *khama* (D-292214), Sadone *khama* (D-667509)
 - 3) Brigade 3: Regiment 15, Regiment 16: 23 Miles Point, *khama* (J-265255), *Lweje* (J-573075)
 - 4) Regiment 12: Kikehteik (O-301740)
 - 5) Brigade 1: Regiment (4/7/11), Swonprabom (NY 2390), Teeyanzut (NY 2320)
 - 6) Brigade 2: Regiment 14, Regiment 252, Teinkauk (X-349273)
 - 7) Regiment 11: Citiyan (C-658479), Dunban (C-435751)
 - 8) Regiment 6: Lonekhin (B-973749), Lonebon (B-931070)
 - 9) Regiment 5: Sinbo (H-782724), Tienlon (H-275924)
 - 10) Regiment 8: Nant Hai (SO-3503), Tarmoenye (SP-0536) Kutkhaing
 - 11) Brigade 4: Regiment 2, Regiment 9: Nant Hai (SO-3503), Tarmoenye (SP-0536) Kutkhaing
 - c) The Liaison Points shall refer the following matters to the authorities:
 - 1) the movement of troops due to administrative reasons
 - 2) the movement of individual troops due to leave, sick leave and other reasons
 - 3) the movement of troops due to development projects in the region
 - 4) there shall be a notification in advance should armed troops from one side come close to the camp of the other side³

¹ Translator’s note: The military units in hierarchical order are taken from http://en.wikipedia.org/wiki/Military_organization. Since the terms vary from army to army, it may be useful to check the accuracy of the translation with KIO personnel.

² Translator’s Note: ‘Lajayan *khama* (J-280707)’ appears to indicate the location of the place on a military map. The Burmese term *khama* may be military shorthand for *khant hman*, meaning approximately, thus pointing to the approximate location of the place on the map in question.

³ Translator’s Note: The numbering goes in alphabetical order at the beginning of page 3 in the original document.

- 5) the authorities from both sides shall be consulted on the issue of criminal convicts fleeing from one side to another
 - 6) The SLORC's Regional Commands shall assist in providing food rations to certain KIO camps which have difficulty in receiving food supplies due to logistical reason
 - 7) The KIO troops shall not burden the local people in any way and help the state in its efforts for restoration of peace and rule of law in the region.
 - 8) The state shall be lenient in handling the cases of the KIO members and supporters who have been jailed or are facing justice.
 - 9) The KIO shall assist as best it can other ethnic armies which are entering into peace negotiation with the SLORC.
 - 10) In dealing with KIO territorial issues and other arising matters, both sides shall find a negotiated settlement by cooperation and co-assessing the situation on the ground.
 - 11) Following the successful implementation of this first phase, the second phase will be marked by continued negotiations on the question of the KIO's legal involvement in the new constitution of the Union of Myanmar and of the resettlement and rehabilitation of the KIO members.
5. The two delegations hereby agree to continue to strive for the development of the ethnic peoples in Kachin State and Northern Shan State, adjacent to Kachin State, and for peace-building all over the Union of Myanmar.

The undersigned members of the SPDC and the KIO delegations affirm the above agreements on 24 February 1994 in Myitkyina, Kachin State.

SLORC Delegation

1. General Aye Kyaw (signed)
Leader of the Delegation
2. General Saw Lwin (signed)
Member of the Delegation
3. Lieut. Colonel Kyaw Thein (signed)
Member of the Delegation

KIO Delegation

1. U Bali Sup Zaw Mine (signed)
Leader of the Delegation
2. U Lamun Tujai (signed)
Member of the Delegation
3. U Gawri Zaw Saing (signed)
Member of the Delegation

Facilitators

1. (signed)⁴
2. (signed)
3. (signed)

⁴ Translator's Note: The names of the facilitators are unclear and unreadable in the document.

APPENDIX - II

THE KIO'S 19 POINT PROPOSAL TO THE NATIONAL CONVENTION IN JULY 2001

1. Regarding the Form of State of the Union and its related Provisions;
 - (i) The Provisions says that the form of state shall be a Union System. While implementing this Provision, it shall be necessary that the system of the Union is clear and that it is a genuine Union System. Although the constitution of 1947 named the country as the Union of Burma and claimed to be a Union System, it is a Unitary System in practice. Therefore, it is of prime importance that the constitution currently being drafted does not have the same mistake that had been made in the past.
 - (ii) The country is composed of 7 States and 7 Divisions. The Provision says that the 7 National States and 7 Divisions are of equal status. We would like to request that this article be reconsidered because of the fact that the States represent the Ethnic Nationalities and that the Ethnic National States shall therefore must have their own rights of self-determination. We further request that the fundamental rights of all ethnic nationalities in the Union should be included in the Provision.
2. Regarding separation of the Sovereign Power and its related Provisions, the power of the Legislative, the Executive and the Judicial have been divided and distributed among the Union, the States, the Divisions, and the Autonomous Regions. If this constitution is to be adopted, we propose that the three main pillars of sovereign power should be distributed to the Ethnic National States and Divisions in order that the division of power between the Union and Member States of the Union are fully implemented. Regarding the Legislative power, we further propose that the power be distributed more to the States and Divisions. Especially, the rights of the Legislative Power of the States shall be vested into the State Legislative Assembly.

