



# Identity Crisis: Ethnicity and Conflict in Myanmar

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## Table of Contents

Executive Summary.....	i
I. Introduction .....	1
II. A Legacy of Division .....	4
A. Who Lives in Myanmar?.....	4
B. Those Who Belong and Those Who Don't.....	5
C. Contemporary Ramifications.....	7
III. Liberalisation and Ethno-nationalism .....	9
IV. The Militarisation of Ethnicity.....	13
A. The Rise and Fall of the Kaungkha Militia .....	14
B. The Shanni: A New Ethnic Armed Group .....	18
C. An Uncertain Fate for Upland People in Rakhine State.....	23
V. Policy Options.....	28
VI. Conclusion.....	32
APPENDICES	
A. Map of Myanmar .....	33
B. Location of Main Ethnic Armed Groups in Myanmar (2016) .....	34
C. "Racial Map" of Myanmar from the 1931 Census .....	36
D. Main Spoken Languages of Myanmar .....	37
E. Locations Mentioned in the Case Studies .....	38
F. About the International Crisis Group .....	39
G. Crisis Group Reports and Briefings on Asia since 2017.....	40
H. Crisis Group Board of Trustees .....	42

# Principal Findings

**What's new?** Ethnicity has become central to citizenship, basic rights, politics and armed conflict in Myanmar. Efforts to categorise and enumerate the peoples of this hugely diverse country have been attempted from British colonial times to the latest 2014 census. These efforts have created an unworkably convoluted and ultimately meaningless classification system.

**Why does it matter?** The results of putting ethnicity at the centre of public life are toxic. Inter-ethnic relations have become dominated by zero-sum thinking that hardens ethnic divides and drives the proliferation of armed groups, with deadly consequences. In many ways, violent conflict in Myanmar can be seen as the militarisation of ethnicity.

**What should be done?** Charting a more inclusive future for the country will require a national debate including some difficult reflection. Communities should be free to celebrate their ethnic heritage and cultural identity. Citizenship and rights should be delinked from ethnicity, however, and politics and the peace process should not cement ethnic division.

## *Executive Summary*

Ethnicity and conflict are inextricably linked in Myanmar, creating a vicious cycle of violence that continues to escalate. The state's inability to address ethnic minority grievances or provide adequate security to communities has created a literal arms race among minority groups. As a result, the country now has scores of powerful non-state armed groups around most of its periphery. Underlying these conflicts are outdated, deeply engrained essentialist notions of ethnicity that have come to further dominate Myanmar's political, economic and social spheres due to the country's liberalisation starting in 2011. To begin breaking the cycle of ethnic conflict, Myanmar should launch a reform process addressing citizenship, the country's administrative structure and the peace process with the aim of making ethnicity less central to the political and legal domains. Myanmar's leaders can begin with more manageable changes, such as the language and narratives they use when discussing ethnicity and conflict.

Since independence in 1948, Myanmar has struggled to forge a national identity that is reflective of its ethnic diversity and to deliver on the aspirations of the many peoples within its borders. Building on the legacy of the colonial period, national leaders have perpetuated dangerous notions of ethnic identity that divide rather than unify its "national races". These notions also exclude those deemed to be insufficiently "indigenous" from full participation in politics and state institutions and from full protection under the constitutional bill of rights. Despite paying lip service to equality, the state has privileged the majority Burmans, creating deep grievances that have pushed many minorities to question the fundamental compact between them and the state.

The new political system introduced through the 2008 constitution, which came into force in 2011, has some features that acknowledge Myanmar's ethnic diversity, such as ethnic affairs ministers and self-administered areas. But against a backdrop of longstanding essentialist ideas about ethnic identity, and due to the fact that larger minorities are accorded greater rights than smaller ones, the system has reinforced a competitive, zero-sum dynamic among minority groups. Ethnic minority grievances toward the state have perpetuated some of the world's longest-running armed conflicts. Mistrustful of the Burman elite who control most levers of power, scores of minority groups have taken up arms since independence. Myanmar's moves toward greater political liberalisation since 2011 have done little to address minority grievances or build a more inclusive national identity.

As militarisation and insecurity proliferate in minority areas, the state's failure to protect minority communities has driven tens of thousands of people to take up arms – both for and against the state, and both allied with or acting against armed groups representing rival ethnicities. As a result, ethnically diverse areas of the country such as northern Shan State today have a patchwork of ethnicity-based armed groups, each fighting both for their communal rights and to protect their own economic rents. Ethno-nationalism is at the core of all these groups, a characteristic that often sets them against their neighbours.

Myanmar's liberalisation after five decades of military dictatorship presented an opportunity to craft a more inclusive national identity and move the country away from its toxic legacy of ethnicity-based conflict. In the absence of an alternative

vision from Myanmar's leaders, however, longstanding notions of ethnicity as the key determinant of identity have actually grown stronger in this new era, becoming ever more central to politics, the economy, armed conflict and questions of citizenship and human rights.

The eruption of vicious fighting between the military and the Arakan Army in Myanmar's western Rakhine State since 2018 underlines the dangers of ethnicity's growing social and political salience. The strength of the Arakan Army, which has inflicted severe damage on the military, is built on its ability to harness the Rakhine people's ethno-nationalism and capitalise on their legitimate grievances over the failures of electoral democracy and against state institutions they perceive as representing only the majority Burmans. Non-Rakhine minorities in Rakhine State have found themselves caught between two warring groups, neither of which they can rely on for protection. The insecurity that such conflicts generate only encourages the creation of ever more armed groups, a phenomenon that has recurred over and over in Myanmar's modern history.

Although it will not be easy, the opportunity exists for Myanmar's leaders to re-frame how ethnicity is understood. The aim should not be to suppress social and cultural expressions of identity, but rather to remove ethnicity as a central determinant of citizenship and other rights and legal protections, and to reduce its dominant role in party politics. This process will require extensive national reflection and debate. As a first step, and a marker of intent, government officials can begin to change the language and narratives they use to discuss ethnicity and ethnic relations, which often echo those employed by assimilatory and oppressive past regimes, and ring hollow in light of ethnic minorities' lived experiences.

Legal and policy reforms will likely be needed in three key areas: citizenship, the country's administrative structure and the peace process. Citizenship should be delinked from ethnicity by amending the 1982 Citizenship Law as well as removing ethnic and religious identifiers on national identity cards and other government documents. These changes would help reduce the centrality of ethnicity in public life, ensure that all in Myanmar have access to citizenship and basic rights, mitigate discrimination against minorities, and begin creating a more inclusive national identity.

Myanmar's administrative structure needs to change to grant meaningful autonomy to subnational units that are not based around ethnicity, rather than privileging those ethnic groups with larger or more geographically concentrated populations. This step would help reduce the zero-sum dynamic among minority groups. Likewise, at present, the peace process gives more negotiating power to around twenty ethnic groups represented by an armed organisation, driving those without an ethnic army to build one. To remove this incentive and create a more diverse and inclusive process, the political negotiations over the future shape of the state should be resolved through a broader mechanism than the peace process, not one dominated by ethnic armed groups.

Such changes will be deeply controversial. But if Myanmar is to resolve its decades-old armed conflicts, which are all now structured along ethnic lines, its national leaders will need to take bold, visionary steps to shake off the divisive legacies of the past and shape a new and inclusive vision for the country.

**Yangon/Brussels, 28 August 2020**

# Identity Crisis: Ethnicity and Conflict in Myanmar

## I. Introduction

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Myanmar is home to some of the longest-running armed conflicts in the world, some dating back more than 70 years and others much more recent in origin.<sup>1</sup> Following independence from the British in 1948, many of the conflicts were ideological in nature – with a number of political factions taking up arms on behalf of different socialist and communist visions for the country’s future. But there was always a racial or ethnic dimension, which became dominant over time as the Cold War’s ideological divides faded, and as a result of minority groups’ grievances over lack of autonomy and perceptions that the state was not honouring promises of equality and autonomy for ethnic minorities and tolerance for religions other than Buddhism.<sup>2</sup>

Today, there are scores of powerful armed entities in Myanmar’s periphery that identify themselves primarily by their ethnicity rather than their political or ideological goals (see Appendix B for a map showing the complex and overlapping presence of ethnic armed groups in the country). These include:

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<sup>1</sup> For Crisis Group reporting on Myanmar since the 2015 elections, see Asia Reports N°s 308, *Rebooting Myanmar’s Stalled Peace Process*, 19 June 2020; 307, *An Avoidable War: Politics and Armed Conflict in Myanmar’s Rakhine State*, 9 June 2020; 305, *Commerce and Conflict: Navigating Myanmar’s China Relationship*, 30 March 2020; 303, *A Sustainable Policy for Rohingya Refugees in Bangladesh*, 27 December 2019; 299, *Fire and Ice: Conflict and Drugs in Myanmar’s Shan State*, 8 January 2019; 296, *The Long Haul Ahead for Myanmar’s Rohingya Refugee Crisis*, 16 May 2018; 292, *Myanmar’s Rohingya Crisis Enters a Dangerous New Phase*, 7 December 2017; 290, *Buddhism and State Power in Myanmar*, 5 September 2017; 287, *Building Critical Mass for Peace in Myanmar*, 29 June 2017; 283, *Myanmar: A New Muslim Insurgency in Rakhine State*, 15 December 2016; and 282, *Myanmar’s New Government: Finding Its Feet?*, 29 July 2016; Asia Briefings N°s 161, *Conflict, Health Cooperation and COVID-19 in Myanmar*, 19 May 2020; 158, *Myanmar: A Violent Push to Shake Up Ceasefire Negotiations*, 24 September 2019; 157, *Peace and Electoral Democracy in Myanmar*, 6 August 2019; 155, *Building a Better Future for Rohingya Refugees in Bangladesh*, 25 April 2019; 154, *A New Dimension of Violence in Myanmar’s Rakhine State*, 24 January 2019; 153, *Bangladesh-Myanmar: The Danger of Forced Rohingya Repatriation*, 12 November 2018; 151, *Myanmar’s Stalled Transition*, 28 August 2018; 149, *Myanmar’s Peace Process: Getting to a Political Dialogue*, 19 October 2016; and 147, *The Myanmar Elections: Results and Implications*, 9 December 2015; and Richard Horsey, “Myanmar at the International Court of Justice”, Crisis Group Commentary, 10 December 2019.

<sup>2</sup> Ethnic communities in Myanmar, especially the larger groups, prefer not to be described in English as “ethnic minorities”, instead favouring the term “ethnic nationalities”. They are in the majority in the areas where they live, many of which were historically separate political entities that joined the modern state at independence, and then only conditionally. (For discussion, see Sai Wansai, “Bridging Conceptual Differences Vital to End Ethnic Conflict”, Transnational Institute, 4 April 2016.) For ease of exposition, however, this report will generally use the term “ethnic minority” rather than “ethnic nationality”, given that the latter term is likely to be unfamiliar to most readers. No disagreement with or lack of appreciation for the views of these communities is intended.

- ❑ Some twenty “ethnic armed groups” that have political as well as military wings. These generally include their ethnic affiliation in their name (for example, the Karen National Union or the United Wa State Army), and their stated objectives are some form of greater autonomy for their community.<sup>3</sup>
- ❑ Hundreds, possibly thousands, of armed militias that range from small village defence forces to entities with thousands of fighters, more powerful than many of the ethnic armed groups. Nearly all these militias are drawn from a particular ethnic community, although they do not always include an ethnic identifier in their name. Militias are generally formed by, or allied with, the Myanmar military (the Tatmadaw) and are nominally under its command – although the degree of actual Tatmadaw authority over these groups varies.<sup>4</sup> While some receive weapons from the Tatmadaw, most must obtain these themselves, and raise their own funds. Militias generally do not have political objectives, and the more powerful groups are key actors in the illicit economy.
- ❑ Twenty-three Border Guard Forces, made up of ex-insurgents or militias from particular ethnic communities, who have been brought more formally under Tatmadaw control and operate in areas close to Myanmar’s international borders. These groups are nominally under the Tatmadaw’s command and include army officers among their senior ranks, but in practice often act with a high degree of autonomy. Many are also key actors in the illicit economy.<sup>5</sup>

Ethnicity in Myanmar is complex. The state recognises 135 distinct ethnic groups, a number usually cited without qualification but based on dubious lists that amateur colonial linguists and physiognomists compiled almost 100 years ago. These groups tend to be interpreted in Myanmar as well-defined, immutable categories – more racial than ethnic. (Social scientists generally use the term “race” to refer to a set of physical attributes that are taken to be heritable, and “ethnicity” to refer to characteristics of shared culture and language.<sup>6</sup>) Adding confusion, the Burmese words for race/ethnicity do not map easily onto their English counterparts. The words most commonly used are:

- ❑ *lumyo* (လူမျိုး) – literally “type of person”, which could be translated as either ethnicity or race, but usually is used in a way that is closer in meaning to “race” (except that many people from minority faiths will cite their religion as their *lumyo*).<sup>7</sup>

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<sup>3</sup> These groups often refer to themselves as “ethnic armed organisations” to signal that they are political rather than purely military entities.

<sup>4</sup> For a detailed assessment of militias, see John Buchanan, “Militias in Myanmar”, The Asia Foundation, July 2016.

<sup>5</sup> Ibid.

<sup>6</sup> The fact that people understand race to be biologically determined does not necessarily imply that it is; geneticists have generally been unable to identify a coherent biological basis for racial characteristics. See Stephen Cornell and Douglas Hartmann, *Ethnicity and Race: Making Identities in a Changing World*, 2nd edition (Thousand Oaks, 2007).

<sup>7</sup> See also “Ethnicity without Meaning, Data without Context: The 2014 Census, Identity and Citizenship in Burma/Myanmar”, Transnational Institute, February 2014.

- *taingyintha* (တိုင်းရင်းသား) – historically translated as “indigenous race” or “national race”, now often as “ethnic nationality” or “ethnic group”, but as with *lumyo*, conceived in an essentialist way that is closer to the English “race”.<sup>8</sup>

This report examines the historical understanding of ethnicity in Myanmar, how it became central to national identity, citizenship, politics and armed conflict, and the negative consequences of that centrality. The report is based on research conducted in Myanmar between May and July 2020. Given the constraints during this period on travel within Myanmar due to COVID-19, the research was conducted remotely via telephone, using pre-existing networks of contacts in the conflict areas concerned, with important contributions from a local researcher who was able to identify and interview additional key sources.