Example:

- (i) Preserving and promoting the literature of the ethnic nationalities, the rights to teach their own literature by the ethnic nationalities, and using the literature of the State as the second official language within each Ethnic National State;
 - (ii) Preserving and promoting the cultures and traditions of the Ethnic National States;
 - (iii) Regulating the use of the traditional Customary Law of the Ethnic National States;
 - (iv) Regulating the rights of the ethnic nationalities to be preserved and protected.
3. Regarding the Administration and its related Provisions;
 - (i) We observe that the State could become a Unitary System if there are many restrictions imposed upon the States regarding the power of the President.
 - (ii) The Chief Minister of the State should be a representative of ethnic nationalities of the respective State. We acknowledged for the fact that the AFPFL (Anti Factious People's Freedom League) government appointed representative of the respective State, who was a Member of the Parliament to be the Chairperson of the State Council or State Chief Minister. As well as in BSPP (Burmese Socialist Program Party) government, a representative of ethnic nationalities of the respective State was appointed as Chairperson of the State Council. Fundamental rights of the ethnic nationalities were protected by the constitution which was historically appropriate for a Union System. Therefore, we want similar approach for constituting the rights of the ethnic nationalities.
 - (iii) Regarding the Form of Government for member States of the Union:
 - (a) The Chief Minister of the State shall be elected by and with the consent and approval of a majority of the legislative members using secret ballot. Then the President of the Union shall appoint the elected candidate as the Chief Minister of the State.

- (b) The Chief Minister of the State, by consultation with the National State Legislature, shall determine the number of Ministries, Ministers, and the function of election of the Ministers, which shall be then submitted to the President of the Union and the President shall appoint and confirm the proposal.
 - (c) The Chief Minister of the State, by and with the consent and approval of the Legislative members, shall appoint the Chief Justice and the Auditor General of the State.
 - (d) The Chief Minister of the State shall appoint the Chairperson and officials of the Autonomous Region within the State.
 - (e) If any of the Ministers of the State shall have to resign, the resignation letter shall be submitted to the Chief Minister of the State. The Chief Minister shall accept the resignation and act accordingly by and with the consent and approval of the Legislative members. If a Chief Minister of the State shall have to resign, the resignation letter shall be submitted directly to the President of the Union.
 - (f) The Chief Minister of the State, in consultation with the Legislative members, shall submit to the President of the Union in the case of the state of Emergency within the State. The President of the Union shall declare the state of Emergency for the State only after having consultation with the Chief Minister of the State.
 - (g) The State shall have formed a Committee to appoint officials or staffs for the State Government. In doing so, special consideration shall be given to the local people.
 - (h) The State shall form the Police Armed Forces of the State, and the Chief Minister of the State shall have the power to command directly.
 - (i) When the constitution of the Union shall be confirmed by the citizens, the ceasefire groups of the State shall become the Armed Forces of the State under the Armed Forces of the Union, which shall be directly commanded by the Chief Minister of the State.
4. The boundary of the Union, the boundary of the State or the needs to change the name of any of the State shall not be performed without the consent of the majority of the people living within the State.
 5. In religion and its related Articles, equal and fair regulation shall be enacted and there shall be freedom of religion.
 6. As the Chamber of Nationalities shall handle the issues of the States, there shall be regulation enacted that the Representatives of the Chamber of Nationalities shall only be elected from the people representing the States.
 7. There shall not be a separate Ministry for the Border Area in the Union Government. The security issues of the border area shall be consulted and performed by both the Defense Ministry of the Union and the government of the States. Problems shall arise by forming a separate Ministry of the Border Area since this will imply centralization of Unitary System and restriction of State Authority from the Union.
 8. The States that are at the international boundary shall have the right to enact laws regarding temporary cross-bordering and border trading. It shall be fair and more correct if the officials practically abide by the laws.
 9. In businesses, the Legislative Assembly of the States shall have the right to enact laws regarding equal profit sharing of natural resources between the governments of State and the Union. For example, it shall be more complete if the Legislative Assembly of the State shall have the right of exploring, mining and selling of precious stones instead of just giving the State the right of cutting and polishing of the precious stones. In addition, the Legislative Assembly of the State shall have the right to enact laws regarding businesses in hotel, travel, and border trade.
 10. Regarding the Agriculture and Horticulture, the management of land, the exploration of vacant and wild land, property record, industrialization and farming, agricultural research, management of water sources,

fertilization and production of pest control, determination of pastures, etc. shall be added into the exclusive legislative power of the State.

11. Regarding Taxation, the Provision of “The Governments of the State shall be able to tax all wood except teak and some hard woods,” shall be replaced as “The Governments of the State shall be able to tax all wood except teak.”
12. Regarding communication, development of water sources and rivers, post office, telegram, telephone, fax, email, internet, intranet, and similar communication activities, television, wireless and cable, and in broadcasting and recording, shall be added into the exclusive legislative power of the State.
13. Regarding social issues, private schools and trainings, charitable hospitals and clinics, public hospitals and clinics, children, youth, women, disabilities, elderly, helpless people, rescue and rehabilitation, and forming fire department, etc. shall be added into the exclusive legislative power of the State.
14. Regarding management, the General Administration, the management of land of villages and towns, renting property and land, associations, development of border areas and issues of census, shall be added into the exclusive legislative power of the State.
15. The boundary of the Kachin State shall remain as it was when the Kachin State was established.
16. The Provision of “As the constitution shall be approved with the majority vote in the referendum, it is the duties of every citizen to defense and protect the constitution,” is the more correct way to regulate.
17. The States shall regulate Provision regarding its citizenship as does the Union. Without this Provision, there shall be elections and referenda according to the democratic rules, and crisis and problems could arise as a result.
18. The States shall have the right to write their own constitution, which shall not against the constitution of the Union. The situation of one State could be different from another, and if all States have their own constitution, the Union shall be stronger and more developed.
19. It shall be more correct and suitable that the Union Armed Force, which is responsible to defend the Union, be called the only Armed Force of the Union, which shall include all the ethnic nationalities.

APPENDIX - III

HISTORICAL FACTS ON THE PANGLONG PROMISES AND AGREEMENTS

On behalf of the Kachin Peoples
Kachin Special Region 2, the KIO Central Executive Committee
15 December 2009

It can be said that our republic, the 'Union of Myanmar', emerged from Panglong promises and agreements. The following are historical facts that remain relevant today.⁵

1. Historical Background

a. **Anti-colonial Resistance**

As Mandalay fell after the third Anglo-Burmese war in November 1885, most of the Burmese territories also fell under the British. The British troops that marched northward along the Irrawaddy arrived at Bhamo on December 28, 1885. The Bhamo governor welcomed them.

However, once the British entered the Kachin territories north of Bhamo, they were met with fierce resistance. Six British forts, built with enormous rocks, which still stand in the Kachin state today attest to the Kachin resistance of the British. In Putao, Fort Hertz was named after British Captain Hertz who was killed by the Kachin. In Sadone, there is Fort Harrison, named after the fallen Captain Harrison. Fort Sima was renamed Fort Morton after Captain Morton who lost his life during a fight with the Kachin resistance warriors. On the eastern bank of the Irrawaddy, there are Fort Na Phaw, Fort Alaw Bum, and Fort Ura Bum. As a result of the Kachin resistance, the British only gained partial control of the Kachin hills.

b. **Anti-fascist Resistance**

During the Second World War, the British were ousted by the imperial Japanese army, which had been brought into the country by the Burma Independence Army (BIA) led by Aung San. As the Kachin resisted the Japanese occupation of their territories, they became a natural ally of the British and the Allied Forces. The British Kachin Levies and the American Kachin Rangers were the result of the collaboration between the Kachin and the Allied Forces which fought against the Japanese. Myitkyina was taken back from the Japanese on 3 August 1944. The Manaw festival held in Nang Kwe Village near Myitkyina marked the Kachin victory over the Japanese. A total of 238 Kachin warriors from Kachin Rangers lost their lives during the Japanese resistance. Similar casualties occurred to the Kachin Levies. On 15 March 1945, Lasho in Northern Shan State was taken back from the Japanese. In the South, the Kachin Rangers and Kachin Levies penetrated into Panglong, Lawksawk and Lwelin areas in hot pursuit of the Japanese.

c. **The British Reoccupation of Burma**

Following the Japanese surrender, the British reoccupied Burma under the terms of the Simla White Paper, according to which the Ministerial Burma and the Frontier Areas were administered separately. After the War, it was clear that Burma's independence was inevitable. Aung San and Burmese nationalists pressed for independence from the British as soon as possible. The Kachin leaders, inspired by Aung San, came together and discussed possible means for Kachin independence.