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<sup>8</sup> The literal translation is “those who form the basis of the state”. See also *ibid.*



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## II. A Legacy of Division

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### A. *Who Lives in Myanmar?*

Present-day Myanmar (also known as Burma) is a mix of peoples with various origins, languages and religious beliefs. The diversity is the result of successive waves of migration from ancient times of Austronesian, Mon-Khmer and Tibeto-Burman peoples, among others, as well as more recent migration during the colonial period (1886-1948) and since independence (in 1948). Rugged mountains and fertile valleys have connected and separated different populations, whose languages and cultures evolved in contact with or in isolation from each other. Diverse communities have merged, intermarried, conquered and been subjugated. Migration, conquest, trade and proselytisation have added religious complexity.<sup>9</sup>

The British colonial administration, which sought to count and label every aspect of its new dominion, attempted to bring order to this variegated ethnic picture. It drew on theories of race (now considered scientific racism) that were in vogue in the late 19th century and superimposed these on vague local conceptions of ethnicity – leading to the categorisation of people into ethnic groups that would come to be regarded as immutable and biologically determined.<sup>10</sup>

These groups were in turn classified as “martial races” and “non-martial races” for the purposes of recruitment into the colonial army, which prioritised the former; the majority Burmans were almost completely excluded from the military.<sup>11</sup> The British also governed the ethnic-minority-dominated uplands separately from “Burma proper”, as semi-self-governing “frontier areas” under their hereditary chiefs; these areas had never come under the full control of Burmese kingdoms in the past. These colonial “divide and rule” approaches meant that at independence, the country already had deep divisions and inter-group tensions.

For colonial administrators tasked with conducting censuses, finding a systematic basis for ethnic categorisation was more difficult. Attempts at a physiognomic approach were found unsatisfactory and language came to be the preferred basis.<sup>12</sup> Thus, the last colonial census in 1931 identified approximately 135 different groups, determined mostly by language (see Appendix C for a colonial “race map” based on the results of this census).<sup>13</sup> This number of 135 language/race groups appears to be the origin of the idea, widely repeated in Myanmar since the 1990s, that the country

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<sup>9</sup> See Thant Myint-U, *The Making of Modern Burma* (Cambridge, 2001); Martin Smith, *Burma: Insurgency and the Politics of Ethnicity*, 2nd edition (London, 1999); G.E. Harvey, *History of Burma From the Earliest Times to 10 March 1824, the Beginning of the English Conquest* (London, 1925).

<sup>10</sup> Thant Myint-U, op. cit.; “Ethnicity without Meaning”, op. cit.; Matthew J. Walton, “The ‘Wages of Burman-ness’: Ethnicity and Burman Privilege in Contemporary Myanmar”, *Journal of Contemporary Asia*, vol. 43, no. 1 (2013).

<sup>11</sup> Major C.M. Enriquez, *Races of Burma* (Delhi, 1924). “Burman” (or “Bamar”) denotes the majority ethnic group in Myanmar, whereas “Burmese” (or “Myanma”) refers to all the country’s people.

<sup>12</sup> Jane M. Ferguson, “Who’s Counting? Ethnicity, Belonging and the National Census in Burma/Myanmar”, *Bijdragen tot de Taal-, Land- en Volkenkunde*, vol. 171, no. 1 (2015); Thant Myint-U, op. cit.

<sup>13</sup> Ferguson, op. cit. The 1931 census conflates language and race throughout its findings, sometimes viewing them as distinct, sometimes as the same thing. The colonial authorities conducted a further census in 1941, but the records, other than a two-page summary, were destroyed in World War II.

has 135 distinct ethnic groups – even though the contemporary list of groups contains numerous entries that do not correspond to those on the original colonial-era list of languages.<sup>14</sup>

This colonial bureaucratic exercise to classify its new subjects was misguided and ultimately futile. As the noted anthropologist Edmund Leach observed of Burma 30 years later, ethnic categories are fluid. He wrote:

[T]he contrasts of culture and language which have led to the conventional classification of “tribes and peoples of Burma” have no intrinsic permanence. Any individual can start as a member of one category and end up in another.<sup>15</sup>

The problem of creating a taxonomy is not just that identities can shift. As the British colonial administrators quickly discovered, there is no objective way to define and count ethnicities. Falling back on language does not help, since linguistic classifications are similarly arbitrary because of blurry distinctions between languages and dialects.<sup>16</sup>

While in some other places views on ethnic identity may be mainly of academic interest, in Myanmar ethnic categories have become central to conflict, politics, citizenship and rights (see Sections II.C, III and IV below).

### B. *Those Who Belong and Those Who Don't*

The colonial period left deep scars in Myanmar society. From 1886 until 1937, the country was ruled as a province of British India in ways that took no account of huge cultural differences with the sub-continent and a separate political identity.<sup>17</sup> The lack of any internal immigration boundary led to large-scale movement of Indian labourers and businessmen to more prosperous Myanmar, and the British administered the province using mostly Indian civil servants rather than training Myanmar officials. Many of the Indians who came were Muslims, but there were also Hindus and adherents of other religions among them. This unchecked migration led to enormous social tensions, with anti-immigrant riots in 1930 and 1938 that left hundreds of Indians dead.<sup>18</sup>

Indians also became targets of the growing Burman nationalist movement.<sup>19</sup> A popular song from the 1930s had lyrics saying Indians were “exploiting our economic

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<sup>14</sup> Ferguson, op. cit.; Nick Cheesman, “How in Myanmar ‘National Races’ Came to Surpass Citizenship and Exclude Rohingya”, *Journal of Contemporary Asia*, vol. 47, no. 3 (2017).

<sup>15</sup> E.R. Leach, “The Frontiers of ‘Burma’”, *Comparative Studies in Society and History*, vol. 3, no. 1 (1960).

<sup>16</sup> The arbitrary distinction between languages and dialects is taken as truistic in academic linguistics (captured in the famous quip by linguist Max Weinreich that “a language is a dialect with an army and navy”), and the same problem arises with distinguishing dialects. See Bernard Comrie, “Introduction”, in *The World's Major Languages*, 3rd edition (New York, 2018).

<sup>17</sup> After 1937, Burma was governed as a separate colony, but it had no ability to control immigration from the sub-continent until 1947, the eve of independence. See Robert Taylor, “Refighting Old Battles, Compounding Misconceptions: The Politics of Ethnicity in Myanmar Today”, *Institute of Southeast Asian Studies*, 2 March 2015.

<sup>18</sup> Robert Taylor, *The State in Myanmar* (London, 2009), p. 198; Thant Myint-U, op. cit.

<sup>19</sup> For more detailed discussion, see Crisis Group Asia Report N°251, *The Dark Side of Transition: Violence Against Muslims in Myanmar*, 1 October 2013.

resources and seizing our women” and warning that “we are in danger of racial extinction” – strikingly similar to the terms in which the present-day nationalist agenda is framed.<sup>20</sup> The independence movement of that period was based on the principle of “Burma for the Burmans” (in the sense of “all the indigenous peoples of Burma”, not just the majority ethnic Burman group) and the slogan “let him who desires peace prepare for war”.<sup>21</sup> One of the movement’s young leaders was Aung San, father of Aung San Suu Kyi, Myanmar’s current de facto leader. He and other prominent nationalists, known as the Thirty Comrades, went on to establish the Burma Independence Army in 1941 with support and training from Imperial Japan; the Army formed the backbone of the post-independence armed forces.

Ahead of independence in 1948, a committee of nationalists led by Aung San drew up a new constitution for the country. One of their key objectives was to resolve the immigration issue by drawing a clear line between those who belonged in post-independence Myanmar and those who did not. For them, gaining independence meant not just removing the British, but also the Indians.<sup>22</sup> Identifying who did not belong conversely required some coherent definition of who did – but enumerating the “indigenous races” was a virtually impossible task, as the British had discovered.

The removal of the perceived outsiders happened in stages. The independence constitution emphasised indigenous races in its definition of citizenship but also allowed that some long-term residents from other parts of the British Empire could be citizens. Many of those residents, however, left during World War II or after independence. Many more were expelled by the military government in the 1960s or, in the case of the Rohingya, more recently.<sup>23</sup>

The 1948 citizenship law specified that, to count as indigenous, a group must have made its permanent home in Myanmar prior to 1823 (the year before the first Anglo-Burmese War started).<sup>24</sup> While the concept of “indigenous races” had become politically central by this point to the national narrative of who belonged, no list of which groups counted as indigenous was provided in law or regulation. State authorities often referred to the major groups that had their own eponymous states, along with unspecified “others”.<sup>25</sup> But did the Rohingya, some of whom had undoubtedly been present in the country prior to 1823, count as an “indigenous race”? What about the Kaman, another Muslim minority in Rakhine State, descended from former palace bodyguards including Afghan archers? When an official list was finally published in the 1990s (see Section II.C below), the Kaman were included, but not the Rohingya.

In 1962, General Ne Win took power in a coup and set about a radical, quasi-socialist transformation of the country and its economy.<sup>26</sup> Given his focus on the unity of the masses as the way to achieve collective benefits, his tenure might have

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<sup>20</sup> Khin Yi, *The Dobama Movement in Burma (1930–1938)* (New York, 1988), p. 96. See also Crisis Group Report, *Buddhism and State Power*, op. cit.

<sup>21</sup> Ibid. See also Kei Nemoto, “The Concepts of *Dobama* (‘Our Burma’) and *Thudo-Bama* (‘Their Burma’) in Burmese Nationalism, 1930–1948”, *Journal of Burma Studies*, vol. 5 (2000).

<sup>22</sup> Taylor, “Refighting Old Battles”, op. cit.

<sup>23</sup> 1947 Constitution, Section 11. See also Crisis Group Report, *The Dark Side of Transition*, op. cit.

<sup>24</sup> 1948 Union Citizenship Act, Section 3(1).

<sup>25</sup> Ibid. In addition to the Burman majority, the seven major groups identified in the law (each now having their own states) are: Chin, Kachin, Kayah, Kayin, Mon, Rakhine and Shan.

<sup>26</sup> See Taylor, *The State in Myanmar*, op. cit.

been a moment when the country moved away from ethnicity being politically central. Instead, the opposite happened. Ne Win seized on the idea of indigenous races to justify his nationalisation of most of the economy (in 1962, the Indian community controlled some 60 per cent of trade and commerce, so the impact of nationalisation on the assets of indigenous communities was comparatively small).<sup>27</sup> To bring cohesiveness to the fractured nation, he also created the (false) idea of a pre-colonial Myanmar nation where all the indigenous races had been united in a common purpose, “through weal and woe” – a narrative that continues to feature prominently in many government leaders’ speeches.<sup>28</sup>

### C. *Contemporary Ramifications*

Today, ethnicity remains at the heart of conceptions of citizenship and its legal basis under the 1982 citizenship law. This law maintains the designation of “indigenous races” from the 1948 law (again without any enumeration), but is more restrictive by introducing three tiers of citizenship affording different entitlements – citizen by birth or descent, associate citizen and naturalised citizen.<sup>29</sup> Only members of ethnic groups present in Myanmar prior to 1823 are eligible for citizenship by birth. While it is legally possible for people who are not members of those groups to obtain full citizenship by descent after three generations in Myanmar, in practice and due to discrimination, many people from such communities – including the Rohingya and those of Indian or Chinese origin – are restricted to the lower tiers of citizenship or denied citizenship altogether.<sup>30</sup> The constitution frames its bill of rights as applying primarily to citizens.<sup>31</sup>

There has never been a transparent process – or seemingly any meaningful process at all – by which the post-independence state decided which groups met the criteria for being indigenous and which did not. After the 1982 law reinforced the primacy of indigeneity, government leaders started speaking of “135 national races”.<sup>32</sup> The first known reference was by a military leader in a 1989 press conference, and the list was published in state media the following year.<sup>33</sup> Government officials have said the list

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<sup>27</sup> Ferguson, *op. cit.*, p. 10.

<sup>28</sup> Crisis Group interview, historian, Yangon, July 2020. See also Ne Win, “Union Day Address to the Nation”, 12 February 1964, cited in Cheesman, *op. cit.*

<sup>29</sup> 1982 Myanmar Citizenship Law.

<sup>30</sup> For more detailed discussion of citizenship legislation and procedures, see Crisis Group Asia Report N°261, *Myanmar: The Politics of Rakhine State*, 22 October 2014, Section III.C.

<sup>31</sup> Thus, while equal rights before the law are unqualified, most rights such as non-discrimination, equal opportunity and freedom of expression are reserved for (full) citizens only. See 2008 Constitution, Sections 21, 34, 38, 347-360, 364-376 and 380-381.

<sup>32</sup> That the government seized upon this number may in part be related to the fact that 1+3+5=9. Many people in Myanmar take numerology seriously, and successive government leaders have believed particular numbers to be auspicious – for Ne Win and some of his successors, it was nine, something he took to extremes when he issued currency notes in denominations of 45 and 90. See David I. Steinberg, “The magic in Myanmar’s numbers”, *Nikkei Asian Review*, 9 March 2017.

<sup>33</sup> “State Law and Order Restoration Council Chairman Commander in Chief of the Defence Services General Saw Maung’s Addresses and Discussions in Interview with Foreign Correspondents”, Yangon, Ministry of Information, 1989, pp. 182-183 (p. 247 in English translation); “Our Union of Myanmar where 135 national races reside”, *Working People’s Daily* (Burmese edition), 26 September 1990.

was drawn up on the basis of old census records and expert advice.<sup>34</sup> But while the list repeats many of the entries from the 1931 census, numerous others are different.<sup>35</sup> The resulting list is an odd mixture of ethnic groups, languages, clans, village names, outright errors (such as the same group appearing twice with different spellings) and exclusions (such as the Panthay and the Rohingya).<sup>36</sup> Yet this amateurish list drawing on dubious 100-year-old colonial sources continues to be the basis for determining citizenship, the franchise and other rights in contemporary Myanmar, with potentially deadly consequences.<sup>37</sup>

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<sup>34</sup> Cheesman, *op. cit.*, p. 468.