2. Panglong and the Role of the Kachin People

Padan Manaw festivities marked the victory over the Japanese at Sein Lon in Bhamo District over the course of three days from 24 to 26 March 1945. Similar events were organized by the Kachin resistance leaders in Kut Khaing in Shan State. The Manaw party held in Myitkyina from 14 to 16 January 1946 became a mass conference of at least 5000 people who were represented by 14 Kachin leaders from Northern Shan and Kachin territories.

⁵ Translator's Note: The original document is not footnoted. All the footnotes hereafter are the translator's.

The Kachin leaders put forward their demand for an independent 'Kachin State' to the British Governor Sir Dorman Smith who attended the conference.

After the War, nationalist leader Aung San began to negotiate Burma's independence with the newly sworn-in British Prime Minister Sir Clement Atlee of the Labour Party. Kachin leaders were keen to press for their own independence since they knew that the new British Labour government was inclined to concede to nationalist demands. On 28 November 1946, Aung San arrived in Myitkyina and was warmly welcomed by the Kachin people. The Kachin leaders were encouraged by Aung San, who said:

- (1) I am working hard for Burma's independence. Rest-assured that Burma will be independent sooner or later.
- (2) The British thought you, the Kachin people, were underdeveloped and you were put under a special administration for over 60 years. Has anything developed in those years?
- (3) The Kachin people have to keep up with the Burmese. Don't continue to be ruled by the British.
- (4) You will have your own autonomy.
- (5) You will have freedom of religion.
- (6) You will have your own defence forces.

At the grand dinner reception at Man Khein Village near Myitkyina on 30 November, the Kachin elders told Aung San that they regarded him as an elder brother, and trusted him as a guiding star. On the same occasion, Aung San was made an honorary Kachin as he was presented with Kachin items such as a sword, a sling bag and a head towel, which can be seen today at Aung San Museum at Tower Lane Road in Yangon. Since the Kachin leaders trusted Aung San, they gave up their agenda to press for their own independence and decided to join the whole of Burma's quest for freedom. They began to talk about an autonomous Kachin state within a Union of Burma.

On 2 and 3 December 1946, a day after Kachin leaders' meeting with Aung San, the Director of Frontier Areas Administration H.N.C Stevenson arrived in Myitkyina. Stevenson said:

"The Kachin people would be better off only when they had a separate Kachin state. As such the British planned to keep the Kachin under the Frontier Administration. The Burmese, however, seemed certain that the Kachin people would not like to be separated from them. Therefore the Kachin should express their wish to the special representative of the British parliament who came with me. The Kachin were underdeveloped and should remain under the Frontier Administration. The British government has a five-year development plan for the Kachin people so they can keep up with the Burman."

Stevenson warned that the Kachin would be assimilated by the majority Burman if they chose to be in the union. The Kachin leaders were not convinced.

Aung San and 30 Kachin representatives led by Sima Duwa Sinwanaung participated in several subsequent meetings on the Frontier question. Aung San's efforts for independence for all led to the signing of what would be known as 'Aung San-Atlee Agreement' with British Prime Minister Atlee in London in January 1947. Paragraph 6 of the 'Aung San-Atlee Agreement' stipulates: 'It is the agreed objective of His Majesty's government and the delegates to achieve the earliest reunification of the Frontier Areas and the Ministerial Burma with the free consent of the inhabitants of those areas.'⁶ The Agreement also stipulates that a 'Committee of Enquiry' should hear the desire of the peoples of the Frontier Areas. Upon his return from London, Aung San called a conference

⁶ 'Frontier Areas' is Paragraph 8 in 'Aung San-Atlee Agreement.' See <http://www.scribd.com/doc/31907187/Aung-San-Atlee-Agreement>. There is a reference to Panglong in the original Aung San-Atlee Agreement, because the very first multiethnic gathering on the Frontier issue was held at Panglong in March 1946. Aung San's AFPFL first sought to work with a more progressive Kachin Youth League (KYL) before turning to the Kachin traditional leaders, the Duwas, for the 1947 Panglong Conference since the Duwas could 'quickly' provide the legitimacy the AFPFL needed. See Walton (2008), The Myths of Panglong ('Asian Survey', Vol. 48, Issue 6, pp. 889–910)

in Panglong on 2 February 1947 to urgently discuss the Frontier issue with all major ethnic groups. As a result, the governor of Myitkyina advised Duwa Zaw Rit to prepare for a Kachin delegation to Panglong. An eight-man delegation elected on 29 January 1947 brought the following conditions to Panglong:

- (1) The Kachin shall join the Burman in the quest for independence.
- (2) The issue of the Kachin State as desired by the Kachin people shall be sorted out after the independence.
- (3) The Myitkyina and Bhamo districts shall belong to the Kachin State.
- (4) The Kachin border demarcation shall be decided bilaterally by the Kachin and the Burman.
- (5) A Kachin delegate shall represent the Kachin people in the Interim Burmese Government, to be set up before Burma's independence.
 - (a) The delegate is responsible for Kachin administration matters in the future Kachin State
 - (b) The delegate has the right to take part in the Burmese government's meetings with foreign countries.
 - (c) Another Kachin delegate shall be appointed as an advisor to the Burmese government's Defence Minister.
- (6) The Constitution of Burma shall be drafted multilaterally by the Shan, the Kachin and the Burman together.
- (7) After Burma's independence, the Government of the Union Burma shall be established on a multilateral basis.
- (8) The Government of the Union of Burma shall provide financial support to the Kachin State.
- (9) The above conditions shall be accepted and adopted by all delegates from other Frontier Areas.

When the Kachin delegation arrived in Panglong, the Shan sawbwas informed them that they were not prepared to join the Burman's independence. The Shans would rather remain in the Frontier Areas under the British. On the first day of Panglong Conference on 5 February 1947, the Kachin leader Sima Duwa Sinwa Nawng insisted upon the three points that were important to the Kachin — independence together with the Burmans, Shan and Kachin autonomy after independence, and that Shan and Kachin States belong to an independent Union of Burma. The Shan, however, were undecided and the meeting was adjourned. The following day, the Shan sawbwas, the Shan nationalist youth and the Kachin delegates agreed that they would join the Burmans in independence and set up a union together afterwards.⁷ The following points were agreed:

- (1) Independence together with the Burman;
- (2) In the interim government there shall be a Shan delegate and a Kachin delegate;
- (3) The Shan endorse the Kachin's call for a Kachin State;
- (4) The Shan and the Kachin shall not be part of whatever has been agreed upon between the Burman and the British government;
- (5) Right to secession after independence shall be granted to the Shan and Kachin.

On 6 February 1947, the Chin delegates arrived in Panglong. The tripartite meeting of Shan, Kachin and Chin on the following day agreed the following points:

⁷ 'Nyinyutyay Ayaydawbon (first published in 1975)' by Shan journalist San Aung, from Taung Gyi, who witnessed the conference remains one of the rare first-hand accounts of Panglong proceedings. The day-to-day proceedings described in this document matches San Aung's account.

- (1) By cooperating with the Burman, the Shan, Kachin and Chin independence would be realized sooner.
- (2) The Shan, Kachin and Chin desire equal rights and privileges as the Burman in accordance with democratic principles.
- (3) The Shan, Kachin and Chin shall be responsible for their own internal state affairs. On common issues, such as defence, foreign affairs, transportation, they will cooperate with the Union.

The above decisions were telegraphed to the Burma Broadcasting Service to be made public by the day's meeting chair Sawbwagyi U Saw Khun Pan Sein of the Southern Shan regions.

Aung San, U Tin Htut, Sir Maung Gyi, U Aung Zan Wei, Bo Khin Maung Lay, Bo Thein Swe, U Pe Khin, Thakin Wa Tin arrived at Panglong on the evening of 8 February 1947. During three days of candid discussions, Aung San explained:

“The first issue is about the unity of all ethnic peoples of Burma and the second is about the discussion we had in London. We can say that Ministerial Burma already gained independence. What's left is the Frontier Areas. I do not want the Frontier Areas to be under the British administration. The Burman prefers that the Frontier Areas are governed by the inhabitants there. We want the ethnic peoples to gain independence the same time as the Burman. We are speaking for the frontier regions not because we want to rule those regions, but because we want the frontier peoples to have the same rights as the Burman. We do not want the hill peoples to be enslaved by the British. Neither do we want the hill peoples to be enslaved by the Burman. In our governing Council, one delegate representing each Frontier area will be responsible for his own region. The hill peoples do not have to fear other people, black or white. They have to demand the same rights as the Burman. If you call for your independence, it will be a reality tomorrow. It does not benefit us, the Burman, the Karen, the Shan, the Kachin, and the Chin, to be disunited. We have to cooperate and only through cooperation will we reap the rewards of our unity.”

As to secession rights, Aung San stressed: “It is not appropriate to talk about divorce even before marriage. This is a matter of utmost importance for the future of Burma, and this should be discussed at the parliament. The Kachin should govern their own Kachin state. The Burman will have no say in their affairs. The ethnic peoples should be entitled to their right to their cultures and way of life and they should be fairly represented at legislative level.” At the end the ethnic people's trust of Aung San won the day. On 12 February 1947, the historic Panglong Agreement was signed by the Shan, the Kachin and the Chin. There are nine clauses in Panglong Pact, of which the more significant points are:

- (V) Though the Governor's Executive Council will be augmented as agreed above, it will not operate in respect of the Frontier Areas in any manner which would deprive any portion of these Areas of the autonomy which it now enjoys in internal administration. Full autonomy in internal administration for the Frontier Areas is accepted in principle.
- (VI) Though the question of demarcating and establishing a separate Kachin State within a Unified Burma is one which must be relegated for decision by the Constituent Assembly, it is agreed that such a State is desirable. As a first step towards this end, the Counsellor for Frontier Areas and the Deputy Counsellors shall be consulted in the administration of such areas in the Myitkyina and the Bhamo District as are Part 2 Scheduled Areas under the Government of Burma Act of 1935.
- (VII) Citizens of the Frontier Areas shall enjoy rights and privileges which are regarded as fundamental in democratic countries.