<sup>35</sup> Ferguson, *op. cit.*; Cheesman, *op. cit.*

<sup>36</sup> Ferguson, *op. cit.* The Panthay are a Muslim group of Central Asian ancestry who have lived and traded in Yunnan as well as northern Myanmar for several hundred years; their numbers in Myanmar increased when many fled China in the mid-19th century as a result of Manchu oppression. The Shan State militia of the same name recruits from this community. See Thant Myint-U, *The Hidden History of Burma* (New York, 2020), p. 25; Crisis Group Report, *The Dark Side of Transition*, *op. cit.*, p. 14.

<sup>37</sup> A visual sense of the complexity of ethno-linguistic classification in Myanmar is provided by the contemporary language map in Appendix D, which should be seen as a demonstration of the impracticality of any such exercise, rather than as an accurate geographic mapping of ethno-linguistic identities. A high-resolution version of this map is available at the website of the Myanmar Information Management Unit.

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### III. Liberalisation and Ethno-nationalism

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Myanmar's political liberalisation from 2011 brought much greater political and social freedoms. But it has done little to reduce the centrality of ethnicity in politics and society. Rather, in the absence of any serious attempt to reframe the essentialist and exclusionary narrative surrounding race and identity, and in an environment of newfound freedoms and a political system that fails to reflect the country's complex ethnic landscape, as discussed below, liberalisation has led to strengthened ethno-nationalism.<sup>38</sup> This ethno-nationalist sentiment has affected the country's electoral dynamics, its economy and activities such as the 2014 nationwide census. Worryingly, such sentiments appear to be stronger than ever today, and are likely to drive greater tribalism, division and conflict, undermining long-term prospects for peace and the stability of the country.

Ethnicity has been a central feature of electoral politics since the military regime convened the first general elections in a generation in 2010. Although some ethnic leaders boycotted the vote, others seized upon it as an opportunity to redress decades of suppression of ethnic minority political representation and participation. Of the 47 parties that applied for registration, almost two thirds were directly tied to particular ethnic minority communities.<sup>39</sup> This trend has continued, with 54 of the 97 registered parties seeking to represent the interests of a specific ethnicity.<sup>40</sup> Although these ethnic parties struggled to challenge either the military-established Union Solidarity and Development Party in 2010 or Aung San Suu Kyi's National League for Democracy in 2015 (the overwhelming victors in those elections), their relatively poor performance reflects structural features of Myanmar's first-past-the-post electoral system rather than voters' lack of identification with ethnicity.<sup>41</sup>

Several other aspects of the political system have cemented the centrality of ethnicity. The most politically and numerically dominant ethnic groups have their own eponymous states (see Section II.B above) and the constitution grants six other ethnic groups with geographically concentrated populations their own self-administered areas.<sup>42</sup> Myanmar's constitution also provides for a small number of elected seats in state and region parliaments to be reserved for ethnic groups without a self-admin-

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<sup>38</sup> See Thant Myint-U, "A resurgent nationalism is shaping Myanmar politics", *Nikkei Asian Review*, 19 October 2017.

<sup>39</sup> Of these, 27 included an officially recognised ethnic group in their name; another, based in Chin State, referred to itself as the Ethnic National Development Party; and two parties seeking to represent the Rohingya used general names referring to "national development". Not all applications to form ethnic parties were approved. See "2010 Myanmar General Elections: Learning and Sharing for the Future", Centre for Peace and Conflict Studies, April 2011.

<sup>40</sup> Crisis Group analysis. A list of registered political parties is available on the Union Election Commission website (in Burmese).

<sup>41</sup> Of the 498 elected seats in the national legislature, ethnic parties won only 74 in 2010 and just 57 in 2015. Kristian Stokke, "Political Representation by Ethnic Parties? Electoral Performance and Party-Building Processes among Ethnic Parties in Myanmar", *Journal of Current Southeast Asian Affairs*, vol. 38, no. 3 (2019).

<sup>42</sup> There are six self-administered areas in total: for the Danu, Kokang, Palaung, Pao and Wa ethnic groups, all in Shan State; and for the Naga, in Sagaing Region.

istered area that meet minimum population requirements.<sup>43</sup> These legislators also become ex officio ethnic affairs ministers in their state or region government. These positions provided part of the rationale for the 2014 census to attempt a controversial count of ethnic populations, sparking deadly clashes (see below). The states named after ethnic groups, self-administered areas and ethnic minister positions also reinforce a widely held notion in Myanmar that ethnic groups are attached to a specific piece of territory; the reality, however, is one of fluid, overlapping habitation of land.<sup>44</sup>

These aspects of the political system, although not uncommon in other ethnically diverse countries, have a toxic effect in Myanmar because they create a hierarchy of power between different ethnic groups. They reinforce ethnic divisions by sending the message that group size matters; they result in zero-sum competition in which ethnic minorities compete for entitlements; and they create perceived winners and losers in arbitrary and unfair ways.<sup>45</sup> Some groups have conducted informal censuses of their populations in attempts to boost their purported numbers, and made demands for reserved ethnic seats and new or expanded self-administered zones, often pitting themselves against other minority groups.<sup>46</sup>

Myanmar's ethnic groups – including the majority Burmans – have taken advantage of recently acquired greater freedoms to express their identity beyond the ballot box and campaign trail. New laws, policies and technologies have enabled ethnic communities to celebrate their religion, culture and languages in ways that were impossible for decades. Formerly banned ethnic “national days” have returned to the calendar, and minority languages are back in state school classrooms. Minority groups have used these new freedoms to publish newspapers in their own languages, form civil society groups based around ethnic identity, and employ ethnicity as a rallying cry to both protest perceived injustices and push for greater recognition and rights. Widespread mobile internet access and the popularity of platforms such as Facebook have also enabled minorities to communicate in their own languages,

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<sup>43</sup> Representatives elected to these seats also serve as “ethnic affairs ministers” in their respective state/region governments. There are 29 such seats. Under the constitution, a minority group in a state or region needs to have a population equivalent to at least 0.1 per cent of the national population (51,200 at the time of the 2014 national census). When the seats were designated in 2010, several ethnic communities cried foul due to the lack of transparency about what population estimates were used – there are no reliable datasets in the public domain – and this problematic selection of seats was not reviewed ahead of either the 2015 or 2020 polls. See Crisis Group Asia Report N°174, *Myanmar: Towards the Elections*, 20 August 2009, Section V.5.

<sup>44</sup> Crisis Group interview, historian, Yangon, July 2020. See also Mary Callahan, “Distorted, Dangerous Data? ‘Lumyo’ in the 2014 Myanmar Population and Housing Census”, *Sojourn: Journal of Social Issues in Southeast Asia*, vol. 32, no. 2 (2017); Sarah Clarke et al., *Re-Examining Ethnic Identity in Myanmar*, Centre for Peace and Conflict Studies, May 2019, p. 35. Even in cases where ethnic groups have long lived in the same area, they may be separated from their neighbours by elevation rather than linear distance, with one group traditionally engaged in upland farming and another in lowland rice cultivation. This is another reason why mapping ethnicity is impractical.

<sup>45</sup> See, for example, “Karen Ethnic Affairs Minister in Mon State Pushes for Karen Identity in Names”, Karen Information Center, 8 June 2020. For more on the importance of group size, see Clarke et al., *op. cit.*

<sup>46</sup> See, for example, “Naga zone expansion plan sparks protests, petitions”, *Myanmar Times*, 2 February 2015; “Mon push for regional minister in Tanintharyi government”, *Myanmar Times*, 9 February 2015; and “Shan in Karen State ‘have someone to help them’”, *The Irrawaddy*, 8 July 2019.

connect with diasporas and share information – not always reliable – about their culture and history.

Economic reforms since 2011, coupled with political liberalisation, have also turned the economy into a forum for asserting ethnic minority rights. When the military regime dispensed with socialism in 1988, it focused on securing and maintaining economic rents and building networks of patronage. Sometimes this meant co-opting local ethnic leaders by giving them economic concessions, but there was a common perception – at least partly justified – that the military and its cronies were plundering the natural resources of ethnic minority areas. Lack of state investment in developing minority areas only strengthened this perception of exploitation.<sup>47</sup>

Redressing these new injustices has been a major focus for ethnic leaders. Politicians have demanded greater control over local resources – notably, revenues from natural gas exports, which presently go to the national government – and increased budget allocations for their areas.<sup>48</sup> But the economic opening has also sometimes aggravated pre-existing economic grievances of minorities mentioned above. Smaller minority groups typically find it difficult to compete with external investors – be they foreigners or Myanmar nationals from outside the area with more business knowledge and access to capital. One example is the prominent tourist destination of Inle Lake, where members of the dominant Intha ethnic group own few of the hotels or other tourism businesses.<sup>49</sup> The leading role of larger ethnic groups in the economy fuels a sense that at least some minorities are missing out on the benefits of economic reforms and reinforces the competitive dynamic among ethnic groups.

Increasingly, ethnic leaders are responding to perceived economic marginalisation by forming business associations to push for greater economic opportunities for their groups. In early 2018, for example, leading entrepreneurs from a range of minorities established the Myanmar Ethnic Entrepreneurs Association to “encourage ethnic entrepreneurs and sustainable development in their regions”. They set up sub-associations based around specific minority groups, such as the Kachin Entrepreneurs Association. The Myanmar Ethnic Entrepreneurs Association has also lobbied for a bank licence and for land in prominent locations in Yangon.<sup>50</sup> Another recent example underlines how ethnic identity has been harnessed to oppose foreign investment. After Naypyitaw awarded a mining exploration permit to a Chinese-owned company registered in Australia, PanAust, in May 2020, the Shan Ethnic Entrepreneurs Association emerged to oppose the licence on behalf of the Shanni (“Red Shan”) minority in Sagaing Region.<sup>51</sup>

Almost all these expressions of ethnic identity would have been impossible under military rule, and they reflect the greater freedoms that the majority of people in

<sup>47</sup> Crisis Group Asia Report N°57, *Myanmar Backgrounder: Ethnic Minority Politics*, 7 May 2003.

<sup>48</sup> “Natural Resources of Myanmar (Burma): Ownership Management, Revenue Sharing and Impacts”, Ethnic Nationalities Affairs Center, September 2017; and “States need bigger budget share, Shan MP says”, *Myanmar Times*, 20 February 2020.

<sup>49</sup> “The misrule of Inle Lake”, *Frontier Myanmar*, 20 December 2018.

<sup>50</sup> “Well-connected ‘ethnic affairs association’ lobbying to develop popular Yangon park”, *The Irrawaddy*, 28 June 2018.

<sup>51</sup> “Shan Ethnic Entrepreneurs Association in Sagaing Region issues statement asking Union government to reduce area granted to PanAust to explore for gold and copper”, *Daily Eleven*, 8 June 2020.



Myanmar now enjoy. They also underscore how ethnic identity can be a source of social capital that strengthens communities and builds cohesion, which can be particularly important at a time of rapid change. The effect, though, has often been to reinforce longstanding ethnic divisions, both between recognised groups – for example, the Shan and the Kachin – and between the *taingyintha* and those perceived as “others”. The latter divide has manifested most tragically in communal violence targeting Muslims and the violent expulsion of the Muslim Rohingya from Rakhine State beginning in August 2017.

International actors engaging with the country over the past decade have not always appreciated the complex realities of ethnic identity. The most obvious example is the 2014 census, which was the country’s first in more than 30 years. The UN and bilateral donors that funded and provided technical assistance to the count ignored repeated warnings that their insistence upon including a question on ethnicity, framed as a determinate choice from the problematic list of 135 categories, was dangerous.<sup>52</sup> The warnings sadly proved correct: fears that groups would be under- or over-counted – or, in the case of the Rohingya, not allowed to identify as an ethnic group at all – sparked protests and deadly clashes in Rakhine and Kachin States.<sup>53</sup> Respondents were eventually barred from self-identifying as Rohingya, with the result that most of this group was left unenumerated. The ethnicity results have still not been released because they are so contentious, given the links between ethnic population size and rights.<sup>54</sup>

The census was an opportunity to reframe the debate around belonging and identity, either by allowing respondents to freely self-identify (including with multiple ethnicities), or preferably by removing this question entirely. Instead, the census reaffirmed the primacy of fixed ethnic identities with conflict-inducing results.

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<sup>52</sup> “Ethnicity without Meaning, Data without Context”, op. cit.

<sup>53</sup> See Crisis Group Asia Briefing N°144, *Counting the Costs: Myanmar’s Problematic Census*, 15 May 2014, Section V.

<sup>54</sup> Ibid.

#### IV. The Militarisation of Ethnicity

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Ethnicity in Myanmar is inextricably linked to armed conflict. In the early post-independence period, conflicts between the state and non-state armed groups revolved partly around minority grievances and partly around competition among different communist and socialist ideological visions for the country. But since the collapse of the Communist Party of Burma insurgency in 1989, virtually all armed groups have identified with a particular ethnic group. Over the last ten years, the country has seen some of the fiercest fighting in decades.

The advent of electoral democracy has exacerbated the ethnic dimension of conflict. The winner-takes-all electoral system leaves minority parties with very little representation and hence limited electoral or political leverage. As a result, ethnic communities are increasingly frustrated with electoral democracy, which they see as failing minorities.<sup>55</sup> This frustration has driven support for ethnic armed groups because many ethnic peoples now view insurgency as the only effective means of achieving political goals such as enhanced autonomy and equitable access to resources. This dynamic is most vividly illustrated by the rise of the Arakan Army in Rakhine State and its strong popular support there.<sup>56</sup>

The Tatmadaw has faced numerous long-term insurgencies across a significant proportion of the country, in areas inhabited by minority communities that view it as an occupying enemy force. The Tatmadaw has never attempted to permanently control much of the rural periphery, or be the guarantor of security, instead preferring to back armed proxies to keep a semblance of stability.<sup>57</sup> It has rarely had difficulty finding groups willing to play this proxy role. The incentives for groups to do so are considerable and involve interlinked ethno-nationalist and economic imperatives: without an armed group to protect it, a community can be vulnerable to predation from its non-co-ethnic neighbours; conversely, armed groups are well positioned to profit from the illicit economy that has developed over decades in these areas, which produces the revenues necessary for arming and operating a powerful militia.<sup>58</sup>

With so many different ethnic armed groups, and with the state and Tatmadaw unable to provide security in much of the periphery, many ethnic communities have raised armed militias not out of choice but out of necessity to protect themselves from rival ethnic communities.

This section looks at three case studies that depict how ethnic-based armed groups or militias emerge and evolve, and why they have become such an enduring and dangerous feature of Myanmar's conflict landscape. The case studies focus on regions

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<sup>55</sup> The most obvious example of such failure is the application of Section 261(b) of the constitution. This clause gives the president the power to select the chief minister of each state and region regardless of the composition of the state or region parliament. The current government has resisted changes to that clause and has invoked it to appoint minority National League for Democracy governments in Shan and Rakhine states (the only places where the League failed to win local parliament majorities in 2015).

<sup>56</sup> Crisis Group Briefing, *An Avoidable War: Politics and Armed Conflict in Myanmar's Rakhine State*, op. cit.

<sup>57</sup> See Mary Callahan, *Political Authority in Burma's Ethnic Minority States: Devolution, Occupation and Coexistence* (Washington, 2007).

<sup>58</sup> For more discussion, see *ibid.* and Crisis Group Report, *Fire and Ice*, op. cit.

of the country that are geographically distant from each other and have experienced very different patterns of conflict over the last seven decades, from relatively little until recently (in the case of Rakhine), to intermittent (in the case of the Shanni), to almost constant conflict (as in northern Shan State). They illustrate different stages of armed group development, from the once-powerful Kaungkha Militia in Kutkai to the newly formed Shanni Nationalities Army of northern Sagaing Region, and the desire of some Mro and Khumi in Rakhine and Chin states to form a militia to protect their people from other armed groups.

#### A. *The Rise and Fall of the Kaungkha Militia*

In March 2020, in northern Shan State, the Tatmadaw detained the leadership of the powerful Kaungkha Militia, then entered its territory and disarmed its 3,000 fighters (see the map in Appendix E). This uncharacteristically decisive and risky action by the Tatmadaw against an allied armed force brought to an end the ethnic Kachin group's decades-long control of the territory. The move upset the balance of power in the area, which could be destabilising in the medium term. The origins of this militia group, and the reasons for its ultimate downfall, demonstrate the ways in which inter-ethnic tensions, insecurity and the illicit economy interact in Myanmar's conflict zones.

The Kaungkha area of northern Shan State's Kutkai township is inhabited predominantly by ethnic Kachin people, part of a large Kachin minority community in northern Shan State that was recognised in the British colonial period as the "Kachin sub-state". Many other minority groups live in or near Kaungkha, including Shan, Ta'ang, Kokang and Pansay people.<sup>59</sup> The area has long been controlled by the Kaungkha Militia, which in recent years fielded several thousand well-armed fighters.<sup>60</sup>

The Kaungkha Militia is one part of a patchwork of insurgent groups and militias across Shan State and much of Myanmar's upland areas. Most of these groups recruit from, and seek to represent, one of the many ethnic minority communities living in these areas. Within a 30km radius of Kaungkha, numerous other armed entities control territory: the Tatmadaw, which operates some fixed bases in the area, particularly close to Kutkai town and the main highway; the Myanmar National Democratic Alliance Army, an ethnic Kokang Chinese insurgent group; the Panthay Militia, which recruits from and is named after a Chinese Muslim minority; the Tarmoenye Militia, a former village defence force that has expanded into a powerful armed entity; the 8th Battalion of the Kachin Independence Organisation; and the Ta'ang National Liberation Army, another insurgent group.<sup>61</sup> This list includes only the major groups; there are numerous other smaller militias based in villages or in Kutkai town.<sup>62</sup>

<sup>59</sup> Crisis Group visit to Kaungkha, November 2018; and Crisis Group interviews, well-placed local sources, Lashio and Kutkai, November 2018.

<sup>60</sup> Ibid.

<sup>61</sup> See fn 36 for details on the Panthay community. The Mandarin-speaking Kokang are one of the 135 recognised minority groups, descended from Han Chinese people who fled to Myanmar in the 18th century. Village defence forces, known as *ka kwe ye* (ကာကွယ်ရေး) in Burmese, were Tatmadaw-controlled militias active from the early 1960s until 1973.

<sup>62</sup> For a detailed account, see Buchanan, "Militias in Myanmar", op. cit. The town-based Kutkai Militia was long controlled by T Khun Myat, who is now speaker of the national parliament.

In this way, something of a competitive arms race has developed among different minority communities living in the same area. This arms race explains why, despite many armed groups having surrendered or disarmed over the decades, new ones have usually emerged to take their place. Over time, it has become more difficult to determine whether a particular armed group is primarily ethno-nationalist, and engages in illicit economic activity to support itself, or whether it is primarily an illicit economic actor invoking ethno-nationalism for legitimacy purposes.

The Kaungkha Militia provides a good example of this ambiguity. It was originally the 4th Brigade of the Kachin Independence Organisation, one of the most prominent and powerful of Myanmar's ethnic armed groups that was established in February 1961 by a group of young Kachin nationalists who felt that their people had not been granted the degree of political autonomy promised at independence.<sup>63</sup> In 1991, feeling that its military position was becoming increasingly untenable, the 4th Brigade split from the Kachin insurgency, signed a ceasefire with the Tatmadaw and renamed itself the Kachin Defence Army.<sup>64</sup> In 2010, the Tatmadaw pressured the group to come more directly under the authority of the national army, and it was re-formed as the Kaungkha Militia, under the same leadership and still with de facto autonomy and control over its territory.<sup>65</sup> As with other militias, it received no material or financial support from the Tatmadaw, so it had to be fully self-funding.<sup>66</sup>

Throughout its different incarnations, the armed group provided protection and a degree of governance to the (predominantly Kachin) population in its area, including a reliable electricity supply from two hydropower plants that it built.<sup>67</sup> It supported Kachin culture, building one of the largest Manau traditional festival grounds in the country. At times when the military government would ban Manau festivals in areas under government control, the armed group would invite Kachin people from across northern Shan State to celebrate in its area, despite the risk of upsetting the authorities.<sup>68</sup> The group also established schools that taught the Kachin language, at a time when the government restricted minority language education.<sup>69</sup> The group would not have been able to hold large Manau festivals or teach Kachin without the de facto autonomy that its significant armed strength afforded it.

At the same time, the group became an increasingly prominent participant in the illicit economy, in particular hosting the narcotics production and trafficking opera-

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<sup>63</sup> See Crisis Group Asia Briefing N°140, *A Tentative Peace in Myanmar's Kachin Conflict*, 12 June 2013.

<sup>64</sup> Crisis Group visit to Kaungkha, November 2018; and Crisis Group interviews, well-placed local sources, Lashio and Kutkai, November 2018. See also Ashley South, *Ethnic Politics in Burma: States of Conflict* (London, 2008). The Tatmadaw gave the group control over territory designated at the time as Northern Shan State Special Region 5.

<sup>65</sup> Crisis Group telephone interviews, Kaungkha Militia leaders and members, June 2020.

<sup>66</sup> Crisis Group visit to Kaungkha, November 2018; Crisis Group interviews, well-placed local sources, Lashio and Kutkai, November 2018; Buchanan, "Militias in Myanmar", op. cit.

<sup>67</sup> Crisis Group visit to Kaungkha, November 2018. "The drug menace and the Tatmadaw's mission", *Myawaddy in English*, 24 May 2020. *Myawaddy* is the official daily newspaper of the Tatmadaw.

<sup>68</sup> Crisis Group visit to Kaungkha, November 2018; Crisis Group interviews, well-placed local sources, Lashio and Kutkai, November 2018; Crisis Group telephone interviews, Kaungkha Militia leaders and members, June 2020; Crisis Group interview, analyst, Yangon, June 2020.

<sup>69</sup> *Ibid.*

tions of transnational criminal syndicates. What was at the time Myanmar's largest ever drug bust took place in January 2018 in the group's territory, identified in an investigative article by Reuters as the main source of drugs for the Sam Gor syndicate, the dominant group in the Asian regional drug trade.<sup>70</sup> When Crisis Group researchers visited the area in November 2018, members of militias and other well-placed local sources were open about methamphetamine production being the main source of income for the Kaungkha Militia.<sup>71</sup> Militia leaders claim that businessmen who rented land in their area were responsible for drug production, not the militia itself – although they concede that some members might have been involved in their individual capacities.<sup>72</sup>

The militia's downfall came quickly. On 20 February 2020, a Tatmadaw patrol discovered a large cache of methamphetamine pills (*yaba*) in a forested area in the militia's territory.<sup>73</sup> Further investigations and "tip-offs from confidential informants" led to a series of large drug seizures and arrests, culminating in a joint Tatmadaw and police operation targeting the Kaungkha area.<sup>74</sup> According to a Tatmadaw news outlet, this operation was ordered by Commander-in-Chief Min Aung Hlaing, who dispatched a senior military officer from Naypyitaw to the North-Eastern Regional Command in Lashio – the nearest large town to Kaungkha – to take charge of ground operations, instead of the regional commander who would normally do so.<sup>75</sup> This move suggests that the top brass wished to prevent possible local relationships from impeding the operation.

The Tatmadaw summoned the militia's eight top leaders to a meeting in Lashio on 24 March, where all were detained.<sup>76</sup> The army then raided the militia's territory later that same day, disarming its 3,000 fighters who had been instructed by their jailed leaders not to resist; not a shot was fired.<sup>77</sup> After a week, the militia's leaders were released. They say the Tatmadaw told them that they were being disarmed temporarily, for a period of six months, but they doubt that their weapons will be returned or that they will be allowed to rearm.<sup>78</sup> In public, the Tatmadaw has indicated that the disarming is permanent and that it will actively support the militia to conduct legal business activities, including livestock breeding and mining.<sup>79</sup> The militia's organisational and governance structures remain intact, with its members carrying

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<sup>70</sup> Crisis Group Report, *Fire and Ice*, op. cit., Section III; Tom Allard, "A Reuters special report: The hunt for Asia's El Chapo", Reuters, 14 October 2019.

<sup>71</sup> Crisis Group visit to Kaungkha, November 2018; Crisis Group interviews, well-placed local sources, Lashio and Kutkai, November 2018.

<sup>72</sup> Crisis Group telephone interviews, Kaungkha Militia leaders and members, June 2020.

<sup>73</sup> "The drug menace and the Tatmadaw's mission", op. cit. The UN Office on Drugs and Crime confirmed these seizures. "Myanmar operation results in the largest synthetic drug seizures in the history of East and Southeast Asia", press release, UN Office on Drugs and Crime/Myanmar Central Committee for Drug Abuse Control, 18 May 2020.

<sup>74</sup> Ibid.

<sup>75</sup> Ibid.

<sup>76</sup> Crisis Group telephone interviews, Kaungkha Militia leaders and members, June 2020.

<sup>77</sup> Ibid. "The drug menace and the Tatmadaw's mission", op. cit.

<sup>78</sup> Crisis Group telephone interview, Kaungkha Militia leader, June 2020.

<sup>79</sup> "The drug menace and the Tatmadaw's mission", op. cit.

out their roles in civilian clothing and without weapons – although they say their authority vis-à-vis the populace is weakened now that they are unarmed.<sup>80</sup>

It is hard to see how activities such as livestock breeding and small-scale mining would be sufficiently profitable to maintain the Kaungkha area's relative prosperity, particularly without the competitive advantage that weapons provide. Already, the militia complains that it is unable to resist extortion by other armed groups. For example, it runs a chain of fuel stations on the Lashio-Muse highway, but now that the militia has been disarmed these must allegedly pay protection money to the Ta'ang National Liberation Army insurgent group.<sup>81</sup> The group also worries that the local Kachin population is left without protection, with one leader saying: "Our local people's lives have no value anymore; they could be killed at any time".<sup>82</sup>

For the moment, the Tatmadaw is taking charge of security at Kaungkha, with several thousand troops from its elite mobile infantry divisions posted to temporary bases in the area.<sup>83</sup> This commitment is significant for units that are already stretched fighting the Arakan Army insurgency in Myanmar's west.<sup>84</sup> It also puts these troops close to various insurgent forces, increasing the likelihood of clashes.

The future is therefore uncertain. The Kachin population of Kaungkha feels vulnerable to attack and does not believe the Tatmadaw can ensure their security. The Tatmadaw does not typically hold rural areas in hostile territory, preferring to delegate that task to allied militias, intervening only when necessary to address serious inter-group conflict or security issues. While it seems unlikely that the Tatmadaw would permit the rearming of the Kaungkha Militia, it is not inconceivable that it would allow a new militia to form.

Since the Tatmadaw was undoubtedly aware of the Kaungkha Militia's drug production activities for some time, questions remain about why it decided to act now. Observers have suggested that the militia may have been a source of drugs and/or guns for the Arakan Army, thereby providing essential financial and military support to the Tatmadaw's top enemy.<sup>85</sup> This is plausible. The alternative possibility is that the operation against Kaungkha heralds the start of a new approach whereby the Tatmadaw no longer tolerates flagrant and large-scale criminal activities. Its media outlets have hinted at such a change of tack, saying the Tatmadaw will carry out similar operations against other such armed groups in the future and urging them to avoid the drug trade in favour of legal business activities.<sup>86</sup> Whether the Tatmadaw will really enforce such an approach by confronting other militias and Border Guard Forces involved in illicit activities remains to be seen.

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<sup>80</sup> Crisis Group telephone interviews, Kaungkha Militia leaders and members, June 2020.

<sup>81</sup> Ibid.

<sup>82</sup> Ibid.

<sup>83</sup> Troops from two Light Infantry Divisions (the 88th and 99th) take alternate rotations in the area. Ibid.