It should be noted that a dispute arose when Shan leaders U Bo Htee and U Bo Yin, who were from Myitkyina and Bhamo areas, complained that they did not want to live in Myitkyina and Bhamo if the districts were designated as Kachin's jurisdiction. U Nu said that independence was the first priority and assured the Shan leaders they could decide where to live after the independence. On the other hand U Nu, in promising Myitkyina and Bhamo to the Kachin people, managed to secure an agreement from Kachin leaders that the Kachin state would not secede from the Union.⁸ The fact that, in the 1947 constitution, the right to secession was not granted to the Kachin people is proof that the Kachin people had 'union spirit' even before the Union of Burma was born.

3. The Kachin People and their Loyalty to the Union

The Kachin love their land and their Union. They had sacrificed countless lives in protecting their territories from the British and the Japanese invaders. The Kachin have kept this tradition in the post-independence Burma.

As the 'multi-coloured' insurgencies broke out soon after Burma's independence, the Kachin units again defended the Union. On 23 November 1948, the General Secretary of Karen National Union (KNU) Thra Tha Hto and Member of Parliament Saw Maung Dauk met with U Balan Ga Rawng, the Parliamentary Secretary of Duwa Sinwa Nawng, the President of Kachin State. The following day, U Balan Ga Rawng was invited to the Karen Social Club, where he met with the chairperson of the Karen National Defence Organization (KNDO), Man Ba Zan, and Karen leaders Thra Tha Hto and Saw Han Tar Thar Hmway. At the meeting the KNDO leaders disclosed their plan to seize the state power.⁹ They wanted the Kachin people to join them.

The Prime Minister U Nu (having been informed of the Karen plan) ordered General Ne Win and Major Aung Gyi to battle and to prepare their troops no later than January 1949.¹⁰ Duwa Sinwa Nwang, as he was named Defence Minister, deployed several Kachin units against Karen insurrection.

When the Chinese nationalist Kuomintang troops spilled over inside Burma in 1949, the Kachin units in Kachin and Shan States repelled the invaders until they fled into neighbouring Thailand. In the same year, the pro-KNDO Kachin leader Naw Seng and his troops attempted to occupy some territories in Kachin state. As he was not welcomed by the Kachin leaders from Northern Shan State and Kachin State, Naw Seng and his 347-strong battalion had to take shelter in Chinese territory.

The Kachin also resisted communist insurgency in the union spirit. In 1967, soon after Sino-Burman communal riots shocked Burma, the leaders of the Kachin Independence Organization (KIO) were invited to Beijing by Chinese Premier Zhou Enlai and the Commander of the People's Liberation Army Lunin E.¹¹ The Chinese authorities arranged meetings between some of the KIO leaders and the Burmese communists Thakin Ba Thein Tin, Thakin Pe Tint, Khin Maung Gyi, as well as with the renegade Kachin leader Naw Seng in Beijing. The Chinese were trying to buy ubiquitous Kachin support in the communists' attempt to take over Burma. They were persuasive. Several rounds of talks went on day and night for months. 'There is jade in Kachin State. There is bamboo there too. We want neither jade nor bamboo. We want the best for the Burmese people.' insisted Lunin E. The KIO leaders did not sell out to the communists. If the Kachin had supported the Burmese and Chinese communists, the course of Burmese history would have been different.

While the Kachin leaders were still in Beijing, on 1 January 1968 the Burmese communists and Naw Seng's troops attacked and occupied Mong Koe and Faung Sai Kachin villages in Northern Shan State. Since then, the KIO had been waging war against the communists' and Naw Seng's armies. The communists were supplied with whatever they needed by their Chinese comrades. Yet they were not able to cross the Kachin borders due to Kachin

⁸ The date of the event is missing in the document.

⁹ The KNDO insurrection had already been going on in full swing by that time. Apparently the KNDO leaders had told the Kachin leaders their plan to seize Insein, which happened in January 1949.

¹⁰ U Nu, in his memoirs, *the Saturday's Son*, states that, as the Karen insurrection broke out, the army chief of staff Major-General Smith Dun, a Karen, found his position untenable and took leave preparatory to retirement. He was therefore replaced by Major-General Ne Win.

¹¹ The English spelling of the name is transliterated from Burmese. The translator has used the standard English spelling for most other names, such as Sima Duwa Sinwa Nwang or Zhou Enlai.

resistance. Their master plan to take over Burma in three years faltered. The communists ended up in China and, in 1989, the Communist Party of Burma itself ended up in the trash bin of history. This is another proof that the Kachin people played a vital role in defending the Union of Burma.

4. Historical Records on Panglong Promises and Panglong Agreement

To recapitulate, the Shan, Kachin and Chin leaders who gathered at Panglong from 6 to 12 February 1947 reached a consensus for the future Union of Burma on 12 February 1947. The Panglong mass conference became the foundation of the unity of Burman and the hill peoples, upon which was built the Union of Burma. The Kachin ethnic group has played a vital role in all this. In Panglong, the Kachin leaders themselves initiated negotiations with the Shan and the Chin peoples over the five basic conditions for the ethnic peoples they had earlier agreed with Aung San. That helped Aung San's dream for a united Burma.

Burma had been separated into Ministerial Burma, the areas formerly under the jurisdiction of the Burmese king, and the Frontier Areas since the fall of Mandalay.¹² Since then Frontier Areas, the Kachin, Shan and Chin hills, had always been separately administered by the British. The problem thus came to a head at the threshold of Burma's independence, as to whether the ethnic groups would join the independence of the rest of Burma. At that point Aung San, who was determined to work for the independence of the whole Burma, desperately needed ethnic support. Had not been for ethnic unity, Burma would have ended up as three or four separate states. The key issues then were three-fold:

- The hill regions should be part of the union;
- The hill peoples should have the right to self-determination and to their own cultures;
- The Union of Burma should be a democratic country that respects human rights.

Even though Aung San belonged to the 'consultation committee' appointed by the British Governor after the War, he was not concerned with the right to self-determination of the hill peoples since the hill areas were under a separate jurisdiction. Yet Aung San sought to unite the hill peoples, at a time when the British were promising the Kachin people, their allies during the War, better opportunities. The fact that Aung San won the hearts and minds of the Kachin people in the run-up to Panglong Conference is key to the establishment of the Union of Burma.

The Kachin liked Aung San's honesty and straightforwardness. The Kachin liked Aung San's promises about their right to self-determination. It would be difficult to imagine the participation of the Shan and the Chin in the Union of Burma if the Kachin rejected Aung San's proposals. The Panglong consensus essentially means:

- Equality, and fraternity and mutual respect for one another's tradition and culture by all the ethnic nationalities in Burma;
- A Union built on the basis of mutual trust and respect of the ethnic peoples;
- Peaceful coexistence, and abiding to the promises and accords as agreed;
- Every citizen has the right to political participation in a just and democratic Burma.

5. The Kachin Loses Confidence in the Government which does not Keep Panglong Promises

The post-independence AFPFL government failed to grant equal rights, rights that had been promised by Aung San at Panglong to the ethnic groups. In the 'Chamber of Nationalities' there were only 12 Kachin representatives and the Chamber was always influenced by the Burman majority. The Kachin did not have a say in their own affairs. The fact that U Nu unaccountably and unilaterally gave away three Kachin villages (Phimaw, Gawlan and Kampham¹³) on China-Burma border area to the Chinese in settling a border dispute, and, around the same time, made Buddhism the state religion of Burma added insult to injury. When the president of Kachin State, Minister

¹² The original separation was between 'Burma Proper' and 'Frontier Areas.'

¹³ Kachin village names are transliterated from Burmese.

Sang Htasing¹⁴ demanded a Kachin referendum for the border dispute, U Nu reacted like a dictator—the Kachin leaders were outraged when U Nu pounded his desk with his fists and called them 'Hopeless leaders!'

To solve the problem, U Law Yone, the publisher of the Nation newspaper, arranged a meeting between U Nu and Kachin student leaders; U Nu called him 'You idiot.' The pre-independence promises by the AFPFL on democracy, equality, rights of the hill peoples vanished in the thin air under U Nu's Premiership. The Kachin youth never forgot such treatment.

The Kachin youth decided to fight for their own independence when they realized that Aung San's Panglong promises were not kept in an independent Burma. Even though the KIO resorted to an armed struggle, the organization has always been open to negotiation with the government. The KIO met with the Revolutionary Council in 1963, with the Burma Socialist Programme Party in 1972 and 1980, and with the State Peace and Order Restoration Council, the current military government, in 1994. Since the KIO agreed in principle to the three main national causes (non-disintegration of the union, non-disintegration of national solidarity, and perpetuation of national sovereignty) by the military government, the organization entered a ceasefire deal with the government on 24 February 1994.