<sup>84</sup> For details, see Crisis Group Report, *An Avoidable War*, op. cit.

<sup>85</sup> Crisis Group interviews, analysts, March-May 2020. See also Sai Wansai, "Burma army's new strategy: anti-narcotics move and disarmament of a militia", Shan Herald Agency for News, 11 April 2020; "Shan State militia, AA deny links through lucrative drug trade", *The Irrawaddy*, 29 April 2020.

<sup>86</sup> "In the future the Tatmadaw will clearly carry out such kinds of events [as the disarming of the Kaungkha Militia] in accord with the existing laws. ... Therefore, [armed groups] were urged to operate legal businesses". See "The drug menace and the Tatmadaw's mission", op. cit.

## B. *The Shanni: A New Ethnic Armed Group*

In January 2016, the Shanni Nationalities Army (SNA) set up a Facebook page, issued a statement and posted an image of soldiers in SNA uniforms. Myanmar's newest ethnic armed group thus was born.<sup>87</sup> Although the SNA is a product of longstanding ethnic tensions and grievances, its emergence reflects dynamics of Myanmar's post-military rule period. Renewed conflict in northern Myanmar, a peace process that pushes minority groups to take up arms so that they can take part in negotiations on the country's political future, political changes that have enabled ethno-nationalism to flourish and a political system incapable of delivering on ethnic aspirations have all played a role in the SNA's creation.<sup>88</sup> "If the tiger has no fangs, the animals will not be afraid of it. If the people have no guns, we will not be safe. We cannot protect our area", a retired Shanni soldier was quoted as saying shortly after the group emerged.<sup>89</sup>

Also known as the Red Shan or Tai-Leng, the Shanni are thought to number up to 300,000 people – although some claim far more, as discussed below – and mostly live in the fertile plains of southern Kachin State and northern Sagaing Region (see the map in Appendix E). Although considered a sub-group (or "tribe", in the Myanmar government parlance) of the Shan of Shan State – whom they refer to as the Tai Yai, or Big Tai – the Shanni have their own script and culture and are officially recognised in Myanmar as a distinct ethnic group.<sup>90</sup>

Starting from around the 10th or 11th century, the Shanni were part of a chain of largely autonomous Shan kingdoms that stretched from northern India across northern Myanmar and into Thailand. At independence in 1948, the government in Rangoon included some of the Shanni homelands in the newly formed Kachin State, allegedly to secure the support of Kachin leaders for the Panglong Agreement the previous year.<sup>91</sup>

The Shanni, who usually occupy lowland areas, have a history of conflict with the Kachin, who have traditionally lived in the hills. After Burman incursions in the 17th and 18th centuries weakened the prosperous Shan kingdoms of southern Kachin State, the Kachin are said to have sacked the major town of Mogaung and laid waste to the surrounding villages. Areas that the Shanni once dominated were depopulated, and gradually Kachin settlers moved in. "Of the villages nothing remains but temples and pagodas; clumps of fruit trees, cotton plants and gardens run wild. These are, however, quite enough to prove that the Shans had a prosperous and populous kingdom

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<sup>87</sup> The SNA officially dates its formation to 1989, but its emergence as a significant armed force came in January 2016.

<sup>88</sup> In February 2019, the Shanni Nationalities Army changed its name to the Shanni Nationalities Front. This report, however, continues to use the former name, which is more widely recognised.

<sup>89</sup> "Red Shan form armed organisation after demand for new state", Shan Herald Agency for News, 25 January 2016.

<sup>90</sup> Not entirely to their satisfaction, however. The Shanni are included on the official list of 135 as Shan Gale and Tailem, but they have more recently demanded to be recognised as Shanni. See "Shanni nationals demand official recognition", *The Nation*, 19 September 2016.

<sup>91</sup> "Another inter-ethnic conflict brewing? Naga territorial expansion urge and Shanni rejection", Shan Herald Agency for News, 19 February 2020.

here”, colonial official J. George Scott wrote in 1900, adding that only British annexation saved the area from “permanent ruin”.<sup>92</sup>

The SNA is not the first armed group comprising Shanni soldiers. Since the Kachin Independence Organisation (KIO) launched its insurgency in 1961, the Shanni of southern Kachin State have often found themselves caught between the Burmans and the Kachin. The Tatmadaw has cultivated the Shanni as an ally and armed a militia force, a tactic it has employed widely in other parts of the country (see Section IV.A above).<sup>93</sup> After the Tatmadaw and KIO signed a ceasefire in 1994, the military disbanded the Shanni militia, but it was quickly reorganised when conflict between the state and the KIO resumed in June 2011. The Tatmadaw has since provided militia units with weapons and training.<sup>94</sup>

Militia units have provided Shanni communities with important protection from Kachin armed groups, particularly the KIO. By siding with the Tatmadaw, the Shanni also have less to fear from government forces. This dynamic is evident along the Bhamo-Myitkyina road, where there are deserted, overgrown Kachin villages interspersed with thriving but heavily guarded Shanni settlements.<sup>95</sup> From the Tatmadaw perspective, the militia has been mostly a useful bulwark against KIO efforts to expand into southern Kachin State, but occasionally its soldiers have also fought on the front lines alongside the Tatmadaw against the KIO.

The militia is actually a collection of village-based units, usually in the range of 30-50 soldiers each, and sometimes includes other ethnicities, such as Lisu and Burmans. In total, the Shanni militia might comprise hundreds of soldiers, perhaps as many as 1,000.<sup>96</sup> “Because we have a local militia, we have some protection. The KIO did not come here much because of the militia”, said one Shanni resident of Mohnyin.<sup>97</sup>

The conflict in Kachin State has created an uneasy and sometimes toxic relationship between the Shanni and the Kachin. In 1976, Shanni militia members massacred dozens of Kachin residents in the majority Shanni town of Mohnyin, and many of the remaining Kachin residents fled to Myitkyina.<sup>98</sup> Competing narratives over these incidents have emerged; a Shanni interviewee described the 1976 killings as a heat-of-the-moment response to the killing of a Shanni woman by Kachin residents, while Kachin sources describe it as a premeditated massacre.<sup>99</sup>

Since the Tatmadaw-KIO conflict resumed in 2011, these tensions have returned to the fore. Shanni militia units have fought alongside the Tatmadaw against the KIO

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<sup>92</sup> James George Scott, *Gazetteer of Upper Burma and the Shan States*, part 1, vol. 1 (Rangoon, 1900), p. 201.

<sup>93</sup> Buchanan, “Militias of Myanmar”, op. cit.

<sup>94</sup> Crisis Group telephone interviews, Shanni politician and Shanni resident of Mohnyin, June 2020.

<sup>95</sup> Crisis Group interview, foreign aid worker based in Kachin State, February 2019.

<sup>96</sup> Crisis Group telephone interviews, Shanni politician and Mohnyin resident, June 2020. These Shanni militias are distinct from other more established Tatmadaw-backed militias in Kachin State, such as the ethnic Rawang Rebellion Resistance Force and the Lasang Awng Wa Peace Group, which broke away from the KIO.

<sup>97</sup> Crisis Group telephone interview, Shanni resident of Mohnyin, June 2020.

<sup>98</sup> Crisis Group telephone interview, Shanni activist, July 2020.

<sup>99</sup> Crisis Group telephone interview, Shanni activist, July 2020. For a Kachin version, see “Where the Change Has Yet to Reach: Exposing Ongoing Earth Rights Abuses in Burma (Myanmar)”, EarthRights International, 2012, p. 30.



and taken part in other security activities.<sup>100</sup> Shanni leaders, meanwhile, have accused the KIO of forcibly recruiting Shanni from villages in southern Kachin State, and have staged mass protests in Myitkyina calling for an end to the practice.<sup>101</sup> Shanni interviewees also accused KIO soldiers of confiscating food and beating civilians, and blamed the group for a wide range of other ills in Shanni communities, including widespread use of illicit drugs, environmental destruction from mining and logging, and reduced access to forest resources because of landmines.<sup>102</sup> Further from the conflict's front lines, Kachin and Shanni communities have also become more segregated since 2011.<sup>103</sup> At the same time, Shanni interviewees said there are usually no problems between Shanni and ordinary Kachin. "If there was no armed group, there would be no problem", said one politician.<sup>104</sup>

While the conflict has stoked some tensions and exacerbated the Shanni's sense of insecurity, Myanmar's political freedoms have enabled a resurgence of aspects of the group's identity and history that had long been suppressed. Shanni now have political parties and media outlets, and are reviving use of the Shanni language, which had almost fallen out of use.<sup>105</sup> In common with other minorities, activists are campaigning for Shanni to register themselves as such on official documentation, like national ID cards, in part to boost the group's numbers and push for greater political representation.<sup>106</sup>

All this has helped reactivate a dormant Shanni nationalism that risks putting the group on a collision course with other ethnic minorities. Shanni activists have created and circulated widely on Facebook a map of a proposed Shanni State that encompasses large areas of Sagaing Region and Kachin State, as well as parts of Mandalay Region and Shan State.<sup>107</sup> Perhaps to justify these demands, some Shanni activists also claim the group has around two million members.<sup>108</sup> But the Shanni are not the only ones playing this game, even in their own neighbourhood: in early 2020, Naga politicians lobbied Aung San Suu Kyi to expand the Naga Self-Administered Zone to include Homalin and Khamti townships – both of which the Shanni claim for themselves.<sup>109</sup>

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<sup>100</sup> Crisis Group telephone interview, Kachin researcher, July 2020. See, for example, "Burma Army Soldiers Rape Teenager in Kachin State as Attacks Continue", *Free Burma Rangers*, 29 December 2018; and "Burma Army Soldiers Murder Kachin Man and Continue Attacks in Northern Burma", *Free Burma Rangers*, 27 March 2018.

<sup>101</sup> "Red Shan protest forced recruitment by KIA", *The Irrawaddy*, 20 December 2013; and "Red Shan presumed still in KIA camps", *Democratic Voice of Burma*, 8 January 2014.

<sup>102</sup> Crisis Group telephone interviews, Mohnyin resident and Shanni politician, June 2020.

<sup>103</sup> Crisis Group telephone interviews, Shanni residents and analysts, June 2020; Kachin researcher, July 2020.

<sup>104</sup> Crisis Group telephone interview, Shanni politician, July 2020.

<sup>105</sup> "Once-taboo language lives again in rural Myanmar", *Nikkei Asian Review*, 30 July 2018.

<sup>106</sup> "Myanmar's Red Shan to push on national registration cards", *Myanmar Times*, 21 January 2013.

<sup>107</sup> An example of the map accompanies the article, "Without territory, the Shanni army's difficult path to recognition", *The Irrawaddy*, 8 April 2019.

<sup>108</sup> Crisis Group interview, Shanni activist, June 2020. For more examples, see Hla Maw Maw, "Cultural Heritage of Shanni (Taileng) National in Northern Myanmar", PhD dissertation, University of Yangon, May 2017, p. 65.

<sup>109</sup> See "Ethnic Shanni reject move to grow Naga territory in NW Myanmar", *The Irrawaddy*, 17 February 2020.

Shanni political aspirations, however, have gone largely unfulfilled. Despite their population claims, the group has not been granted a self-administered zone in Myanmar's political system, much less a state. Instead, they hold only ethnic affairs minister posts in the Kachin and Sagaing governments that represent all Shan peoples in those states and regions. The first-past-the-post voting system also makes it difficult for Shan parties to win seats in areas where the majority of Shanni live. The experience of the Shanni contrasts with that of the Chin, who number perhaps 600,000 yet are accorded an entire state, with dozens of seats in national and regional parliaments; similarly, the Kachin have their own state, but are thought to comprise less than 50 per cent of the population there.

The Shanni have also not been given a seat at the negotiating table in the peace process, because when talks began in 2011 they did not have a recognised ethnic armed group. Militia forces are generally accorded little if any role in the peace process. Moreover, Shanni attitudes toward the Shanni militia have been mixed due to its links to the Tatmadaw, which many among them see as an oppressive force. In the eyes of many Shanni, the formation of the Shanni Nationalities Army is thus important politically because they believe it means the government can no longer ignore their voice. They think that Naypyitaw will inevitably have to allow the SNA into the peace process. "We lost our ethnic rights because we did not have an armed group to represent us", said one activist from Sagaing Region. "Although the militia protects us, we didn't like them very much. We have always wanted an ethnic armed group instead", added another.<sup>110</sup>

Much about the SNA remains unknown, in part due to the remote location of its headquarters, in the township of Homalin in northern Sagaing Region. A senior commander told Crisis Group by telephone that the SNA was actually formed much earlier, on 21 June 1989, in the Shan State capital Taunggyi, but only began to shift its forces to Kachin State and Sagaing Region around 2012. It is unclear whether this is true. Although as of 1989 there were Shanni fighting in Kachin and Shan states against the military government within other armed groups, there does not appear to be any reference to the SNA. Claiming such a legacy may be an attempt to get around government policy that no new armed group should be admitted to the peace process (see below).<sup>111</sup> The group's aims include the creation of a Shanni state, fighting illicit drugs and participating in the peace process political negotiations.<sup>112</sup> The SNA official said the group's main goal was to "defend" the Shanni people from "bullying" and restore their long-lost political rights. "Our people have spent their whole lives being controlled by others. We will use armed revolution to get back our territory", the SNA official said.<sup>113</sup>

It is unclear which, if any, outside entities are providing support to the SNA. It appears to have links with the Restoration Council of Shan State (RCSS), a major ceasefire armed group. The senior SNA officer described the RCSS as "brothers", and

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<sup>110</sup> Crisis Group telephone interview, Mohnyin resident, June 2020.

<sup>111</sup> Crisis Group telephone interview, SNA senior official, June 2020. See also, "Red Shan form armed organisation after demand for new state", Shan Herald Agency for News, 25 January 2016.

<sup>112</sup> "Shanni Nationalities Army opinion statement", posted on Facebook, 18 January 2016.

<sup>113</sup> Crisis Group telephone interview, SNA official, June 2020.

RCSS officials have used the same language.<sup>114</sup> Other sources suggest the SNA also has links to the Tatmadaw, and this perception is common among the Kachin.<sup>115</sup> Northern Sagaing Region has a significant illicit and grey economy due to its proximity to the Indian border and large deposits of natural resources, which could provide income for the group in the future.

The SNA now claims to have four armed brigades, based at Homalin, Khamti and Kale in Sagaing Region and Bhamo in Kachin State, each with 300 soldiers.<sup>116</sup> This claim may be an exaggeration – Crisis Group could not confirm the presence of SNA forces in Kachin State, for example – but photos posted to Facebook suggest it has, at a minimum, hundreds of well-armed troops, and a source who met the group in 2019 estimated that troop numbers may be above 1,000.<sup>117</sup> The SNA has clashed several times with the Tatmadaw since 2016, most recently in April 2020.<sup>118</sup> Clashes appear to be increasing in frequency, which the SNA attributes in part to its anti-drug campaigns.<sup>119</sup>

For now, the SNA seems to have strong support among the Shanni, particularly in Sagaing Region. The group has found willing volunteers among the Shanni youth of Sagaing Region, both men and women. Like the militias in Kachin State, the SNA provides protection from other armed groups, in this case the National Socialist Council of Nagaland-Khaplang and Indian groups that operate along the border, such as the United National Liberation Front and People's Liberation Army of Manipur. "Before the SNA came back to Homalin, Shanni people here lived in fear of the Tatmadaw and other ethnic armed groups. ... Now those other ethnic armed groups don't dare do anything bad to the Shanni, because they realise there will be consequences", said one activist.<sup>120</sup>

Unlike the Shanni militia, however, the SNA has the potential to affect regional and even national politics, particularly through the peace process. It is probably not a coincidence that the SNA announced itself publicly in January 2016, the same month that Thein Sein's outgoing government held the first Union Peace Conference and shortly after Shanni parties failed to win a seat in the 2015 general election. Politically, the armed group remains close to the Tai-Leng Nationalities Development Party, which helped to organise large demonstrations in Sagaing Region and Kachin State in late 2016 calling for the formation of a Shanni State.<sup>121</sup>

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<sup>114</sup> Crisis Group interview, SNA senior commander, June 2020.

<sup>115</sup> Crisis Group interviews, conflict researchers, June 2020; Kachin activist, July 2020. See also "Myanmar's military and its proxy armies", *Bangkok Post*, 7 February 2016.

<sup>116</sup> These are mobile "backpack" brigades, without fixed bases. Crisis Group telephone interview, SNA official, June 2020.

<sup>117</sup> Crisis Group telephone interview, Myanmar-based journalist, June 2020.

<sup>118</sup> "Villagers afraid of fighting during coronavirus pandemic", Shan Herald Agency for News, 22 April 2020.

<sup>119</sup> "Sagaing locals demand Tatmadaw, Shanni Army cease fighting", Network Media Group, 25 April 2020.

<sup>120</sup> Crisis Group telephone interview, Shanni activist based in Homalin, June 2020.

<sup>121</sup> The Tai-Leng Nationalities Development Party called for the creation of a Shanni State at the Union Peace Conference in August 2016. Tens of thousands joined demonstrations in Sagaing Region the following month and in Kachin State in October 2016. See "Red Shan rally for ethnic state",

The SNA has formally sought a seat at the table within the peace process as Myanmar's newest ethnic armed group and has met with the government's National Peace and Reconciliation Centre to discuss the possibility. To date, the government has refused to acknowledge it.<sup>122</sup> Naypyitaw likely wishes to send the message that the SNA needs to continue building up its forces so that it becomes too big to ignore, contributing to further militarisation of Sagaing Region and possibly Kachin State.

### C. *An Uncertain Fate for Upland People in Rakhine State*

Fierce fighting between the Tatmadaw and Arakan Army in Rakhine and southern Chin States since late 2018 has had a significant impact on civilians, with non-government sources estimating up to 200,000 displaced and hundreds killed. Less acknowledged is how the conflict has caused a significant deterioration in relations between the ethnic Rakhine and the numerous other minority groups in the region, many of whom have been caught in the middle. Events in Rakhine State underline not only how rising ethno-nationalism is a conflict driver, but also how the Tatmadaw's inability to protect minority groups in conflict-affected areas can lead to the creation of new armed forces, such as militias or ethnic armed groups.

Rakhine State (previously known as Arakan) and Chin State are part of a larger tri-border area encompassing Myanmar's borders with Bangladesh and India (see the map in Appendix E). The region is home to an array of ethnic groups, many of which have links across these modern national borders, such as the Rakhine (known as Marma in Bangladesh), Chin (Mizo in India) and Daingnet (Chakma in Bangladesh). Although a minority nationally, the Rakhine are the majority group in Rakhine State, with the Rohingya a sizeable minority; smaller minorities include the Mro, Khami, Thet and Daingnet. The Khumi dominate southern Chin State.<sup>123</sup>

Since the British withdrawal 70 years ago, governments in Rangoon/Naypyitaw, Dhaka and New Delhi have struggled to bring the region under state control. Conflict and instability have been ever present; the range of armed movements over the decades have included White and Red Flag communists, mujahid groups and, in particular, an assortment of ethnic armed groups, such as the Mizo National Front and the Arakan Liberation Party.<sup>124</sup> Partly as a result of persistent conflict, the tri-border area remains remote and impoverished, and there is considerable anger and frustration at the perceived neglect and political oppression of central governments.

With Rakhine political parties largely marginalised under Myanmar's post-liberalisation political system, the Arakan Army, formed in 2009 by youth activists in Ka-

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*Myanmar Times*, 10 October 2016; and "Thousands of Red Shans demand self-rule", Shan Herald Agency for News, 19 October 2016.

<sup>122</sup> Crisis Group telephone interview, SNA senior commander, June 2020.

<sup>123</sup> The Khumi are closely related to the Khami (whose language is also known as Eastern Khumi). For full details on the region's history, including its armed movements, see Martin Smith, "Arakan (Rakhine) State: A Land in Conflict on Myanmar's Western Frontier", Transnational Institute, December 2019.

<sup>124</sup> The more radical Red Flag communists, formally known as the Communist Party (Burma), broke away from the White Flag communists (the Communist Party of Burma) in 1946. The Red Flag group was always the weaker of the two groups, and its decline accelerated after a Rakhine faction broke away in 1962 to form the Communist Party of Arakan. The last Red Flag forces were defeated in the late 1970s, and the Communist Party of Arakan was finally dissolved in 2004.

chin State, has given a new and powerful voice to longstanding Rakhine grievances. The Arakan Army has adopted a more straightforward ethno-nationalism than previous armed groups in Rakhine. Painting the Burman-dominated government as a colonial power, it has sought to gain confederal status with almost complete autonomy, like that of the United Wa State Army in Shan State. This demand harks back to Arakan's centuries-long history as an independent kingdom.<sup>125</sup> The idea of a confederal status has resonated strongly with the Rakhine people, and popular support for the Arakan Army has been an important factor in the consolidation of its power and authority.

The Arakan Army has proven far more effective on the battlefield than any previous group in western Myanmar. It has inflicted heavy casualties on the military, with potentially several thousand government soldiers killed. After initially fighting alongside the KIO in Kachin State, its forces began infiltrating Rakhine around 2014. Small skirmishes were reported in the following years, but major conflict erupted in December 2018 and has continued to escalate since then, concentrated on central and northern Rakhine State and Paletwa in southern Chin State.<sup>126</sup>

Smaller ethnic groups in Rakhine and southern Chin, including the Rohingya, Mro, Khami/Khumi, Thet, Daingnet and Maramagyi, have been caught between the Arakan Army and Tatmadaw.<sup>127</sup> Due to their vulnerability, these non-Rakhine minority groups have often tried to remain neutral, but in doing so they have only aroused suspicions from both the Arakan Army and Tatmadaw that they are informing for the other side. "We are a minority, so we have to try and make friends with whoever can protect us. Locals help both the Tatmadaw and Arakan Army when they come to their village", said one village administrator.<sup>128</sup>

Both the Arakan Army and Tatmadaw have been responsible for killing and injuring civilians from among these minority groups, as well as destroying or confiscating property and other abuses. At least 10,000 of their members have been forced to flee their villages.<sup>129</sup> Many young people have been sent to Yangon or even neighbouring countries for their safety. "People here (Paletwa) are like the grass that was destroyed between two fighting bulls", said one ethnic Chin who helps internally displaced persons.<sup>130</sup>

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<sup>125</sup> See Crisis Group Report, *An Avoidable War*, op. cit., Section II.

<sup>126</sup> Ibid.

<sup>127</sup> See, for example, "UN human rights expert accuses Myanmar army of fresh abuses", Associated Press, 29 April 2020.

<sup>128</sup> Crisis Group telephone interview, Mro village administrator, June 2020.

<sup>129</sup> Although figures for displacement by ethnicity are not available, officially 8,323 people had been displaced in Paletwa township alone as of 5 August 2020, the majority of them ethnic Khumi. The government's official tally of internally displaced persons in Rakhine State and southern Chin State due to the Arakan Army conflict is 86,383, but non-government sources put the figure at up to 200,000, because many of the displaced are not in recognised camps. See, for example, "Myanmar: Myanmar Armed Forces and Arakan Army Conflict-generated Displacement in Rakhine and Chin States (as of 05 August 2020)", UN Office for the Coordination of Humanitarian Affairs, 10 August 2020; and "Refugees from Myanmar's Rakhine conflict spill into state capital", Radio Free Asia, 11 August 2020.

<sup>130</sup> Crisis Group telephone interview, ethnic Chin activist, June 2020.

Fraught relations between the dominant Rakhine and these minority groups are not new. Tensions between the Rakhine and Rohingya have erupted into communal violence, particularly in 2012. Smaller groups like the Mro have often felt powerless to challenge the Rakhine, despite frequently seeing them as domineering, paternalistic and even manipulative. Instead, they have typically sought to placate the Rakhine. One Mro village administrator described how he had tried to collect taxes for the Arakan Army in a bid to protect his community.<sup>131</sup> A Mro activist originally from Buthidaung commented, “We live mostly in the mountains, but we have to go to town sometimes. We can’t avoid the Rakhine; we have to deal with them to survive. We must obey their demands”.<sup>132</sup>

Men and women interviewees from non-Rakhine minority groups experience discrimination at the hands of Rakhine in different ways. Several men pointed to examples of being excluded from political or social activities because of their ethnicity, while a woman said she felt discriminated against because of her appearance and socio-economic status.<sup>133</sup>

The growing conflict has only frayed these relationships further. Although the Arakan Army’s leadership publicly stresses the group’s respect for all ethnic groups in Rakhine and human rights more broadly, the lived experience on the ground is often quite different. Non-Rakhine community leaders told Crisis Group that such statements from the Arakan Army are routinely ignored by their soldiers, who demand intelligence, supplies and labour. Arakan Army soldiers – and many ethnic Rakhine civilians – are also deeply suspicious of non-Rakhine minorities, who they believe provide information and supplies to the Tatmadaw.<sup>134</sup>

Mro leaders from Buthidaung related how an aid agency arranged food supplies for their hilltop villages, but because of the terrain had to leave the bags of rice in the valley below for collection. Local Rakhine villagers cut open the rice sacks with knives, destroying the supplies. “They did this because they don’t trust us, and because they don’t want us to stay around there, in case the Tatmadaw forces us to provide intelligence, or we side with the Tatmadaw”.<sup>135</sup>

Administrators of non-Rakhine minority villages are often left in the difficult – and dangerous – position of placating both the Tatmadaw and Arakan Army in an effort to protect their communities. One Mro village administrator recalled how he spent a year hiding in the jungle after the Arakan Army accused him of supplying information to the Myanmar military. After the Arakan Army then tried to detain his family, he eventually fled with them to Yangon in early 2020.<sup>136</sup> A friend who was administrator of another Mro village in Buthidaung was murdered, and the administrator believes he would have suffered the same fate if he had not left. “If I kept staying there, they would have killed me one day – I’m sure of it”.<sup>137</sup>

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<sup>131</sup> Crisis Group telephone interview, Mro village administrator, June 2020.

<sup>132</sup> Crisis Group interview, Mro activist, Yangon, July 2020.

<sup>133</sup> Crisis Group telephone interviews, Mro activist, Khumi activist and Mro internally displaced person, June 2020.

<sup>134</sup> Crisis Group telephone interviews, Mro village leaders and activists, June 2020.

<sup>135</sup> Crisis Group interview, Mro village leaders from Buthidaung, February 2019.

<sup>136</sup> Crisis Group telephone interview, Mro village administrator, June 2020.

<sup>137</sup> Ibid.

Emboldened by the strength of the Arakan Army, some ethnic Rakhine civilians also coerce non-Rakhine minorities to hand over their possessions, particularly aid supplies from NGOs. Interviewees described being forced to share or hand over fertiliser, food and communal resources, such as fishponds and forests. “Now the Rakhine have their own armed group, they feel even more powerful. I often hear them say, “This land is our land, and one day you will all have to go back where you came from”<sup>138</sup>.

Arakan Army expansionism has extended not only to territory but also to claims that certain ethnic minority populations are actually ethnic Rakhine. In January 2020, the group sparked controversy by saying that Paletwa township was historically controlled by the Rakhine and that its Khumi residents, who are recognised in the official list of 135 groups as being part of the Chin “national race”, are actually a Rakhine sub-group. This claim provoked a strong response from Chin political and civil society leaders, who emphatically rejected the suggestion.<sup>139</sup>

It seems likely that the Arakan Army’s intention in asserting the Khumi are a Rakhine group was to strengthen their territorial claim in Paletwa, but the lines among ethnic groups in this region are often blurred. The Mro and Khumi, for example, are recognised as Rakhine sub-groups, and the Khumi are considered Chin. But the distinction is more geographic than cultural: they, along with their ethnic kin in Bangladesh, all share many cultural links, and their languages are mutually intelligible.<sup>140</sup> The example illustrates the futility of trying to construct a logical classification system of fixed identities in such an ethnically diverse region, as well as how ethnicity and claims to territory are closely intertwined.