After the ceasefire, the KIO sent five delegates to the National Convention in 2004 to press for a new constitution based on Panglong principles. The KIO realized that the current political deadlock in Burma stemmed from two major issues: the lack of equality and rights for the ethnic peoples as a result of the lack of a genuine federal form of government, and the lack of democratic governance. The following five principles were submitted by the Kachin delegation to the National Convention in order to solve the two issues:

1. The Union should be established on the basis of the 'Ethnic Nationality States', where ethnic nationalities live.
2. The 'Ethnic Nationality States' belonging to the Union should have the right to determine their own laws, regulations and administration in the framework of the three 'main national causes.'
3. a) The governance of the 'Union' should be based on the desire of the ethnic nationalities, or the indigenous peoples. The ethnic nationalities or the indigenous peoples should play a leading role in such governance.
b) The governance of the 'Ethnic Nationality States' should be based on the desire of the ethnic nationalities, or the indigenous peoples. The ethnic nationalities or the indigenous peoples should play a leading role in such governance.
4. All ethnic nationalities should be part of the governance of both the Union and their respective Ethnic Nationality States.
5. There should be a genuine multi-party democratic system in the 'Union.'

The above principles form the basis of the proposal submitted by the delegates representing the alliance of thirteen ceasefire groups to the National Convention. A similar proposal was submitted by the KIO delegation from Kachin Special Region 2 on 7 June 2004. Another proposal, dated 22 June 2007, from the Kachin Special Region 2 Headquarters was sent directly to Senior General Than Shwe. We were saddened to learn that our proposals had been disregarded in drafting the new constitution of Myanmar.

6. The Desires of the Kachin People: the Union of Myanmar should be Established on the Basis of Panglong Promises and Agreement

As we achieved independence in Panglong spirit, all ethnic nationalities should perpetually belong to a genuine Union of Myanmar.

- As promised by Aung San, Kachin state should be governed by the Kachin peoples and the Kachin peoples themselves should play a leading role in the affairs of the Kachin State.

¹⁴ Kachin name transliterated from Burmese.

- The Kachin sub-State, in Northern Shan State, should be administered by the Kachin leaders from that territory.
- The delegates representing the Kachin peoples, the Kachin Members of Parliament as well as the President of the Kachin state should be elected by the Kachin peoples.
- In order to achieve a new constitution that reflects the Panglong spirit, the Kachin delegates have expressed the aforementioned proposals to the National Convention. The proposals were reiterated in the letter by the KIO delegation from Kachin Special Region 2 on June 7, 2004 as well as in the letter dated June 22, 2007, from the Kachin Special Region 2 Headquarters, submitted directly to Senior General Than Shwe.

7. **Conclusion**

This document tells how the Kachin peoples have fought against foreign invasions and repelled other dangers to the Union in the spirit of fraternity and mutual dependence with other ethnic nationalities. This document also tells how the Union of Burma/Myanmar came into existence through the concerted efforts of the ethnic nationalities at Panglong.

We can take several lessons from history. We are writing this in our efforts—to end institutionalized armed conflicts, to strengthen the trust amongst ethnic nationalities, to be able to live in justice through thick and thin, to be able to live in perpetual solidarity, to achieve long-lasting peace, to establish a democratic society, and to work together for the emergence of a modern and developed Union of Myanmar. In the interest of all ethnic nationalities of Myanmar, we request that we clean the slate of our past animosities and come together to negotiation table to find solutions to impending problems.

Long Live the Union!

References:¹⁵

1. The Myanmar Encyclopaedia (Volume 6) Sa-pay Biman
2. The Affairs of the Ethnic Nationalities and the 1947 Constitution (publisher and date of publication not mentioned)
3. *The Historic Accord* by Yebaw Hla Myo (no publication date mentioned)
4. *History of Tatmadaw (18-24-1945)* (The Defence Services Museum and Archive)
5. *Burma Gazetteer*, Myitkyina District (no publication date mentioned)
6. The minutes of the fifth debate between Kachin leaders and the British representatives (the debates began on 2 December 1946)
7. *The Kachin State and I*, memoirs by Duwa Zaw Rit who witnessed Panglong proceedings (publication date not mentioned)
8. *The Antithesis to Democracy* by Duwa Zan Thasang (publication date not mentioned)
9. *The minutes of the 60th meeting of the National Reconciliation Council of the Union of Burma* (26 March 1969)
10. *The Kachin Affairs, and the Advices on the Kachin Affairs* by Duwa Zaw Lun (1 April 1969)

Translated by Ko Ko Thett (30 May 2010)

¹⁵ Most of the references are books in Burmese language. The titles of the Burmese books are translated into English.