Despite the role that ethnic divisions have played in driving conflict among groups in Rakhine State, interviewees among non-Rakhine minorities staunchly defended the concept of ethnic categories. One ethnic Khumi community leader complained that community training was needed on the history of the different ethnic groups and their characteristics; the lack of a clear understanding, particularly among the young generation, of what distinguishes different ethnicities was “a big problem” in maintaining the cultural and biological purity of the different groups.<sup>141</sup>

Regardless of ethnic identity, all members of non-Rakhine minority groups to whom Crisis Group spoke expressed a strong and growing feeling of insecurity as a result of the conflict. Neither the Arakan Army nor the Tatmadaw has been able to offer them adequate protection, although those interviewed generally claim to feel safer dealing with the Tatmadaw. One reason is that the Arakan Army has been declared an unlawful association, so they could be arrested for contacts with the group. But there is also a strong sense that its forces act with greater impunity, and victims of abuses by Arakan Army forces have no recourse.<sup>142</sup> Although they do not neces-

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<sup>138</sup> Ibid.

<sup>139</sup> “Chin political party warns against labelling of ‘Khumi’ as ethnic Rakhine”, *Khonumthung News*, 30 January 2020.

<sup>140</sup> Crisis Group interview, Mro activist, Yangon, July 2020.

<sup>141</sup> Crisis Group interview, ethnic Khumi community leader, Ponnagyun, Rakhine State, September 2018.

<sup>142</sup> Crisis Group telephone interviews, Chin and Khumi activists and Mro administrators, June 2020; Mro activist, July 2020.

sarily trust the Tatmadaw, interviewees said they feel somewhat safer when in the presence of government soldiers who can deter the Arakan Army.<sup>143</sup>

Some, particularly among the Mro and Khumi, argue that the only way to protect their communities is to establish their own armed group. Given their limited resources, they would require some form of external support to do so. Some Tatmadaw members have discussed the possibility with Mro and Khumi leaders, but there has been no concrete move to set up new militia units among these communities in Rakhine and southern Chin.<sup>144</sup> Nevertheless, these interviewees feel strongly that their communities need protection and that arming themselves is the only realistic option. This dynamic causes armed groups to proliferate along ethnic lines, as happened in Shan State (see previous section), which ultimately results in greater militarisation. Although it can also bring a degree of stability, the threat of renewed conflict is always present. “We need an armed group to protect our people here”, said one Khumi leader. “We have a bitter experience because we didn’t have an armed group”, added the ethnic Mro former village administrator. “We need our own group, not to fight against anyone, just to protect ourselves”.<sup>145</sup>

For now, the small, scattered Mro and Khumi ethnic communities are unlikely to be able to effectively organise and arm themselves. But the level of conflict and insecurity in Rakhine State and southern Chin State is such that if an external actor were willing and able to support and fund the creation of an armed group, it would find willing participants, dealing another blow to long-term efforts to achieve peace in Myanmar.

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<sup>143</sup> Crisis Group telephone interviews, Khumi activist and Mro administrators, June 2020.

<sup>144</sup> Crisis Group telephone interviews, Chin and Khumi activists, June 2020.

<sup>145</sup> Crisis Group telephone interviews, Mro village administrators and Chin activist, June 2020.



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## V. Policy Options

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An essentialist conception of ethnicity is deeply embedded in Myanmar's national psyche and central to its politics, conflict and society. Ethnic minority communities often frame their political demands not in terms of rights for all minority communities, but in terms of rights specific to their own groups, often with claims to specific territory attached. Because according to Myanmar law and custom larger groups enjoy greater rights, and because exclusive authority over territory inevitably disadvantages other, smaller groups living there, ethnic rights are seen as zero-sum: more rights for one group almost inevitably implies fewer rights for another. Such an approach feeds a competitive dynamic among different ethnic populations living in the same area, fuelling tensions and armed conflict.

The government, too, tends to convey its perspective on the country's diversity unhelpfully, defining 135 distinct ethnic groups living in the country since ancient times and united "through weal and woe" throughout the ages, divided only as a result of colonialism.<sup>146</sup> This narrative typically presents minorities as one-dimensional and focuses on their colourful traditional dress and cultural oddities, encouraging racist tropes, reinforced through similar portrayals in Burman movies and other popular culture, and even through requirements that legislators from minority communities wear their "traditional ethnic dress" in parliament.<sup>147</sup>

Ethnic minority people thus tend to be defined by their ethnicity, seen as biologically fixed and expressed as a set of superficial cultural traits. Almost never are the complex lived experiences of minority people acknowledged or explored in public discourse. A recent example of this essentialist, physiognomic conception is the expansion of an ethnic races museum in Yangon, adding statues of groups "displaying traditional costumes" and with the correct "facial structure ... in consultation with technicians".<sup>148</sup>

The official narrative conceals the fact that most minority areas were historically self-governing and never part of a pre-colonial Burman-majority nation-state – a fundamental factor underlying minority grievances and armed conflict.<sup>149</sup> This narrative also obscures the extent of contemporary Burman racism and discrimination against minorities, thus avoiding the national reckoning with this reality that is essential to building a more tolerant country and achieving a sustainable end to conflict.

Ethnicity is at the core of Myanmar's politics, with most ethnic groups, however small, aspiring to have their own party to represent them in the electoral domain, irrespective of how likely that party is to win legislative seats. The electoral system,

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<sup>146</sup> For a recent example, see "President U Win Myint addresses teacher candidates of national races university", *Global New Light of Myanmar*, 3 October 2019, p. 1.

<sup>147</sup> See Sai Latt, "Film Academy Awards, 'Myanmar Idol' and the peace process in Myanmar", Tea Circle, 26 April 2017; "Military rule may be over, but Myanmar's film industry remains in a tawdry time warp", *Time*, 22 August 2018; and Renaud Egretreau, "Fashioning Parliament: The Politics of Dress in Myanmar's Postcolonial Legislatures", *Parliamentary Affairs*, vol. 72, no. 3 (2019).

<sup>148</sup> "Number of statues to display traditional costumes of national races to be increased", *Myawaddy in English*, 17 July 2020.

<sup>149</sup> This point has also been made by David I. Steinberg, *Burma/Myanmar: What Everyone Needs to Know* (Oxford, 2010), p. 20.

as defined in the constitution, attempts to partly offset barriers to minority representation inherent in the first-past-the-post system by setting aside a small number of seats for certain minority groups meeting minimum population criteria in specific geographical areas (see Section III above). This arrangement creates perceived winners and losers based on often arbitrary ethnic classifications and non-transparent population figures. It also reinforces the flawed idea that there exists an inherent link between ethnicity and territory, encouraging ethnic groups to seek control of territory – demographically and militarily – and to protect it from outside intrusion.

Ethnicity is at the heart of the country's armed conflict. At a local level, as the case studies in Section IV demonstrate, longstanding conflict and militarisation, the state's inability to provide security, and the often distrustful and competitive nature of relations among different ethnic groups in the same area, leads to a literal arms race. Every community sees the need to have its own armed group, and armed groups need to be more powerful than those in adjacent or overlapping communities.

Moving the country toward a more constructive and inclusive conception of national identity and away from essentialist notions of ethnicity will be immensely challenging. Politicians and policymakers are constrained due to both cultural and political factors. Nevertheless, if Myanmar is to resolve its internal conflicts and reach lasting political settlements with minority groups, it will likely have to embark on the difficult process of reframing how ethnicity is understood. The challenge is great because ethnic identities are strongly held and often seen as a defence against the policies of forced assimilation and Burmanisation pursued under the military regime.

The aim should not be to erase ethnic identity and limit social and cultural expression. Indeed, the resurgence in celebrations of ethnic identities has been a notable feature of Myanmar's transition from authoritarianism and a marker of its liberalisation. Ethnicity can also be a powerful force for building social cohesion and strengthening bonds within communities, and it could be harnessed for much good. The aim, as elaborated in more detail below, should be to remove ethnicity as a central determinant of citizenship and other rights and legal protections, create conditions where the dominant role of ethnicity in party politics can wane, and ensure that ethnic communities no longer feel that the only way they can have a voice in the future shape of the country is to have an armed group participating in the peace process.

There are no easy solutions, and progress will require a national process of debate and reflection. The government has an important role to play in shaping this debate. It can begin by changing the language and narratives it employs around ethnicity, and particularly the paternalistic way in which it characterises relations between Burmans and minorities. Government officials frequently speak of the need for all “national races” to work with “unity” in an attempt to recapture the “Union Spirit” or “Panglong Spirit” of the country's independence leaders.<sup>150</sup> Although apparently aimed at inculcating a sense of collective purpose, in practice these terms are often interpreted by minorities as reflecting assimilationist policies. The phrases tend to reinforce divisions among ethnic groups and ring hollow in light of lived experience.

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<sup>150</sup> “Panglong” refers to the town where the Panglong Agreement was signed on 12 February 1947 between independence leader Aung San and the Shan, Kachin and Chin peoples, under which they agreed to join the Union of Burma on its independence the following year, and were in return given promises of autonomy for their areas.

From a policy perspective, a key reform should be to delink ethnicity from citizenship. This linkage is particularly pernicious given that the constitutional bill of rights is mostly limited to citizens (see Section II.C above). This change will require reform of the 1982 Citizenship Law, with the removal of references to “indigenous races”. Access to citizenship by birth should not be restricted to members of recognised ethnic groups. Further, references to race and religion should be removed from identity cards (known as “Citizenship Scrutiny Cards”), along with honorifics, which are often a signifier of ethnicity. These steps will be controversial, and they will require extensive consultation and explanation.

Reimagining the role of ethnicity in politics will also require delinking ethnicity from territory, including by revisiting the country’s administrative structure – specifically, self-administered areas, ethnic affairs ministers and states named after specific ethnic groups. Not only have these structures created an unhelpful competitive dynamic among minorities, but they have also been mostly ineffective at ensuring ethnic autonomy, due to the lack of meaningful decentralisation from Naypyitaw. They encourage the idea that ethnic rights are contingent on numerical superiority in a particular locale, ignoring the fact that many ethnic minority people do not inhabit one particular location. Assigning territory to particular peoples is thus inherently problematic, as it entrenches the contentious ethnic categorisation system and drives efforts to count the sizes of these categories. As the 2014 census demonstrated, this task is conflict-inducing as well as technically challenging.

Ideally, ethnic states would not be identified with or named after particular ethnic groups. Such a change would be immensely contentious and would have to take place as part of a negotiated political solution to minority grievances. Such a change would also likely have to be accompanied by the creation of a third tier of representative government across the country, delinked from ethnicity, which would allow greater decentralisation of spending and decision-making that would replace the current ad hoc arrangement of self-administered areas for certain ethnic populations. The introduction of some form of proportional representation in the elections could be an effective way to increase minority representation in the national and state legislatures. These changes could help reduce zero-sum inter-ethnic rivalry, diminishing the imperative born of a first-past-the-post system for each ethnic group to rally around a single party representing its ethnicity rather than individual members of that ethnic group voting for whichever party best represent its political interests or values.

The current venue for discussion of the future political shape of the country, including the question of what form of federalism should be adopted, is the peace process. This is problematic. Because its aim is to end armed conflict, the peace process gives a privileged role to ethnic armed groups. Some of these groups have significant support and legitimacy in the communities they seek to represent; others do not. Some of the largest ethnic armed groups are not represented in the formal peace process at all or attend as observers. Many ethnic communities do not have an armed group, and hence feel sidelined in the discussion. The structure of the process thus creates perverse incentives for ethnic communities to start an insurgency, in order to have a voice on the future political shape of the country – likely a factor in the emergence of the Arakan Army and the Shanni Nationalities Army, discussed above.

Determining the country's future political shape should involve a more diverse and inclusive set of voices. The major political and constitutional questions about the future shape of the state – along with a vision for national identity delinked from ethnicity – should be discussed as part of a broader national reconciliation and constitutional reform process rather than within the narrow confines of a peace process that is inevitably dominated by armed actors.

## **VI. Conclusion**

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Myanmar is a hugely diverse country. Efforts to categorise and enumerate its peoples have been attempted from British colonial times to the present. These efforts have led to an unworkably convoluted classification system that has become central not only to identity, but also citizenship, basic rights, politics and armed conflict. Inter-ethnic relations have come to be dominated by competitive, zero-sum thinking that hardens ethnic divides and drives the formation of armed groups and militias – and, ultimately, encourages conflict. In many ways, armed conflict in Myanmar can be seen as the militarisation of ethnicity.

Grappling with historical legacies and charting a more tolerant and inclusive future for the country will not be easy. It will require a national debate and process of reflection that has yet to begin. While the path may be difficult, some of the objectives are clear. Communities must be free to celebrate their ethnic heritage, culture and identity. But citizenship and protection under the bill of rights should not be predicated on membership in particular ethnic categories, ethnicity should be delinked from territory, and politics and the peace process must become venues for resolving grievances and charting a more peaceful future, rather than cementing arbitrary ethnic categories and encouraging zero-sum competition between different groups.

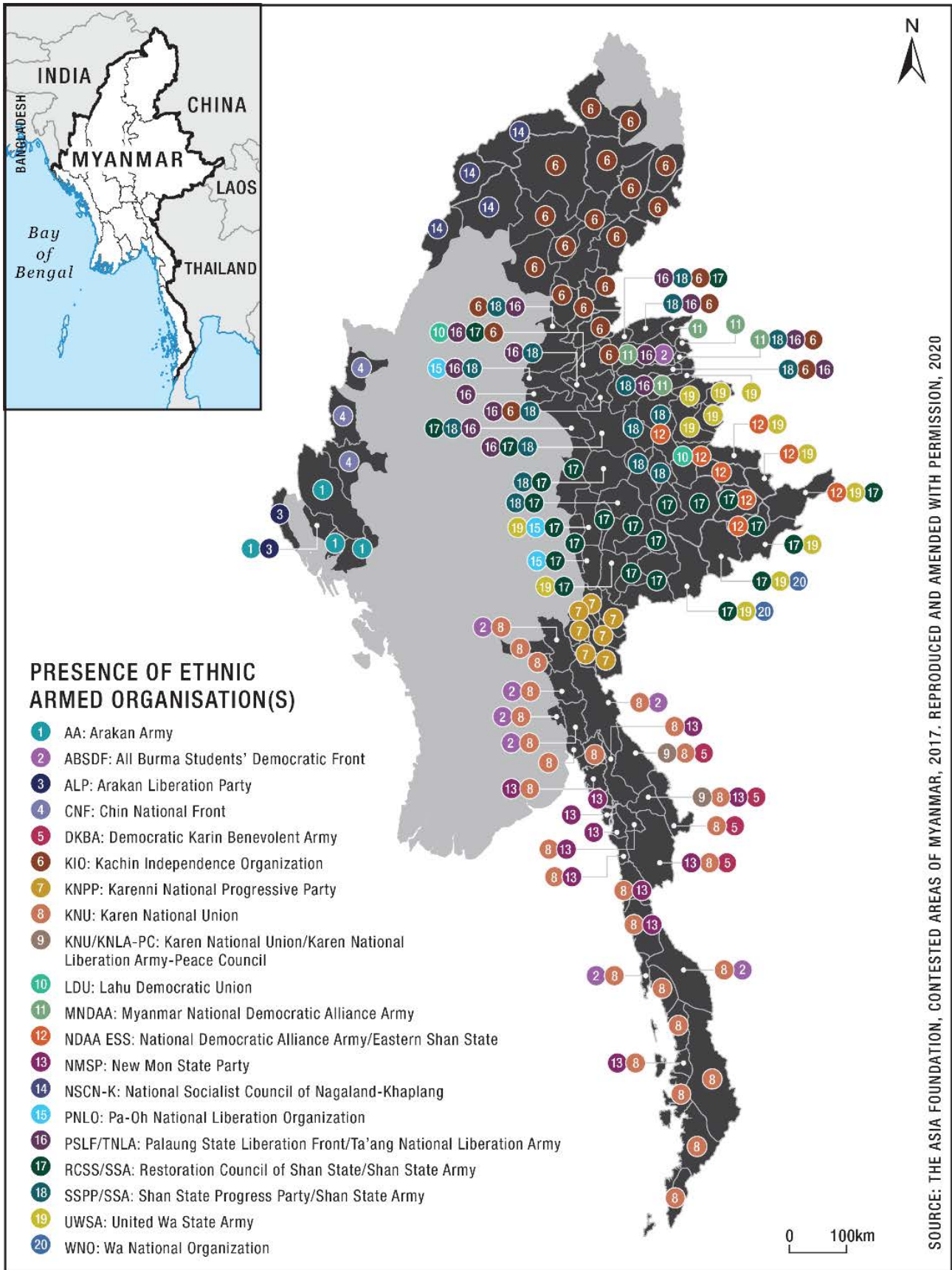
**Yangon/Brussels, 28 August 2020**

Appendix A: Map of Myanmar



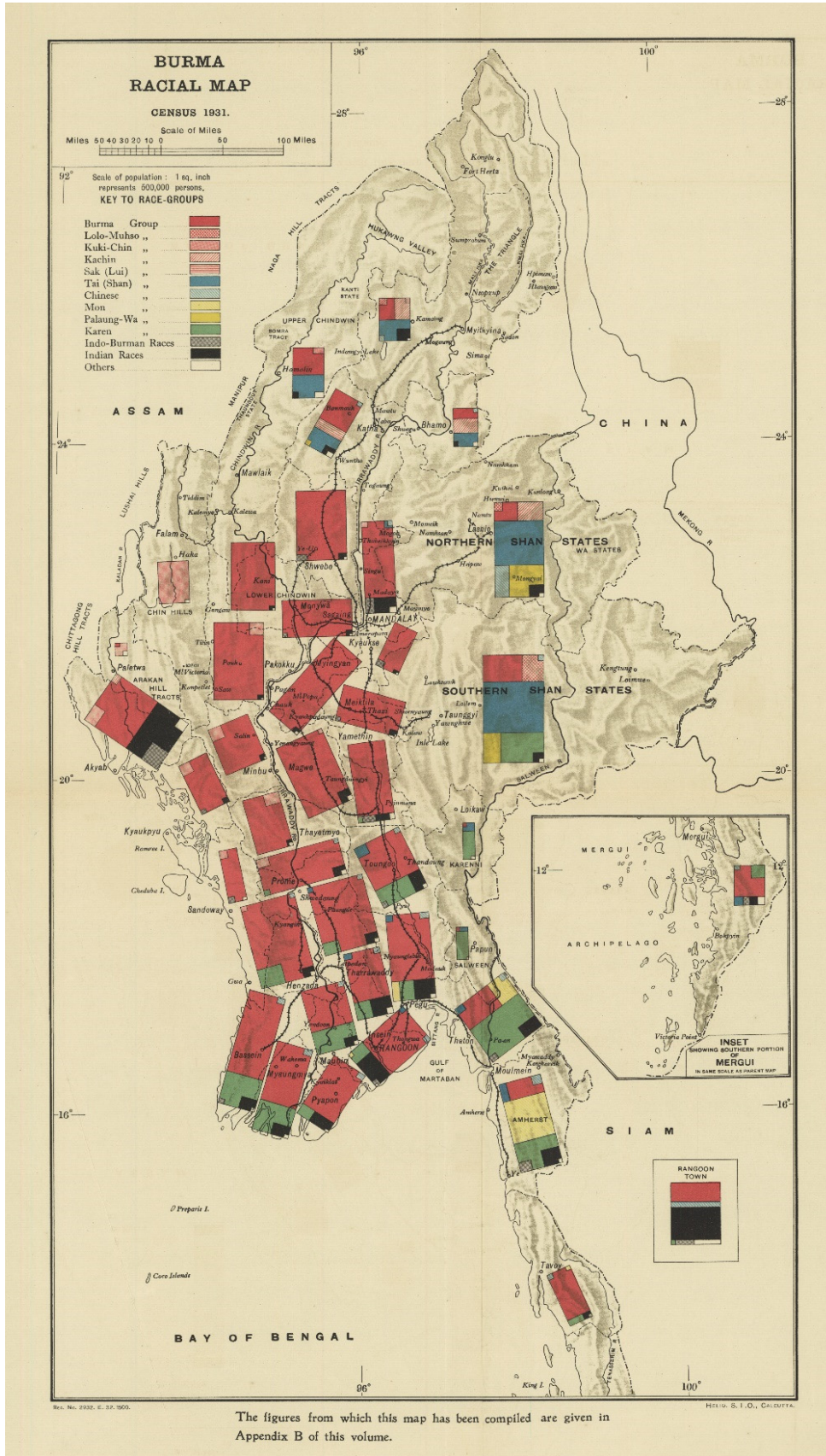
## Appendix B: Location of Main Ethnic Armed Groups in Myanmar (2016)

This map is reproduced with permission of The Asia Foundation. Note that the data are from 2016, so this map does not represent the current situation on the ground. In particular, the Arakan Army has greatly expanded its presence in Rakhine State. This map also does not show the hundreds of armed militia and Border Guard Force groups, some of which are large. The aim of the map is to show the complexity of the conflict situation on the ground and the number of ethnic armed groups, rather than providing an accurate township-level representation of the current conflict situation.



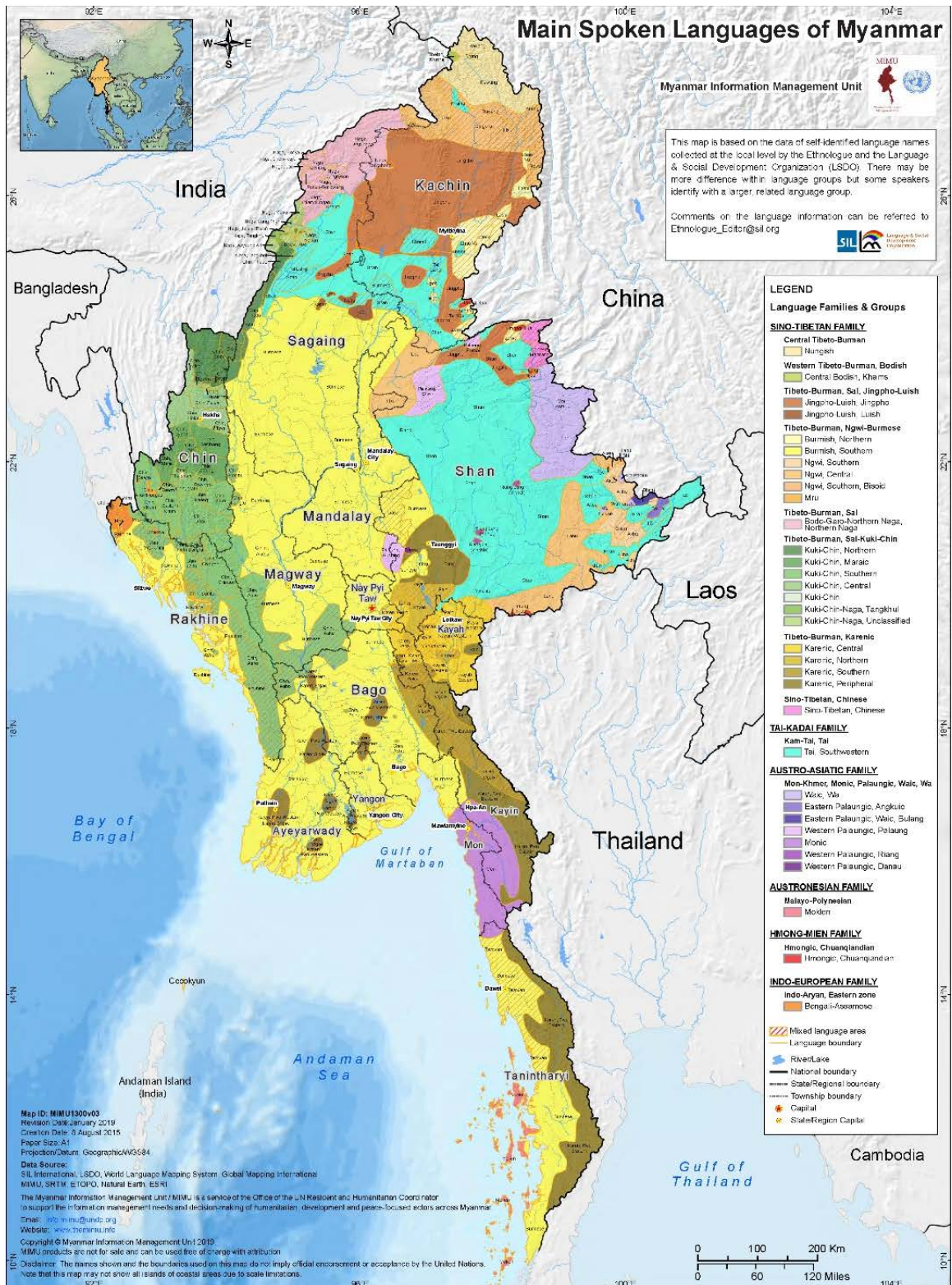


Appendix C: "Racial Map" of Myanmar from the 1931 Census



Appendix D: Main Spoken Languages of Myanmar

This map is intended to demonstrate the enormous ethno-linguistic complexity of Myanmar, rather than providing any definitive or accurate geographic mapping of ethno-linguistic identities, which as the report argues is not possible – and ultimately futile.



Appendix E: Locations Mentioned in the Case Studies



## Appendix F: About the International Crisis Group

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The International Crisis Group (Crisis Group) is an independent, non-profit, non-governmental organisation, with some 120 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

Crisis Group's approach is grounded in field research. Teams of political analysts are located within or close by countries or regions at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, it produces analytical reports containing practical recommendations targeted at key international, regional and national decision-takers. Crisis Group also publishes *CrisisWatch*, a monthly early-warning bulletin, providing a succinct regular update on the state of play in up to 80 situations of conflict or potential conflict around the world.

Crisis Group's reports are distributed widely by email and made available simultaneously on its website, [www.crisisgroup.org](http://www.crisisgroup.org). Crisis Group works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

The Crisis Group Board of Trustees – which includes prominent figures from the fields of politics, diplomacy, business and the media – is directly involved in helping to bring the reports and recommendations to the attention of senior policymakers around the world. Crisis Group is co-chaired by President & CEO of the Fiore Group and Founder of the Radcliffe Foundation, Frank Giustra, as well as by former UN Deputy Secretary-General and Administrator of the United Nations Development Programme (UNDP), Lord (Mark) Malloch-Brown.

Crisis Group's President & CEO, Robert Malley, took up the post on 1 January 2018. Malley was formerly Crisis Group's Middle East and North Africa Program Director and most recently was a Special Assistant to former U.S. President Barack Obama as well as Senior Adviser to the President for the Counter-ISIL Campaign, and White House Coordinator for the Middle East, North Africa and the Gulf region. Previously, he served as President Bill Clinton's Special Assistant for Israeli-Palestinian Affairs.

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**August 2020**

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*Seven Opportunities for the UN in 2019-2020*, Special Briefing N°2, 12 September 2019.

*Seven Priorities for the New EU High Representative*, Special Briefing N°3, 12 December 2019.

*COVID-19 and Conflict: Seven Trends to Watch*, Special Briefing N°4, 24 March 2020 (also available in French and Spanish).

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*The Korean Peninsula Crisis (I): In the Line of Fire and Fury*, Asia Report N°293, 23 January 2018 (also available in Chinese).

*The Korean Peninsula Crisis (II): From Fire and Fury to Freeze-for-Freeze*, Asia Report N°294, 23 January 2018 (also available in Chinese).

*The Case for Kaesong: Fostering Korean Peace through Economic Ties*, Asia Report N°300, 24 June 2019.

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*Myanmar's Rohingya Crisis Enters a Dangerous New Phase*, Asia Report N°292, 7 December 2017 (also available in Burmese).

*The Long Haul Ahead for Myanmar's Rohingya Refugee Crisis*, Asia Report N°296, 16 May 2018 (also available in Burmese).

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